

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
September 10, 2003**

BUFFALO SEWER AUTHORITY

September 10, 2003

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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ITEM NO. 2

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

August 26, 2003

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	MONEY MARKET		\$ 500,000.00	CHASE	1.31%	Erie Co.High Yield
CONSTRUCTION FUND						
08-Apr-02	MONEY MARKET		\$ 9,251,637.79	CHASE	1.31%	Erie Co.High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	MONEY MARKET		\$ 1,243,371.50	CHASE	1.31%	Erie Co.High Yield
OPERATING FUND						
08-Apr-02	MONEY MARKET		\$ 3,700,000.00	CHASE	1.31%	Erie Co.High Yield
TRUST & AGENCY FUND						
06-May-02	MONEY MARKET		\$ 16,361.19	CHASE	1.31%	Erie Co.High Yield
SURPLUS FUND						
30-Jun-03	31-Dec-03	184	\$2,844,971.84	M&T Securities	0.96%	\$14,028.16
NET REVENUE FUND						
25-Aug-03	25-Sep-03	31	\$500,577.21	M&T Securities	0.98%	\$422.79
25-Jul-03	23-Oct-03	90	\$7,621,282.00	M&T Securities	0.98%	\$18,718.00
25-Aug-03	22-Dec-03	119	\$2,999,851.28	M&T Securities	1.02%	\$10,148.72
30-Jun-03	31-Dec-03	184	\$5,320,764.05	M&T Securities	0.96%	\$26,235.95
			\$16,442,474.54			
DEBT RESERVE FUND						
30-Jun-03	30-Jun-04	366	\$1,179,697.42 (1,157,000.00 par)	SERIES F U.S.TREAS.NOTES	0.900%	\$16,631.87 (12/31/03)
15-Aug-03	22-Sep-03		\$7,623,106.16	SERIES G M&T Securities	0.98%	\$7,893.84
13-Mar-03	15-Apr-32		\$2,825,593.00	SERIES H SLG	4.345%	
			\$11,628,396.58			
CONSTRUCTION FUND						
SERIES H						
31-Jul-03	28-Aug-03	28	\$2,191,311.39	M&T Securities	0.99%	\$1,688.61
07-Aug-03	04-Sep-03	28	\$3,465,302.67	M&T Securities	1.00%	\$2,697.33
14-Aug-03	11-Sep-03	28	\$4,564,447.11	M&T Securities	1.00%	\$3,552.89
21-Aug-03	18-Sep-03	28	\$4,738,348.66	M&T Securities	0.99%	\$3,651.34
			\$14,959,409.83			

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ITEM NO. 3

**INFORMATIVE: REPORT ON THE CONDITION OF THE
CAPITAL IMPROVEMENT FUND**

Balance July 1, 2002					\$ 515,355.10		
(Temporary Investments & Cash)							
Interest on Investments					573.36		
Transfers from Operating Fund					73,306.21		
Transfers to Operating Fund					(573.36)		
							588,661.31
Less: Expenditures					88,661.31		
Encumbrances					-		88,661.31
Unallocated Funds as of June 30, 2003							<u>\$ 500,000.00</u>
Expenditures:							
Two main transformer load tap changers			Maintenance		88,661.31		
Total Expenditures							88,661.31
Encumbrances:							
Total Encumbrances							<u>0.00</u>
ENCUMBRANCES AND EXPENDITURES FOR 7/1/02 - 6/30/03							<u>\$ 88,661.31</u>

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ITEM NO. 4

ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2003-2004"

WHEREAS: The Buffalo Sewer Authority, in the meeting of July 23, 2003, adopted a proposed amended "Schedule of Sewer Rents and Other Charges for 2003-2004" and authorized the publication of this notice, commencing August 1, 8 & 15, 2003, 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 2003-2004"; and

WHEREAS: Subsequent to the adoption of the proposed "Schedule of Sewer Rents and Other Charges for 2003-2004" the Buffalo Water Board proposes no change to water flat charges; and

WHEREAS: The Authority's proposed charges of 109.90 percent of flat rate water bills (regular accounts) and 171.35 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 2003-2004", 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. NAPLES _____

2ND BY MR. RICHARDSON _____

AYES 5 NOES 0

Board Meeting of September 10, 2003

FINAL SCHEDULE OF SEWER RENTS
AND OTHER CHARGES
FOR 2003-2004

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) \$12,050,000 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 \$2.71239 per \$1,000 of assessed valuation for 2003-2004.

(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 109.90 percent of the water bill for regular accounts and shall be 171.35 percent of the water bill for qualified senior citizen accounts.

(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:

$$\text{Surcharge} = 8.34 \text{ QMGY} (0.134 (\text{BOD}_5\text{-250}) + 0.132 (\text{TSS-250}) + 0.013(\text{TPO}_4\text{-15.35}))$$

\$0.134 Cost/lb. for treatment of BOD₅

\$0.132 Cost/lb. for treatment of TSS

\$0.013 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, 2002 and ending June 30, 2003 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, 2003.

(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	\$0.1996/lb	\$0.2007/lb.	\$0.0188/lb.
Mixing Tank	\$0.1739/lb	\$0.1013/lb.	\$0.0188/lb.
Thickener/Digester	\$0.1821/lb	\$0.1058/lb.	\$0.0188/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 \$0.030 per gallon discharged will be assigned to all permitted septage and portable toilet wastehaulers.
2. Grease trap wastes - The rate of \$0.10 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, 2003.

(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, and if not paid by such date shall be charged at a rate of 18% per annum.

Except as provided in III (s) (2), interest will continue to be charged at the rate of 18 percent per annum, or at the same rate as unpaid City taxes, as may be determined by the Board of the Buffalo Sewer Authority upon Buffalo Sewer Authority billings based upon water use (i) if issued quarterly which remain unpaid 30 days after the billing date (ii) if issued monthly which remain unpaid 30 days after the billing date and (iii) all other Buffalo Sewer Authority billings which remain unpaid 45 days after billing date.

(t) 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. In addition to any other remedy or provision hereof, the Buffalo Sewer Authority reserves the right to engage in such collection activities, as it deems appropriate, for all accounts that remain unpaid after 30 days of the billing date. In consideration of such collection activities and to defray the cost thereof, the user shall pay an additional charge of 21% of the amount of each such account, together with interest as provided herein, that remains unpaid for more that (i) one hundred twenty (120) days from the due date for metered accounts, and (ii) two hundred ten (210) days from the due date for the flat rate accounts. Due date, as used herein, means the date that the Buffalo Sewer Authority's sewer rent and charges are due and payable pursuant to III (s) (1) and III (s) (2), herein, respectively.

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, 2003.

Provided, however, that the sewer rents herein set forth, applicable to water use, shall become effective on all billings on and after August 1, 2003, excepting only monthly metered accounts for July 2003, and Section "W" of the quarterly metered accounts for the period May, June, and July 2003, which shall be billed at the rents in effect prior to July 1, 2003.

ITEM NO. 5

THE NINTH SUPPLEMENTAL SEWER SYSTEM REVENUE BOND RESOLUTION
SEWER SYSTEM REVENUE BONDS, SERIES I

EXTRACT OF MINUTES
Meeting of the Buffalo Sewer Authority
of the City of Buffalo, County of Erie, New York
September 10, 2003

A regular meeting of the Buffalo Sewer Authority of the City of Buffalo, in the County of Erie, New York, was held at City Hall, Buffalo, New York, on September 10, 2003, at 9:00 o'clock A.M. (Prevailing Time)

There were present: 16

Members: 5

There were absent: 0

Also present:11

Member Naples offered the following resolution and offered its adoption:

2ND BY _____ MR. KENNEDY _____
AYES _____ 5 _____ NOES _____ 0 _____

Board Meeting of September 10, 2003

BUFFALO SEWER AUTHORITY

**Ninth Supplemental Sewer System Revenue Bond Resolution
Authorizing \$48,375,000
Sewer System Revenue Bonds, Series I**

Adopted: September 10, 2003

BUFFALO SEWER AUTHORITY

Ninth Supplemental Sewer System Revenue Bond Resolution
Authorizing \$48,375,000
Sewer System Revenue Bonds, Series I

BE IT RESOLVED by the Board of the Buffalo Sewer Authority (the "Authority") as follows:

ARTICLE I

DEFINITIONS AND AUTHORITY

Section 101. Short Title. This resolution may hereafter be cited by the Authority and is herein referred to as the Ninth Supplemental Resolution.

Section 102. Definitions.

(A) All terms which are defined in Section 102 of the resolution adopted by the Authority on June 29, 1977 and entitled "Sewer System Revenue Bond Resolution" (as heretofore amended by the provisions of Article V of the Seventh Supplemental Sewer System Revenue Bond Resolution adopted by the Authority on May 3, 1993, the "Resolution"), shall have the same meanings, respectively, in this Ninth Supplemental Resolution as such terms are given in said Section of the Resolution.

(B) In this Ninth Supplemental Resolution:

"Bond Insurance Policy" means the insurance policy issued by the Bond Insurer guaranteeing the scheduled payment of principal of and interest on the Series I Bonds when due.

"Bond Insurer" means Financial Security Assurance Inc., a New York stock insurance company, or any successor thereto or assignee thereof.

"Ninth Supplemental Resolution" means this Ninth Supplement Sewer System Revenue Bond Resolution.

"Series G Bond Depository Trust Agreement" means the Series G Bond Depository Trust Agreement between the Authority and Manufacturers and Traders Trust Company, as Trustee, in substantially the form attached as Exhibit A hereto.

"Series G Bonds" means the Sewer System Revenue Bonds, Series G, authorized by Article II of the Seventh Supplemental Sewer System Revenue Bond Resolution, duly adopted by the Authority on May 3, 1993.

“Series I Bonds” means the Sewer System Revenue Bonds, Series I, authorized by Article II of this Ninth Supplemental Resolution.

Section 103. Authority for This Ninth Supplemental Resolution. This Ninth Supplemental Resolution is adopted pursuant to the provisions of the Act and the Resolution.

Section 104. Resolution to Constitute Contract. In consideration of the purchase and acceptance of the Series I Bonds by those who shall own the same from time to time, and in consideration of the provision of the Bond Insurance Policy by the Bond Insurer, the provisions of this Ninth Supplemental Resolution and the Resolution (including the amendments thereto) shall be a part of the contract of the Authority with the owners of Series I Bonds and the Bond Insurer, and shall be deemed to be and shall constitute a contract among the Authority, the Trustee, the Bond Insurer, and the owners from time to time of the Series I Bonds.

ARTICLE II

AUTHORIZATION AND TERMS OF SERIES I BONDS

Section 201. Ninth Supplemental Resolution. This Ninth Supplemental Resolution is supplemental to, and is adopted in accordance with, Article II and Article VIII of the Resolution.

Section 202. Principal Amount, Designation and Series. Pursuant to the provisions of the Resolution, a Series of Bonds (the "Series I Bonds") entitled to the equal benefit, protection and security thereof is hereby authorized and shall be issued in an aggregate principal amount of \$48,375,000. The Series I Bonds shall be designated as, and shall be distinguished from the Bonds of all other Series by the title, "Sewer System Revenue Bonds, Series I".

Section 203. Purposes. The Series I Bonds are issued to provide moneys for the refunding of all of the Series G Bonds currently outstanding, amounting to \$49,225,000 in principal amount, to fund the Debt Reserve Fund to satisfy the Debt Reserve Requirement and to pay the Costs of Issuance of the Series I Bonds, all in accordance with the refunding financial plan attached hereto as Exhibit B.

Section 204. Date, Maturities and Interest Rates. (A) The Series I Bonds shall be dated September 1, 2003, and shall bear interest from their date. The Series I Bonds shall mature on July 1 of the years, in the principal amounts, and shall bear interest payable on January 1 and July 1 of each year commencing January 1, 2004, at the respective rates per annum show below:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2004	\$5,385,000	2.500%
2005	\$1,900,000	2.000%
2005	\$3,160,000	4.000%
2006	\$2,000,000	2.000%
2006	\$3,215,000	4.000%
2007	\$2,000,000	2.250%
2007	\$3,390,000	4.250%
2008	\$1,730,000	2.625%
2008	\$3,860,000	4.500%
2009	\$1,305,000	3.000%
2009	\$4,500,000	4.500%
2010	\$1,460,000	3.400%
2010	\$4,585,000	5.000%
2011	\$2,000,000	3.625%
2011	\$4,335,000	5.000%
2012	\$1,500,000	3.750%
2012	\$2,050,000	5.000%

(B) Interest on the Series I Bonds shall be computed on the basis of a 360-day year of twelve 30-day months. Notwithstanding anything herein to the contrary, the interest rate borne by the Series I Bonds shall not exceed the maximum permitted by law.

Section 205. Form, Denominations, Numbers and Letters. The Series I Bonds maturing in any particular year shall be issued in the form of fully registered bonds, in the denomination of \$5,000

or any multiple thereof not exceeding the aggregate principal amount of Series I Bonds maturing in such year.

Section 206. Registration and Transfer of the Series I Bonds. (A) The Series I Bonds shall be initially issued in the form of a separate single authenticated fully registered bond in the amount of each separate stated maturity of the Series I Bonds in the registry books of the Authority in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), the Securities Depository with respect to the Series I Bonds, and the Series I Bonds will be deposited with DTC to be held in trust until maturity. Purchases of ownership interests in the Series I Bonds will be made in book-entry form in denominations of \$5,000 or any integral multiples thereof. Any Authorized Officer is hereby authorized to enter into an agreement with the Securities Depository for the Series I Bonds in order to carry out the provisions of this Ninth Supplemental Resolution with respect to the use of the Securities Depository. Beneficial owners of the Series I Bonds will not receive certificates representing their interest in the Series I Bonds. Unless the Authority determines otherwise, transfers or exchanges of ownership interest in the Series I Bonds may be accomplished via book-entry transactions only, as recorded through the book-entry system established and maintained by DTC or a successor depository. Any provisions of the Resolution inconsistent with book-entry-only Bonds shall not be applicable to the Series I Bonds.

(B) The Authority and the Trustee shall have no responsibility or obligation to any participant or to any beneficial owner. Without limiting the immediately preceding sentence, the Authority and the Trustee shall have no responsibility or obligation with respect to (i) the accuracy of the records of the Securities Depository, its nominee or any participant with respect to any ownership interest in the Series I Bonds, (ii) the delivery to any participant, any beneficial owner or any other person, other than the nominee or Securities Depository, of any notice with respect to the Series I Bonds, including any notice of redemption, or (iii) the payment to any participant, any beneficial owner or any other person, other than the nominee or Securities Depository, of any amounts with respect to the principal of or premium, if any, or interest on the Series I Bonds. The Authority and the Trustee may treat as and deem the nominee or Securities Depository to be the absolute owner of each Series I Bond for the purpose of payment of the principal of and premium, if any, and interest on such Series I Bond, for the purpose of giving notices of redemption and other matters with respect to such Series I Bond, for the purpose of registering transfers with respect to such Series I Bonds and for all other purposes whatsoever. The Trustee shall pay all principal of and premium, if any, and interest on the Series I Bonds only to or upon the order of the nominee or Securities Depository, and all such payments shall be valid and effective to fully satisfy and discharge the Authority’s obligation with respect to the principal of and premium, if any, and interest on the Series I Bonds to the extent of the sum or sums so paid. No person other than the nominee or Securities Depository shall receive an authenticated Series I Bond evidencing the obligation of the Authority to make payments of principal of and premium, if any, and interest pursuant to this Ninth Supplemental Resolution. Upon delivery by the nominee or Securities Depository to the Trustee of written notice to the effect that the Securities Depository has determined to substitute a new nominee in place of the existing nominee, the Trustee shall issue a new registered bond to the new nominee in exchange for each bond surrendered which was registered in the name of the old nominee to such new nominee of the Securities Depository.

(C) Upon receipt by the Authority and the Trustee of written notice from the Securities Depository to the effect that the Securities Depository is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Securities Depository hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Series I Bonds shall no longer be restricted to being registered in the registry books of the Authority kept by the Trustee in the name of the nominee of the Securities

Depository, but may be registered in whatever name or names the beneficial owners transferring or exchanging Series I Bonds shall designate, in accordance with the provisions of this Ninth Supplemental Resolution.

(D) In the event the Authority determines that it is in the best interest of the beneficial owners that they be able to obtain Series I Bond certificates, the Authority may notify the Securities Depository and the Trustee, whereupon the nominee or Securities Depository will notify the participants of the availability through the nominee or Securities Depository of Series I Bond certificates. In such event, the Trustee shall issue, transfer and exchange Series I Bond certificates as requested to the Securities Depository and any other Bondowners in appropriate amounts, and whenever the Securities Depository requests the Authority and the Trustee to do so, the Trustee and the Authority will cooperate with the Securities Depository by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the Series I Bond to any nominee or Securities Depository participant having Series I Bonds credited to its Securities Depository account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the Series I Bonds.

(E) In the event that individual Series I Bond certificates are to be issued to beneficial owners of the Series I Bonds in accordance with any provision of this Section 206 or Section 506(B) of this Ninth Supplemental Resolution, the Authority shall bear the expense of providing an inventory of Series I Bond certificates for purposes of producing such certificates.

(F) Notwithstanding any other provision of this Ninth Supplemental Resolution to the contrary, so long as any Series I Bond is registered in the name of a nominee of the Securities Depository, all payments with respect to the principal of any premium, if any, and interest on such Series I Bond and all notices with respect to Series I Bond shall be made and given, respectively, to the nominee or Securities Depository.

(G) In connection with any notice or other communication to be provided to holders of the Series I Bonds pursuant to this Ninth Supplemental Resolution by the Authority or the Trustee with respect to any consent or other action to be taken by holders of the Series I Bonds, the Authority or the Trustee, as the case may be, shall establish a record date for such consent or other action and give the nominee or Securities Depository notice of such record date not less than fifteen calendar days in advance of such record date to the extent possible.

ARTICLE III

SALE AND DISPOSITION OF PROCEEDS AND OTHER AMOUNTS

Section 301. Determination as to Private Sale. The Authority being of the opinion that the planning and achievement of the purposes for which Bonds have been issued and for which the Series I Bonds are to be issued has required and will require the direct and continuing assistance of investment banking firms of recognized standing and experience, and upon the favorable recommendation of the Authority's Acting Comptroller and its independent financial advisor, hereby determines pursuant to Section 1187 of the Act (subject to the approval of the Comptroller of the State pursuant to said Section 1187) that the private sale of the Series I Bonds is in the best interests of the Authority.

Section 302. Sale of the Series I Bonds. (A) The substance and form of the Contract of Purchase relating to the Series I Bonds by and between the Authority and First Albany Corporation, on

behalf of itself and others (in this Section referred to as the “Purchasers”), substantially in the form presented at this meeting and hereby made a part of this Ninth Supplemental Resolution as though set forth in full herein, is hereby approved. The Chairman, the Vice-Chairman or the General Manager of the Authority are hereby authorized to execute and deliver the Contract of Purchase with such changes, insertions and omissions as may be approved by such Chairman, Vice-Chairman or General Manager, and such execution shall be conclusive evidence of any approval required by this subsection 302(A). Subject to the approval of the Comptroller of the State, the Series I Bonds are hereby authorized to be sold to the Purchasers on the terms and conditions set forth in the Contract of Purchase.

(B) The distribution by the Purchasers of the Preliminary Official Statement of the Authority, dated September 4, 2003, with respect to the Series I Bonds, in the form presented at this meeting, is hereby ratified and approved. The Chairman, Vice-Chairman or General Manager of the Authority are authorized and directed to execute and deliver a final Official Statement on behalf of the Authority in substantially the form presented at this meeting, with such changes as they shall deem advisable and made in accordance with the Contract of Purchase, their execution thereof to be conclusive evidence of such authorization and approval, and copies thereof are hereby authorized to be prepared and furnished to the Purchasers for distribution to prospective purchasers of the Series I Bonds and other interested persons.

(C) The Authorized Officers of the Authority are hereby severally authorized to execute and deliver any and all papers, instruments, opinions, certificates, affidavits, and other documents and to do and cause to be done all acts and things necessary, convenient or proper for carrying out the Resolution, this Ninth Supplemental Resolution, the Contract of Purchase and the issuance, sale and delivery of the Series I Bonds.

Section 303. Disposition of Proceeds of the Series I Bonds. (A) The proceeds of sale of the Series I Bonds shall be applied as follows:

(1) To be paid to the Series G Bond Fiduciary for application in accordance with the Series G Bond Depository Trust Agreement, the amount of \$49,765,823.

(2) To pay Costs of Issuance of the Series I Bonds either directly therefrom or following deposit thereof in an account hereby authorized to be established and to be held by the Authority, designated as the Series I Bonds Costs of Issuance Account, the amount remaining after the application required in (1) above has been effected. Such amount as therein deposited shall be promptly expended to pay the Costs of Issuance of the Series I Bonds not otherwise paid. Any amounts remaining in such account after payment of all Costs of Issuance may be applied to and expended for any lawful purpose of the Authority.

(B) The amount received by the Authority representing accrued interest on the Series I Bonds shall be deposited in the Net Revenue Fund and subsequently transferred to the Debt Service Fund.

Section 304. Tax Covenants. (A) The Authority shall not permit at any time or times any of the proceeds of the Series I Bonds or any other funds of the Authority to be used directly or indirectly to acquire any securities or obligations the acquisition of which would cause any Series I Bond to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”).

(B) The Authority shall not permit at any time or times any proceeds of the Series I Bonds or any other funds of the Authority to be used, directly or indirectly, in a manner which would

result in the exclusion of any Series I Bond from the treatment afforded by Section 103(a) of the Code, as from time to time amended, or result in the classification of any Series I Bond as a “private activity bond” within the meaning of Section 141 of the Code.

(C) The Authority will comply with the provisions and procedures of the Arbitrage and Use of Proceeds Certificate to be delivered concurrently with the delivery of the Series I Bonds, and it will do and perform all acts and things necessary or desirable to assure that interest paid on the Series I Bonds is excludable from gross income under Section 103 of the Code.

Section 305. Authorization of Series G Bond Depository Trust Agreement. The Chairman, Vice-Chairman or General Manager of the Authority is hereby authorized to execute and deliver the Series G Bond Depository Trust Agreement with such changes, omissions and insertions as may be approved by such Chairman, Vice-Chairman or General Manager and as may be required in order to provide for the payment of the Series G Bonds in accordance with Section 1201 of the Resolution, said execution being conclusive evidence of such approval. It is expressly provided and covenanted that all of the provisions for the payment of the principal or Redemption Price of and interest on the Series G Bonds contained in the Series G Bond Depository Trust Agreement shall be strictly observed and followed in all respects.

ARTICLE IV
FORM AND EXECUTION

Section 401. Form of the Series I Bonds. Subject to the provisions of the Resolution, the Series I Bonds shall be executed in substantially the following form:

REGISTERED

REGISTERED

No. IR-

\$ _____

BUFFALO SEWER AUTHORITY
SEWER SYSTEM REVENUE BOND, SERIES I

MATURITY DATE	INTEREST RATE	DATE OF ORIGINAL ISSUE	CUSIP
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REGISTERED OWNER:

PRINCIPAL SUM:

DOLLARS AND NO CENTS

BUFFALO SEWER AUTHORITY (the "Authority"), a body corporate and politic constituting a public benefit corporation organized and existing under the laws of the State of New York (the "State"), for value received, hereby promises to pay solely as hereinafter provided to the REGISTERED OWNER named above, or registered assigns, on the MATURITY DATE (stated above), the PRINCIPAL SUM (stated above) upon presentation and surrender hereof at the corporate trust office of Manufacturers and Traders Trust Company, in Buffalo, New York (the "Paying Agent"), and to pay interest on such PRINCIPAL SUM from September 1, 2003 or from the most recent interest payment date to which interest has been paid at the INTEREST RATE (stated above), payable January 1, 2004, and semiannually thereafter on January 1 and July 1 in each year to maturity. Interest hereon shall be payable by the Paying Agent on each interest payment date to the registered owner hereof at his address as it appears on the registration books of the Authority maintained by the Paying Agent or at such other address as may be furnished in writing by the registered owner to the Paying Agent at the close of business on the fifteenth day of the month preceding each interest payment date. Principal of, redemption premium, if any, and interest on this Bond are payable in any coin or currency of the United States of America which, at the date of payment, is legal tender for the payment of public and private debts.

REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF WHICH SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HEREIN.

This Bond and the issue of which it forms a part are general obligations of the Authority to which the full faith and credit of the Authority is pledged. This Bond is not a debt of the State of New York or the City of Buffalo, and neither the State of New York nor the City of Buffalo is liable hereon, nor is this Bond payable out of any funds other than those of the Authority.

This Bond is issued pursuant to and in full compliance with the Constitution and laws of the State. It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form, and manner as required by law and that the issuance of this Bond and of the issue of which it forms a part, together with all other obligations of the Authority, do not exceed or violate any constitutional or statutory limitation.

Neither the officers of the Authority nor any person executing this Bond shall be liable personally or be subject to any personal liability or accountability by reason of the issuance hereof.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the certificate of authentication hereon shall have been signed by the Trustee.

IN WITNESS WHEREOF, THE BUFFALO SEWER AUTHORITY has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signature of its Chairman or Vice-Chairman, and its corporate seal (or facsimile thereof) to be affixed, imprinted, engraved or otherwise reproduced hereon and attested by the manual or facsimile signature of its Secretary or an Assistant, all as of the 1st day of September, 2003.

BUFFALO SEWER AUTHORITY

By: _____
Chairman

(SEAL)

Attest:

Secretary

(to be printed on reverse of bond)

BUFFALO SEWER AUTHORITY

Sewer System Revenue Bond, Series I

This Bond is one of an authorized issue of bonds of the Authority designated "Sewer System Revenue Bonds, Series I" in the aggregate principal amount of \$48,375,000 (the "Bonds") which are issued for the purpose of providing funds to refund all of the Authority's outstanding Sewer System Revenue Bonds, Series G. The Bonds are issued pursuant to the provisions of the Buffalo Sewer Authority Act, Title 8 of Article 5 of the Public Authorities Law, Chapter 43-A of the Consolidated

Laws of the State of New York, as amended (the "Act"), a resolution adopted by the Authority on June 29, 1977 entitled "Sewer System Revenue Bond Resolution," as amended, and a ninth supplemental resolution authorizing the Bonds (together herein called the "Resolution"). A copy of the Resolution is on file at the office of the Authority in the City of Buffalo, New York and at the principal office in the City of Buffalo, New York, of Manufacturers and Traders Trust Company, as trustee under the Resolution (said trustee and any successor trustee under the Resolution being called the "Trustee"). Reference to the Resolution and any and all supplements thereto and modifications and amendments thereof and to the Act is made for a description of the pledges and covenants securing the Bonds, the nature, extent and manner of enforcement of such pledges, the rights and remedies of the registered owners of the Bonds with respect thereto and the terms and conditions upon which the Bonds are issued and additional Bonds may be issued in additional Series for the purpose of providing sufficient funds for the capital costs of the Authority's sewer system or for the purpose of refunding outstanding Bonds.

This Bond is transferable or exchangeable only upon the books of the Authority kept for that purpose at the above mentioned office of the Trustee by the registered owner hereof in person, or by his duly authorized attorney, upon surrender of this Bond (together with a written instrument of transfer satisfactory to the Trustee duly executed by the registered owner or his duly authorized attorney), and thereupon a new Bond or Bonds, in the same aggregate principal amount and of the same maturity, shall be issued to the transferee or the registered owner in exchange therefor as provided in the Resolution and upon payment of the charges therein prescribed. The Authority and the Trustee may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever.

The Resolution permits, with certain exceptions as therein provided, the amendment thereof and the modification of the rights and obligations of the Authority and the rights of the holders of the Bonds at any time by the Authority with the consent of the holders of not less than two-thirds in aggregate principal amount of the Bonds at the time Outstanding thereunder. Any such consent shall be conclusive and binding upon each such holder and upon all future holders of each Bond and of any such Bond issued upon the transfer or exchange thereof, whether or not notation of such consent is made thereon. The Resolution also contains provisions permitting the Trustee to waive certain past defaults and their consequences. The holder of this Bond shall have no right to enforce the provisions of the Resolution, to institute action to enforce the provisions and covenants thereof or to institute, appear in or defend any suit or other proceeds with respect thereto, except as provided in the Resolution.

[FORM OF ASSIGNMENT]

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns and transfers unto

(Please Print or Type Name and Address of Assignee) the within bond and does hereby irrevocably constitute and appoint

Attorney to transfer the said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

ARTICLE V

PROVISIONS RELATING TO BOND INSURANCE

Section 501. Provision of Information to Bond Insurer. For so long as the Bond Insurance Policy shall be in full force and effect, the Authority shall provide the Bond Insurer with the following information: (i) copies of the preliminary and final budgets prepared pursuant to Section 707 of the Resolution and the annual report prepared pursuant to Section 710 of the Resolution, in each case at the times that such budgets and report are required to be provided to the Trustee; (ii) copies of the official statement, if any, prepared in connection with the issuance of additional debt of the Authority whether or not it is on a parity with the Series I Bonds, within thirty days of the sale of such debt; (iii) notice of any draw upon or deficiency due to market fluctuation in the amount, if any, on deposit in the Debt Reserve Fund; and (iv) simultaneously with the delivery of the annual report for any Fiscal Year, a Certificate of an Authorized Officer setting forth as of the end of such Fiscal Year: (A) the number of Sewer System users, (B) notification of the withdrawal of any Sewer System user comprising at least four percent of Sewer System sales measured in terms of revenue dollars since the end of the prior Fiscal Year, and (C) any significant plant retirements or expansions planned or undertaken since the end of the prior Fiscal Year. In addition, the Bond Insurer shall be provided with the following information:

- (a) Annual audited financial statements within 180 days (on a best efforts basis) and in all events within 210 days after the end of the Authority's fiscal year (together with a certification of the Authority that it is not aware of any default or Event of Default under the Resolution), and the Authority's annual budget within 30 days after the approval thereof together such other information, data or reports as the Bond Insurer shall reasonably request from time to time;
- (b) Notice of any draw upon the Debt Reserve Fund within two business days after knowledge thereof other than (i) withdrawals of amounts in excess of the Debt Reserve Requirement and (ii) withdrawals in connection with a refunding of Bonds;
- (c) Notice of any Event of Default known to the Trustee or the Authority within five business days after knowledge thereof;
- (d) Prior notice of the advance refunding or redemption of any of the Series I Bonds, including the principal amount, maturities and CUSIP numbers thereof;
- (e) Notice of the resignation or removal of the Trustee and Bond Registrar and the appointment of, and acceptance of duties by, any successor thereto;
- (f) Notice of the commencement of any proceeding by or against the Authority commenced under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding");
- (g) Notice of the making of any claim in connection with any Insolvency Proceeding seeking the avoidance as a preferential transfer of any payment of principal of, or interest on, the Series I Bonds;
- (h) A full original transcript of all proceedings relating to the execution of any amendment or supplement to the Resolution; and

- (i) All reports, notices and correspondence to be delivered to Series I Bondholders under the terms of the Resolution.

Section 502. Effect of Payment by Bond Insurer. In the event that the principal and Redemption Price, if applicable, and interest due on the Series I Bonds shall be paid in whole or in part by the Bond Insurer pursuant to the Bond Insurance Policy, any of such Bonds so paid shall nonetheless remain and be Outstanding for all purposes of the Resolution and this Ninth Supplemental Resolution, and all covenants, agreements and other obligations of the Authority to the Series I Bondholders shall continue to exist. No effect shall be given by the Trustee to payments by the Bond Insurer under the Bond Insurance Policy in any determination as to whether an Event of Default has happened. The Trustee shall not take the Bond Insurance Policy into account in determining whether the rights of Bondholders are adversely affected by actions taken pursuant to the terms and provisions of the Resolution. The Bond Insurer shall receive immediate notice from the Trustee of any Event of Default known to the Trustee within five business days of the Trustee's knowledge thereof.

Section 503. Bond Insurer as Party in Interest. The Bond Insurer shall be included as a party in interest and as the sole party entitled to exercise any rights the holders of the Series I Bonds may have to (i) notify the Trustee of the occurrence of an Event of Default and have the Trustee accept such notice, (ii) request the Trustee in writing to commence a suit in equity or other judicial proceedings to enforce any provision of the Resolution, in accordance with the applicable provisions of Section 1005 of the Resolution, provided that the Bond Insurer shall have offered to the Trustee adequate security and indemnity against the costs, expenses and liabilities to be incurred in or by commencement of such suit or proceedings, and (iii) apply to any court of competent jurisdiction to appoint a successor Trustee. The Bond Insurer shall be given, by the Trustee, (i) immediate notice of the resignation or removal of the Paying Agent with respect to the Series I Bonds and the appointment of any successor thereto, and (ii) a copy of the notice given to the Authority under Section 1107 of the Resolution. The Bond Insurer shall be deemed to be a third party beneficiary to the Resolution and this Ninth Supplemental Resolution.

Section 504. Bond Insurer Consent to Certain Modifications or Amendments. In addition to any consent of Bondholders required by the provisions of Article IX of the Resolution, any modification or amendment in the Resolution of the rights and obligations of the Authority and of the owners of the Series I Bonds shall be subject to the prior written consent of the Bond Insurer given in accordance with the provisions of Section 903 of the Resolution, and the Bond Insurer shall be provided with a full transcript of all proceedings relating to the execution of any such amendment or modification.

Section 505. Defeasance of Series I Bonds. (A) Notwithstanding the definition of "Investment Securities" in the Resolution, any defeasance of the Series I Bonds pursuant to the provisions of Section 1201(B) of the Resolution shall be effected only if there shall have been deposited with the Trustee in accordance with Section 1201(B)(ii) of the Resolution either (i) moneys in an amount which shall be sufficient, or (ii) direct non-callable obligations of the United States of America, or securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, to which direct obligations or guarantee the full faith and credit of the United States of America has been pledged, the principal of and the interest on which when due will provide moneys which, together with the moneys, if any, deposited with the Trustee at the same time, shall be sufficient to pay when due the principal or Redemption Price, if any, and interest due and to become due on said Series I Bonds on and prior to the Redemption Date or maturity date thereof, as the case may be. In the event of any advance refunding of the Series I Bonds, the Authority shall cause to be delivered to the Trustee a verification report of an independent nationally recognized certified public accountant.

(B) In the event of an advance refunding, the Authority shall cause to be delivered to the Bond Insurer (i) a report of an independent firm of nationally recognized certified public accountants or experts in escrow verification or such other firm as shall be acceptable to the Bond Insurer (“Accountant”) verifying the sufficiency of the escrow established to pay the Series I Bonds in full on the maturity or redemption date (“Verification”), (ii) an escrow deposit agreement (which shall be acceptable in form and substance to the Bond Insurer), (iii) an opinion of nationally recognized bond counsel to the effect that the Series I Bonds are no longer “Outstanding” under the Resolution, and (iv) a certificate of discharge of the Trustee with respect to the Series I Bonds. Each Verification and defeasance opinion shall be acceptable in form and substance, and addressed, to the Authority, the Trustee and the Bond Insurer. The Bond Insurer shall be provided with final drafts of the above-referenced documentation not less than five (5) business days prior to the funding of the escrow. Series I Bonds shall be deemed “Outstanding” under the Resolution unless and until they are in fact paid and retired or the above criteria are met.

Section 506. Claims Upon the Bond Insurance Policy and Payments by and to the Bond Insurer. (A) If, on the third business day prior to the related scheduled interest payment date or principal payment date (“Payment Date”) there is not on deposit with the Trustee, after making all transfers and deposits required under the Resolution, moneys sufficient to pay the principal of and interest on the Series I Bonds due on such Payment Date, the Trustee shall give notice to the Bond Insurer and to its designated agent (if any) (the “Bond Insurer’s Fiscal Agent”) by telephone or telecopy of the amount of such deficiency by 12:00 noon, New York City time, on such business day. If, on the second business day prior to the related Payment Date, there continues to be a deficiency in the amount available to pay the principal of and interest on the Series I Bonds due on such Payment Date, the Trustee shall make a claim under the Bond Insurance Policy and give notice to the Bond Insurer and the Bond Insurer’s Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Series I Bonds and the amount required to pay principal of the Series I Bonds, confirmed in writing to the Bond Insurer and the Bond Insurer’s Fiscal Agent (if any) by 12:00 noon, New York City time on such second business day by filling in the form of Notice of Claim and Certificate delivered with the Bond Insurance Policy.

(B) In the event the claim to be made is for a mandatory sinking fund redemption installment, upon receipt of the moneys due, the Trustee shall authenticate and deliver to affected Series I Bondholders who surrender their Series I Bonds a new Series I Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Series I Bond surrendered. The Trustee shall designate any portion of payment of principal on Series I Bonds paid by the Bond Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Series I Bonds registered to the then current Series I Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Series I Bond to the Bond Insurer, registered in the name of Financial Security Assurance Inc., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Trustee’s failure to so designate any payment or issue any replacement Series I Bond shall have no effect on the amount of principal or interest payable by the Authority on any Series I Bond or the subrogation rights of the Bond Insurer.

(C) The Trustee shall keep a complete and accurate record of all funds deposited by the Bond Insurer into the Policy Payments Account (defined below) and the allocation of such funds to payment of interest on and principal paid in respect of any Series I Bond. The Bond Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Trustee.

(D) Upon payment of a claim under the Bond Insurance Policy, the Trustee shall establish a separate special purpose trust account for the benefit of Series I Bondholders referred to herein as the "Policy Payments Account" and over which the Trustee shall have exclusive control and sole right of withdrawal. The Trustee shall receive any amount paid under the Bond Insurance Policy in trust on behalf of Series I Bondholders and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Trustee to Series I Bondholders in the same manner as principal and interest payments are to be made with respect to the Series I Bonds under the sections hereof regarding payment of Series I Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments. Notwithstanding anything to the contrary otherwise set forth in the Resolution, and to the extent permitted by law, in the event amounts paid under the Bond Insurance Policy are applied to claims for payment of principal of or interest on the Series I Bonds, interest on such principal of and interest on such Series I Bonds shall accrue and be payable from the date of such payment at the greater of (i) the per annum rate of interest publicly announced from time to time by Manufacturers and Traders Trust Company or its successor at its principal office in the City of Buffalo, New York as its prime or base lending rate plus 3%, and (ii) the then applicable rate of interest on the Series I Bonds provided that in no event shall such rate exceed the maximum rate permissible under applicable usury or similar laws limiting interest rates.

(E) Funds held in the Policy Payments Account shall not be invested by the Trustee and may not be applied to satisfy any costs, expenses or liabilities of the Trustee. Any funds remaining in the Policy Payments Account following a Payment Date shall promptly be remitted to the Bond Insurer.

(F) The Bond Insurer shall, to the extent it makes any payment of principal of or interest on the Series I Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Bond Insurance Policy. The obligations to the Bond Insurer shall survive discharge or termination of this Ninth Supplemental Resolution.

(G) The Authority shall pay or reimburse the Bond Insurer from amounts available therefor under the Resolution any and all charges, fees, costs and expenses which the Bond Insurer may reasonably pay or incur in connection with (i) the administration, enforcement, defense or preservation of any rights or security in under the Resolution, (ii) the pursuit of any remedies under the Resolution or otherwise afforded by law or equity, (iii) any amendment, waiver or other action with respect to, or related to, the Resolution whether or not executed or completed, (iv) the violation by the Authority of any law, rule or regulation, or any judgment, order or decree applicable to it, or (v) any litigation or other dispute in connection with Resolution or the transactions contemplated thereby, other than amounts resulting from the failure of the Bond Insurer to honor its obligations under the Bond Insurance Policy. The Bond Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of the Resolution.

(H) After payment of reasonable fees and expenses of the Trustee, the application of funds realized upon default shall be applied to payment of expenses of the Authority or rebate only after the payment of debt service due and past due on the Series I Bonds, together with replenishment of the Debt Reserve Fund.

(I) The Bond Insurer shall be entitled to pay principal or interest on the Series I Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the Authority (as such terms are defined in the Bond Insurance Policy) and any amounts due on the Series I

Bonds as a result of acceleration of the maturity thereof in accordance with the Resolution, whether or not the Bond Insurer has received a Notice of Nonpayment (as defined in the Bond Insurance Policy) or a claim upon the Bond Insurance Policy.

Section 507. Credit Instruments Deposited in Debt Reserve Fund. The Authority shall not deposit any credit instrument into the Debt Reserve Fund in lieu of cash with respect to the Series I Bonds without the express prior written consent of the Bond Insurer.

Section 508. Acceleration of Maturity of Series I Bonds. The maturity of Series I Bonds insured by the Bond Insurer shall not be accelerated without the consent of the Bond Insurer, and in the event the maturity of the Series I Bonds is accelerated, the Bond Insurer may elect, in its sole discretion, to pay accelerated principal and interest accrued on such principal to the date of acceleration (to the extent unpaid by the Authority) and the Trustee shall be required to accept such amounts. Upon payment of such accelerated principal and interest accrued to the acceleration date as provided above, the Bond Insurer's obligations under the Bond Insurance Policy with respect to such Bonds shall be fully discharged.

Section 509. No Grace Period. Notwithstanding anything to the contrary contained in the Resolution, including without limitation Section 1002 thereof, no grace period shall be permitted with respect to payment defaults on the Series I Bonds.

Section 510. Purchase of Series I Bonds in Lieu of Redemption. Notwithstanding anything to the contrary contained in the Resolution, the exercise of any provision of the Resolution which permits the purchase of Series I Bonds in lieu of redemption shall require approval of the Bond Insurer in any case where the Series I Bond so purchased is not extinguished.

Section 511. Exercise of Rights. The rights granted to the Bond Insurer under this Ninth Supplemental Resolution to request, consent to or direct any action are rights granted to the Bond Insurer in consideration of its issuance of the Bond Insurance Policy. Any exercise by the Bond Insurer of such rights is merely an exercise of the Bond Insurer's contractual rights and shall not be construed or deemed to be taken for the benefit or on behalf of the Series I Bondholders nor does such action evidence any position of the Bond Insurer, positive or negative, as to whether Series I Bondholder consent is required in addition to consent of the Bond Insurer.

Section 512. Preservation of Priority of Pledge. Each of the Authority and the Trustee shall take such action (including, as applicable, filing of financing statements and continuations thereof under the Uniform Commercial Code of the State of New York) as is necessary from time to time to preserve the priority of the pledge granted under the Resolution with respect to the Series I Bonds.

Section 513. Issuance of Additional Bonds. Notwithstanding satisfaction of other conditions to the issuance of additional Bonds contained in the Resolution, no such issuance may occur (i) should any Event of Default (or any event which, once all notice or grace periods have passed, would constitute an Event of Default) have occurred and be continuing unless such default shall be cured upon such issuance, and (ii) unless the Debt Reserve Fund is fully funded at the Debt Reserve Requirement (including the new issue) upon the issuance of such additional Bonds, in either case unless otherwise permitted by the Bond Insurer.

Section 514. Impairment of Rights of Bond Insurer. No contract shall be entered into nor any action taken by which the rights of the Bond Insurer or security for or sources of payment of the Series I Bonds may be impaired or prejudiced in any material respect except upon obtaining the prior written consent of the Bond Insurer.

Section 515. Opinion Regarding Refunding of Series G Bonds or Certificate of Discharge Thereof. The Authority shall deliver to the Bond Insurer, prior to delivery of the Series I Bonds, an executed opinion of nationally recognized bond counsel addressed to the Bond Insurer (or an executed reliance letter relating thereto) or an executed certificate of discharge of the Trustee for the Series G Bonds, to the effect that, upon the making of the required deposit to the escrow, the legal defeasance of the Series G Bonds shall have occurred.

Section 516. Conflicts with Resolution. In the event of any conflict or inconsistency between the provisions of this Article V and the other provisions of this Ninth Supplemental Resolution or the Resolution, the provisions of this Article V shall govern.

ARTICLE VI

MISCELLANEOUS

Section 601. Appointment of Paying Agent. Manufacturers and Traders Trust Company, Buffalo, New York is hereby appointed Paying Agent for the Series I Bonds pursuant to Section 1102 of the Resolution.

Section 602. Notices to Bond Insurer. Any notice or other communication authorized or required herein to be given to the Bond Insurer shall be deemed to have been sufficiently given for all purposes herein if and when delivered or sent by overnight, registered or certified mail, return receipt requested, postage prepaid to Financial Security Assurance Inc., 350 Park Avenue, New York, New York 10022-6022, Attention: Manager Director – Surveillance, Re: Policy No. _____, Telephone: (212) 826-0100; Telecopier (212) 339-3556.

In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of the General Counsel and shall be marked to indicate “URGENT MATERIAL ENCLOSED.”

Any notice or other communication hereunder shall, except as may expressly be provided herein, be deemed to have been delivered or given as of the date it shall have been mailed.

Section 603. Effective Date. This Ninth Supplemental Resolution shall take effect immediately.

49752

EXHIBIT A

SERIES G BOND DEPOSITARY TRUST AGREEMENT

SERIES G BOND DEPOSITARY TRUST AGREEMENT

This SERIES G BOND DEPOSITARY TRUST AGREEMENT dated as of September 23, 2003, by and between the BUFFALO SEWER AUTHORITY (the "Authority"), a body corporate and politic constituting a public benefit corporation organized and existing under the Buffalo Sewer Authority Act, Title 8 of Article 5 of the Public Authorities Law, Chapter 43-A of the Consolidated Laws of the State of New York, as amended, and MANUFACTURERS AND TRADERS TRUST COMPAY (the "Fiduciary"), a banking and trust company organized and existing under the laws of the State of New York, as trustee under the Series G Resolution hereinafter mentioned.

WHEREAS, under and pursuant to the provisions of its Sewer System Revenue Bond Resolution, adopted June 29, 1977, as amended (the "General Resolution"), and its Seventh Supplemental Sewer System Revenue Bond Resolution, adopted May 3, 1993 (the "Series G Resolution"), the Authority has heretofore issued \$83,000,000 Sewer System Revenue Bonds, Series G, dated May 1, 1993, of which bonds are now outstanding in the principal amount of \$49,225,000 and are to be paid and redeemed in accordance with Schedule A attached hereto; and

WHEREAS, the Authority has determined to issue its Sewer System Revenue Bonds, Series I (the "Series I Bonds"), under and pursuant to the provisions of its General Resolution and its Ninth Supplemental Sewer System Revenue Bond Resolution, adopted September 10, 2003, and a portion of the proceeds of the Series I Bonds are to be used to refund the Series G Bonds; and

WHEREAS, such portion of the proceeds of the Series I Bonds is to be invested in the obligations set forth in Schedule B attached hereto so that the maturing principal of and interest earned on such obligations is in an amount sufficient to provide for the payment of the Redemption Price (as defined in the General Resolution) of and interest on the Series G Bonds;

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants hereinafter set forth, the parties hereto agree as follows:

1. There is hereby created and established with the Fiduciary a special and irrevocable trust designated the "Series G Bond Depository Trust Fund" (the "Depository Trust Fund") to be held in the custody of the Fiduciary separate and apart from other funds of or held by the Authority or the Fiduciary.
2. Concurrently with the execution of this Agreement, (a) the Fiduciary shall establish the Depository Trust Fund; (b) the Authority shall pay to the Fiduciary for deposit in the Depository Trust Fund moneys in the amount of \$50,085,812; and (c) the Fiduciary shall deposit all moneys so received from the Authority in the Depository Trust Fund and apply \$50,085,812 of such moneys to the purchase of the obligations listed on Schedule B (the "Government Obligations"). The deposit of moneys in the Series G Depository Trust Fund shall constitute an irrevocable deposit of said moneys in trust for the payment of the Redemption Price of and interest on the Series G Bonds.
3. The Government Obligations shall be held in and credited to the Depository Trust Fund. The Fiduciary shall deposit any proceeds (whether principal, interest or otherwise) derived from the Government Obligations in the Depository Trust Fund. The Fiduciary is hereby irrevocably instructed to apply the moneys in the Depository Trust Fund to the

- payment of the Redemption Price of and interest on the Series G Bonds in Schedule A attached hereto. Moneys held for the payment of any Series G Bonds which are not presented for payment on the date when redeemed shall be set aside and held by the Fiduciary until transferred to the Authority in accordance with Section 10 or disposed of in accordance with the Abandoned Property Law of the State of New York (the "Abandoned Property Law").
4. Except as provided in Section 5 hereof, the Fiduciary shall have no power or duty to invest any moneys held hereunder or to make substitutions of the Government Obligations held hereunder or to sell, transfer or otherwise dispose of the Government Obligations acquired hereunder.
 5. If directed by the Authority in writing, and subject to receipt by the Fiduciary (if requested) of an opinion of nationally recognized bond counsel with respect to the continued exemption from federal income tax of income on the Series G Bonds and a verification report from a certified public accountant or other expert with respect to arbitrage, the Fiduciary shall reinvest any proceeds (whether principal, interest or otherwise) derived from the Government Obligations in direct obligations or of obligations fully guaranteed by the United States of America maturing at such times and in such amounts so that there will be moneys available to make the payments required under Section 3 hereof.
 6. The holders of the Series G Bonds shall have an express lien on all moneys and obligations in the Depository Trust Fund until paid out, used and applied in accordance with this Agreement.
 7. The Fiduciary is hereby irrevocably instructed to publish notice of redemption of the Series G Bonds as soon as practicable in accordance with Section 605 of the General Resolution, possession of a true and correct copy of which is hereby acknowledged by the Fiduciary.
 8. In consideration of all services rendered and to be rendered by the Fiduciary under this Agreement, the Authority agrees to pay to the Fiduciary its proper fees and expenses from any moneys of the Authority available therefor. The Fiduciary shall not have any lien whatsoever upon any of the moneys or obligations in the Depository Trust Fund for the payment of such fees and expenses.
 9. This Agreement shall terminate when the Redemption Price of and interest on the Series G Bonds have been paid and discharged in accordance with their terms and the General Resolution and the Series G Resolution and in accordance with Section 10 hereof. Any moneys and obligations remaining in the Depository Trust Fund upon termination of this Agreement shall be transferred to the Authority or disposed of in accordance with the Abandoned Property Law.
 10. Subject to the requirements of the Abandoned Property Law, any moneys held for the payment of Series G Bonds which have not been presented for payment which remain unclaimed for six years after the date when such Bonds have been redeemed shall be repaid by the Fiduciary to the Authority. Prior to the payment of any unclaimed moneys to the Authority pursuant to this Section the Fiduciary shall publish notice thereof in compliance with the terms and provisions of Section 1201(D) of the General Resolution.

- 11. If any one or more of the covenants or agreements provided in this Agreement on the part of the Authority or the Fiduciary to be performed shall be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.
- 12. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed by their duly authorized officers and their corporate seals to be hereunto affixed and attested as of the date first above written.

Attest:
(SEAL)

Attest:
(SEAL)

BUFFALO SEWER AUTHORITY

By: _____

MANUFACTURERS AND TRADERS
TRUST COMPANY, as Fiduciary

By: _____

SCHEDULE A

Redemption Price of Series G Bonds

<u>Maturity</u>	<u>Redemption Price</u>	<u>Redemption Date</u>
July 1, 2004	\$4,700,000	November 4, 2003
July 1, 2005	\$4,950,000	November 4, 2003
July 1, 2006	\$5,200,000	November 4, 2003
July 1, 2007	\$5,475,000	November 4, 2003
July 1, 2008	\$5,775,000	November 4, 2003
July 1, 2009	\$6,075,000	November 4, 2003
July 1, 2010	\$6,375,000	November 4, 2003
July 1, 2011	\$6,705,000	November 4, 2003
July 1, 2012	\$3,970,000	November 4, 2003
TOTAL	\$49,225,000	

SCHEDULE B

Government Obligations to be Purchased by the Series G Bond Fiduciary

State and Local Government Series (SLGS)

EXHIBIT B

REFUNDING FINANCIAL PLAN

CERTIFICATE

I, John D. Kennedy, Secretary of the Buffalo Sewer Authority in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the Minutes of a meeting of the Board of Directors of said Authority, duly called and held on September 10, 2003, and at which a quorum was present and acting throughout and the resolution contained therein is a true and complete copy of the resolution thereupon adopted and recorded in the Minutes of said Authority and that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Authority and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract, and that said resolution has not been amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Authority this 10th day of September, 2003.

(SEAL)

John D. Kennedy, Secretary

ITEM NO. 9

AUTHORIZATION TO PURCHASE DUROTEX DEWATERING BELTS

WHEREAS: On July 23, 2003, the Board of the Buffalo Sewer Authority designated Industrial Fabrics Corporation, the manufacturer and supplier of Durotex-brand dewatering belts, as a single source for the purchase of these belts. The Treatment Plant utilizes many of these replacement belts throughout the year in the dewatering process; and

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

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend the purchase of these replacement belts, as needed, for fiscal year 2003-2004 from Industrial Fabrics Corporation at a cost not to exceed \$49,300.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the recommended replacement belts, as needed, for fiscal year 2003-2004 from Industrial Fabrics Corporation at a total cost not to exceed \$49,300.00. Funds are available in account no. 00360105-466107.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. KENNEDY	_____
2 ND BY	_____	MSGR. GABALSKI	_____
AYES	_____	5	NOES _____ 0

Board Meeting of September 10, 2003

ITEM NO. 10

AUTHORIZATION TO RENT TURBO FOG SYSTEM

WHEREAS: On May 28, 2003, the Board of the Buffalo Sewer Authority authorized the General Manager to rent a high-pressure hydraulic system to help control the odor problems during the summer months from Sheridan Soft Water Services Company, Inc., at a cost not to exceed \$20,000.00 for fiscal year 2002-2003; and

WHEREAS: The New York State Department of Environmental Conservation has requested additional measures be taken to control odor during the August 2003 shutdown for the primary clarifier area and the B side aeration tank; and

WHEREAS: Sheridan Soft Water Services Company, Inc., was contacted by plant staff and recommended rental of a Turbo Fog System which utilizes a proprietary chemical injection and high-speed fan design to atomize the odor control product at a cost of \$1,300.00 per month; and

WHEREAS: Due to the necessity to expedite this rental, the Board was polled and verbally authorized this rental on July 30, 2003; 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 rent two turbo fog systems for use in the primary clarifier area and the other for the B side aeration tank at the Treatment Plant from Sheridan Soft Water Services Company, Inc., at a total cost not to exceed \$5,200.00. This rental will be charged to account nos. 00260106-444255 and 00290106-444255

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MSGR. GABALSKI</u>		
2 ND BY	<u>MR. RICHARDSON</u>		
AYES	<u>5</u>	NOES	<u>0</u>

ITEM NO. 12

AUTHORIZATION TO PURCHASE VARIOUS COMMODITIES UTILIZING CITY CONTRACT PRICING

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

WHEREAS: The Treatment Plant purchases the following commodities available through City Contract:

Product	Vendor	Amount	<u>Account No.</u>
Diesel	Noco Energy Corp.	\$19,000.00	00690105-462600 (\$13,000.00) 00520105-462600 (\$ 6,000.00)
Gasoline	Kurk Fuel Oil Co.	\$30,000.00	00690105-462600 (\$18,000.00) 00520105-462600 (\$12,000.00)

; and

WHEREAS: The Director of Sewer Maintenance and Purchasing Department staff recommend the utilization of City Contract pricing for these purchases.

NOW THEREFORE
BE IT RESOLVED: That the Buffalo Sewer Authority authorizes the General Manager to utilize City Contract pricing to purchase the above commodities at a cost not to exceed the amounts listed and to charge these items to the appropriate accounts.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. RICHARDSON

AYES 5 NOES 0

Board Meeting of September 10, 2003

ITEM NO. 13

CONFIRMATION OF APPOINTMENT

LABORATORY ASSISTANT (TEMPORARY)
SEWAGE TREATMENT PLANT
\$16.28 PER HOUR
EFFECTIVE: JULY 21, 2003

WILLIAM SCHMID
 263 MILLER
 DEPEW, NY

WHEREAS: The preceding appointment was 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 appointment is hereby confirmed by the Board of the Buffalo Sewer Authority.

MOTION TO APPROVE
 MADE BY MR. RICHARDSON
 2ND BY MSGR. GABALSKI
 AYES 5 NOES 0

Board Meeting of September 10, 2003

ITEM NO. 15

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/COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Eugene Kujawa	California State University <i>Trmnt of Metal Wastestreams</i>	100%	\$31.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$31.00. This Reimbursement will be charged to Account No. 00800108-480214.

MOTION TO APPROVE
 MADE BY MR. RICHARDSON
 2ND BY MR. NAPLES
 AYES 5 NOES 0

Board Meeting of September 10, 2003

ITEM NO. 16

REQUEST FOR LEAVE WHILE ON UNION BUSINESS

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

“August 18, 2003

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 Corning, NY, on Friday, September 26, 2003, Saturday, September 27, 2003, Sunday, September 28, 2003, and Monday, September 29, 2003.

I will need Friday, September 26, 2003, and Monday, September 29, 2003, 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	_____
2 ND BY	_____	MSGR. GABALSKI	_____
AYES	_____	5	NOES _____ 0

Board Meeting of September 10, 2003

ITEM NO. 17

REQUEST FOR LEAVE WHILE ON UNION BUSINESS

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

“August 18, 2003

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 State Convention in Lake Placid, NY, on Sunday, October 19, 2003, through Friday, October 24, 2003.

I will need Monday, October 20, 2003, through Friday, October 24, 2003, 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. KENNEDY
2ND BY MSGR. GABALSKI
AYES 5 NOES 0

Board Meeting of September 10, 2003

ITEM NO. 18

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MR. RICHARDSON

2ND BY MR. KENNEDY

AYES 5 NOES 0

Board Meeting of September 10, 2003