

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
January 5, 2005**

50299.....50310

BUFFALO SEWER AUTHORITY

January 5, 2005

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present:	<u>Herbert L. Bellamy, Jr.</u>	<u>Chairman</u>
	<u>James P. Naples</u>	<u>Vice Chairman</u>
	<u>John D. Kennedy</u>	<u>Assistant Vice Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Secretary</u>
	<u>Anthony A. Hazzan</u>	<u>General Manager</u>
	<u>Margaret T. Burke</u>	<u>Executive Secretary</u>
	<u>Pamela DiPalma</u>	<u>Director of Employee Relations</u>
	<u>Frank DiMascio</u>	<u>Principal Engineer</u>
	<u>Joseph Baudo</u>	<u>Engineering Department</u>
	<u>Roberta Gaiek</u>	<u>Treatment Plant Administrator</u>
	<u>Anthony Barone</u>	<u>Director of Sewer Maintenance</u>
	<u>Frank Belliotti</u>	<u>City Auditor</u>
	<u>Nicole Elliott</u>	<u>Erie Co. Environment & Planning</u>
	<u></u>	<u></u>
	<u></u>	<u></u>
	<u></u>	<u></u>
	<u></u>	<u></u>
Absent:	<u>Eleanor Wilson-DiVincenzo</u>	<u>Assistant Secretary</u>
	<u></u>	<u></u>

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

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of December 8, 2004

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

ITEM NO. 2

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

December 22, 2004

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	2.16%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$11,145,253.50	Chase	2.16%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,143,785.00	Chase	2.16%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$2,614,171.31	Chase	2.16%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$29,226.76	Chase	2.16%	High Yield
SURPLUS FUND						
01-Sep-04	03-Feb-05	155	\$3,719,759.86	M&T Securities	1.75%	\$28,240.14
NET REVENUE FUND						
			\$913.01	MTB Funds		
01-Jul-04	23-Dec-04	175	\$5,200,000.00	M&T	1.70%	\$42,972.22
25-Aug-04	31-Dec-04	128	\$1,820,193.03	M&T Securities	1.66%	\$10,806.97
25-Aug-04	25-Jan-05	153	\$1,999,927.80	M&T Securities	1.76%	\$15,072.20
27-Sep-04	25-May-05	240	\$2,502,835.06	M&T Securities	2.02%	\$34,164.93
25-Oct-04	25-Feb-05	123	\$4,327,673.76	M&T Securities	1.97%	\$29,326.24
24-Nov-04	25-Mar-05	121	\$1,199,856.94	M&T Securities	2.25%	\$9,143.06
			\$17,051,399.39			
DEBT RESERVE FUND						
30-Jun-04	31-May-06	700	\$1,156,364.75	Series F U.S. Treasury Notes	2.50%	
23-Sep-03	15-Aug-08	1788	\$7,350,000.00	Series I M&T Securities	3.25%	\$119,437.50
13-Mar-03	15-Apr-32		\$2,825,593.00	Series H SLG	4.35%	(2/15/05)
04-Mar-04	15-Nov-33		\$774,061.00	Series J SLG	3.82%	
22-Jul-04	15-Feb-33		\$498,654.00	Series K SLG	5.26%	
CONSTRUCTION FUND SERIES H						
			\$62.10	MTB Funds		
02-Dec-04	23-Dec-04	21	\$1,191,566.41	M&T Securities	2.06%	\$1,433.59
09-Dec-04	30-Dec-04	21	\$1,131,131.01	M&T	2.12%	\$1,398.83
16-Dec-04	05-Jan-05	20	\$879,937.90	M&T Securities	2.17%	\$1,062.10
			\$3,202,697.42			
CONSTRUCTION FUND SERIES J						
			\$0.14	MTB Funds		
16-Dec-04	30-Dec-04	14	\$34,670.81	M&T	2.13%	\$28.72
			\$34,670.95			
CONSTRUCTION FUND SERIES K						
			\$186.51	MTB Funds		
09-Dec-04	23-Dec-04	14	\$1,606,373.75	M&T	2.11%	\$1,318.12
16-Dec-04	30-Dec-04	14	\$1,404,813.49	M&T Securities	2.17%	\$1,186.51
			\$3,011,373.75			

RECEIVE & FILE

ITEM NO. 3

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On November 17, 2004, Michelle A. Werner, of 46 Cochrane Street, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for plumbing costs associated with a sink hole that appeared in her driveway. Ms. Werner hired a private plumber to dig up the area and the plumber found that the problem was caused by a broken wye connection to the main sewer. The total cost for the private plumber was \$995.90; and

WHEREAS: The General Manager reviewed the Claim and recommends payment in the amount of \$995.90.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Michelle A. Werner, 46 Cochrane Street, Buffalo, New York, in the amount of \$995.90. This Claim will be paid out of the Liability and Casualty Reserve Fund.

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

Board Meeting of January 5, 2005

ITEM NO. 4

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On December 6, 2004, Denise Rodriguez, of 285 Bird Avenue, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damages to her automobile. On November 29, 2004, a Buffalo Sewer Authority truck struck the rear driver's side of her vehicle while she was stopped at a stop sign at Forest Avenue and Lincoln Parkway. The total cost of damages is \$551.91; and

WHEREAS: The General Manager reviewed the Claim and recommends payment in the amount of \$551.91.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Denise Rodriguez, 285 Bird Avenue, Buffalo, New York, in the amount of \$551.91. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MR. NAPLES

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of January 5, 2005

ITEM NO. 5

REPORT ON BIDS RECEIVED - ELECTRIC POWER SUPPLY

WHEREAS: Informal bids were solicited for electrical power to be supplied for various terms, commencing March 2005. The following bids were received for electrical power supply to the Treatment Plant:

<u>Vendor</u>	<u>Blended Price per kWh</u>
NYSEG Solutions – 2 year fixed:	\$0.06225
Advantage Energy – 1 year alternative:	\$0.06349
NYSEG Solutions – 1 year fixed:	\$0.06374
Constellation Energy – 1 year fixed:	\$0.0651
; and	

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

WHEREAS: The General Manager and Sewer Authority energy consultants, United Energy, reviewed the bids and recommend awarding a twenty-four month contract to the low bidder, NYSEG Solutions at a rate of \$0.06225 per kWh; and

WHEREAS: Due to time constraints, the Board was polled on October 13, 2004, and verbally authorized the General Manager to enter into a contract with the lowest responsible bidder; and

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby formally authorizes the General Manager to enter into and execute a contract for a 24-month period with NYSEG Solutions to supply electrical power at the Treatment Plant at a rate of \$0.06225 per kWh . This rate will also be in effect for the various stations.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. NAPLES

AYES 4 NOES 0

Board Meeting of January 5, 2005

ITEM NO. 7

AUTHORIZATION FOR CHANGE ORDER TO PURCHASE ORDER NO. 20500227

WHEREAS: The New York State Department of Environmental Conservation notified the Buffalo Sewer Authority that the dump sites at the base of the International Bridge and the canal side of the Treatment Plant Facility would no longer be available; and

WHEREAS: These sites were utilized by the Buffalo Sewer Authority's Sewer Maintenance Emergency Repair Crews, at no cost to the Authority, to dump debris from sewer repair sites. This debris, which contains raw sewage, cannot be treated as normal trash as it would be in violation of the Authority's storm water permit and could result in fines in excess of \$30,000.00 per day; and

WHEREAS: It was necessary to find alternative means to dispose of this debris. An informal bid was conducted and Modern Disposal was awarded the service contract for an original estimate of two hundred tons of debris at a cost of \$40.00 per ton totaling \$ 8,000.00. The initial term of this contract is through June 30, 2005 with an option for two (2) one-year renewal periods; and

WHEREAS: It has become evident that approximately two hundred tons of debris will need to be disposed of on a monthly basis. The Buffalo Sewer Authority will continue to dispose of this debris utilizing Modern Disposal. The cost will be charged on a monthly basis at a minimum of \$8,000.00 per month, as needed, until a formal bid can be put in place. The status of the bid will be reported back to the Board at the next meeting; and

WHEREAS: Board approval is required on services over \$20,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to approve a change order to purchase order no. 20500227 with Modern Disposal Services Inc., increasing the purchase order, as needed, until a formal bid can be put in place. Funds are available in account no. 00690106-442100.

MOTION TO APPROVE

MADE BY MR. NAPLES

2ND BY MR. KENNEDY

AYES 4 NOES 0

Board Meeting of January 5, 2005

ITEM NO. 8

CONTRACT NO. 84500004

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: Installation & Demolition of Sludge Withdrawal Equipment

BID: \$151,200.00

CONTRACTOR: Quackenbush Company, Inc.
495 Kennedy Road
Buffalo, New York 14227

WHEREAS: The Superintendent of Mechanical Maintenance of the Buffalo Sewer Authority has certified that the Contractor completed the work in accordance with the plans and specifications on October 28, 2004.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the Contract has been complete and is accepted;
- b. The date of entrance and occupancy be fixed as of October 28, 2004;
- c. The maintenance period commence on October 28, 2004;
- d. Final payment be made to the Contractor in the amount of \$7,560.00, making the final cost of the contract \$151,200.00.

MOTION TO APPROVE

MADE BY MR. NAPLES

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of January 5, 2005

ITEM NO. 9

CONFIRMATION OF APPOINTMENT

STOCK CLERK (TEMPORARY)
SEWAGE TREATMENT PLANT
\$15.59 PER HOUR
EFFECTIVE: DECEMBER 13, 2004

SAMUEL CALCATERRA
 611A SKINNERSVILLE RD.
 AMHERST, 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. KENNEDY

2ND BY MR. NAPLES

AYES 4 NOES 0

Board Meeting of January 5, 2005

ITEM NO. 10

REQUEST FOR LEAVE WHILE ON UNION BUSINESS

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

“December 2, 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 meeting in Buffalo, NY, on Friday, January 21, 2005.

I will need Friday, January 21, 2005, 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. NAPLES	_____
2 ND BY	_____	MR. ROOSEVELT	_____
AYES	_____	4	NOES _____ 0

Board Meeting of January 5, 2005

ITEM NO. 11

TUITION REIMBURSEMENT

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

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Anthony A. Hazzan	Canisius College	<i>Operations Planning & Control</i>	90%	\$1,837.12
Roberta Gaiek	Buffalo State College	<i>Grade 4 Management Course</i>	90%	\$450.00
James Eagan	SUNY at Buffalo	<i>Foundation Engineering</i>	50%	\$314.75

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$2,601.87. These Reimbursements will be charged to account no. 00800108-480214.

MOTION TO APPROVE
MADE BY MR. NAPLES
2ND BY MR. ROOSEVELT
AYES 4 NOES 0

Board Meeting of January 5, 2005

ITEM NO. 12

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY

AYES 4 NOES 0

Board Meeting of January 5, 2005