

MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
June 19, 2002

BUFFALO SEWER AUTHORITY

June 19, 2002

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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

June 13, 2002

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	MONEY MARKET		\$208,752.00	CHASE	2.12%	Erie Co.High Yield
CONSTRUCTION FUND						
08-Apr-02	MONEY MARKET		\$3,922,131.64	CHASE	2.12%	Erie Co.High Yield
SERIES 2001 BOND ANTICIPATION NOTES						
08-Apr-02	MONEY MARKET		\$5,044,217.56	CHASE	2.12%	Erie Co.High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	MONEY MARKET		\$1,289,250.57	CHASE	2.12%	Erie Co.High Yield
OPERATING FUND						
08-Apr-02	MONEY MARKET		\$2,600,000.00	CHASE	2.12%	Erie Co.High Yield
SURPLUS FUND						
25-Mar-02	28-Jun-02	95	\$2,362,665.00	CHASE	1.80%	\$11,222.66
NET REVENUE FUND						
03-Jun-02	17-Jun-02	14	\$1,000,000.00	M&T	1.70%	\$661.11
10-Jun-02	25-Jun-02	15	\$2,900,000.00	M&T	1.70%	\$2,054.17
25-Mar-02	28-Jun-02	95	\$1,200,000.00	CHASE	1.80%	\$5,700.00
01-Apr-02	28-Jun-02	88	\$6,000,000.00	M&T	1.76%	\$25,813.33
28-May-02	28-Jun-02	31	\$1,350,000.00	CHASE	1.73%	\$2,011.13
			\$12,450,000.00			
DEBT RESERVE FUND						
SERIES F						
30-Jun-01	30-Jun-02	365	\$1,224,965.63	U.S.TREAS.NOTES	6.375%	
			(1,196,000 units)			
14-Jul-93	13-Jul-03		\$7,622,950.00	CITIBANK	5.54%	
			\$8,847,915.63			

RECEIVE & FILE

ITEM NO. 3

INFORMATIVE: SEWER RENTS BASED ON ASSESSED VALUE AND COMPARISON

The Department of Assessment has fixed the following assessed valuation of property to use in the calculation of sewer rents for the 2002-2003 fiscal year. This results in the following sewer rents based on assessed value and comparison:

	SEWER RENT REQUIRED	TOTAL ASSESSED VALUE OF PROPERTY APPLICABLE FOR SEWER PURPOSES	SEWER RENT PER \$1,000 VALUE
2002-03	\$10,050,000	\$5,794,097,815	\$1.73452370
2001-02	\$10,050,000	\$5,773,592,071	\$1.74068411
change	-0-	\$20,505,744	(\$.00616041)

This report is presented to the Board for their information to be acknowledged and received and filed.

MOTION TO RECEIVE & FILE
 MADE BY MR. RICHARDSON
 2ND BY MR. KENNEDY
 AYES 4 NOES 0

Board Meeting of June 19, 2002

ITEM NO. 4

ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2002-2003"

WHEREAS: The Buffalo Sewer Authority, in the meeting of April 17, 2002, adopted a proposed amended "Schedule of Sewer Rents and Other Charges for 2002-2003" and authorized the publication of this notice, commencing April 26, 2002, once a week for three consecutive weeks, in the Buffalo News; and

WHEREAS: The thirty-day period for inspection of the Schedule, and the filing of, has now expired; and

WHEREAS: No protests were filed; and

WHEREAS: It is now in order to adopt the amended "Final Schedule of Sewer Rents and Other Charges for 2002-2003"; and

WHEREAS: Subsequent to the adoption of the proposed "Schedule of Sewer Rents and Other Charges for 2002-2003" the Buffalo Water Board proposes no change to water flat charges; and

WHEREAS: The Authority's proposed charges of 122.87 percent of flat rate water bills (regular accounts) and 191.57 percent of flat rate water bills (aged exempt accounts) can remain unchanged.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby adopts the amended "Final Schedule of Sewer Rents and Other Charges for 2002-2003", and also, that if the Buffalo Water Board subsequently revises the flat rate water charges and an adjustment in sewer rent is required, the Board hereby authorizes the General Manager to adjust the percentage accordingly.

MOTION TO APPROVE
MADE BY MR. RICHARDSON
2ND BY MSGR. GABALSKI
AYES 4 NOES 0

FINAL SCHEDULE OF SEWER RENTS**AND OTHER CHARGES****FOR 2002 - 2003**

TO PROVIDE FUNDS FOR THE FIXED CHARGES AND FOR THE OPERATION AND MAINTENANCE OF THE ENTIRE SEWER SYSTEM IN THE CITY OF BUFFALO AND ALL OF THE BUFFALO SEWER AUTHORITY FACILITIES FOR THE CONVEYANCE, TREATMENT AND DISPOSAL OF SEWAGE AND STORM WATER OPERATED BY THE BUFFALO SEWER AUTHORITY.

I. **SEWER RENTS FOR PREMISES SITUATED WITHIN THE LIMITS OF THE CITY OF BUFFALO**

(a) \$10,050,000 shall be collected from all real property in the City of Buffalo by apportioning the said amount upon such property within the City of Buffalo as the same is set down on the last completed annual assessment rolls of the City, except that no ad valorem sewer rent shall be assessed against real property exempt from real property taxes pursuant to subdivision one of section four hundred, sections four hundred four, four hundred six, four hundred twelve, four hundred eighteen, subdivision one section four hundred twenty, section four hundred forty-six, four hundred fifty-two, four hundred sixty-two and four hundred seventy-seven of the real property tax law.

(b) In the event a lot, parcel of land, building or premises, other than a city department discharging sewage, water or other liquids into the sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Buffalo Sewer Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

II. SEWER RENTS FOR PREMISES SITUATED OUTSIDE THE LIMITS OF THE CITY OF BUFFALO

(c) An annual service charge for the privilege of connecting with the facilities of the Authority, using for each \$1,000 of assessed valuation as determined on the last completed annual assessment, the same rate of \$2.32428 per \$1,000 of assessed valuation for 2002-2003.

(d) In the event a lot, parcel of land, building or premises, other than a city department discharging sewage, water or other liquids into the sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Buffalo Sewer Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

III. GENERAL PROVISIONS

(e) In the event a lot, parcel of land, building or premises discharging sewage, water or other liquids into the sewage system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board, and the quantity of water used is not measured by a water meter acceptable to the Buffalo Sewer Authority, then in each such case, the sewer charge or rental shall be 122.87 percent of the water bill for regular accounts and shall be 191.57 percent of the water bill for qualified senior citizen accounts except that no part of the sewage charge or rental shall be based on the charges for water used for lawn sprinkling and automatic sprinkling system, rock gardens and other uses of water in substantial quantities not returned to the sewage system of Buffalo Sewer Authority.

(f) In the event a lot, parcel of land, building or premises discharging sewage, water or other liquids into the sewerage system, with directly or indirectly, uses water obtained from a source other than the Buffalo Water Board, and the water so obtained is not measured by a water meter acceptable to the Buffalo Sewer Authority, then, in each such case, the owner or other interested party shall, at his own expense, furnish, install, and maintain a water meter or other water or sewage measuring device acceptable to the Buffalo Sewer Authority and the quantity of water used, as measured by said meter, or as otherwise determined, shall be used to determine the sewer charge or rental and there shall be charged an amount determined as set forth in paragraphs (c) and (e) as the case may be.

(g) In the event a lot, parcel of land, building or premises discharging sewage, water or other liquids into the sewerage system, either directly or indirectly, uses water in excess of 4,000 cubic feet per quarter year and it can be shown to the satisfaction of the Buffalo Sewer Authority, that a portion of the water as measured by the water meter does not and cannot enter the sewerage system, then the Buffalo Sewer Authority may determine in such manner as may be found practicable the percentage of metered water entering the sewerage system and the quantity of water used to determine the sewer charge or rental shall be that percentage, so determined, of the quantity of water measured by the water meter, or the Buffalo Sewer Authority may require or permit the installation of additional meters or measuring devices in such a manner as to determine the quantity of water or sewage actually entering the sewerage system, in which case the quantity of water used to determine the sewer charge or rental shall be the quantity of water actually entering the sewerage system and so determined.

(h) In the event a lot, parcel of land, building or premises discharges into the sewerage system sewage or other wastes which, in the opinion of the Buffalo Sewer Authority, contain unduly high concentrations or any substances which add to the operating costs of the sewage disposal works, then the Authority may elect to establish special rates of charge, based on the quantity of these substances, which rate of charge may be established in such manner as the Authority may elect, or it may elect to exclude such sewage or other wastes from its facilities.

(i) As a condition of a Buffalo Discharge Elimination System Permit (BPDES), as defined in the Sewer Regulations of the Buffalo Sewer Authority, a user may be required to pay an industrial waste surcharge for discharging a waste stream exhibiting a strength of waste greater than normal domestic sewage. The Industrial Waste Surcharge Formula reflecting the Treatment Plant unit costs for treatment of Biochemical Oxygen Demand (BOD₅) Total Suspended Solids (TSS) and Total Phosphate (TPO₄) is as follows:

$$\text{Surcharge} = 8.34 \text{ QMGY} (0.138 (\text{BOD}_5 - 250) + 0.168 (\text{TSS} - 250) + 0.011(\text{TPO}_4 - 15.35))$$

\$0.138 Cost/lb. for treatment of BOD₅

\$0.168 Cost/lb. for treatment of TSS

\$0.011 Cost/lb. for treatment of TPO₄

QMGY - Annual total industrial and sanitary discharge - water retention

BOD₅ - Average concentration of BOD₅ in waste stream discharged to the Buffalo Sewer Authority

TSS - Average concentration of TSS in waste stream discharged to the Buffalo Sewer Authority

TPO₄ - Average concentration of TPO₄ in waste stream discharged to the Buffalo Sewer Authority

Surchargeable concentrations are as follows:

BOD₅ - Over 250 mg/L; TSS - Over 250 mg/L; TPO₄ - Over 15.35 mg/L

This Formula shall be applied in computing the Buffalo Industrial Waste Surcharge subsequent to July 1, 2001 and ending June 30, 2002 for all users that discharge a waste stream exhibiting a strength of waste greater than normal domestic sewage. In addition, this Formula with the above rates will be used to calculate all monthly, quarterly, semiannual, and annual accounts subsequent to July 1, 2002.

(j) Any user who violates the Sewer Regulations of the Buffalo Sewer Authority or the conditions of the permits issued there under shall be subject to fines as specified in said regulations.

(k) Whenever sewage or other wastes result in conditions in the sewerage system as to cause blockage or a substantial reduction in the flow, charges for the work necessary to eliminate such blockage or reduction in flow may be made, based upon costs of labor, materials, equipment hire, insurances, and other overhead, against the property or premises that caused the discharge of such sewage or other wastes into the sewerage system.

(l) Where sewer facilities have been installed to serve improved and unimproved property and have been paid for in whole or in part by the Buffalo Sewer Authority, a charge shall be made based on a proportionate share of the original cost, determined by the foot frontage of the parcel served, or by the area of such parcels, or by such other method the Authority determines more equitable, as a condition to a permit for a connection to said sewer facilities.

(m) An application and inspection fee of \$100.00 for a residential sewer permit, a \$200.00 fee for a commercial sewer permit, and a \$300.00 fee for an industrial sewer permit shall be paid at the time said application is filed.

(n) All persons owning or operating a pump truck or other transport vehicle and desiring to discharge wastes, directly or indirectly, into sewerage facilities of the Authority shall first secure a valid Truckers Discharge Permit after paying an annual permit fee of \$100.00. In addition to said permit fee, a separate charge shall be billed based upon the quantity and character of the waste discharged and, if applicable, the point of discharge.

The following Surcharge Rates are for such wastehaulers who are located outside the City of Buffalo:

DISCHARGE LOCATION	TOTAL SUSPENDED SOLIDS	BOD ₅	TOTAL PHOSPHATE
Inlet/South Buffalo Pump	\$.2235/lb	\$.1378/lb.	\$.0159/lb.
Mixing Tank	\$.2055/lb	\$.1209/lb.	\$.0159/lb.
Thickener/Digester	\$.2118/lb	\$.1245/lb.	\$.0159/lb.

The above surcharge rates, along with costs incurred when handling, testing, conveying, and administrating each Wastehauler, will be used to determine the cost per gallon of each wastestream. The Wastehauler User Charges for various wastestreams are as follows:

1. Septage and portable toilet wastes - The rate of \$0.040 per gallon discharged will be assigned to all permitted septage and portable toilet wastehaulers.
2. Grease trap wastes - The rate of \$0.114 per gallon discharged will be assigned to all permitted grease trap wastehaulers.
3. Sludge wastes - This rate will vary dependent on strength and volume. Sludge rates will be calculated using the parameter costs for the mixing tank location.
4. Miscellaneous Wastes - This rate will vary dependent on strength of waste, volume and discharge location.

These rates will be used for all permits effective July 1, 2002.

(o) In the event a lot, parcel of land, building, structure, premises or person threatens to discharge or discharges sewage or waste into or near the Buffalo Sewer Authority's publicly owned treatment works, either directly or indirectly, which in the opinion of the Buffalo Sewer Authority will or is likely to bypass, upset, harm or endanger the facilities of the Buffalo Sewer Authority, then such person or the owner or operator of such lot, parcel of land, building, structure or premises shall pay to the Buffalo Sewer Authority charges for any and all clean up and removal costs actually incurred by the Buffalo Sewer Authority, including but not limited to labor, materials, equipment, insurances or laboratory services for the (i) containment or attempted containment of such discharge or threatened discharge, (ii) sampling and analysis of such discharge or threatened discharge, (iii) removal or attempted removal of such discharge or threatened discharge, (iv) taking of reasonable measures to prevent or mitigate damage to property, public health, safety or welfare, or (v) treatment, storage or disposal of such discharge or threatened discharge.

(p) All industrial users shall pay to the Buffalo Sewer Authority a charge for the actual costs of analysis incurred by the Buffalo Sewer Authority for the annual monitoring of any an all discharges of such industrial users.

(q) Any person who is granted a temporary permit to discharge into the facilities of the Buffalo Sewer Authority shall pay a permit fee of \$300.00 to the Buffalo Sewer Authority

as a condition of the issuance of such permit.

(r) Except as otherwise defined herein, all terms and phrases used or contained in this schedule of sewer rents shall bear the same meaning and definition as set forth in the Buffalo Sewer Authority's Sewer Use Regulations 21 N.Y.C.R.R. Part 10075.

(s) Sewer rents as herein provided shall be payable at the office of the Director of the Treasury for the City of Buffalo and shall become due as follows:

1. So much of the Sewer rents as are based upon water use shall become payable from the first day of July 1938, and shall be billed and shall become payable at the same time that water bills covering the respective premises become due and payable.
2. So much of the charge as is based upon the assessed valuation of chargeable real estate shall become payable from the first day of July 1938, and each year thereafter, and may be paid without interest on or before September 30th next succeeding.

Interest will continue to be charged at the rate of 18 percent per annum upon all Buffalo Sewer Authority billings which remain unpaid 45 days after billing date. All users shall be subject to paying reasonable costs and expenses, including attorney fees incurred in the collection of sewer rents that remain unpaid, as may be determined by the Board of the Buffalo Sewer Authority.

IV. LIEN OF SEWER RENT

From and after the due date thereof, such sewer rents shall constitute a lien upon the real property served by the facilities. Such lien shall have the same priority and superiority as the lien of the general tax of the City.

V. EFFECTIVE DATE OF THIS AMENDED SCHEDULE

This amended schedule of sewer rents shall become effective July 1, 2002.

Provided, however, that the sewer rents herein set forth, applicable to water use, shall become effective on all billings on and after August 1, 2002, excepting only monthly metered accounts for July 2002, and Section "W" of the quarterly metered accounts for the period May, June, and July 2002, which shall be billed at the rents in effect prior to July 1, 2002.

ITEM NO. 6

CLAIM AGAINST LIABILITY CASUALTY RESERVE FUND

WHEREAS: On November 30, 2001, Reva W. Betha of 25 Blaine Avenue, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damage sustained to her vehicle's front passenger side tire and hubcap when she struck a broken curb box in front of 84 Fernhill. The total amount of this Claim is \$125.55; and

WHEREAS: The Claim was forwarded to the City of Buffalo Law Department. The Law Department determined that there was some liability on the part of the Buffalo Sewer Authority. A total settlement of \$70.00 was recommended by the General Manager and accepted by Reva W. Betha.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Reva W. Betha, 25 Blaine Avenue, Buffalo, New York, in the amount of \$70.00 as a final settlement to the Claim filed November 30, 2001. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE
MADE BY MR. RICHARDSON
2ND BY MR. KENNEDY
AYES 4 NOES 0

Board Meeting of June 19, 2002

ITEM NO. ~~7~~[Insert the ITEM NO.]**ADJUSTMENT OF SEWER RENT**

WHEREAS: In accordance with the Resolution adopted on December 15, 1982, requests for sewer rent cancellations, adjustments or refunds in excess of \$400.00 must be submitted to the Board for its consideration and action; and

WHEREAS: Laurence E. Piselli, The Administrator of Waterfront Healthcare Center (Kaleida Health), ~~Laurence E. Piselli, of the premises), for the premises~~ located at 180-200 Seventh Street, Buffalo, NY, requests an adjustment of sewer rent based on water use for the period ~~from of~~ November 2001 through February 2002, ~~for in the amount of~~ \$37,533.00 in sewer arrears and \$2,160.09 in penalty; and

WHEREAS: Upon receiving a water bill in November 2001, that was approximately 500-600 percent higher than their average, Kaleida contacted Joseph Davis Mechanical to inspect these premises. Upon their inspection, it was determined that ~~their~~the main waterline had ruptured, resulting in the excessively high water bill; and

WHEREAS: A review of this account by Buffalo Sewer Authority staff recommends the requested adjustment of sewer rent arrears and penalty.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes and directs the General Manager to reduce ~~the sewer-water rent based, on water use the water sewer rent billing by~~ in the amount of \$37,533.00 in sewer arrears and \$2,160.09 in penalty for the premises located at 180-200 Seventh Street for the period ~~of~~ November 2001 through February 2002.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. RICHARDSON

AYES 4 NOES 0

Board Meeting of ~~May 29, 2002~~June 19, 2002

ITEM NO. 10

CONTRACT APPROVAL - SELF INSURED WORKERS' COMPENSATION PROGRAM

WHEREAS: The use of a professional claims management company is necessary for the successful continuation of the Buffalo Sewer Authority's self insured Workers' Compensation Program; and

WHEREAS: The Buffalo Sewer Authority has received a proposal from Naples Claims Management, Inc., a member of the Joseph J. Naples Companies, to extend the Workers' Compensation Administrative Agreement for a one-year period beginning July 1, 2002, and ending June 30, 2003, for a fee of \$29,000; and

WHEREAS: The Director of Employee Relations and her committee recommend renewing this Agreement.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the proposal from Naples Claims Management, Inc., to extend the Workers' Compensation Administrative Agreement for a one-year period at a cost of \$29,000 and authorizes the General Manager to enter into an Agreement with Naples Claim Management, Inc., for this service. This expense will be charged to account nos. 00110108-452000, 00200108-452000, and 00650108-452000 on a pro-rata basis.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY</u>
2 ND BY	<u>MR. RICHARDSON</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of June 19, 2002

ITEM NO. 12

CONTRACT APPROVAL – LEGAL SERVICES

WHEREAS: The Buffalo Sewer Authority has many complex labor relations matters that require the skill of a special labor relations attorney; and

WHEREAS: James N. Schmit of Damon & Morey has extensive experience in these areas; and

WHEREAS: The Buffalo Sewer Authority wishes to continue to utilize his expertise and services; and

WHEREAS: The General Manager and the members of his committee recommend the approval of this contract.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain, on an as-needed basis, the services of Mr. James N. Schmit, of Damon and Morey, to provide legal services as required. Mr. Schmit shall be compensated at the rate of one hundred fifty dollars (\$150.00) per hour and associate attorneys shall be compensated at the rate of one hundred twenty-five dollars (\$125.00) per hour to a maximum of \$65,000. This agreement will be for the fiscal year beginning on July 1, 2002, and ending on June 30, 2003. The cost for these services will be charged to account no. 00110106 – 432003.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MSGR. GABALSKI

AYES 4 NOES 0

Board Meeting of June 19, 2002

ITEM NO. 13

CONTRACT APPROVAL – LEGAL SERVICES

WHEREAS: The Buffalo Sewer Authority has many complex regulatory, enforcement, and environmental matters that require the skills of a specialized attorney; and

WHEREAS: Charles Mortorana, of Hiscock & Barclay, has extensive experience in these areas. Mr. Mortorana also represents the Buffalo Sewer Authority in litigation and arbitration matters with American Water Services; and

WHEREAS: The Buffalo Sewer Authority wishes to continue to utilize his expertise and services; and

WHEREAS: The General Manager and the members of his committee recommend approval to continue to retain Charles Mortorana, of Hiscock & Barclay, for legal services on an as-needed basis for the fiscal year beginning July 1, 2002 through June 30, 2003.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to continue to retain Charles Mortorana, of Hiscock & Barclay, for legal services on an as-needed basis for the fiscal year beginning July 1, 2002 through June 30, 2003. Mr. Mortorana shall be compensated at the rate of \$165.00 per hour to a maximum of \$80,000.00. Expenses for these legal services will be charged to account no. 00550106-432003.

MOTION TO APPROVE

MADE BY MSGR. GABALSKI

2ND BY MR. RICHARDSON

AYES 4 NOES 0

Board Meeting of June 19, 2002

ITEM NO. 15

REPORT ON BIDS RECEIVED - PURCHASE OF FERROUS CHLORIDE

WHEREAS: Formal bids were advertised and solicited for the purchase of ferrous chloride for use at the Treatment Plant. The following bids were received and opened by the Buffalo Sewer Authority on May 16, 2002:

Eaglebrook, Inc.	\$.1790 per gallon
Riverside Chemical	\$.553 per gallon
; and	

WHEREAS: The Treatment Plant Superintendent reviewed the bids and recommends awarding a contract to Eaglebrook, Inc.; and

WHEREAS: In order to facilitate this contract by its terms, the Board was polled on May 29, 2002, and authorized the General Manager to enter into and execute a contract with Eaglebrook, Inc., to provide ferrous chloride for use at the Treatment Plant for a one-year period; 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 with Eaglebrook, Inc., to provide ferrous chloride for use at the Treatment Plant for a one-year period beginning July 1, 2002 to June 30, 2003, at a cost of \$.1790 per gallon, up to a maximum amount of \$57,600.00, with an option to renew for two (2) one-year periods if agreeable to both the Buffalo Sewer Authority and Eaglebrook, Inc. Expenses for this contract will be charged to account no. 00360105-467044.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MSGR. GABALSKI</u>
2 ND BY	<u>MR. RICHARDSON</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of June 19, 2002

ITEM NO. 18

REPORT ON BIDS RECEIVED - PURCHASE OF FORKLIFT TRUCK AND LOW-LIFT PALLET TRUCKS

WHEREAS: Formal bids were advertised and solicited for one (1) new and unused forklift truck and two (2) new and unused low-lift pallet trucks for use at the Treatment Plant. The following bids were received and opened by the Buffalo Sewer Authority on June 7, 2002:

	E. D. Farrell <u>Co., Inc.</u>	United Services <u>Group, Inc.</u>	<u>BMH Corp.</u>
Forklift truck	\$14,655.00	\$14,539.00	\$15,573.00
Low-lift pallet trucks	<u>5,950.00</u>	<u>7,668.00</u>	<u>8,850.00</u>
Total cost	\$20,605.00	\$22,207.00	\$24,423.00

; and

WHEREAS: The Treatment Plant Superintendent and Superintendent of Mechanical Maintenance reviewed the bids and recommend purchase of the above from the low bidder, E. D. Farrell Co., Inc., with the addition of two (2) 48" load backrests, omitted in the original bid, for an additional cost of \$378.00 each, revising the total bid to \$21,361.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase one (1) new and unused forklift truck and two (2) new and unused low-lift pallet trucks from E. D. Farrell Co., Inc., for use at the Treatment Plant at a total revised cost of \$21,361.00. This purchase will be charged to account no. 00520107-474200.

MOTION TO	<u>TABLE</u>
MADE BY	<u>MR. RICHARDSON</u>
2 ND BY	<u>MR. KENNEDY</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of June 19, 2002

ITEM NO. 19

AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR CLARIFIER PERFORMANCE EVALUATION

WHEREAS: The Buffalo Sewer Authority has installed new sludge collection equipment in two of their sixteen Final Clarifiers and plans to install this new equipment in the remaining fourteen Final Clarifiers over the next three to four years; and

WHEREAS: The New York State Department of Environmental Conservation (NYSDEC) and the Buffalo Sewer Authority would like to assess the performance of the new clarifier equipment in contrast with the existing clarifier performance prior to any further installations; and

WHEREAS: CPE Services, Inc., is the recognized expert in clarifier technology having the knowledge for analyzing and optimizing clarifier performance. CPE Services, Inc., conducted an evaluation of the Authority's Final Clarifiers in 1998 and has submitted a proposal for a performance evaluation of the two modified clarifiers at a cost of \$23,500.00 which would serve as a continuation of that study; and

WHEREAS: The Treatment Plant Superintendent and his staff reviewed this proposal and recommend authorization to enter into an agreement with CPE Services, Inc.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute an agreement with CPE Services, Inc., for a performance evaluation of the two updated clarifiers at a cost of \$23,500.00. Funds for this agreement shall be charged to account no. 00200106-432004.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY</u>
2 ND BY	<u>MR. RICHARDSON</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of June 19, 2002

ITEM NO. 21

AUTHORIZATION TO PURCHASE REPAIR MANUALS & LEAK CHECK SMOKE MACHINE

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

WHEREAS: The Buffalo Sewer Authority’s mechanics are in need of updated automobile repair manuals for the current fleet and a leak check smoke machine to assist with mechanical diagnoses and repairs; and

WHEREAS: Snap-On Tools has an informal price agreement (#0137) with the City of Buffalo; and

WHEREAS: The Director of Sewer Maintenance and the Motor Equipment Mechanics recommend the purchase of the following at a total cost of \$11,121.64:

- | | |
|--|-------------|
| (1) SK Repair Dom & IMP 32 DVD
5 Year Government Version manuals | \$ 7,412.32 |
| (1) 5 Year Heavy Truck repair single 16 Bit
Government version repair manuals | \$ 2,414.32 |
| (1) Leak Check Smoke Machine #EELD105B | \$ 1,295.00 |

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above automotive repair manuals and leak check smoke machine #EELD105B from Snap-On Tools at a total cost of \$11,121.64. Funds are available in account no. 00690107-474100.

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MR. KENNEDY</u>		
2 ND BY	<u>MR. RICHARDSON</u>		
AYES	<u>4</u>	NOES	<u>0</u>

Board Meeting of June 19, 2002

ITEM NO. 23

CONTRACT NO. 84100010

FINAL ADJUSTMENT

CONTRACTOR: E & R General Construction, Inc. 38 St. David's Drive W. Seneca, New York 14224	CONTRACT COST	\$58,850.00
	FINAL ADJUSTMENT	<u>(4,750.50)</u>
	FINAL CONTRACT COST	\$ 54,099.50

WORK: Storm Sewer Installation in Imson Street and Babcock Street

DESCRIPTION OF FINAL ADJUSTMENT

Bids were received on a basis of estimated quantities at unit and lump sum prices, and the contract was awarded on the basis to be paid for the work constructed.

In conformity with the stipulation in the contract documents, actual quantities for the items have been measured in the field, and on the basis of these measurements, the total adjusted price is DECREASED by \$4,750.50, making the final contract price \$54,099.50.

WHEREAS: Buffalo Sewer Authority staff has reviewed the final adjustment and recommends its approval; and

WHEREAS: The Contractor completed the work on May 6, 2002, and the final inspection was held by the Buffalo Sewer Authority on May 6, 2002.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the final adjustment for the Storm Sewer Installation in Imson Street and Babcock Street as written in the above Agenda Item, making the final contract cost \$54,099.50.

MOTION TO APPROVEMADE BY MR. RICHARDSON2ND BY MSGR. GABALSKIAYES 4 NOES 0

Board Meeting of June 19, 2002

ITEM NO. 24

CONTRACT NO. 84100010

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: Storm Sewer Installation in Imson Street and Babcock Street

BID: \$58,850.00

CONTRACTOR: E & R General Construction, Inc.
38 St. David's Drive
W. Seneca, New York 14224

WHEREAS: The staff of the Buffalo Sewer Authority has certified that the Contractor completed the work in accordance with the plans and specifications on May 6, 2002.

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 completed and is accepted;
- b. The date of entrance and occupancy be fixed as of May 6, 2002;
- c. The maintenance period commence on May 6, 2002;
- d. Final payment be made to the Contractor in the amount of \$5,409.95, decreased \$4,750.50 by final adjustment, making the final cost of the contract \$54,099.50.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. RICHARDSON

AYES 4 NOES 0

Board Meeting of June 19, 2002

ITEM NO. 25

CHANGE ORDER NO. 1 – CONTRACT NO 84100019

CONTRACTOR:	ORIGINAL CONTRACT COST	\$99,770.00
Sterling Refractory	PREVIOUS CHANGE ORDER	0.00
120 Michigan Avenue	THIS CHANGE ORDER	<u>52,500.00</u>
Buffalo, New York 14203	ADJUSTED CONTRACT COST	\$152,270.00

WORK: Incinerator #3 Rehabilitation

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Removal of unburned sludge.
- Item #2 Replacement of 20 burner jackets.

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 There is raw unburned sludge in the incinerator that needs to be removed before we can proceed with many aspects of our project.
- Item #2 The blue prints for the burners show a definite separation between the burner refractory and the burner jacket refractory. This makes it possible to tear out the burners without tearing out the jackets. The burners and the jackets were poured as one piece during the last #3 rehabilitation project. Because they are poured as one, the burners are thicker and deeper. The jackets are also deeper and are not correctly contoured to the walls of the incinerator. The Buffalo Sewer Authority cannot supply factory replacement forms for this application. Therefore, in order to proceed with this project, the 20 burner jackets need to be replaced while doing the burners. They will be replaced according to the manufacturers blue prints.

COST OF CHANGE OR EXTRA WORK:

- Item #1 \$ 1,500.00
- Item #2 \$ 51,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$52,500.00

The total INCREASE to the contract as a result of this Change Order is \$52,500.00

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.
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.

WHEREAS: Due to the necessity to expedite this Change Order, the Board was polled and verbally authorized this Change Order on June 11, 2002; 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 approves Change Order No. 1 to contract no. 84100019 as written in the above Agenda Item, increasing the contract cost in the amount of \$52,500.00, making the adjusted contract cost \$152,270.00.

MOTION TO APPROVE

MADE BY MR. RICHARDSON

2ND BY MSGR. GABALSKI

AYES 4 NOES 0

ITEM NO. 27

REPORT ON BIDS RECEIVED - BIRD ISLAND SEWAGE TREATMENT PLANT PURCHASE AND INSTALLATION OF ONE NEW/UNUSED EXTERNALLY HEATED REGENERATIVE COMPRESSED AIR DRYER

WHEREAS: Formal bids were advertised and solicited for the Bird Island Sewage Treatment Plant Purchase and Installation of One New/Unused Externally Heated Regenerative Compressed Air Dryer. The following bid was received and opened by the Buffalo Sewer Authority on June 10, 2002:

Kinequip, Inc. \$39,899.00
; and

WHEREAS: This proposal was received, and the contract will be awarded on the basis of a lump sum bid; and

WHEREAS: The low bid by Kinequip, Inc., reflects the true amount of the contract bid; and

WHEREAS: The staff of the Buffalo Sewer Authority reviewed the bids and recommends accepting the low bid and awarding the contract to Kinequip, Inc.

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 Kinequip, Inc., for the Purchase and Installation of One New/Unused Externally Heated Regenerative Compressed Air Dryer for \$39,899.00. Expenses for this contract will be charged to account no.00380107-474080.

MOTION TO APPROVE
MADE BY MR. KENNEDY
2ND BY MR. RICHARDSON
AYES 4 NOES 0

Board Meeting of June 19, 2002

ITEM NO. 28

REQUEST FOR LEAVE WHILE ON UNION BUSINESS

WHEREAS: The General Manager has received the following communication from the President of CSEA Local 815:

“May 17, 2002

Mr. Anthony A. Hazzan
General Manager
Buffalo Sewer Authority
1038 City Hall
Buffalo, NY 14202

Dear Tony,

As President of the Sewer Unit of C.S.E.A., I am being sent to the Region VI meeting in Geneva, N.Y., on Friday, June 14, and Saturday, June 15, 2002.

I will need Friday, June 14, 2002, to attend. I am asking for Board approval as per our union contract for Union Business.

Very truly yours,

Richard Stoddard, Sr. /s/
President
CSEA Buffalo Sewer Unit”

MOTION TO APPROVE
MADE BY MR. RICHARDSON
2ND BY MR. KENNEDY
AYES 4 NOES 0

Board Meeting of June 19, 2002

ITEM NO. 29

TUITION ASSISTANCE

WHEREAS: In accordance with the Agreement 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>
Alan Emke	Buffalo State College	Conservation	Summer 2002	\$411.00
Alan Emke	Buffalo State College	Workshop Crafts	Summer 2002	\$411.00

WHEREAS: No funds will be expended at this time.

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

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. RICHARDSON

AYES 4 NOES 0

Board Meeting of June 19, 2002

ITEM NO. 30

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 Reimbursements:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Nicholas Majkowski	Lancaster Senior High	Intro to Computers I	50%	\$25.00
James Stephens	20 th Greater Buffalo Environmental Conference		100%	\$130.00
Joseph Cordaro	20 th Greater Buffalo Environmental Conference		100%	\$75.00
Joseph Cordaro	Erie Community College	Intro to College Chem I	50%	\$203.12
Joseph Cordaro	Erie Community College	General Chemistry Organic/Bio	50%	\$196.38
George Giambrone	20 th Greater Buffalo Environmental Conference		100%	\$130.00

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$759.50. These Reimbursements will be charged to Account No. 00800108 – 480214.

MOTION TO APPROVE
MADE BY MR. RICHARDSON
2ND BY MSGR. GABALSKI
AYES 4 NOES 0

Board Meeting of June 19, 2002

49333

ITEM NO. 31

ADJOURNMENT OF MEETING

MOTION TO _____ APPROVE _____

MADE BY _____ MR. KENNEDY _____

2ND BY _____ MR. RICHARDSON _____

AYES _____ 4 _____ NOES _____ 0 _____

Board Meeting of June 19, 2002