

MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
October 13, 2010

53261.....53306

BUFFALO SEWER AUTHORITY

October 13, 2010

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present:	<u>Herbert L. Bellamy</u>	<u>Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>
	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>
	<u>David P. Comerford</u>	<u>General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>James Eagan, P.E.</u>	<u>Senior Sanitary Engineering Supervisor</u>
	<u>James Keller</u>	<u>Treatment Plant Superintendent</u>
	<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Administrator</u>
	<u>Thomas Caulfield</u>	<u>Administrator of Capital Improvements & Development</u>
	<u>Darryl McPherson, Esq.</u>	<u>City Auditor</u>
	<u>Laura Surdej</u>	<u>Erie Co. Division of Sewerage Management</u>
	<u></u>	<u></u>
	<u></u>	<u></u>
Absent:	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>
	<u>Eleanor C. Wilson-DiVincenzo</u>	<u>Secretary</u>

The meeting was called to order at 9:27 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of September 1, 2010

MOTION TO	<u>ADOPT</u>
MADE BY	<u>MR. ROOSEVELT</u>
2 ND BY	<u>MR. KENNEDY, JR.</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of October 13, 2010

ITEM NO. 2

INFORMATIVE: TEMPORARY INVESTMENTS (CERTIFICATES OF DEPOSIT AND TREASURY BILLS)

September 29, 2010

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	0.50%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$39,494,471.17	Chase	0.50%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,008,761.78	Chase	0.50%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$4,214,017.51	Chase	0.50%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$33,333.99	Chase	0.50%	High Yield
SURPLUS FUND						
28-Sep-10	30-Dec-10	93	\$229.95	MTB Funds		
			\$4,394,955.40	M&T Securities	0.18%	\$2,044.60
			<u>\$4,395,185.35</u>			
NET REVENUE FUND						
			\$739.47	MTB Funds		
26-Jul-10	25-Oct-10	91	\$5,000,000.00	HSBC	0.40%	\$5,055.56
25-Aug-10	24-Nov-10	91	\$7,249,415.88	M&T Securities	0.25%	\$4,584.12
27-Sep-10	30-Dec-10	94	\$3,699,260.53	M&T Securities	0.18%	\$1,739.47
			<u>\$15,949,415.88</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
DEBT RESERVE FUND						
30-Apr-10	03-Jun-11	399	\$1,007,669.72	Series F FHLB	0.42%	
30-Apr-10	10-Jun-11	406	\$333,570.61	Series F FHLB	0.42%	
01-Aug-08	06-Sep-13	1862	\$8,240,877.50	Series I FHLB	4.00%	
13-Mar-03	15-Apr-32		\$2,825,593.00	Series H SLG	4.35%	
04-Mar-04	15-Nov-33		\$774,061.00	Series J SLG	3.82%	
22-Jul-04	15-Feb-33		\$498,654.00	Series K SLG	4.63%	
27-Jul-06	01-Oct-35		\$952,666.00	Series L SLG	4.52%	

RECEIVE & FILE

Board Meeting of October 13, 2010

ITEM NO. 3

INFORMATIVE: REALLOCATION OF FUNDS

The following budgetary transfers have been made to cover unforeseen shortages. These transfers do not change the total amount of Buffalo Sewer Authority's operating budget.

Wastewater Treatment Plant

8/24/2010	00200106 Plant Services	-\$11.58	00520106 Maintenance Services	\$11.58
9/16/2010	00520105 Maintenance Supplies	-\$1,400.00	00290105 Aeration Supplies	\$1,400.00
9/16/2010	00520105 Maintenance Supplies	-\$1,144.27	00380105 Incinerator Supplies	\$1,144.27

RECEIVE & FILE

Board Meeting of October 13, 2010

ITEM NO. 4

INFORMATIVE: REPORT ON FISCAL YEAR 2010-11 RATES AND CHARGES FOR SEWER SERVICES

Periodically a report on the rates and charges for sewer service is prepared for the Buffalo Sewer Authority. This report presents findings regarding the revenue requirements of the sewer system and the adequacy of the budgeted sewer rates and charges.

The Report on Fiscal Year 2010-11 Rates and Charges for Sewer Services has been made available to your Honorable Body.

This report has been reviewed by the Audit Committee for the Buffalo Sewer Authority Board and is presented to the Board for their information to be acknowledged and received and filed.

RECEIVE AND FILE

Board Meeting of October 13, 2010

BUFFALO SEWER AUTHORITY

**Report on Fiscal Year 2010-11 Rates and
Charges for Sewer Services**

August 14, 2010

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Buffalo Sewer Authority
1038 City Hall
Buffalo, NY 14202

To the Board Members of the Buffalo Sewer Authority

I am pleased to submit my report on the adequacy of Fiscal Year July 1, 2010 – June 30, 2011 (Fiscal Year 2010-11) rates and charges for sewer service in the City of Buffalo. The report presents background information regarding the Sewer System and the anticipated cash receipts and disbursements of the Sewer System for the Fiscal Year 2010-11.

There will usually be differences between budgeted and actual results because events and circumstances frequently do not occur as expected and those differences may be material. I have no responsibility to update this report for events and circumstances occurring after the date of this report.

I appreciate the opportunity to be of service to the Sewer Authority and would be pleased to answer any questions you may have regarding the rate study methodology or findings.

LISA A. FOTI

Lisa A. Foti, CPA
Rate Consultant

Buffalo, New York
August 14, 2010

SECTION I – INTRODUCTION

A. Overview of the Fiscal Year 2010-11 Rates

This report presents the rate findings for the City of Buffalo Sewer System. The Report presents findings regarding the Fiscal Year 2010-11 revenue requirements of the Sewer System and the adequacy of budgeted sewer rates and charges.

The report is structured in four sections:

- I. Introduction
- II. Revenue Requirements of the Sewer System
- III. Sewer Rates and Revenues
- IV. Conclusions

Section I of the Report provides background information regarding the Sewer System, as well as an outline of the responsibilities of the Buffalo Sewer Authority (Authority) and City of Buffalo (City). This Section also summarizes several potential rate-setting objectives for consideration by the Authority and reviews the methodology, which was used in preparing the Report.

B. The Buffalo Sewer System

The Buffalo Sewer Authority, a public benefit corporation, was created by an Act of the Legislature in 1935. The Authority was given the responsibility for providing an effective means of relieving the Niagara River from pollution by sewage and waste. Operation of the sewage treatment plant serving the City of Buffalo began by the Buffalo Sewer Authority on July 1, 1938. The Bird Island Sewage Treatment Plant receives sewage from approximately 840 miles of sewer and clarifies, deodorizes and disinfects it. The effluent finally discharged into the Niagara River meets all Federal and State water quality standards. Solids removed from the sewage in its passage through the plant are disposed of by incineration. The City's waste water generally includes liquids and waterborne solids from domestic, industrial or commercial uses, as well as other water that has been used, whose quality has been degraded, and discharged to the sewage system.

C. The Roles of the Authority and the City

The Authority establishes rates and charges for sewer service and related services to provide sufficient revenue to pay the operating expenses of the system and for debt service (principal and interest) on the Authority's bonds. The Authority is responsible for financing capital improvements to the Sewer System of the City of Buffalo. The Authority issues revenue bonds, the proceeds of which are used to pay for capital improvements to the Sewer System. The previously issued bonds and future bonds of the Authority are backed by revenues of the Sewer

System. The City has also granted the Authority the right to use the agents, employees, records and equipment of the Division of Water, the Division of Treasury, Department of Audit and Control, Department of Assessment and Department of Law. The City of Buffalo charges the Authority for services rendered by City departments.

D. Rate Setting Considerations

In evaluating the rates and charges for sewer service in the City of Buffalo, there are a number of potential objectives, which should be considered by the Sewer Authority:

- Sufficient cash receipts must be raised by rates and charges and other sources of revenues to satisfy the revenue requirements of the Sewer System;
- Rates and charges should be equitable and fair, in the sense that charges levied on different users reflect the associated costs incurred as a result of serving those users;
- The rate structure should provide a reasonably stable and predictable flow of revenue;
- The rate structure should be relatively simple and inexpensive to administer; and
- The rate structure should be understandable to the customer.

E. Fiscal Year 2010-11 Rate Methodology and Report Structure

The Fiscal Year 2010-11 Rate Study has two principal components:

- A determination of the cash requirements for the Sewer System in Fiscal Year 2010-11; and
- An analysis of the approved budgeted rates and charges and the anticipated annual budgeted cash receipts of the System.

Section II of the Report illustrates the cash requirements and hence revenue required from the Sewer System in Fiscal Year 2010-11. Section III summarizes the customer base, the expected cash receipts from other sources and the amounts to be raised from user charges. The conclusions are presented in Section IV.

F. Sources of Data

The information utilized in the preparation of the Report was obtained from several sources. Historical cash disbursements and cash receipts data was derived from the financial statements of the Sewer Authority and the supporting records for those statements. Current information concerning the Fiscal Year 2010-11 budget for the Sewer System, customer account data and sewer billings and anticipated cash receipts was obtained from the records of the Authority.

SECTION II – REVENUE REQUIREMENTS

This section of the report provides an overview of the current cash requirements of the Sewer System. Fiscal Year 2010-11 cash disbursements for the Sewer System can be classified into ten major categories of cost. A description of each category and the current estimates of Fiscal Year 2010-11 cash disbursements are provided below. Estimated cash requirements are provided for each category of expenditure.

Debt Service (\$12,146,000)

This category of cash disbursements includes the scheduled interest payments to the debt service trustee in Fiscal Year 2010-11 on the outstanding Sewer System Revenue Bonds. The Fiscal 2010-11 Capital Plan incorporates a \$20M Series M Environmental Facilities Corporation (EFC) bond issue. This bond is being issued in part to support the Hamburg Drain Floatables Control facility project (CWSRF project). Current projected costs of the CWSRF project total \$18M. Of the \$18M in total costs an estimated \$8.6M will be available for “principal forgiveness” under the American Recovery and Reinvestment Act (ARRA). Until this ARRA award is received the bond will be issued in full as a traditional short-term interest free financing instrument. The amount ultimately responsible by the Authority will then be converted to a traditional long-term subsidized bond when the project is at or near completion. The remaining available monies from the bond issue will be utilized to support the remainder of the FY 2010-11 Capital Plan along with available monies from the Construction Fund. There is no anticipated short term principal or interest due in FY 2010-11 on this issue.

The proceeds of the bond issues, together with interest earnings on available funds, are used for three purposes:

- Deposits to the construction fund – This represents the amount necessary to meet the construction needs identified in the Authority’s Capital Improvement Plan.
- Deposits to the Debt Service Reserve Fund – This is a standard requirement for revenue bond issues. The Reserve Fund is intended to protect bondholders by providing a dedicated fund which is available to pay debt service in the event the Authority fails to make its annual principal and interest payment. It is typically structured to be equal to the maximum annual debt service, which occurs during the term of the bond issue.
- Cost of issuance – These costs cover the expenses associated with bond underwriters, attorneys, consultants and related expenses.

General Administration (\$1,400,000)

The management of the business and fiscal affairs of the Authority is the responsibility of the Administrative Department. In general, these affairs include all fiscal operations such as preparation and control of operating and construction budgets, keeping of accounts and books of records, billings and collections, purchasing, maintaining an insurance program against fire, theft and public liability, preparation of all matters relating to bond sales, preparation of payrolls and payroll records, handling investments of funds, and other related matters.

Waste Water Treatment Facilities (\$21,828,000)

The Sewage Treatment Department is responsible for operation, maintenance and repair of the various facilities at the Bird Island Treatment Plant and at the outlying pumping station included in the sewerage system. All units of the plant have been maintained to insure continuous pumping, disinfection and treatment of domestic and industrial wastes in fulfillment of the Authority's basic requirements.

The Bird Island laboratory is an important plant adjunct. Personnel are continually trained to be abreast of all technological advances in the field of sanitary science.

Industrial Waste (\$590,000)

The Industrial Waste Section operates an industrial waste control program, which was developed and initiated on January 1, 1976. This control program was instituted to enable the Buffalo Sewer Authority (Authority) to comply with its State Pollution Discharge Elimination System (SPDES) permit and with Environment Protection Agency (EPA) requirements associated with the acceptance of federal aid by the Authority to upgrade existing facilities and to construct secondary treatment facilities. This control program has been updated and expanded to comply with the requirements of the EPA General Pretreatment Regulations.

The primary objective of the Industrial Waste Section is to monitor and control these industrial discharges, as necessary, to:

- protect the public health,
- protect the receiving stream quality (i.e. the Niagara River),
- enable the Authority to comply with its SPDES permit,
- protect the integrity of the Authority's facilities, and
- administrate Industrial Surcharges and outside service area agreements and charges.

Sewer System Engineering (\$795,000)

The Engineering Department handles engineering studies, surveys, preparation of plans and specifications, contract preparation, the construction budget and construction supervision and inspection. It continues to be actively engaged in design, and the preparation of contract drawings and specifications for needed storm water relief sewers and for sewer extension for local area development, and in other work pertinent to the Authority's operations.

Sewer Maintenance Department (\$2,795,000)

Routine inspection is made of all sewers and of appurtenances of the system such as intercepting and overflow chambers and inverted siphons. Sewers, street inlets and catch basins are cleaned both on a routine preventative maintenance basis and in response to flooding complaints. Sewer repairs are made as necessary and are usually of an emergency nature.

The Sewer Maintenance Department also cares for the East Amherst Street retention basin and pumping station. This basin, which has proven effective in flood prevention in the Kensington area, is cleaned after every use and maintained in sanitary condition.

Employee Benefits (\$6,893,000)

Employee benefits include the disbursements for the fringe benefits provided to the Authority employees including hospital, dental and life insurance, social security, pension, unemployment insurance and worker's compensation. The Buffalo Sewer Authorities labor agreement with CSEA Local 815, which is the white collar union of the Authority and with the Communications Workers of America (CWA), the blue collar union was reached and runs through June 30, 2012. The contract provided a 12.75% increase over the five year contract period. The agreement also addressed issues surrounding insurance, compensated absences, and the number of step increase classifications.

City of Buffalo Services (\$2,900,000)

Services provided by the City of Buffalo include Division of Water billings for sewer rent, treasury functions, assessment of properties, and billing of sewer rent based on assessed value, data processing and payroll services as well as legal and auditing services.

Miscellaneous and Contingencies (\$495,000)

Miscellaneous disbursements include a contingency provision for judgments and claims, a sewer rent adjustment and a contingency for unanticipated expenditures not otherwise covered in the budget.

Capital Improvements Including Departmental Capital Outlays–On-Going Projects (\$1,036,000)

Departmental capital outlays are budgeted capital improvements to be made to the System from current operating revenues.

The capital improvement fund is provided to make necessary improvements to the system on an as needed basis. Expected cash disbursements must be adjusted to arrive at the cash requirements for the Sewer System.

Debt Service Coverage Provision (\$1,822,000)

Lastly, debt service coverage must be at 115% of debt service. Thus 15% of debt service must be added to cash requirements.

Total Operation and Maintenance Costs for the Sewer System

Based on the preceding categories of cost, the total expected operation and maintenance cash disbursements for the Sewer System in Fiscal Year 2010-11 are \$38,732,000.

SECTION III SEWER RATES AND REVENUES

A. Sewer Rents

The authority has adopted a schedule of sewer rates based upon the assessed valuation of real estate and also based upon water usage. Additionally, the Authority provides for assigning sanitary sewer construction costs to benefiting property owners as a condition precedent to granting a permit to connect such facilities. Outlying communities also utilize the services of the facilities. This is provided under a separate agreement with each of the municipalities.

Largest Customers of the System

An analysis of the customer base of the Sewer System shows that the users of the System are diversified. Only two customers, OAB and BMHA represent more than 2% of the sewer billings. Each of the customers is less than 2.5% of the billed amount for sewer.

Based on Authority billing records for Fiscal Year Ending June 30, 2009, the largest consumers are as follows:

Customer	Sewer Rent On Assesed Valuation	Sewer Rent on Water Use	Industrial Waste Surcharge	Total Sewer Rent
OAB	159,670	453,279	0	612,949
BMHA	192,629	378,014	0	570,643
ECMC	0	294,115	0	294,115
Niagara Mohawk	195,556	27,204	0	222,760
Buffalo Board of Education	0	183,020	0	183,020
Seneca One	38,427	139,690	0	178,117
SUNYAB	0	166,206	0	166,206
Sorrento Cheese	3,795	0	148,324	152,119
Safety-Kleen	1,063	0	149,397	150,460
M&T	84,770	8,249	0	93,019

B. Comparison of Buffalo Sewer Rates with the Rates of Other Communities

A significant consideration in evaluating sewer rates is the reasonableness of current rates and charges compared to those of other communities. Rates for the City of Buffalo and other municipalities within New York State have been compared for purposes of comparison, residential user charges are based upon information provided by the identified cities and standardized assumptions regarding water consumption namely 12,000 cubic feet or the equivalent of 89,760 gallons. Annual water use at this volume figure is used consistently for comparative purposes, recognizing that the typical customer in each class in each city may use different volumes of sewer. Finally, average assessed value in each community was considered.

The results indicate that the Buffalo Sewer Authority's rates are low on average in comparison to other communities.

C. Rate Setting Actions of the Buffalo Sewer Authority

The total assessed value of property applicable for sewer purposes will increase by \$233,004,036, and the levy of sewer rents based on assessed value for 2010-11 will remain constant at \$12,050,000. This will result in an annual sewer rent of approximately \$1.69730309 per \$1,000 of assessed valuation which is an adjustment of (\$.05759540) from the previous year. All flat and metered accounts will continue to be assessed a capacity/drainage charge at a minimum of \$6.00 per month. The estimated user payments for Fiscal Year 2010-11 reflect these Sewer Authority actions.

D. Expected Fiscal Year 2009-10 Receipts and Projected Fiscal Year 2010-11 Receipts

Metered and Flat Sewer Rents

Based on current estimates, cash receipts from user charges are expected to be approximately \$27.6M in Fiscal Year 2009-10. This is based upon unaudited cash receipts through May 2010 and a projection for June 2010. The expected cash receipts in Fiscal Year 2010-11 are projected at \$26.4M. reflecting the declining trend in overall collection rates and the customer base in the City of Buffalo. Payments on current as well as in arrears accounts have been considered in this projection.

Assessment Sewer Rent (\$12,058,000)

The Authority also charges a sewer rent based upon the assessed valuation of all real property in the City (except as exempted by law). The total assessment sewer rent is expected to be \$12,058,000 for Fiscal Year 2010-11. This is based upon the estimated assessed value of chargeable property for fiscal year 2010-11, which remained constant from the previous year.

Outside City Contracts (\$10,000,000)

There are currently eight service contracts involving communities outside the corporate limits of the city from which the Authority receives and treats sanitary sewage.

The contract areas are billed in accordance with an agreement using actual measured flows that are discharged into the Authority's facilities in relation to total flow received at the Treatment Plant. Actual operating and maintenance costs and capital costs of the facilities used are applied to each billing. The charge for the ensuing fiscal year is in an amount representing the actual capital and operating costs to the Authority over the most recently completed fiscal year of treating the estimated flow from the district.

Industrial Waste (\$1,815,000)

Industrial waste revenue accounts for less than 2.5% of Sewer Authority revenues. This category mainly includes charges for hauling and surcharges relating to industrial type waste from commercial users of the system.

Interest Income (\$1,468,000)

Interest income includes interest on investments from both the operating and debt service funds which is considerably lower than the prior year due to decreases in interest rates and interest paid on overdue accounts by users of the System. The amounts, which are overdue, can fluctuate from year to year. Since the interest penalty is computed on the basis of the overdue amounts, the interest penalties would fluctuate from year to year as well.

Miscellaneous (\$963,000)

Miscellaneous revenue includes user fees for specific services provided. These revenues are derived from billing services for the Buffalo Sewer Authority.

SECTION IV – CONCLUSIONS

Based on the information presented in Sections I through III, current Authority budget estimates of cash receipts in Fiscal Year 2010-11 are commensurate and in fact exceed the amount required for the anticipated annual budgeted cash requirements and are consistent with the stated goal of building a reserve balance to a level expected by rating agencies for an Authority the size of the Buffalo Sewer Authority.

No adjustments to current rates and/or drainage/capacity charges are proposed for consideration by the Authority at this time.

Exhibit 1**ANTICIPATED FISCAL 2009-10 CASH REQUIREMENTS****Cash Requirements**

Debt Service	\$ 12,146,000
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Operating Disbursements:

General administration	\$ 1,400,000	
Waste Water Treatment Facilities	21,828,000	
Industrial Waste	590,000	
Sewer System Engineering	795,000	
Sewer Maintenance Department	2,795,000	
Employee benefits	6,893,000	
City of Buffalo and Collection Services	2,900,000	
Miscellaneous and contingency	495,000	
Capital Improvements, including Departmental capital outlays & -on-going projects	1,036,000	

Total operating disbursements		<u>38,732,000</u>
Total cash disbursements		50,878,000
Less amounts available for use for Capital Improvements		(1,036,000)
Add debt service coverage provision ¹		<u>1,822,000</u>
Total anticipated cash requirements		<u>\$51,664,000</u>

¹ Debt service coverage is not required on capital lease payments.

Exhibit 2**ANTICIPATED FISCAL 2010-11 CASH RECEIPTS****Cash Receipts**

Operating Revenue:

Metered and Flat Sewer Rents	\$ 26,396,000
Assessment Sewer Rent	12,058,000
Outside City Contracts	10,000,000
Industrial Waste	1,815,000

Other Revenues:

Interest Income	1,468,000	
Miscellaneous	<u>963,000</u>	
Total anticipated cash receipts		<u>\$52,700,000</u>

ITEM NO. 5

PAYMENT FROM JUDGMENT AND CLAIMS

WHEREAS: Board approval is required for charges made against the Buffalo Sewer Authority's current budget for services and/or materials received during a prior fiscal year; and

WHEREAS: The following commodity was received during a prior fiscal year and charged to the 2010-2011 budget account no. 00800108-480214:

VENDOR	AMOUNT
Siemens Water Technologies	\$147.00
; and	

WHEREAS: The Treatment Plant Superintendent and staff recommend the above payment from the Judgment and Claims account.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above payment from the Judgment and Claims account no. 00800108-480214.

MOTION TO APPROVE
MADE BY MR. KENNEDY, JR.
2ND BY MR. ROOSEVELT
AYES 3 NOES 0

Board Meeting of October 13, 2010

ITEM NO. 6

MUNICIPAL RESOLUTION AUTHORIZING GRANT APPLICATION AND EXECUTION OF AN AGREEMENT FOR STATE FINANCIAL ASSISTANCE THROUGH THE WATER QUALITY IMPROVEMENT PROJECT (WQIP) PROGRAM

WHEREAS: The New York State Department of Environmental Conservation provides funding for projects that improve water quality in New York State through the Water Quality Improvement Project (WQIP) Statewide Grant Program; and

WHEREAS: The WQIP Statewide Grant Program provides funding through the New York State Environmental Protection Fund (EPF) for projects that demonstrate direct environmental benefits and improve water quality in New York State; and

WHEREAS: The Buffalo Sewer Authority wishes to participate in the WQIP Statewide Grant Program; and

WHEREAS: The following Municipal Resolution authorizes the execution and filing of the grant application and execution and delivery of a contract setting forth the terms of the Project financing and other documents necessary for State Assistance funding.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes and directs the General Manager to execute and deliver a grant application for State Assistance funding through the WQIP Program, to execute and deliver a State Assistance Contract and any other documents necessary to receive funding from the New York State EPF, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Buffalo Sewer Authority as stated in the Resolution that follows.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. KENNEDY, JR.	_____
2 ND BY	_____	MR. ROOSEVELT	_____
AYES	_____	3	NOES _____ 0

Board Meeting of October 13, 2010

Municipal Resolution
Water Quality Improvement Projects and
Nonagricultural Nonpoint Source Projects
Municipal Resolution

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

WHEREAS, BUFFALO SEWER AUTHORITY herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE BUFFALO SEWER AUTHORITY:

1. That DAVID P. COMERFORD, GENERAL MANAGER, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution take effect immediately.

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of THE BOARD OF THE BUFFALO SEWER AUTHORITY held on the 13th day of OCTOBER, 2010; and further that such Resolution has been fully recorded in the MINUTES OF THE BUFFALO SEWER AUTHORITY in my office.

In witness thereof, I have hereunto set my hand this 13th day of OCTOBER, 2010.

(Signature of Recording Officer)
Oluwole A. McFoy

(Official Seal)

Secretary to the General Manager
(Title of Recording Officer)

ITEM NO. 7

TRAVEL AUTHORIZATION - SHERRILL, NEW YORK

WHEREAS: The New England Interstate Water Pollution Control Commission (NEIWPC) is holding a "Train-The-Trainer" course in Sherrill, New York, on January 11 – 12, 2011; and

WHEREAS: The Buffalo Sewer Authority currently holds on-site training classes under the direction of Martin Boryszak, Authority Safety Officer. Mr. Boryszak is certified to hold training sessions which are required by the NYSDEC to grant contact hours for licensed operators to renew their wastewater licenses. The Shift Superintendents and Treatment Plant Superintendent also fall under this requirement; and

WHEREAS: It is in the Authority's best interest to have another staff member certified to hold training sessions; and

WHEREAS: The Treatment Plant Superintendent and Treatment Plant Administrator recommend that Shift Superintendent, Michael Letina, attend the NEIWPC training course to meet the certification requirement.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes travel from January 10 – 12, 2011, for Shift Superintendent, Michael Letina, to attend the NEIWPC "Train-The-Trainer" course in Sherrill, New York, at a total cost not to exceed \$600.00. Funds are available in account nos. 00200104-458010 and 00200104-458012.

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MR. KENNEDY, JR.</u>		
2 ND BY	<u>MR. ROOSEVELT</u>		
AYES	<u>3</u>	NOES	<u>0</u>

Board Meeting of October 13, 2010

ITEM NO. 8

AMENDMENT TO SOLE SOURCE LISTING FOR SELECTED INSTRUMENTATION, MAINTENANCE, LABORATORY, AND OFFICE EQUIPMENT FOR FISCAL YEAR 2010-2011

WHEREAS: A Sole Source procurement, in accordance with New York State Procurement Guidelines, is one in which an item is only available from one source due to patents, exclusive franchises, etc., and there is no possibility of competition for the item; and

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority approved and designated a list of original equipment manufacturers as sole sources for fiscal year 2010-2011; and

WHEREAS: An amendment is requested to the sole source listing for the following original equipment manufacturer for process equipment due to company merger:

EIMCO Water Technologies **company name changed to Ovivo USA, LLC** ; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and Purchasing Department staff have reviewed all supporting documentation and recommend this amendment to the sole source listing for 2010-2011.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above amendment to the sole source listing for fiscal year 2010-2011.

MOTION TO APPROVE
MADE BY MR. ROOSEVELT
2ND BY MR. KENNEDY, JR.
AYES 3 NOES 0

Board Meeting of October 13, 2010

ITEM NO. 9

AUTHORIZATION TO PURCHASE REPLACEMENT OXYGEN ANALYZER FOR THE INCINERATION SYSTEM AND FISCAL YEAR TOTAL PURCHASES AUTHORIZATION

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated Ametek Thermox, the original equipment manufacturer, and/or their authorized local service representative as a sole source for replacement parts, supplies, and service for Ametek products (oxygen analyzers and pressure gauges) installed throughout the Treatment Plant; and

WHEREAS: The Principal Chief Stationary Engineer has determined a need for replacement of the Ametek Thermox oxygen analyzer for the incineration system; and

WHEREAS: Ametek Thermox has submitted a quote in the amount of \$11,080.00, plus freight estimated not to exceed \$150.00, for this replacement part; and

WHEREAS: Board approval is required on purchases over \$10,000.00; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend the purchase of this necessary oxygen analyzer from Ametek Thermox at a cost of \$11,080.00, plus freight estimated not to exceed \$150.00, for a total cost not to exceed \$11,230.00; and further recommend approval for a total cost not to exceed \$20,000.00 for fiscal year 2010-2011 for total purchases from Ametek Thermox, the original equipment manufacturer, and/or their authorized local service representative.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase this necessary oxygen analyzer from Ametek Thermox at a cost of \$11,080.00, plus freight estimated not to exceed \$150.00, and further authorizes total purchases from Ametek Thermox, the original equipment manufacturer, and/or their authorized local service representative for fiscal year 2010-2011 in an amount not to exceed \$20,000.00.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. ROOSEVELT</u>
2 ND BY	<u>MR. KENNEDY, JR.</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of October 13, 2010

ITEM NO. 11

**REPORT ON BIDS RECEIVED - MULTIPLE HEARTH SLUDGE INCINERATOR
REHABILITATION INCINERATOR NO. 1**

WHEREAS: Formal bids were advertised and solicited for the Multiple Hearth Sludge Incinerator Rehabilitation Incinerator No. 1. The following bids were received and opened by the Buffalo Sewer Authority on September 27, 2010:

Sterling Refractory	\$192,665.00
Hohl Industrial Services, Inc.	\$311,491.00
; and	

WHEREAS: The proposals were received, and the contract will be awarded on the basis of unit bid and lump sum prices. The bids reflect the true amount of the contract; and

WHEREAS: The Principal Chief Stationery Engineer and staff reviewed the bids and recommend awarding the contract to Sterling Refractory at a cost not to exceed \$192,665.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Sterling Refractory at a cost not to exceed \$192,665.00. Expenses for this contract will be charged to account no. 00380106-443421.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of October 13, 2010

ITEM NO. 15

AUTHORIZATION FOR PUBLICATION OF INDUSTRIAL USER VIOLATORS LIST

WHEREAS: The Environmental Protection Agency's General Pretreatment Regulations, 40 CFR Section 403.8(f)(2)(viii), requires that the Buffalo Sewer Authority (BSA) publish at least annually in the largest daily newspaper in the City of Buffalo, a list of the users which, during the previous twelve (12) months, met with one or more of the following criteria:

- User was in significant non-compliance with applicable pretreatment standards and requirements;
 - User received fines;
 - User had violations that were unique or warrant special attention
- ; and

WHEREAS: In accordance with this requirement the following violators met the above criteria between July 1, 2009 and June 30, 2010:

Key Tech Finishing 2929 Main Street Buffalo, NY 14214	Rosina Food Products, Inc. 775 Industrial Parkway Cheektowaga, NY 14227	Greatbatch, Inc. 11900 Walden Avenue Alden, NY 14004
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NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to publish the aforementioned violators in The Buffalo News.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of October 13, 2010

ITEM NO. 16

TRAVEL AUTHORIZATION - SARATOGA SPRINGS, NEW YORK

WHEREAS: The Buffalo Sewer Authority is in the process of developing a Geographic Information System (GIS). The system will provide faster and easier access for Buffalo Sewer Authority personnel in planning, design, construction, operation, and maintenance of the sewer system; and

WHEREAS: The 26th Annual New York State GIS Conference is being held in Saratoga Springs, New York, from October 24 through October 26, 2010; and

WHEREAS: The Senior Sanitary Engineering Supervisor is instrumental in the development of this project; and

WHEREAS: The General Manager recommends his attendance at the 26th Annual New York State GIS Conference.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes travel for the Senior Sanitary Engineering Supervisor to attend the 26th Annual New York State GIS Conference from October 24 through October 26, 2010, in Saratoga Springs, New York, at a total cost not to exceed \$600.00. The cost for this conference will be charged to account no. 00600104-458010.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of October 13, 2010

ITEM NO. 17

SUPPLEMENTAL AUTHORIZATION TO THREE (3) YEAR ENGINEERING SERVICES AGREEMENT WITH WENDEL-DUCHSCHERER ARCHITECTS & ENGINEERS, PC

WHEREAS: At the September 5, 2007, Board Meeting, the Board of the Buffalo Sewer Authority authorized retaining Wendel-Duchscherer Architects & Engineers, PC, for a three (3) year Engineering Services Agreement for small to medium-sized capital projects; and

WHEREAS: The original amount budgeted for authorized engineering services was \$100,000; and

WHEREAS: At the June 17, 2009, Board Meeting, the Board of the Buffalo Sewer Authority authorized increasing this agreement from \$100,000 to \$250,000; and

WHEREAS: There is a need to increase this amount; and

WHEREAS: The Senior Sanitary Engineering Supervisor and Administrator of Capital Improvements & Development recommend increasing the amount of this agreement from \$250,000 to \$304,000.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves an increase of \$54,000.00, making the total cost not to exceed \$304,000, for the three (3) year Engineering Services Agreement between the Buffalo Sewer Authority and Wendel-Duchscherer Architects & Engineers, PC. Account no. 02000290-432004 will be utilized for these services.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY, JR.</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of October 13, 2010

ITEM NO. 18

AUTHORIZATION FOR THE SANITARY SEWER CONSTRUCTION AS PART OF THE COLVIN ESTATES PHASE I PROJECT

WHEREAS: The City of Buffalo, the Department of Public Works, Parks and Streets has awarded a contract to Milherst Construction as the responsible low bidder, for infrastructure improvements in the Colvin Estates Phase I Project; and

WHEREAS: Milherst Construction has submitted as a betterment, an alternate bid for sanitary sewer installation in the amount of \$124,550.00; and

WHEREAS: The Buffalo Sewer Authority has allocated money in their construction fund for the sanitary sewer construction for this project; and

WHEREAS: The City of Buffalo Department of Public Works, Parks and Streets, the General Manager, and the Senior Sanitary Engineering Supervisor recommend awarding this contract to Milherst Construction at a cost not to exceed \$124,550.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the awarding of the contract for sanitary sewer construction for the Colvin Estates Phase I Project to Milherst Construction. Expenses for the contract will be charged to account no. 02000318-490720.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 3 NOES 0

Board Meeting of October 13, 2010

ITEM NO. 20

CHANGE ORDER NO. 2 – CONTRACT NO. 84900006

CONTRACTOR:	ORIGINAL CONTRACT COST	\$1,175,000.00
Malcolm Pirnie, Inc.	PREVIOUS CHANGE ORDER	145,348.46
50 Fountain Plaza, Suite 600	THIS CHANGE ORDER	<u>394,919.00</u>
Buffalo, New York 14202	ADJUSTED CONTRACT COST	\$1,715,267.46

WORK: Long Term Control Plan Water Quality and Sewer System Modeling and Monitoring Professional Services

WHEREAS: The Buffalo Sewer Authority is negotiating with the United States Environmental Protection Agency (USEPA), the United States Department of Justice, and the New York State Department of Environmental Conservation to address sewer system improvements to comply with the Federal Clean Water Act; and

WHEREAS: The Buffalo Sewer Authority Board, at their May 21, 2008, Board Meeting, retained Malcolm Pirnie, Inc., to assist with negotiations and to complete work planning efforts to define the extent of the water quality and sewer system monitoring and modeling per negotiations with the United State Environmental Protection Agency, United States Department of Justice, and the New York State Department of Environmental Conservation at a cost of \$1,175,000.00; and

WHEREAS: The Buffalo Sewer Authority, at their March 18, 2009, Board Meeting, approved Change Order No. 1 to the Contract at an added cost of \$145,348.46; and

WHEREAS: The USEPA, the United States Department of Justice, and the New York State Department of Environmental Conservation have increased the scope of work necessary to complete the water quality modeling requirements as part of the Order of Consent; and

WHEREAS: The following tasks have been identified as being necessary to complete the work:

Task No. 1	Water Quality Data Collection
Task No. 2	Flow and Rainfall Data Collection
Task No. 3	Water Quality Modeling
Task No. 4	Collection System Model Refinement
Task No. 5	North District/Scajaquada District Alt's Evaluation
Task No. 6	Real Time Control Evaluation
Task No. 7	USEPA/NYDEC Consent Decree Negotiation Support
Task No. 8	Recreational Water Use Study

COST OF CHANGE OR EXTRA WORK:

Task No. 1	\$131,156.00
Task No. 2	\$176,638.00
Task No. 3	no charge
Task No. 4	\$ 38,968.00
Task No. 5	(\$ 69,850.00)
Task No. 6	\$ 46,272.00
Task No. 7	\$ 51,570.00
Task No. 8	\$ 20,165.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK	\$394,919.00
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The total INCREASE to the contract as a result of this Change Order is and;	\$394,919.00
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WHEREAS: The General Manager recommends approval of Change Order No. 2 to Contract No. 84900006.

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 84900006 in the amount of \$394,919.00 making the adjusted Contract cost \$1,715,267.46. Expenses for this contract will be funded from account no. 02000293-432004.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY, JR.</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of October 13, 2010

ITEM NO. 21

CHANGE ORDER NO. 3 – CONTRACT NO. 84600007

CONTRACTOR:	ORIGINAL CONTRACT COST	\$576,500.00
CRA Infrastructure & Engineering, Inc.	PREVIOUS CHANGE ORDER	1,218,000.00
285 Delaware Avenue	THIS CHANGE ORDER	<u>372,000.00</u>
Buffalo, New York 14202	ADJUSTED CONTRACT COST	\$2,166,500.00

WORK: Engineering Services for the Hamburg Drain Floatable Control Facility

WHEREAS: The Board of the Buffalo Sewer Authority, at their meeting on September 7, 2005, authorized the execution of a Contract with CRA Infrastructure & Engineering, Inc.(CRA), for engineering and bid services for the Hamburg Drain Floatable Control Facility Project at a cost not to exceed \$576,500; and

WHEREAS: The Hamburg Drain Floatable Control Facility is intended to prevent the discharge of undesirable floatable materials from the Authority's combined sewer system into the Erie Canal Inner Harbor Commercial Slip during wet weather events; and

WHEREAS: A preliminary evaluation was performed on the potential of using the Hamburg Drain as a CSO storage facility. This evaluation indicated that by using the Hamburg Drain as a storage facility it would benefit substantially in the reduction of CSO flows in our third largest CSO.

WHEREAS: In conjunction with the work that the Erie Canal Harbor Development Corporation, the BSA has asked CRA to shift focus of the investigation to concept development and preliminary design of the storage facility improvements; and

WHEREAS: The following tasks have been identified as being necessary to complete the work:

Task No. 1	Concept Development and Preliminary Design
Task No. 2	Infiltration and Structural Stability Study
Task No. 3	Hamburg Drain Outfall Control Facility Design
Task No. 4	Engineer's Report and NYSDEC/NYSEFC Coordination
Task No. 5	Hamburg Drain Sediment Removal Design

COST OF CHANGE OR EXTRA WORK:

Task No. 1	\$ 30,000.00
Task No. 2	\$ 90,000.00
Task No. 3	\$108,000.00
Task No. 4	\$ 99,000.00
Task No. 5	\$ 45,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK	\$372,000
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The total INCREASE to the contract as a result of this Change Order is and;	\$372,000
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WHEREAS: The General Manager recommends approval of Change Order No. 3 to Contract No. 84600007.

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 3 to Contract No. 84600007 in the amount of \$372,000 making the adjusted Contract cost \$2,166,500.00. Expenses for this contract will be funded from account no. 02000207-490720.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of October 13, 2010

ITEM NO. 22

CONFIRMATION OF APPOINTMENTS

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$95.00 PER DAY
EFFECTIVE: SEPTEMBER 7, 2010

RYAN DUNFORD
432 NORWOOD AVE.
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$95.00 PER DAY
EFFECTIVE: SEPTEMBER 13, 2010

MAX JADOCH
33 PORTLAND
BUFFALO, NY

ADMINISTRATIVE AIDE (PROVISIONAL)
ADMINISTRATIVE OFFICES
\$33,719 PER ANNUM
EFFECTIVE: SEPTEMBER 13, 2010

DANIELLE CRONIN
220 VILLA AVE.
BUFFALO, NY

HEAD MOTOR EQUIPMENT MECHANIC (PERMANENT)
CHANGE OF STATUS ONLY
SEWER MAINTENANCE DEPARTMENT
\$25.74 PER HOUR
EFFECTIVE: SEPTEMBER 16, 2010

WILLIAM FITZPATRICK
7101 BRANDYWINE DR.
DERBY, NY

SEWER MAINTENANCE SUPERVISOR I (PROVISIONAL)
SEWER MAINTENANCE DEPARTMENT
\$49,047 PER ANNUM
EFFECTIVE: SEPTEMBER 20, 2010

ROBERT STORY
1335 RANSOM RD.
GRAND ISLAND, NY

LABORER II (PERMANENT)
SEWER MAINTENANCE DEPARTMENT
\$18.37 PER HOUR
EFFECTIVE: OCTOBER 4, 2010

NICHOLAS LONGO
325 NORTH PARK AVE.
BUFFALO, NY

WHEREAS: The preceding appointments were made by the General Manager since the last Board Meeting; and

WHEREAS: The General Manager requests confirmation of each appointment.

NOW THEREFORE
BE IT RESOLVED: That the preceding appointments are hereby confirmed by the Board of the Buffalo Sewer Authority.

MOTION TO _____ APPROVE _____

MADE BY _____ MR. KENNEDY, JR. _____

2ND BY _____ MR. ROOSEVELT _____

AYES _____ 3 _____ NOES _____ 0 _____

Board Meeting of October 13, 2010

ITEM NO. 23

TUITION REIMBURSEMENT

WHEREAS: In accordance with the Agreements between the Buffalo Sewer Authority and CSEA Local 815 and the Communications Workers of America, the following Buffalo Sewer Authority employee has applied for Tuition Reimbursement:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Thomas E. Caulfield	Walden University	<i>Foundations for Doctoral Study</i>	90%	\$1975.73
Thomas E. Caulfield	Walden University	<i>Ethics & Social Justice</i>	90%	\$ 405.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$2380.73. This Reimbursement will be charged to account no. 00800108-480214.

MOTION TO APPROVE
 MADE BY MR. ROOSEVELT
 2ND BY MR. KENNEDY, JR.
 AYES 3 NOES 0

Board Meeting of October 13, 2010

ITEM NO. 24

TUITION ASSISTANCE

WHEREAS: In accordance with the Agreements between the Buffalo Sewer Authority and CSEA Local 815 and the Communications Workers of America, the following Buffalo Sewer Authority employee has applied for Tuition Assistance:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>SEMESTER</u>	<u>TUITION</u>
Thomas E. Caulfield	Walden University	<i>Leadership & Organizational Change</i>	Fall 2010	\$2,423.00

WHEREAS: No Funds will be expended at this time.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Assistance.

MOTION TO APPROVE
MADE BY MR. KENNEDY, JR.
2ND BY MR. ROOSEVELT
AYES 3 NOES 0

Board Meeting of October 13, 2010

ITEM NO. 25

ADJOURNMENT OF MEETINGMOTION TO APPROVEMADE BY MR. KENNEDY, JR.2ND BY MR. ROOSEVELTAYES 3 NOES 0

Board Meeting of October 13, 2010