

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
December 7, 2011**

53712.....53751

BUFFALO SEWER AUTHORITY

December 7, 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 C. 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>Admin. of Capital Improvements & Development</u>
	<u>Yusef Myrick</u>	<u>Supt. of Mechanical Maintenance</u>
	<u>Laura Surdej</u>	<u>Erie Co. Dept. of Sewerage</u>
	<u>Darryl McPherson, Esq.</u>	<u>City Auditor</u>
Absent:	<u>none</u>	<u></u>
	<u></u>	<u></u>

The meeting was called to order at 9:04 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of November 2, 2011

MOTION TO	<u>ADOPT</u>
MADE BY	<u>MR. KENNEDY, SR.</u>
2 ND BY	<u>MR. KENNEDY, JR.</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of December 7, 2011

ITEM NO. 2

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

November 25, 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		\$41,836,218.84	Chase	0.35%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$989,935.46	Chase	0.35%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$3,183,228.66	Chase	0.35%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$35,528.11	Chase	0.35%	High Yield
SURPLUS FUND						
			\$495.66	MTB Funds		
28-Sept-11	30-Dec-11	93	\$6,049,342.16	M&T Securities	0.17%	\$2,657.84
			<u>\$6,049,837.82</u>			
NET REVENUE FUND						
			\$221.61	MTB Funds		
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
26-Oct-11	26-Jan-12	92	\$5,999,778.39	M&T Securities	0.21%	\$3,221.61
			<u>\$15,000,094.10</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 December 7, 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.

Wastewater Treatment Plant

10/27/2011	00520106 Maintenance Services	-\$10,000.00	00280106 SWWP Services	\$10,000.00
11/07/2011	00520105 Maintenance Supplies	-\$7,290.33	00290105 Aeration Supplies	\$7,290.33
11/07/2011	00520105 Maintenance Supplies	-\$1,072.81	00200105 Plant Supplies	\$1,072.81
11/07/2011	00520105 Maintenance Supplies	-\$561.00	00290105 Aeration Supplies	\$561.00
11/07/2011	00360105 Dewatering Supplies	-\$645.70	00290105 Aeration Supplies	\$645.70
11/07/2011	00520105 Maintenance Supplies	-\$456.00	00290105 Aeration Supplies	\$456.00
11/10/2011	00520105 Maintenance Supplies	-\$2,753.84	00200105 Plant Supplies	\$2,753.84
11/15/2011	00520105 Maintenance Supplies	-\$17,647.00	00290105 Aeration Supplies	\$17,647.00
11/16/2011	00520105 Maintenance Supplies	-\$4,982.00	00290105 Aeration Supplies	\$4,982.00
11/21/2011	00520105 Maintenance Supplies	-\$571.20	00200105 Plant Supplies	\$571.20

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

10/24/2011	00800183 Financial Contingency	-\$1,886.00	00110107 Administrative Capital Outlay	\$1,886.00
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RECEIVE & FILE

Board Meeting of December 7, 2011

ITEM NO. 4

INFORMATIVE: REPORT ON FISCAL YEAR 2011-12 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 2011-12 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 for the Board for their information to be acknowledged and received and filed.

RECEIVE AND FILE

Board Meeting of December 7, 2011

BUFFALO SEWER AUTHORITY

**Report on Fiscal Year 2011-12 Rates and
Charges for Sewer Services**

October 31, 2011

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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, 2011 – June 30, 2012 (Fiscal Year 2011-12) 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 2011-12.

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, CPA
Rate Consultant

Buffalo, New York
October 31, 2011

SECTION I – INTRODUCTION

A. Overview of the Fiscal Year 2011-12 Rates

This report presents the rate findings for the City of Buffalo Sewer System. The Report presents findings regarding the Fiscal Year 2011-12 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 also 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 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 2011-12 Rate Methodology and Report Structure

The Fiscal Year 2011-12 Rate Study has two principal components:

- A determination of the cash requirements for the Sewer System in Fiscal Year 2011-12; 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 2011-12. 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 2011-12 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 2011-12 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 2011-12 cash disbursements are provided below. Estimated cash requirements are provided for each category of expenditure.

Debt Service (\$8,987,000)

This category of cash disbursements includes the scheduled interest payments to the debt service trustee in Fiscal Year 2011-12 on the outstanding Sewer System Revenue Bonds. The Fiscal 2011-12 Capital Plan reflects a \$24.9M funding commitment and incorporates an approximate \$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 project 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. This has not yet occurred. Depending on the use and availability of existing funds, this bond issuance is expected to raise between \$9M-16M. Any remaining available monies from the bond issue will be utilized to support the remainder of the FY 2011-12 Capital Plan along with available monies from the Construction Fund. Nominal short term principal payments are anticipated in FY 2011-12 on this Series M 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.

Debt Service costs are expected to decrease from the previous year by approximately \$3.2M as the result of the final payment on the Series I bonds issued in 2003.

General Administration (\$1,597,000)

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 (\$21,833,000)

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 (\$597,000)

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 (\$918,000)

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 (\$3,628,000)

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 (\$7,220,000)

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 agreements 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 runs through June 30, 2012. The CWA 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. Current contract negotiations are ongoing.

City of Buffalo Services (\$3,900,000)

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. This amount has increased by \$1M from FY 2010-11

Miscellaneous and Contingencies (\$829,000)

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 (\$1,474,000)

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 (\$1,348,000)

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 2011-12 are \$41,996,000.

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, BMHA and OAB represent more than 2% of the sewer billings. Each of these customers individually is less than 1.5% of the billed amounts for sewer.

Based on Authority billing records for Fiscal Year Ending June 30, 2010, the largest consumers are as follows:

Customer	Sewer Rent On Assessed Valuation	Sewer Rent On Water Use	Industrial Waste Surcharge	Total Sewer Rent
BMHA	171,187	477,427	0	648,614
OAB	15,342	464,800	0	480,142
ECMC	0	284,80	0	284,800
Niagara Mohawk	189,589	20,346	0	209,935
Seneca One	139,690	38,032	0	177,722
Buffalo Board of Education	0	171,571	0	171,571
Sorrento Cheese	6,996	0	155,390	162,386
SUNYAB	0	148,632	0	148,632
Buffalo State	0	147,050	0	147,050
Tyson Foods	228	140,098	0	140,326

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 decrease by \$29,138,108, and the levy of sewer rents based on assessed value for 2011-12 will remain constant at \$12,050,000. This will result in an annual sewer rent of approximately \$1.70429795 per \$1,000 of assessed valuation which is an adjustment of (\$.00699486) 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 2011-12 reflect these Sewer Authority actions.

D. Fiscal Year 2010-11 Receipts and Projected Fiscal Year 2011-12 Receipts

Metered and Flat Sewer Rents

Cash receipts from user charges are \$27M in Fiscal Year 2010-11. This is based upon unaudited cash receipts through June 2011. The expected cash receipts in Fiscal Year 2011-12 are projected at \$27.3M and reflect a consistent 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 2011-12. This is based upon the estimated assessed value of chargeable property for fiscal year 2011-12, which remained constant from the previous year.

Outside City Contracts (\$9,225,000)

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 (\$1,852,000)

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 (\$998,000)

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 (\$983,000)

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 2011-12 and actual cash receipts through September 30, 2011 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.

October 31, 2011

Exhibit 1**ANTICIPATED FISCAL 2011-12 CASH REQUIREMENTS****Cash Requirements**

Debt Service	\$ 8,987,000
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Operating Disbursements:

General administration	\$ 1,597,000
Waste Water Treatment Facilities	21,833,000
Industrial Waste	597,000
Sewer System Engineering	918,000
Sewer Maintenance Department	3,628,000
Employee benefits	7,220,000
City of Buffalo and Collection Services	3,900,000
Miscellaneous and contingency	829,000
Capital Improvements, including Departmental capital outlays & -on-going projects	1,474,000

Total operating disbursements	<u>41,996,000</u>
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Total cash disbursements	50,983,000
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Less amounts available for use for Capital Improvements	(1,474,000)
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Add debt service coverage provision ¹	<u>1,348,000</u>
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Total anticipated cash requirements	<u>\$50,857,000</u>
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Exhibit 2**ANTICIPATED FISCAL 2011-12 CASH RECEIPTS****Cash Receipts**

Operating Revenue:

Metered and Flat Sewer Rents	\$ 27,250,000
Assessment Sewer Rent	12,058,000
Outside City Contracts	9,225,000
Industrial Waste	1,852,000

Other Revenues:

Interest Income	998,000	
Miscellaneous	<u>983,000</u>	
Total anticipated cash receipts		<u>\$52,366,000</u>

ITEM NO. 5

RESOLUTION AUTHORIZING LOCAL MATCH FOR STATE FINANCIAL ASSISTANCE THROUGH THE GREEN INNOVATION GRANT PROGRAM (GIGP)

WHEREAS: The New York State Department of Environmental Conservation provides funding for projects that improve water quality in New York State through the Green Innovation Grant Program (GIGP); and

WHEREAS: The GIGP Statewide Grant Program provides funding through the New York State Environmental Facilities Corporation (EFC) for projects that demonstrate direct environmental benefits and improve water quality in New York State; and

WHEREAS: The Buffalo Sewer Authority has been awarded a \$712,500.00 grant for the CSO Outfall No. 060 Green Infrastructure Project; and

WHEREAS: The following Resolution authorizes the local match necessary for state assistance funding.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes and appropriates a minimum of 10% local match as required by the Green Innovation Grant Program for the GIGP CSO Outfall No. 060 Green Infrastructure Project. Under the GIGP, this local match is expected to be at least 10% of the total actual project costs. The expected local share is \$2,413,748, which far exceeds the required match of \$71,250.00. Funds are available in account no. 02000310-490740.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 6

CONTRACT APPROVAL - AUDIT AND ACCOUNTING SERVICES

WHEREAS: The use of independent Certified Public Accountants is necessary in order for the Buffalo Sewer Authority to perform a Federal Single Audit for the year ended June 30, 2011; and

WHEREAS: The Authority is required to perform a Federal Single Audit because the Authority's Hamburg Drain project received Federal funding through the American Recovery and Reinvestment Act; and

WHEREAS: Drescher & Malecki, LLP, has proposed a service contract with the Buffalo Sewer Authority to perform a Federal Single Audit for the fiscal year ending June 30, 2011, for a fee not to exceed \$3,750.00; and

WHEREAS: The Audit Committee of the Board of Directors of the Buffalo Sewer Authority recommends accepting this proposal for the fiscal year ending June 30, 2011.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves and authorizes the Chairman of the Audit Committee to enter into an agreement with Drescher & Malecki, LLP, Certified Public Accountants, to perform a Federal Single Audit for the fiscal year ending June 30, 2011. Expenses for performing the required financial audit, up to a maximum of \$3,750.00, will be charged to account no. 00110106-432001.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 7

APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AND FEDERAL SINGLE AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2011

WHEREAS: The Comprehensive Annual Financial Report, and the Federal Single Audit of the Buffalo Sewer Authority have been made available to your Honorable Body; and

WHEREAS: It is the custom of the Board to adopt these reports.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves and adopts the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2011, and the Federal Single Audit for the fiscal year ended June 30, 2011.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MR. KENNEDY, SR.</u>	
2 ND BY	<u>MR. ROOSEVELT</u>	
AYES	<u>5</u>	NOES <u>0</u>

Board Meeting of December 7, 2011

ITEM NO. 8

AUTHORIZATION TO DISPOSE OF OBSOLETE ELECTRONIC EQUIPMENT

WHEREAS: The Computer Department is responsible for the updating of computer equipment for Buffalo Sewer Authority staff at the Treatment Plant and City Hall offices; and

WHEREAS: After inspection, the Computer Department requests approval to dispose of a collection of outdated electronic equipment by utilizing the services of Maven Technologies, LLC, a locally owned computer and newly certified electronics recycler headquartered in Rochester, New York. Maven Technologies was utilized by the Authority in 2008 for this service and has been serving the greater New York State area for over ten years and provide secure disposal of electronic equipment at no cost; and

WHEREAS: Maven Technologies' process guarantees the removal of stored information utilizing Responsible Recycling (R2) Practices developed by the EPA and Recycling Industry Operating Standards (RIOS); and

WHEREAS: The Board must authorize the disposal of this equipment.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to dispose of any obsolete electronic equipment, which serves no purpose nor has any value to the Authority as determined by the Computer Department, by utilizing the no cost services of Maven Technologies, LLC.

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

Board Meeting of December 7, 2011

ITEM NO. 9

TRAVEL AUTHORIZATION - NEW YORK CITY

WHEREAS: The Buffalo Sewer Authority must be up-to-date on current environmental regulations in order to maintain compliance; and

WHEREAS: The 84th Annual Meeting of the New York Water Environment Association, Inc., (NYWEA) will be held in New York City from February 5 - 8, 2012, covering an overview of environmental requirements and aging infrastructures; and

WHEREAS: The General Manager, Secretary to the General Manager, Treatment Plant Superintendent, and Treatment Plant Administrator need to remain current with regulations affecting their respective programs; and

WHEREAS: The General Manager recommends attendance at the 84th Annual Meeting of NYWEA.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager, Secretary to the General Manager, Treatment Plant Superintendent, and Treatment Plant Administrator to travel to New York City from February 4 - 8, 2012, to attend the 84th Annual Meeting of the New York Water Environment Association, Inc., at a total cost not to exceed \$9,000.00. Funds are available in account nos. 00110104-458010, 00110104-458012, 00200104-458010, and 00200104-458012.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 10

AUTHORIZATION TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES FOR THE INSTALLATION OF A NEW DISTRIBUTED CONTROL SYSTEM (DCS) AT THE BIRD ISLAND TREATMENT PLANT FACILITY

WHEREAS: The Buffalo Sewer Authority (the Authority) has an existing plant instrumentation and control system that was installed in 1999 for the operation of the Bird Island Treatment Plant (Treatment Plant) facility. This Distributed Control System (DCS) has reached the end of its useful life; and

WHEREAS: A Consultant Selection Committee from the Authority has done extensive investigation and site visits to other wastewater facilities to research current existing instrumentation and control systems and manufacturers of those systems; and

WHEREAS: The Authority conducted a formal Request for Proposal process and solicited packages from three (3) DCS providers that would be able to install the instrumentation and control system; and

WHEREAS: The Consultant Selection Committee obtained and reviewed proposals from the three (3) DCS service providers and two (2) DCS providers were selected for follow up interviews; and

WHEREAS: Based upon proposal review and meetings with selected DCS providers the Consultant Selection Committee recommends retaining Emerson Process Management for the installation of a new DCS at the Treatment Plant.

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 Emerson Process Management to provide and install a new instrumentation and control system per the scope of Professional Services submitted at a total cost not to exceed the estimated total of \$2,700,000.00. These services will be charged to account no. 02000205-490740.

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

Board Meeting of December 7, 2011

ITEM NO. 11

AUTHORIZATION FOR PURCHASE OF SIGNAL CONVERTERS

- WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated ABB, Inc., (Instrumentation Division) the original equipment manufacturer, and/or their authorized local representative as a sole source for replacement parts, supplies, and service for all ABB Instrumentation and analytical parts; and
- WHEREAS: On November 2, 2011, the Board authorized expenditures to ABB, Inc., (Instrumentation Division) for fiscal year 2011-2012 up to \$50,000.00; and
- WHEREAS: The Treatment Plant Superintendent identified the need for replacement of signal converters in 24 flowmeters throughout the Treatment Plant in the Five Year Capital Plan; and
- WHEREAS: The Purchase Department requested and received a quote from R. L. Stone, the authorized local representative for ABB, Inc., for the purchase of these 24 signal converters in the amount of \$65,184.00, plus \$360.00 freight; and
- WHEREAS: Monies payable to date to ABB, Inc., (Instrumentation Division) for fiscal year 2011-2012 are \$5,502.00. This purchase will bring total monies payable to ABB, Inc., (Instrumentation Division) to \$71,046.00; and
- WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend this purchase and further recommend authorization for total monies payable to ABB, Inc., (Instrumentation Division) for fiscal year 2011-2012 be increased from \$50,000.00 to \$75,000.00.
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to purchase the required 24 signal converters from R. L. Stone at a total cost of \$65,184.00, plus \$360.00 freight. The Board further authorizes an increase of total monies payable to ABB, Inc., (Instrumentation Division) for fiscal year 2011-2012 from \$50,000.00 to \$75,000.00. Account no. 02000330-490740 will be charged for this purchase.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY, SR.</u>
2 ND BY	<u>MS. WILSON-DIVINCENZO</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of December 7, 2011

ITEM NO. 12

AUTHORIZATION FOR SERVICE FROM JOHNSON CONTROLS ON CHILLER NO. 2

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated Johnson Controls, the original equipment manufacturer, and/or their authorized local service representative as a sole source for replacement parts, supplies, and service for all Johnson Controls manufactured products, including York brand chillers, located at the Treatment Plant; and

WHEREAS: A quote was requested and received from Johnson Controls in the amount of \$4,100.00 for the seasonal shutdown of Chiller No. 2; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the quote and recommend this service; and

WHEREAS: Monies payable to date to Johnson Controls in fiscal year 2011-2012 for services are \$34,072.65. This service will bring the total monies payable for services to \$38,172.65; and

WHEREAS: Board approval is required on services over \$35,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to award the service on Chiller No. 2 to Johnson Controls, in the amount of \$4,100.00. Account no. 00380106-443301 will be charged for this service.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 13

REPORT ON BIDS RECEIVED - ELEVATOR MAINTENANCE

WHEREAS: The Buffalo Sewer Authority has a total of four (4) passenger elevators and one (1) freight elevator in various buildings located at the Treatment Plant; and

WHEREAS: The New York State Office of General Services currently has a Contract (Proposal No. 21340) in place for elevator maintenance. In accordance with the guidelines of this contract other government entities may utilize this contract award by completing a streamlined mini-bid utilizing eligible vendors; and

WHEREAS: Formal bids were solicited and obtained for Elevator Maintenance for these five (5) elevators for the period commencing on the date of signed agreement through June 30, 2013. The Authority, as part of this mini bid, estimated team hours and replacement parts. The following bids were received and opened by the Buffalo Sewer Authority Purchasing Department on November 10, 2011, with no response from Schindler Elevator Corporation or Thyssenkrupp Elevator Company:

	Otis Elevator Company	D.C.B. Elevator Company, Inc.	Downey-Goodlein Elevator Corporation
Total Preventive Maintenance for all units for 20 months as per specifications	\$18,000.00	\$28,500.00	\$31,160.00
Team Rate (based on estimate of 400 hours per year)	\$88,000.00 (\$220/hr.)	\$90,000.00 (\$225/hr.)	\$190,400.00 (\$476/hr.)
Parts markup (based on \$20,000 estimate per year)	\$22,000.00 (10%)	\$24,000.00 (20%)	\$23,000.00 (15%)
TOTAL BIDS	\$128,000.00	\$142,500.00	\$244,560.00

; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the bids received and recommend that a contract be awarded to the low bidder, Otis Elevator Company, at a total cost for the initial term anticipated to be nineteen months, not to exceed the prorated amount of \$191,000.00 from the period beginning on the date of the signed agreement through June 30, 2013, with an option to renew for three (3) one-year periods through June 30, 2016.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to enter into and execute a contract for Elevator Maintenance with Otis Elevator Company at a total cost not to exceed \$191,000.00 (based on 19 months) for the period of this award through June 30, 2013, with an option to renew for three (3) one-year periods through June 30, 2016. The initial encumbrance shall be for \$70,200 in fiscal year 2011-12 and \$120,800 in fiscal year 2012-13. Expenses for this contract will be charged to account nos. 00380106-443421, 00520106-443421, and 00650106-443421.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 14

REPORT ON BIDS RECEIVED - PURCHASE & INSTALLATION OF ONE (1) NEW AND UNUSED PLATFORM BODY WITH CRANE & HYDRAULICS

WHEREAS: Formal bids were advertised and solicited for the purchase and installation of one (1) new and unused platform body with crane and hydraulics. The following bids were received and opened by the Buffalo Sewer Authority on November 22, 2011:

VENDOR	Platform Truck	Hydraulics	Crane	Total Cost w/Installation
Valley Fab & Equipment, Inc.	Mfg: Tafco Equip. Co. Model: Scott Structural Heavy Duty 16-96	Mfg: Chelsea-Parker Model: 271-P16	Mfg: Maxilift – Cobra Model: 5500 H	\$36,178.00
STS Trailer & Truck Equipment	Mfg: Reading Truck Body LLC Model: OEH – 16-W	Mfg: Chelsea & Parker Model: 277X & Parker P16	Mfg: Auto Crane Model: 5005 H	\$41,658.00
Viking Cives	Mfg: Reading Model: OEH16W	Mfg: Parker Model: None provided	Mfg: Auto Crane Model: 5005	\$43,051.00
Gorman Enterprises	No Bid			

; and

WHEREAS: Upon review of the bids it was noted that there were minor deviations from the specifications within the proposals submitted by Valley Fab & Equipment, Inc. The deviations were carefully reviewed by the Director of Sewer Maintenance and staff and it was determined that the deviations actually exceeded the specifications and were therefore acceptable; and

WHEREAS: The low responsible proposal was submitted by Valley Fab & Equipment, Inc., at a total cost of \$36,178.00; and

WHEREAS: The Director of Sewer Maintenance recommends accepting the proposal of Valley Fab & Equipment, Inc., at a total cost of \$36,178.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to award the purchase and installation of one (1) new and unused platform body with crane and hydraulics from Valley Fab & Equipment, Inc., at a cost not to exceed \$36,178.00. Funds for this purchase will be charged to account no. 00690107-474200.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 16

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH BERGMANN ASSOCIATES FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) MAINTENANCE, SUPPORT, AND ENHANCEMENTS

WHEREAS: The Buffalo Sewer Authority (BSA) implemented an Enterprise Geographic Information System (GIS) in 2008; and

WHEREAS: The existing GIS is in need of maintenance, upgrading, and migration in order to run on the upcoming release of ArcGIS version 10.1 in 2012; and

WHEREAS: Bergmann Associates has compiled a team of experts in GIS development and is currently working with the City of Buffalo to update its GIS; and

WHEREAS: Bergmann Associates has submitted an engineering proposal dated November 8, 2011, for maintenance, support, and enhancement services to the BSA's Enterprise GIS; and

WHEREAS: The Secretary to the General Manager and the Senior Sanitary Engineering Supervisor will work with Bergmann Associates to identify those tasks necessary to complete the upgrade.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute an agreement with Bergmann Associates for GIS maintenance, support, and enhancement services as directed by the BSA. The cost for these services shall not exceed \$90,000.00 and will be charged to account no. 02000284-432004.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 17

PRELIMINARY UTILITY WORK AGREEMENT - NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS: The New York State Department of Transportation (NYSDOT) desires to perform work on the Broadway Street manholes and receivers, Erie County PIN 5811.70; and

WHEREAS: It is a recommendation of the NYSDOT that a Utility Work Agreement be executed by a duly authorized agent of the affected utility to allow the State of New York to perform said work within the Authority's jurisdiction; and

WHEREAS: The plans and specifications for this work have been reviewed by the Engineering Division of the Buffalo Sewer Authority; and

WHEREAS: This work will be done at no cost to the Buffalo Sewer Authority.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes and directs the General Manager to execute, on behalf of the Buffalo Sewer Authority, the above-mentioned Agreement with the New York State Department of Transportation.

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

Board Meeting of December 7, 2011

ITEM NO. 18

AUTHORIZATION TO PURCHASE VEHICLE UNDER NEW YORK STATE CONTRACT

WHEREAS: In 2006-2007 the Buffalo Sewer Authority implemented a vehicle replacement plan in order to update its current fleet and budget responsibly; and

WHEREAS: As part of this plan, the Senior Sanitary Engineering Supervisor and staff request approval to purchase the following vehicle available under New York State Contract to add to the existing fleet:

State Contract	Vendor	Vehicle	Cost
PC65030 Group No. 40450 Award No. 21910	Van Bortel Ford, Inc.	2012 4x4 Escape XLT	\$ 20,033.14
		Additional Options:	
		White Suede	0
		All Weather Mats	71.25
		Corner Hideaway Strobes	591.54
		Strobe Beacon (wired to same switch as corner strobes)	259.11
Delivery Charge			\$ 110.00
Total Vehicle Cost			\$ 21,065.04

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above vehicle from Van Bortel Ford, Inc., at a total cost of \$21,065.04. This purchase will be charged to account no. 00690107-474200.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 19

CONFIRMATION OF APPOINTMENTS

SENIOR SANITARY CHEMIST (PROVISIONAL)
SEWAGE TREATMENT PLANT
\$66,015 PER ANNUM
EFFECTIVE: NOVEMBER 7, 2011

DAWN CORDERO
26 LAURENTIAN DR.
CHEEKTOWAGA, NY

SANITARY CHEMIST (TEMPORARY)
SEWAGE TREATMENT PLANT
\$62,084 PER ANNUM
EFFECTIVE: NOVEMBER 7, 2011

ROBERT CARROLL
208 COMMONWEALTH AVE.
BUFFALO, NY

LABORER I (PERMANENT)
CHANGE OF STATUS ONLY
SEWAGE TREATMENT PLANT
\$16.39 PER HOUR
EFFECTIVE: NOVEMBER 14, 2011

WILLIAM CONROY
373 CUMBERLAND AVE.
BUFFALO, NY

LABORER I (PERMANENT)
CHANGE OF STATUS ONLY
SEWAGE TREATMENT PLANT
\$16.39 PER HOUR
EFFECTIVE: NOVEMBER 14, 2011

GREGORY REUSCH
362 OKELL ST.
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 MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 20

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>
Timothy Blake	Empire State College	<i>Managerial Perspectives in Project Management</i>	Fall 2011	\$ 1,451.00

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. ROOSEVELT
AYES 5 NOES 0

Board Meeting of December 7, 2011

ITEM NO. 21

ADJOURNMENT OF MEETINGMOTION TO APPROVEMADE BY MR. KENNEDY, SR.2ND BY MS. WILSON-DIVINCENZOAYES 5 NOES 0

Board Meeting of December 7, 2011