

**MINUTES OF THE REGULAR MEETING**  
**OF THE**  
**BUFFALO SEWER AUTHORITY**  
**June 16, 2004**

**50080.....50118**



# **BUFFALO SEWER AUTHORITY**

**June 16, 2004**

**REGULAR MEETING**

**9:00 A.M.**

**1038 CITY HALL**

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ITEM NO. 2						
INFORMATIVE: TEMPORARY INVESTMENTS (CERTIFICATES OF DEPOSIT AND TREASURY						
June 4, 2004						
ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTE AM
<b>CAPITAL IMPROVEMENT FUND</b>						
#####	MONEY MARKET		\$ 378,125.00	CHASE	1.21%	Co.Hi
<b>CONSTRUCTION FUND</b>						
#####	MONEY MARKET		\$ 13,469,100.16	CHASE	1.21%	Co.Hi
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
#####	MONEY MARKET		\$ 1,139,133.32	CHASE	1.21%	Co.Hi
<b>OPERATING FUND</b>						
#####	MONEY MARKET		\$ 2,983,896.12	CHASE	1.21%	Co.Hi
<b>TRUST &amp; AGENCY FUND</b>						
#####	MONEY MARKET		\$ 17,857.31	CHASE	1.21%	Co.Hi
<b>SURPLUS FUND</b>						
#####	01-Sep-04	91	\$ 3,719,965.57	M&T Securities	1.17%	\$ 11
<b>NET REVENUE FUND</b>						
			\$ 346.72	MTB Funds		
#####	23-Jun-04	119	\$ 2,649,477.42	M&T Securities	0.97%	\$ 8
#####	30-Jun-04	65	\$ 529,269.24	M&T	0.95%	\$
#####	30-Jun-04	36	\$ 1,002,037.12	M&T Securities	0.95%	\$
#####	01-Jul-04	210	\$ 7,620,435.32	M&T Securities	1.13%	\$ 50
			\$ 11,801,565.82			
<b>DEBT RESERVE FUND</b>						
#####	30-Jun-04	366	\$ 1,179,697.42	SERIES F .S.TREAS.NOTE	0.90%	\$ 16
			(1,157,000.00 par)			
#####	15-Aug-08	####	\$ 7,350,000.00	SERIES I M&T Securities	3.25%	\$ 119
#####	15-Apr-32		\$ 2,825,593.00	SERIES H SLG	4.35%	
#####	15-Nov-33		\$ 774,061.00	SERIES J SLG	3.85%	
			\$ 12,129,351.42			
<b>CONSTRUCTION FUND</b>						
			\$ 185.83	SERIES H MTB Funds		
#####	10-Jun-04	35	\$ 1,932,176.13	M&T Securities	0.97%	\$ 1
#####	17-Jun-04	28	\$ 1,185,114.45	M&T Securities	0.96%	\$
#####	24-Jun-04	28	\$ 1,317,015.89	M&T Securities	0.96%	\$
#####	15-Jul-04	42	\$ 1,297,484.50	M&T Securities	1.00%	\$ 1
			\$ 5,731,976.80			
<b>CONSTRUCTION FUND</b>						
			\$ 771.04	SERIES J MTB Funds		
#####	17-Jun-04	14	\$ 225,916.51	M&T Securities	0.95%	\$
			\$ 226,687.55			
						<b>RECEI</b>



## 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 2004-2005 fiscal year. This results in the following sewer rents based on assessed value and comparison:

	<b>SEWER RENT REQUIRED</b>	<b>TOTAL ASSESSED VALUE OF PROPERTY APPLICABLE FOR SEWER PURPOSES</b>	<b>SEWER RENT PER \$1,000 VALUE</b>
2004-05	\$12,050,000	\$5,862,610,686	\$2.05539829
2003-04	\$12,050,000	\$5,857,384,724	\$2.05723212
change	-0-	\$5,225,962	(\$0.00183383)

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

**RECEIVE AND FILE**

## ITEM NO. 4

**ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2004-2005"**

- WHEREAS: The Buffalo Sewer Authority, in the meeting of April 14, 2004, adopted a proposed amended "Schedule of Sewer Rents and Other Charges for 2004-2005" and authorized the publication of this notice, commencing April 23, 2004, once a week for three (3) 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 2004-2005"; and
- WHEREAS: Subsequent to the adoption of the proposed "Schedule of Sewer Rents and Other Charges for 2004-2005" the Buffalo Water Board proposes to increase flat rate water charges by 4 percent; and
- WHEREAS: The Authority's proposed charges of 91.28 percent of flat rate water bills (regular accounts) and 142.30 percent of flat rate water bills (aged exempt accounts) if left unchanged, would have the effect of increasing such sewer rent charges beyond budgetary needs; and
- WHEREAS: Based upon the 4 percent proposed water increase, the revised requirements are 87.76 percent of water bills (regular accounts) and 136.81 percent of water bills (aged exempt accounts).

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 2004-2005", and also, that if the Buffalo Water Board subsequently revises the proposed flat rate water charges by more or less than four percent, that the Board hereby authorizes the General Manager to adjust the percentage accordingly.

MOTION TO APPROVE

MADE BY MR. NAPLES

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of June 16, 2004

**FINAL SCHEDULE OF SEWER RENTS**  
**AND OTHER CHARGES**  
**FOR 2004-2005**

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 2004-2005.

(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 87.76 percent of the water bill for regular accounts and shall be 136.81 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 (BOD<sub>5</sub>) Total Suspended Solids (TSS) and Total Phosphate (TPO<sub>4</sub>) is as follows:

$$\text{Surcharge} = 8.34 \text{ QMGY} (0.095 (\text{BOD}_5\text{-250}) + 0.124 (\text{TSS-250}) + 0.015 (\text{TPO}_4\text{-15.35}))$$

\$0.095 Cost/lb. for treatment of BOD<sub>5</sub>

\$0.124 Cost/lb. for treatment of TSS

\$0.015 Cost/lb. for treatment of TPO<sub>4</sub>

QMGY - Annual total industrial and sanitary discharge - water retention

BOD<sub>5</sub> - Average concentration of BOD<sub>5</sub> in waste stream discharged to the Buffalo Sewer Authority

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

TPO<sub>4</sub> - Average concentration of TPO<sub>4</sub> in waste stream discharged to the Buffalo Sewer Authority

Surchargeable concentrations are as follows:

BOD<sub>5</sub> - Over 250 mg/L; TSS - Over 250 mg/L; TPO<sub>4</sub> - Over 15.35 mg/L

This Formula shall be applied in computing the Buffalo Industrial Waste Surcharge subsequent to July 1, 2003 and ending June 30, 2004 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, 2004.

(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 <sub>5</sub>	TOTAL PHOSPHATE
Inlet/South Buffalo Pump	\$0.1994/lb	\$0.1516/lb.	\$0.0238/lb.
Mixing Tank	\$0.1851/lb	\$0.0961/lb.	\$0.0238/lb.
Thickener/Digester	\$0.1930/lb	\$0.1000/lb.	\$0.0238/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, 2004.

(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, 2004.

Provided, however, that the sewer rents herein set forth, applicable to water use, shall become effective on all billings on and after August 1, 2004, excepting only monthly metered accounts for July 2004, and Section "W" of the quarterly metered accounts for the period May, June, and July 2004, which shall be billed at the rents in effect prior to July 1, 2004.

## ITEM NO. 5

**CONTRACT APPROVAL - AUDIT AND ACCOUNTING SERVICES**

WHEREAS: The Buffalo Sewer Authority has received a proposal from Drescher & Malecki, Certified Public Accountants, for audit and accounting services for a one-year period beginning July 1, 2004, for a fee not to exceed \$44,500.00, and for a cost allocation schedule for a maximum of \$4,250.00. This proposal provides for a renewal for a second year at the same rate, and a renewal for a third year with an increase not to exceed two percent; and

WHEREAS: The use of Certified Public Accountants is necessary in order that the Buffalo Sewer Authority submit financial statements in accordance with generally accepted auditing standards, prepares a Comprehensive Annual Financial Report for submission to the New York State Comptroller, and develops accurate cost allocation schedules of operation at the Wastewater Treatment Plant; and

WHEREAS: The Executive Secretary and her Committee recommend the approval of this contract.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves and authorizes the General Manager to enter into an agreement with Drescher & Malecki, Certified Public Accountants, to develop the cost allocation schedule and perform the required auditing services of the Authority's affairs for the fiscal year beginning July 1, 2004. The cost for performing the required financial audit is \$44,500.00 and will be charged to account no. 00110106-432001. The fee for cost allocation schedules, up to a maximum of \$4,250.00, will be charged to account no. 00550106-432001.

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

Board Meeting of June 16, 2004

ITEM NO. 6

**CONTRACT APPROVAL - PROPERTY INSURANCE**

WHEREAS: The Buffalo Sewer Authority currently receives property insurance coverage through Liberty Mutual; and

WHEREAS: Liberty Mutual has proposed a one-year extension of the Buffalo Sewer Authority's property insurance coverage; and

WHEREAS: The proposed policy includes a deductible of \$250,000 and moves the effective date of the policy from July 1, 2004, to April 15, 2004. Moving the effective date to April 15, 2004, allows for a six percent rate reduction; and

WHEREAS: The Insurance Consultants for the Buffalo Sewer Authority, Aldrich & Cox, have carefully reviewed this policy and recommend acceptance of this proposal; and

WHEREAS: This matter has previously been brought to the attention of the Board. The Board was polled and verbally authorized the renewal of this contract; 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 approves renewal of property insurance coverage with Liberty Mutual effective April 15, 2004, for a one-year period, at a cost not to exceed \$253,048, and that this cost be charged to the following accounts on a pro-rata basis: 00110108-452000, 00200108-452000, 00650108-452000.

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

Board Meeting of June 16, 2004





## ITEM NO. 9

**JANITORIAL SERVICES CONTRACT RENEWAL**

WHEREAS: The New York State Industries for the Disabled (NYSID) is a not-for-profit corporation appointed by the New York State Department of Education to secure and administer contracts on behalf of community rehabilitation agencies. NYSID is a New York State preferred source under Section 162 of the State Finance Law. This preferred source status authorizes state and local governments to utilize and purchase NYSID products and services without competitive bidding; and

WHEREAS: The Buffalo Sewer Authority utilized a contract with Phoenix Frontier, Inc., (Member Agency) during the period July 1, 2003 to June 30, 2004, to perform janitorial services at the Treatment Plant; and

WHEREAS: Phoenix Frontier, Inc., has performed these services in a satisfactory manner; and

WHEREAS: The Treatment Plant Superintendent and staff recommend renewal of this contract for janitorial services.

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 renewal with Phoenix Frontier, Inc., to perform janitorial services at the Treatment Plant for a one-year period beginning July 1, 2004 to June 30, 2005, at a total cost not to exceed \$56,166.10. Expenses for this contract will be charged to account nos. 00200106-434000 and 00650106-434000.

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

Board Meeting of June 16, 2004









## ITEM NO. 13

**REPORT ON BIDS RECEIVED - DEMOLITION AND INSTALLATION OF SLUDGE WITHDRAWAL REPLACEMENT EQUIPMENT PROJECT**

WHEREAS: Formal bids were advertised and solicited for the Demolition and Installation of Sludge Withdrawal Replacement Equipment Project. The following bids were received and opened by the Buffalo Sewer Authority on May 24, 2004:

Quackenbush Co., Inc.	\$151,200.00
Hohl Industrial Services	\$174,888.00
; and	

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

WHEREAS: The low bid was submitted by Quackenbush Co., Inc., in the amount of \$151,200.00; and

WHEREAS: The Superintendent of Mechanical Maintenance, Senior Sanitary Engineering Supervisor, and staff reviewed the bids and recommend accepting the low bid and awarding the contract to Quackenbush Co., 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 Quackenbush Co., Inc., for the Demolition and Installation of Sludge Withdrawal Replacement Equipment Project, at a cost not to exceed \$151,200.00. Expenses for this contract will be charged to account no. 02000212-490740.

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

Board Meeting of June 16, 2004

## ITEM NO. 14

**REPORT ON BIDS RECEIVED - BUFFALO SEWER AUTHORITY IN-PLANT ELECTRICAL MAINTENANCE SERVICE**

WHEREAS: Formal bids were advertised and solicited for the Buffalo Sewer Authority In-Plant Electrical Maintenance Service. The following bids were received and opened by the Buffalo Sewer Authority on May 24, 2004:

<u>Contractor</u>	<u>General Foreman</u>	<u>Electrician</u>	<u>Journeyman</u>	<u>Laborer</u>
Electrical Services & Systems Installation, Inc.	\$30.61/hr.	\$27.09/hr.	N/A	\$14.90 (4 <sup>th</sup> year apprentice)
O'Connell Electric Co.	\$33.57/hr.	\$30.84/hr.	\$27.29/hr.	\$21.83/hr.
Ferguson Electric Service Co., Inc.	\$33.57/hr.	\$30.80/hr.	\$27.29/hr.	N/A

; and

WHEREAS: Electrical Service & Systems Installation, Inc., quoted a Journeyman rate for a General Foreman and the quotes for time and one-half and double time rates are incorrect in their contract. They explained that they cannot honor their quotes as they appear in their bid documents; and

WHEREAS: The Law Department has reviewed the bids and advised that due to errors in the bid documents, we can award the contract to the next lowest bidder, O'Connell Electric Co.; and

WHEREAS: The Superintendent of Mechanical Maintenance, Senior Sanitary Engineering Supervisor, and staff reviewed the bids and recommend accepting the next lowest bidder, awarding the contract to O'Connell Electric Co.

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 O'Connell Electric Co., for In-Plant Electrical Maintenance Service at the Treatment Plant for the period from July 1, 2004 through June 30, 2005, for the rates as listed, up to a maximum amount of \$30,000.00, with an option to renew for two (2) one-year periods if agreeable to both the Buffalo Sewer Authority and O'Connell Electric Co. Expenses for this contract will be charged to account no. 00520106-443421.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of June 16, 2004

ITEM NO. 15

**AUTHORIZATION TO ENTER INTO AN ENGINEERING AGREEMENT WITH URS CORPORATION FOR PHASE II ENGINEERING REPORT AND DESIGN FOR INSTALLATION OF ANAEROBIC DIGESTER MIXING AND HEATING SYSTEMS IN DIGESTERS 1 & 2 AT THE BIRD ISLAND WASTEWATER TREATMENT PLANT**

WHEREAS: The Buffalo Sewer Authority wants to continue to improve the efficiency of the Anaerobic Digesters; and

WHEREAS: To improve the efficiency, digester mixing and heating systems need to be installed in Digesters 1 & 2; and

WHEREAS: A committee of the Buffalo Sewer Authority staff, headed by the Treatment Plant Administrator, reviewed the proposal from URS Corporation; and

WHEREAS: The proposal submitted by URS Corporation is to perform the required work in two (2) separate phases at a total cost not to exceed \$200,000.00; and

WHEREAS: The Treatment Plant Administrator, Senior Sanitary Engineering Supervisor, and staff reviewed the proposal and recommend entering into a contract with URS Corporation.

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 URS Corporation for Engineering Services for Phase II Engineering Report and Design for Installation of Anaerobic Digester Mixing and Heating Systems in Digesters 1 & 2 at the Bird Island Wastewater Treatment Plant at a cost not to exceed \$200,000.00. Funds for this contract will be charged to account no. 02000218-432004.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2<sup>ND</sup> BY MR. NAPLES

AYES 5 NOES 0

Board Meeting of June 16, 2004



NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 84400006 as written in the above Agenda Item, increasing the contract cost in the amount of \$30,000.00, making the adjusted contract cost \$44,195.00.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of June 16, 2004

## ITEM NO. 17

**CHANGE ORDER NO. 3 – CONTRACT NO. 84200016**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$266,888.00
URS Corporation	PREVIOUS CHANGE ORDER	98,901.00
640 Ellicott Street	THIS CHANGE ORDER	<u>70,000.00</u>
Buffalo, New York 14203	ADJUSTED CONTRACT COST	\$435,789.00

WORK: Anaerobic Digester Mixing and Heating Upgrade

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**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1 Perform additional design. Re-issue new bid documents and perform an additional two and one-half (2 ½) months of Construction Phase Services.

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1 Bids were received and the low bids were above estimates, requiring the Buffalo Sewer Authority to reject all bids and re-work the project.

**COST OF CHANGE OR EXTRA WORK:**

Item #1 \$70,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$70,000.00

The total INCREASE to the contract as a result of this Change Order is \$70,000.00

;and

WHEREAS: The Buffalo Sewer Authority Treatment Plant Administrator, Senior Sanitary Engineering Supervisor, and staff reviewed the cost and recommend the increase in the contract.





## ITEM NO. 18

**CHANGE ORDER NO. 4 – CONTRACT NO. 84200009**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$2,381,000.00
Quackenbush Company, Inc.	PREVIOUS CHANGE ORDER	121,129.00
495 Kennedy Road	THIS CHANGE ORDER	0.00
Cheektowaga, New York 14227	ADJUSTED CONTRACT COST	\$2,502,129.00

WORK: RAS/WAS Pump Station Improvements

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**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1 Reduce retention amount from 2 percent to 1/2 percent.

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1 Work for this contract is in excess of 99.50 percent complete; the equipment has been placed into service and is operating as intended.

**COST OF CHANGE OR EXTRA WORK:**

Item #1 \$0.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$0.00

The total INCREASE to the contract as a result of this Change Order is \$0.00

**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, making the final completion date unchanged.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable Equipment Specifications, General Specifications, and Project Specifications for the same type of work.
3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.



## ITEM NO. 19

**CHANGE ORDER NO. 1 – CONTRACT NO 84400001**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$100,000.00
Quackenbush Company, Inc.	PREVIOUS CHANGE ORDER	0.00
495 Kennedy Road	THIS CHANGE ORDER	<u>155,000.00</u>
Cheektowaga, NY 14227	ADJUSTED CONTRACT COST	\$255,000.00

WORK: Mechanical Maintenance Contract

**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1 Install four (4) new hot water recirculation pumps on Digesters 1, 2, 5, & 6.  
 Install four (4) new sludge recirculation pumps on Digesters 1, 2, 5, & 6.  
 Replace internal piping and rebuild four (4) heat exchangers on Digesters 1, 2, 5, & 6.  
 Insulate the sludge piping on Digesters 5 & 6.

**REASON FOR CHANGE OR EXTRA WORK:**

Emergency repairs needed on Digesters 1, 2, 5, & 6 to help abate odor problems.

**COST OF CHANGE OR EXTRA WORK:**

Item #1 \$155,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$155,000.00

The total INCREASE of the contract as a result of this Change Order is \$155,000.00



## ITEM NO. 20

**ESTABLISHMENT OF TEMPORARY POSITION - ADMINISTRATIVE ASSISTANT**

WHEREAS: The Buffalo Sewer Authority's "Schedule of Job Classification Plan" provides, when so authorized by the Board, temporary positions may be established for a definite period which will not, without further action of the Board, exceed six (6) months. Such positions will be recorded under this section and will state the termination date thereof.

NOW THEREFORE  
BE IT RESOLVED: That one (1) temporary Administrative Assistant is hereby established for a period of six (6) months effective July 1, 2004, with a termination date of December 31, 2004.

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

Board Meeting of June 16, 2004



## ITEM NO. 22

**REQUEST FOR LEAVE WHILE ON UNION BUSINESS**

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

“June 3, 2004

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 State Installation of Officers in Albany, NY, on Thursday, July 8, 2004.

I will need Thursday, July 8, and Friday, July 9, 2004, 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	_____
2 <sup>ND</sup> BY	_____	MR. NAPLES	_____
AYES	_____	5	NOES _____ 0

Board Meeting of June 16, 2004



ITEM NO. 23

**REQUEST FOR LEAVE WHILE ON UNION BUSINESS**

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

“June 3, 2004

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 Installation of Officers in Rochester, NY, on Friday July 23, 2004.

I will need Friday, July 23, 2004, for travel 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. ROOSEVELT	_____
2 <sup>ND</sup> BY	_____	MR. KENNEDY	_____
AYES	_____	5	NOES _____ 0

Board Meeting of June 16, 2004



ITEM NO. 25

**TUITION ASSISTANCE**

WHEREAS: In accordance with the Agreements between the Buffalo Sewer Authority and CSEA Local 815 and the Communications Workers of America, the following Buffalo Sewer Authority employee has applied for Tuition Assistance:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>SEMESTER</u>	<u>TUITION</u>
Anthony A. Hazzan	Canisius College	Operations Planning and Control	August 2004 – December 2004	\$1918.50

WHEREAS: No funds will be expended at this time.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the application for Tuition Assistance as detailed above.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO

AYES 5 0

Board Meeting of June 16, 2004

## ITEM NO. 26

**TUITION REIMBURSEMENT**

WHEREAS: In accordance with the Agreements between the Buffalo Sewer Authority and CSEA Local 815 and the Communications Workers of America, the following Buffalo Sewer Authority employees have applied for Tuition Reimbursement:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT</u> <u>TOTAL</u>
Anthony A. Hazzan	Canisius College	Foundations of Marketing Management	90%	\$1,842.52
Frank Misso	New York Water Environment Association, Inc.	Greater Buffalo Environmental Conference	100%	\$130.00
Ronald J. Rodolph	Houghton College	Biblical Interpretation	50 %	\$225.00
Ronald J. Rodolph	Houghton College	Christian Education in the Church	50%	\$225.00

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$2,422.52. These Reimbursements will be charged to account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MR. NAPLES

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of June 16, 2004

ITEM NO. 27

**ADJOURNMENT OF MEETING**

MOTION TO                     APPROVE                    

MADE BY                     MR. ROOSEVELT                    

2<sup>ND</sup> BY                     MR. KENNEDY                    

AYES           5           NOES           0          

Board Meeting of June 16, 2004