

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
February 16, 2011**

53375.....53410

BUFFALO SEWER AUTHORITY

February 16, 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 P. Comerford</u>	<u>General Manager</u>
<u>Oluwole A. McFoy</u>	<u>Secretary to the General Manager</u>
<u>Ronald Brown</u>	<u>Executive Secretary</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>Seema Somani</u>	<u>Improvements & Development</u>
<u>Brian Meyer</u>	<u>City of Buffalo Audit Dept.</u>
<u>Laura Surdej</u>	<u>Buffalo News</u>
	<u>Erie Co. Dept. of Sewerage</u>
Absent: <u>none</u>	

The meeting was called to order at 9:06 A.M. A quorum was present.

ITEM NO. 1

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

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

Board Meeting of February 16, 2011

ITEM NO. 2

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

February 4, 2011

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	0.45%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$37,206,009.85	Chase	0.45%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,006,923.43	Chase	0.45%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$2,765,844.56	Chase	0.45%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$33,399.69	Chase	0.45%	High Yield
SURPLUS FUND						
			\$577.42	MTB Funds		
30-Dec-10	25-Feb-11	57	\$4,394,607.93	M&T Securities	0.20%	\$1,392.07
			<u>\$4,395,185.35</u>			
NET REVENUE FUND						
			\$678.52	MTB Funds		
24-Nov-10	25-Feb-11	93	\$7,249,814.72	M&T Securities	0.17%	\$3,185.28
30-Dec-10	25-Mar-11	85	\$3,345,419.47	M&T Securities	0.20%	\$1,580.53
25-Jan-11	25-Apr-11	90	\$6,299,164.10	M&T Securities	0.18%	\$2,835.90
			<u>\$16,895,076.81</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%	

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Board Meeting of February 16, 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

12/23/2010	00520106 Maintenance Services	-\$330.00	00400106 South Services	\$330.00
12/23/2010	00520106 Maintenance Services	-\$165.00	00440106 KellyS Services	\$165.00
1/6/2011	00520105 Maintenance Supplies	-\$137.00	00380105 Incinerator Supplies	\$137.00
1/6/2011	00210105 RWWP Supplies	-\$4,348.52	00280105 SWWP Supplies	\$4,348.52
1/12/2010	00520106 Maintenance Services	-\$33,777.95	00800183 Financial Contingency	\$33,777.95
1/12/2010	00380106 Incinerator Services	-\$194,873.88	00800183 Financial Contingency	\$194,487.88
1/13/2011	00520105 Maintenance Supplies	-\$51.92	00370105 Dryer Supplies	\$51.92
1/13/2011	00520106 Maintenance Services	-\$8,342.49	00200102 Plant Supplies	\$8,342.49
1/27/2011	00520105 Maintenance Supplies	-\$25,301.92	00380105 Incinerator Supplies	\$25,301.92
1/28/2011	00520105 Maintenance Supplies	-\$4,663.00	00380105 Incinerator Supplies	\$4,663.00
1/28/2011	00520105 Maintenance Supplies	-\$19.95	00550105 IWS Supplies	\$19.95
2/1/2011	00520105 Maintenance Supplies	-\$1,420.00	00280105 SWWP Supplies	\$1,420.00
2/1/2011	00520105 Maintenance Supplies	-\$2,051.20	00380105 Incinerator Supplies	\$2,051.20
2/2/2011	00520106 Maintenance Services	-\$192,665.00	00380106 Incinerator Services	\$192,665.00
2/2/2011	00520105 Maintenance Supplies	-\$1,899.12	00380105 Incinerator Supplies	1,899.12
2/3/2011	00520105 Maintenance Supplies	-\$6,092.00	00360105 Dewater Supplies	\$6,092.00

Sewer Maintenance Division

12/23/2010	00660105 Sewer Repair Supplies	-\$5,000.00	00690105 Auto Supplies	\$5,000.00
1/13/2011	00670107 Sewer Cleaning Capital Outlay	-\$500.00	00650107 Sewer Maintenance Capital Outlay	\$500.00
1/20/2011	00670107 Sewer Cleaning Capital Outlay	-\$1,500.00	00650107 Sewer Maintenance Capital Outlay	\$1,500.00
2/4/2011	00670106 Sewer Cleaning Services	-\$1,000.00	00690106 Auto Services	\$1,000.00

General Financial Charges

1/18/2011	00800183 Financial Contingency	-\$150,000.00	00800108 Financial Charges	\$150,000.00
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Board Meeting of February 16, 2011

ITEM NO. 4

INFORMATIVE: REPORT ON THE CONDITION OF THE CAPITAL IMPROVEMENT FUND

Balance July 1, 2010 (Temporary Investments & Cash)	\$500,225.89	
Interest on Investments	1,238.25	
Transfers from Operating Fund	0	
Transfers to Operating Fund	<u>(1,273.18)</u>	500,190.96
Less: Expenditures	0	
Encumbrances	<u>0</u>	<u>0</u>
Unallocated Funds as of December 31, 2010		<u>\$500,190.96</u>
Expenditures:	_____	
Total Expenditures		<u>0</u>
Encumbrances:	_____	
Total Encumbrances		<u>0</u>
ENCUMBRANCES AND EXPENDITURES FOR 7/1/2010-12/31/2010		<u>\$0</u>

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Board Meeting of February 16, 2011

ITEM NO. 5

INFORMATIVE: REPORT ON THE CONDITION OF THE LIABILITY AND CASUALTY RESERVE FUND

The Resolution that created the Liability and Casual Reserve Fund provides that:

“The General Manager shall regularly and not less than semi-annually render to the Board a detailed report of the operation and condition of the Liability and Casualty Reserve Fund.”

Fund Balance as of June 30, 2010	\$1,009,105.42
Interest Earnings	\$2,498.60
Less: Claims Paid	<u>\$5,065.00</u>
Fund Balance as of December 31, 2010	<u>\$1,006,539.02</u>

During the period of July 1, 2010 – December 31, 2010 the B.S.A. settled 16 claims. Seven (7) claims were closed by the Law Department. Seven (7) claims were denied. Two (2) claims resulted in cash payments from the B.S.A. totaling \$5,065.00.

Total Active Claims Pending

Bodily Injury	9
Property Damage	8
Auto B.I. & P.D	0
Other Liability	<u>0</u>
Total	17

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Board Meeting of February 16, 2011

ITEM NO. 6

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On July 16, 2010, Constance O'Grady, 198 Culver Road, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for expenses she incurred due to sewer backup in her basement caused by tree roots in the main sewer; and

WHEREAS: The General Manager reviewed this Claim and determined that the Buffalo Sewer Authority is liable in this matter and recommends a settlement in the amount of \$325.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Constance O'Grady, 198 Culver Road, Buffalo, New York, in the amount of \$325.00 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of February 16, 2011

ITEM NO. 7

RESOLUTION OF THE BUFFALO SEWER AUTHORITY CONCERNING THE WAIVER OF ADMINISTRATIVE CLAIM(S) FOR THE STATLER TOWERS SEWER RELATED CHARGES, BUFFALO, NEW YORK

WHEREAS: The Buffalo Sewer Authority (the “Authority”) was created by New York Public Authorities Law (the “Public Authorities Law”) Section 1177 (the “Authority Act”) and is authorized and empowered by the Public Authorities Law Article 5, Title 8 to provide for the jurisdiction, control, possession, supervision and use of the “facilities”, as defined in Section 1176(10) of the Authority Act, including but not limited to the sewage treatment system, storm water and sewage collection system constituting the City of Buffalo’s sewer system (the “Sewer System”); and

WHEREAS: Pursuant to Section 1179 of the Authority Act, the City of Buffalo (the “City”) assigned, transferred and dedicated to the Authority the jurisdiction, control, supervision, possession and use of the Sewer System; and

WHEREAS: The City has entered into negotiations with the Trustee in the Statler Towers Bankruptcy case concerning the sale of the Statler Towers; and

WHEREAS: By resolution adopted January 25, 2011, the Common Council of the City authorized the Mayor and other City-related personnel to enter into arrangements and execute documents formally waiving certain administrative claims as described in the Council Proceedings documentation relating to the resolution; and

WHEREAS: The Authority has the ability to consider the administrative claim(s) waiver request as to sewer related charges; and

WHEREAS: The Authority is willing to authorize a waiver of sewer charges related administrative claim(s) as described and requested in the communication from the City of Buffalo’s Office of Strategic Planning, a copy of said communication being attached hereto.

NOW, THEREFORE,

BE IT RESOLVED THAT: 1. The Authority determines that the waiver of its potential administrative claim(s) in the amount of approximately \$45,325.15 (plus approximately \$559.08 in interest accruing on or about February 11, 2011 and in like but slightly higher amounts monthly thereafter as may be necessary) and the decision to do so by the Authority is made to facilitate the orderly sale of the Statler Towers to a responsible party and to further the public health, safety, welfare and economic development of the City and the State of New York, including but not limited to the creation and/or retention of a substantial number of job opportunities. The

Authority is only waiving administrative claims in Bankruptcy. No waiver of lien against the Statler Towers for unpaid sewer charges is being requested or granted.

2. The Authority does hereby authorize the General Manager of the Authority to undertake any and all actions that are necessary or appropriate to enable the Authority to waive the administrative claim(s) and facilitate the orderly sale of the Statler Towers property to a responsible party, including but not limited to the execution of a formal waiver or waivers of potential administrative claim(s) for post bankruptcy petition sewer related charges deriving from the Statler Towers and to execute such other documents as are necessary to facilitate and implement such waiver or waivers of administrative expense claims as may in the discretion of the General Manager be deemed advisable to effectuate such waiver of administrative expense claim(s); and to negotiate and establish any modifications, extensions or additional terms of such instruments and agreements by and between the Authority and any other person or entity, including any determinations of compliance or default, upon such terms and conditions reasonably acceptable to the General Manager in consultation with legal counsel to effectuate the objectives and purposes of this resolution. All actions of the General Manager and any other representative or agent of the Authority in the preparation and negotiation of the instruments, waivers and/or related agreements to facilitate the foregoing and orderly sale of the Statler Towers to a responsible party are hereby ratified, approved and confirmed.

3. This resolution shall take effect immediately.

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

Board Meeting of February 16, 2011

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

I, the undersigned Secretary of the Buffalo Sewer Authority (the "Authority"), DO HEREBY CERTIFY that I have compared the annexed extract of the minutes of the meeting of the Authority, including the resolution contained therein, held the 16th day of February, 2011, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Authority and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Authority Board had due notice of said meeting, said meeting was duly held, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was duly given in accordance with such Article 7, and there was a quorum of the members of the Authority Board present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of February, 2011.

Eleanor C. Wilson-DiVincenzo
Secretary of the Board

ITEM NO. 8

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 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.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of February 16, 2011

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 16th day of FEBRUARY, 2011; 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 16th day of FEBRUARY, 2011.

(Signature of Recording Officer)
Oluwole A. McFoy

(Official Seal)

Secretary to the General Manager
(Title of Recording Officer)

ITEM NO. 13

REPORT ON BIDS RECEIVED - ELECTRICAL POWER SUPPLY

WHEREAS: The contract with NYSEG Solutions for electrical power supply to the Treatment Plant and outlying stations will expire on June 30, 2011; and

WHEREAS: Informal bids were solicited and opened on January 25, 2011, by United Energy, the Authority's energy consultant, for electrical power supply to the Treatment Plant and outlying stations for various terms commencing on July 1, 2011:

Term	Bidder	Price per kWh
One year	GDF Suez Energy Resources, NA, Inc.	0.04620
	NYSEG Solutions, Inc.	0.04860
	Hess Energy	No bid
	Noco Energy Corporation	No bid

Two year	GDF Suez Energy Resources, NA, Inc.	0.04705
	NYSEG Solutions, Inc.	0.05026
	Hess Energy	No bid
	Noco Energy Corporation	No bid

Alternative price One year	GDF Suez Energy Resources, NA, Inc.	No bid
	NYSEG Solutions, Inc.	0.00536 plus market
	Hess Corporation	No bid
	Noco Energy Corporation	No bid

; and

WHEREAS: The bid prices include energy only. There are additional charges for transmission and distribution as regulated by NYS Public Service Commission; and

WHEREAS: United Energy recommends awarding a two-year contract for electrical power for the Treatment Plant and outlying stations to GDF Suez Energy Resources, NA, Inc., for a unit rate of \$0.04705/kWh; and

WHEREAS: The General Manager and his committee concur with the recommendation from United Energy to award a two-year contract period commencing July 1, 2011 through June 30, 2013 for electrical power for the Treatment Plant and outlying stations to GDF Suez Energy Resources, NA, Inc.; and

WHEREAS: Due to the volatile market for this commodity the Board was polled on January 14, 2011, and verbally authorized the General Manager to enter into a contract with the lowest most responsible bidder to supply electrical power at the Treatment Plant and outlying stations; and

WHEREAS: It is now necessary to formally ratify that authorization.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby formally authorizes the General Manager to enter into and execute a contract for a two-year period commencing July 1, 2011 through June 30, 2013, with GDF Suez Energy Resources, NA, Inc., to supply electrical power to the Treatment Plant and outlying stations as outlined in their bid proposal for a unit rate of \$0.04705/kWh .

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of February 16, 2011

ITEM NO. 15

CHANGE ORDER NO. 1 – CONTRACT NO. 85000008

CONTRACTOR:	ORIGINAL CONTRACT COST	\$111,250.00
Frey Electric Construction Co.	THIS CHANGE ORDER	<u>1,722.00</u>
100 Pearce Avenue	ADJUSTED CONTRACT COST	\$112,972.00
Tonawanda, New York 14150		

WORK: Hamburg Street Pump Station Stand-by Power

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Provide Variable Frequency Drive (VFD) modifications to accommodate amperage requirements.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The required VFD specifications were not known at the time of design; therefore, were not included in the contract documents. We must note that the project is substantially complete. These modifications must be performed before final acceptance and as such, no contract time considerations need to be addressed.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$1,722.00

THE TOTAL COST OF THE CHANGE ORDER OR EXTRA WORK \$1,722.00

The total INCREASE to the contract as a result of this Change Order is \$1,722.00

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements remains 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.

ITEM NO. 16

CHANGE ORDER NO. 1 – CONTRACT NO. 85000016

CONTRACTOR:	ORIGINAL CONTRACT COST	\$143,147.00
Quackenbush Company, Inc.	THIS CHANGE ORDER	<u>8,750.00</u>
495 Kennedy Road	ADJUSTED CONTRACT COST	\$151,897.00
Buffalo, New York 14227		

WORK: Continuous Emissions Monitoring System (CEMS)

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 a. Re-program each THC Analyzer to a single range (0-200 ppm) including:
- all associated software changed to PLC,OIT and CEMDAS
 - report modification
 - engineering drawing and QA/QC manual changes
 - new air system for combustion air
 - all related plumbing and fittings
 - related travel and expenses
- b. All costs related to this modification shall be performed at a cost not to exceed \$8,750.00.

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 The high range of the dual range analyzer will not meet the EPA compliance requirements. The programming will not allow compliance with CFR 40 Part 503.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$8,750.00

THE TOTAL COST OF THE CHANGE ORDER OR EXTRA WORK \$8,750.00

The total INCREASE to the contract as a result of this Change Order is \$8,750.00

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements remains unchanged.

ITEM NO. 18

AUTHORIZATION FOR ADDITIONAL SERVICES FOR CENTRIFUGES FOR FISCAL YEAR 2010-2011

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated GEA Westfalia Separator, Inc., the original equipment manufacturer, and/or their authorized local representative, as a sole source for the purchase of various replacement parts, supplies, and service on the Westfalia centrifuge located at the Treatment Plant; and

WHEREAS: On December 1, 2010, the Board of the Buffalo Sewer Authority authorized total expenditures for services payable to GEA Westfalia Separator, Inc., for fiscal year 2010-2011 in the amount of \$22,181.36; and

WHEREAS: Centrifuge No. 3 is in need of scroll repair. Upon request, GEA Westfalia Separator, Inc., submitted a quote in the amount of \$8,211.11 for all parts and labor for this repair. This repair will bring the total monies payable for services to GEA Westfalia Separator, Inc. for fiscal year 2010-2011 to \$30,392.47; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, Principal Chief Stationary Engineer, and staff recommend this needed repair and request authorization for total services payable to GEA Westfalia Separator, Inc., for fiscal year 2010-2011 in the amount of \$40,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager for scroll repair service on Centrifuge No. 3 by GEA Westfalia Separator, Inc., in the amount of \$8,211.11 and further authorizes total services payable to GEA Westfalia Separator, Inc., in the amount of \$40,000.00 for fiscal year 2010-2011.

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

Board Meeting of February 16, 2011

ITEM NO. 19

AUTHORIZATION FOR INCREASE FOR PURCHASES FROM BSP THERMAL SYSTEMS, INC., FOR FISCAL YEAR 2010-2011

WHEREAS: On July 28, 2010, the Board of the Buffalo Sewer Authority approved total purchases up to a maximum amount of \$40,000.00 from BSP Thermal Systems, Inc., the original equipment manufacturer and sole source for BSP hearth sludge incinerators installed at BSA facilities, for fiscal year 2010-2011; and

WHEREAS: Total expenditures for purchases to date to BSP Thermal Systems for sole sourced items are \$29,552.00; and

WHEREAS: Upon request by the Chief Principal Stationary Engineer, BSP Thermal Systems, Inc., submitted a quote in the amount of \$65,530.00, plus freight estimated not to exceed \$1,194.00 for the purchase of specialty bricks for Hearth No. 4; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend approval for this purchase bringing the total purchases to BSP Thermal Systems for fiscal year 2010-2011 to \$96,276.00; and

WHEREAS: Board authorization is requested to increase total purchases from BSP Thermal Systems, Inc., from \$40,000.00 to a maximum of \$105,000.00 for fiscal year 2010-2011.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to purchase the required specialty bricks for Hearth No. 4 from BSP Thermal Systems in the amount of \$65,530.00, plus freight estimated not to exceed \$1,194.00. The Board further authorizes an increase in total purchases from BSP Thermal Systems from \$40,000.00 to a maximum of \$105,000.00 for sole sourced items for fiscal year 2010-2011.

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 February 16, 2011

ITEM NO. 20

AUTHORIZATION FOR FISCAL YEAR 2010-2011 - PURCHASE OF FLOWSERVE PUMP REPLACEMENT PARTS

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated Flowserve Pump Company, the original equipment manufacturer, and/or their authorized local representative, as a sole source for parts, supplies, and service for Flowserve (formerly Ingersoll-Dresser Pump Co.) brand waste activated sludge pumps at the Treatment Plant; and

WHEREAS: The Principal Chief Stationary Engineer has determined a need for Flowserve replacement parts for Aeration's 30MN33 Flowserve brand pump, quoted at a cost of \$3,958.00, plus freight estimated not to exceed \$50.00. Also requested were replacement parts for Hamburg Station's Flowserve 16MS-1 pump and Flowserve 20MS-2 pump, and Babcock Station's Flowserve 12MVC pump quoted at a total cost of \$118,279.00, plus freight estimated not to exceed \$1,300.00; and

WHEREAS: To date \$9,093.00 has been expended for Flowserve parts for fiscal year 2010-2011; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend approval for the above purchases quoted bringing the total monies payable for Flowserve parts for fiscal year 2010-2011 to \$131,330.00, plus freight. Approval is also requested for a total expenditures for Flowserve parts for fiscal year 2010-2011 up to a maximum amount of \$150,000.00; and

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

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the needed replacement parts for the Flowserve brand pumps as indicated above at total cost of \$131,300.00, plus freight. The Board further authorizes total expenditures for Flowserve parts up to a maximum of \$150,000.00 for fiscal year 2010-2011. . These purchases will be charged to account nos. 00290105-466107, 00410105-466107, and 00430105-466107.

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

Board Meeting of February 16, 2011

ITEM NO. 24

PRELIMINARY UTILITY WORK AGREEMENT - NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS: The New York State Department of Transportation desires to perform work on the Elm-Oak Arterial (pavement milling and resurfacing), PIN 5811.57; 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 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, JR.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of February 16, 2011

ITEM NO. 25

CONFIRMATION OF APPOINTMENTS

**LABORER I (PERMANENT)
 CHANGE OF STATUS ONLY
 SEWER MAINTENANCE DEPARTMENT
 \$15.99 PER HOUR
 EFFECTIVE: DECEMBER 28, 2010**

SHAWN ESFORD
 16 SHENANDOAH RD.
 BUFFALO, NY

**EQUIPMENT OPERATOR (BSA) {TEMPORARY}
 SEWAGE TREATMENT PLANT
 \$18.32 PER HOUR
 EFFECTIVE: JANUARY 18, 2011**

KENNETH BROWN
 89 WILLIAM PRICE PKWY.
 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, SR.
 2ND BY MS. WILSON-DIVINCENZO
 AYES 5 NOES 0

Board Meeting of February 16, 2011

ITEM NO. 26

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 employees have applied for Tuition Reimbursement:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Alex Emmerson	New York State DEC	New York Wastewater Certification Course & Exam	100%	\$ 217.30
Conor Morrison	Erie Community College	Anatomy & Physiology I	50%	\$ 155.25
		Lab for Anatomy & Physiology I	50%	\$ 155.25

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$ 527.80. These Reimbursements will be charged to account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of February 16, 2011

ITEM NO. 27

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

Board Meeting of February 16, 2011