

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
November 2, 2011**

5369153711

BUFFALO SEWER AUTHORITY

November 2, 2011

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present:	<u>Herbert L. Bellamy, Jr.</u>	<u>Chairman</u>
	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>
	<u>Eleanor Wilson-DiVincenzo</u>	<u>Secretary</u>
	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>
	<u>David Comerford</u>	<u>General Manager</u>
	<u>Oluwole McFoy</u>	<u>Secretary to the General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>Scott Steinwald</u>	<u>Intergovernmental Coordinator</u>
	<u>James Eagan, P.E.</u>	<u>Sr. 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</u>
	<u>Yusef Myrick</u>	<u>Improvements & Development</u>
	<u>Darryl McPherson</u>	<u>Supt. Mechanical Maintenance</u>
	<u>Laura Surdej</u>	<u>City Auditor</u>
		<u>Erie Co. Dept. of Sewerage</u>
Absent:	<u>none</u>	

The meeting was called to order at 9:00 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of October 5, 2011

MOTION TO	<u>ADOPT</u>
MADE BY	<u>MS. WILSON-DIVINCENZO</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of November 2, 2011

ITEM NO. 2

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

October 24, 2011

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	0.35%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$42,632,893.42	Chase	0.35%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$995,752.99	Chase	0.35%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$6,214,765.41	Chase	0.35%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$35,395.69	Chase	0.35%	High Yield
SURPLUS FUND						
28-Sept-11	30-Dec-11	93	\$495.66	MTB Funds		
			\$6,049,342.16	M&T Securities	0.17%	\$2,657.84
			<u>\$6,049,837.82</u>			
NET REVENUE FUND						
25-Aug-11	26-Oct-11	62	\$577.57	MTB Funds		
			\$2,999,328.33	M&T Securities	0.13%	\$671.67
25-Aug-11	30-Nov-11	97	\$6,000,412.04	M&T Securities	0.16%	\$2,587.96
28-Sep-11	30-Dec-11	93	\$2,999,682.06	M&T Securities	0.17%	\$1,317.94
			<u>\$12,000,000.00</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
DEBT RESERVE FUND						
Series F						
03-Jun-11	03-May-12	335	\$245,000.00	FDIC Brokered CD	0.45%	
01-Jun-11	01-June-12	366	\$245,000.00	FDIC Brokered CD	0.60%	
03-Jun-11	01-Jun-12	364	\$245,000.00	FDIC Brokered CD	0.45%	
13-Jun-11	13-Jun-12	366	\$245,000.00	FDIC Brokered CD	0.35%	
15-Jun-11	13-Jun-12	364	\$245,000.00	FDIC Brokered CD	0.30%	
15-Jun-11	15-Jun-12	366	\$132,000.00	FDIC Brokered CD	0.30%	
			\$1,357,000.00			
Series I						
01-Aug-08	06-Sep-13	1862	\$8,240,877.50	FHLB	4.00%	
Series H						
13-Mar-03	15-Apr-32		\$2,825,593.00	SLG	4.35%	
Series J						
04-Mar-04	15-Nov-33		\$774,061.00	SLG	3.82%	
Series K						
22-Jul-04	15-Feb-33		\$498,654.00	SLG	4.63%	
Series L						
27-Jul-06	01-Oct-35		\$952,666.00	SLG	4.52%	

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Board Meeting of November 2, 2011

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.

Administrative Division

10/3/2011	00110106 Administrative Services	-\$4,000.00	00110107 Administrative Capital Outlay	\$4,000.00
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Wastewater Treatment Plant

9/26/2011	00520105 Maintenance Supplies	-\$28,491.00	00420105 Amherst Supplies	\$28,491.00
9/29/2011	00360105 Dewatering Supplies	-\$221.50	00290105 Aeration Supplies	\$221.50
10/4/2011	00520107 Maintenance Capital Outlay	-\$1,012.84	00550107 IWS Capital Outlay	\$1,012.84
10/5/2011	00520105 Maintenance Supplies	-\$378.70	00200105 Plant Supplies	\$378.70

Sewer Maintenance Division

10/17/2011	00690107 Auto Capital Outlay	-\$85,000.00	00650106 Sewer Maintenance Services	\$85,000.00
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General Financial Charges

9/26/2011	00800183 Financial Contingency	-\$5,000.00	00110107 Administrative Capital Outlay	\$5,000.00
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Board Meeting of November 2, 2011

ITEM NO. 6

AUTHORIZATION FOR ORIGINAL EQUIPMENT MANUFACTURER PURCHASES OVER \$20,000 FOR FISCAL YEAR 2011-2012

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated various original equipment manufacturers, and/or their local representatives as sole sources for the purchase of various commodities, technology, and/or services; and

WHEREAS: Based upon historical usage, the Superintendent of Mechanical Maintenance anticipates the following not to exceed purchase costs for fiscal year 2011-2012:

Original Equipment Manufacturer	Estimated Purchases
ABB, Inc. (Instrumentation Division)	\$ 50,000
BSP Thermal Systems, Inc.	\$ 50,000
Diamond Power International, Inc.	\$ 40,000
EIM Controls	\$ 50,000
Fairbanks Morse/Pentair Water	\$ 40,000
JWC Environmental	\$ 30,000
Moyno, Inc.	\$120,000
Royce Technologies	\$ 30,000
Siemens Industry, Inc.	\$ 40,000
Smith & Loveless, Inc.	\$ 30,000
Vaughan Company, Inc.	\$ 50,000

; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend approval for the estimated amounts listed for the various original equipment manufacturers for purchases anticipated for fiscal year 2011-2012; and

ITEM NO. 7

AUTHORIZATION TO PURCHASE - BLACKMER SYSTEM ONE VORTEX CENTRIFUGAL PUMP

WHEREAS: On May 26, 2010, the Board of the Buffalo Sewer Authority approved the standardization of the Blackmer System One Vortex Centrifugal Pump available from Blackmer Pump Company and/or their authorized local representatives; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined a need for a replacement of this Blackmer pump for the centrifuge feed; and

WHEREAS: Upon request, Corrosion Products and Equipment, Inc., the authorized local representative, submitted a quote in the amount of \$27,640.00, plus freight charges not to exceed \$450.00, for the purchase of this replacement pump; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend this purchase.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase one Blackmer System One Vortex Centrifugal Pump from Corrosion Products and Equipment, Inc., at a cost of \$27,640.00 plus freight charges not to exceed \$450.00. This purchase will be charged to account no. 02000330-490740.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of November 2, 2011

ITEM NO. 9

CONTRACT NO. 85100008

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: BISTP Multiple Hearth Sludge Incinerator Rehabilitation

BID: \$192,665.00

CONTRACTOR: Sterling Refractory
120 Michigan Street
Buffalo, New York 14204

WHEREAS: The Principal Chief Stationary Engineer of the Buffalo Sewer Authority has certified that the Contractor completed the work in accordance with the plans and specifications on June 30, 2011.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the Contract has been complete and is accepted;
- b. The date of entrance and occupancy be fixed as of June 30, 2011;
- c. The maintenance period commence on June 30, 2011;
- d. Final payment be made to the Contractor in the amount of \$9,576.25, making the final cost of the Contract \$191,525.00.

MOTION TO APPROVE _____

MADE BY MS. WILSON-DIVINCENZO _____

2ND BY MR. KENNEDY, SR. _____

AYES 5 NOES 0

Board Meeting of November 2, 2011

ITEM NO. 10

REPORT ON BIDS RECEIVED - PURCHASE OF COAL HOLE COVERS

WHEREAS: Formal bids were advertised and solicited for the purchase of fifty (50) Coal Hole Covers; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on October 19, 2011:

Neenah Foundry Co.	\$3,100.00
Syracuse Castings Corp.	\$6,500.00

; and

WHEREAS: The Director of Sewer Maintenance and staff reviewed the quotes received and recommend awarding this purchase to the lowest bidder, Neenah Foundry Co.; and

WHEREAS: Monies payable to date for iron casting commodities from formal bids in fiscal year 2011-2012 are \$44,678.50. This purchase will bring the total monies payable for the purchase of iron casting commodities to \$47,778.50; and

WHEREAS: Board approval is required on purchases over \$20,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase fifty (50) Coal Hole Covers from the lowest bidder, Neenah Foundry Co., at a total cost of \$3,100.00. This purchase will be charged to account no. 00660105-466269.

MOTION TO APPROVE
MADE BY MR. KENNEDY, JR.
2ND BY MR. ROOSEVELT
AYES 5 NOES 0

Board Meeting of November 2, 2011

ITEM NO. 11

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, 2010 and June 30, 2011:

Key Tech Finishing 2929 Main Street Buffalo, NY 14214	Tripp Plating Works 1491 William Street Buffalo, NY 14206	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 MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of November 2, 2011

ITEM NO. 12

CHANGE ORDER NO. 1 – CONTRACT NO. 85100023

CONTRACTOR:	ORIGINAL CONTRACT COST	\$119,770.80
NOVA Site Company	PREVIOUS CHANGE ORDER	N/A
6 Lena Court	THIS CHANGE ORDER	\$ 83,959.36
West Seneca, New York 14224	ADJUSTED CONTRACT COST	\$203,730.16

WORK: Auburn Avenue CSO 009 Sewer Separation

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Emergency receiver repair over the Swan Trunk
- Item #2 Emergency sewer upgrades on East North Street

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 An existing 2'x2' receiver built directly over the Swan Trunk Interceptor collapsed creating a need for extensive immediate repair.
- Item #2 Due to severe street flooding along East North Street it was necessary to place additional receivers in the sensitive area surrounding the medical campus.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$51,981.32

Item #2 \$58,957.22

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$ 110,938.54

TOTAL UNUSED BALANCE FROM ORIGINAL CONTRACT \$(26,979.18)

The total INCREASE to the contract as a result of this Change Order is \$ 83,959.36

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 0 calendar days, making the final completion date unchanged.

2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications, and project specifications for the same type of work.
3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place under coverage of his performance and payment bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the Owner evidence of increased coverage of his performance and payment bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 85100023 as written in the above Agenda Item, increasing the contract cost in the amount of \$83,959.36, making the adjusted contract cost \$203,730.16.

MOTION TO _____ APPROVE _____

MADE BY _____ MR. KENNEDY, SR. _____

2ND BY _____ MR. KENNEDY, JR. _____

AYES _____ 5 _____ NOES _____ 0 _____

Board Meeting of November 2, 2011

ITEM NO. 13

REPORT ON BIDS RECEIVED - CSO OUTFALL NO. 060 GREEN INFRASTRUCTURE PROJECT

WHEREAS: Formal bids were advertised and solicited for CSO Outfall No. 060 Green Infrastructure Project; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority on October 20, 2011:

Mark Cerrone, Inc.	\$2,798,780.00
Man O'Trees, Inc.	\$2,913,000.00
Visone Construction	\$3,025,489.00
Nichols Long & Moore	\$3,144,885.00
Accadia Construction	\$3,163,235.01
Yarussi Construction	\$3,338,210.00
Sicar Management	\$4,066,999.00
Kandey Company	\$5,042,088.00

; and

WHEREAS: The bids were received, and the contract will be awarded on the basis of a combined unit and lump sum bid. The bids do not reflect the true amount of the contract, but rather are subject to some variance. These variances are due to the actual amount of the quantities used as they appear in the estimate column multiplied by the unit price as bid; and

WHEREAS: The General Manager, Principal Sanitary Engineer and staff reviewed the bids and recommend awarding the contract to the lowest bidder, Mark Cerrone, Inc., at a cost not to exceed \$2,798,780.00; and

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 Mark Cerrone, Inc., at a cost not to exceed \$2,798,780.00. Expenses for this contract will be charged to account no. 02000310-490740.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of November 2, 2011

ITEM NO. 14

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: The Buffalo Sewer Authority has received a request from Luis M. Cruz-Rodriguez, a permanent Sr. First Class Stationary Engineer, for an unpaid leave of absence. Mr. Cruz-Rodriguez has accepted a position as a Chief Engineer Custodian with the Board of Education beginning November 1, 2011, and he has requested this unpaid leave of absence for the duration of his probationary period; and

WHEREAS: The General Manager has reviewed this request and recommends approval of Mr. Cruz-Rodriguez's request for an unpaid leave of absence for his six (6) month probationary period.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby grants Luis M. Cruz-Rodriguez a six (6) month leave of absence without pay beginning November 1, 2011, and extending until May 1, 2012.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of November 2, 2011

ITEM NO. 15

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: The Buffalo Sewer Authority has received a request from Ronald Rodolph, Sr., a permanent Laborer II, for a six (6) month unpaid medical leave of absence beginning October 17, 2011. Mr. Rodolph's attending physician has provided required supporting documentation; and

WHEREAS: The General Manager has reviewed this request and recommends approving this leave of absence request for a period of six (6) months.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants Ronald Rodolph, Sr. a six (6) month medical leave of absence without pay beginning October 17, 2011, and extending until April 16, 2012.

MOTION TO APPROVE
MADE BY MS. WILSON-DIVINCENZO
2ND BY MR. KENNEDY, JR.
AYES 5 NOES 0

Board Meeting of November 2, 2011

ITEM NO. 16

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>
Edward Hennessy	Buffalo State	<i>Masters Project</i>	Fall 2011	\$ 864.00
Edward Hennessy	Buffalo State	<i>Public Administration & Policy</i>	Fall 2011	\$ 1,100.00

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, SR.
 2ND BY MR. KENNEDY, JR.
 AYES 5 NOES 0

Board Meeting of November 2, 2011

ITEM NO. 17

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>
Douglas Ruisi	N/A	Grade 4A Wastewater Treatment Plant Operator Exam	100%	\$85.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$85.00. This Reimbursement will be charged to account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of November 2, 2011

ITEM NO. 18

ADJOURNMENT OF MEETINGMOTION TO APPROVEMADE BY MS. WILSON-DIVINCENZO2ND BY MR. KENNEDY, JR.AYES 5 NOES 0

Board Meeting of November 2, 2011