

MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
April 13, 2005

50357.....50382

BUFFALO SEWER AUTHORITY

April 13, 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 Naples</u>	<u>Vice Chairman</u>
	<u>John D. Kennedy, Sr.</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>Franklin DiMascio, P.E.</u>	<u>Principal Sanitary Engineer</u>
	<u>Salvatore LoTempio</u>	<u>Treatment Plant Superintendent</u>
	<u>Anthony Barone</u>	<u>Director of Sewer Maintenance</u>
	<u>Joseph Baudo</u>	<u>Engineering Department</u>
	<u>Frank Belliotti</u>	<u>City Auditor</u>
	<u>Nicole Elliott</u>	<u>Erie Co. Environment & Planning</u>
	<u>Brian Meyer</u>	<u>Buffalo News</u>
	<u>Ginger Geoffery</u>	<u>Channel 7 Reporter</u>
	<u>Ed Reilly</u>	<u>Channel 7 Cameraman</u>
	<u>Daniel Summerville</u>	<u>Channel 4 Cameraman</u>
Absent:	<u>Eleanor Wilson-DiVincentis</u>	<u>Assistant Secretary</u>

The meeting was called to order at 9:00. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of March 16, 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>

Board Meeting of April 13, 2005

ITEM NO. 2

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

March 30, 2005

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	2.65%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$10,516,953.38	Chase	2.65%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,148,283.10	Chase	2.65%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$3,140,538.25	Chase	2.65%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$20,972.82	Chase	2.65%	High Yield
SURPLUS FUND						
03-Feb-05	30-Jun-05	147	\$4,187,195.41	M&T Securities	2.65%	\$45,804.59
NET REVENUE FUND						
			\$460.99	MTB Funds		
23-Dec-04	25-Apr-05	123	\$4,400,079.49	M&T Securities	2.37%	\$35,920.51
27-Sep-04	25-May-05	240	\$2,502,835.06	M&T Securities	2.02%	\$34,164.93
31-Dec-04	30-Jun-05	181	\$797,262.20	M&T Securities	2.40%	\$9,737.80
25-Jan-05	30-Jun-05	156	\$1,000,598.13	M&T Securities	2.60%	\$11,404.87
25-Feb-05	30-Jun-05	125	\$4,327,969.10	M&T Securities	2.77%	\$42,030.90
29-Mar-05	30-Jun-05	93	\$1,399,582.45	M&T Securities	2.86%	\$10,417.55
			\$14,428,787.42			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
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						
17-Mar-05	31-Mar-05	14	\$1,762,693.06	M&T	2.61%	\$1,789.13
CONSTRUCTION FUND SERIES J						
24-Mar-05	31-Mar-05	7	\$34,888.42	M&T	2.63%	\$17.84
CONSTRUCTION FUND SERIES K						
17-Mar-05	31-Mar-05	14	\$1,461,565.78	M&T	2.61%	\$1,483.49

RECEIVE & FILE

Board Meeting of April 13, 2005

ITEM NO. 3

CONSIDERATION OF THE OPERATING FUND BUDGET FOR FISCAL YEAR 2005-2006

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority does hereby adopt the attached Operating Fund Budget and Five-Year Capital Plan for the fiscal year commencing July 1, 2005.

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

Board Meeting of April 13, 2005

PROPOSED SCHEDULE OF SEWER RENTS
AND OTHER CHARGES
FOR 2005-2006

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 (the "City") by apportioning the said amount upon such property within the City as the same is set down on the last completed annual assessment roll 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 New York Real Property Tax Law.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated within the limits of the City, discharging sewage, water or other liquids into the Buffalo Sewer Authority (the "Authority") 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 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

(a) An annual service charge for the privilege of connecting with the facilities of the Authority shall be due for any premises situated outside the limits of the City 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 2005-2006.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated outside the limits of the City, discharging sewage, water or other liquids into the Authority 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 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

(a) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer 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 Authority, then the sewer charge or rental for all such accounts shall be in the respective amounts (expressed in dollars) set forth in Exhibit A, attached hereto and made a part hereof, as the Authority determines applicable to such person, lot, parcel of land, building or premises.

(b) In addition to all other rentals and charges provided herein, a monthly drainage connection service charge shall be due for any and all persons, lots, parcels of land, building or premises, other than a City department, that discharge sewage, water or other liquids into the Authority sewer system, either directly or indirectly, as follows:

1. A monthly charge of \$6.00 shall be due for all lots, parcels, land, buildings or premises where the quantity of water used is not measured by a meter acceptable to the Authority.
2. A monthly charge in the amounts set forth below shall be due for all lots, parcels, land, building or premises where the quantity of water used is measured by a meter acceptable to the Authority in accordance with the following meter size:

Residential Users		Non-Residential Users	
<u>Meter Size</u>	<u>Charge (\$)</u>	<u>Meter Size</u>	<u>Charge (\$)</u>
5/8 inch	6.00	5/8 inch	6.00
3/4 inch	6.00	3/4 inch	6.00
1 inch	6.00	1 inch	6.00

Residential Users		Non-Residential Users	
<u>Meter Size</u>	<u>Charge (\$)</u>	<u>Meter Size</u>	<u>Charge (\$)</u>
1 1/2 inch	6.00	1 1/2 inch	55.00
2 inch	6.00	2 inch	55.00
3 inch	55.00	3 inch	55.00
4 inch or larger	55.00	4 inch or larger	55.00

(c) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, which 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 Authority, then, in each such case, the owner, user 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 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 II(a), III(a) and III(b) as the case may be.

(d) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer 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 Authority, that a portion of the water as measured by the water meter does not and cannot enter the Authority sewer system, then the Authority may determine in such manner as may be found practicable the percentage of metered water entering the Authority sewer 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 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 Authority sewer 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 Authority sewer system and so determined.

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

(f) As a condition of a Buffalo Discharge Elimination System Permit (BPDES), a user may be required to pay an industrial waste surcharge for discharging sewage or waste exhibiting a strength of sewage or 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:

$$\text{Surcharge} = 8.34 \text{ QMGY} (0.106 (\text{BOD}_5\text{-250}) + 0.141 (\text{TSS-250}) + 0.011 (\text{TPO}_4\text{-15.35}))$$

\$0.106 Cost/lb. for treatment of BOD₅

\$0.141 Cost/lb. for treatment of TSS
\$0.011 Cost/lb. for treatment of TPO₄

QMGY shall mean the annual total industrial and sanitary discharge - water retention.
BOD₅ shall mean the average concentration of BOD₅ in sewage or waste discharged to the Authority facilities.

TSS shall mean the average concentration of TSS in sewage or waste discharged to the Authority facilities.

TPO₄ shall mean the average concentration of TPO₄ in sewage or waste discharged to the Authority facilities.

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, 2004 and ending June 30, 2005 for all users that discharge sewage or waste exhibiting a strength of sewage or 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, 2005.

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

(h) Whenever sewage or other wastes result in conditions in the Authority sewer 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 incurred by the Authority for labor, materials, equipment hire, insurances, and other overhead, against the owner of the property or premises that caused the discharge of such sewage or other wastes into the Authority sewer system.

(i) Where sewer facilities have been installed to serve improved and unimproved property and have been paid for in whole or in part by the 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 to be equitable, as a condition to a permit for a connection to the Authority's facilities.

(j) 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 with the Authority.

(k) All persons owning or operating a pump truck or other transport vehicle and desiring to discharge wastes, directly or indirectly, into the Authority's facilities 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 hereby charged for such wastehaulers who are located outside the City:

DISCHARGE LOCATION	TOTAL SUSPENDED SOLIDS	BOD ₅	TOTAL PHOSPHATE
Inlet/South Buffalo Pump	\$0.2086/lb	\$0.1609/lb.	\$0.0163/lb.
Mixing Tank	\$0.1870/lb	\$0.0946/lb.	\$0.0163/lb.
Thickener/Digester	\$0.2007/lb	\$0.1013/lb.	\$0.0163/lb.

The above surcharge rates, along with costs incurred by the Authority 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 \$0.035 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, 2005.

(l) In the event a person, lot, parcel of land, building or premises threatens to discharge or discharges sewage or waste into or near the Authority's publicly owned treatment works, either directly or indirectly, which in the opinion of the Authority will or is likely to bypass, upset, harm or endanger the facilities of the Authority, then such person or the owner or operator of such lot, parcel of land, building or premises shall pay to the Authority charges for any and all clean up, removal and remediation costs actually incurred by the 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) remediation, treatment, storage or disposal of such discharge or threatened discharge and all soils, water or structures affected by such discharge.

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

(n) Any person who is granted a temporary permit to discharge into the facilities of the Authority shall pay a permit fee of \$300.00 to the Authority as a condition of the issuance of such permit.

(o) 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 Authority's

Sewer Use Regulations 21 N.Y.C.R.R. Part 10075 and New York Public Authorities Law
Section 1175 et seq.

(p) Sewer rents and charges as herein provided shall be payable at the office of the Director of the Treasury for the City at Room 117, City Hall, Buffalo, New York 14202, or at such other location or address as may be set forth on the Authority's invoice, and shall become due as follows:

1. So much of the sewer rents and charges as are based upon water use and the drainage connection service charge covering the respective premises, or such other charges as provided herein shall be due and payable, except as otherwise stated in this schedule or in such invoice, on the same day, one month following the month of the invoice billing date, and such invoice may be billed monthly, quarterly or as otherwise determined by the Authority; and
2. So much of the sewer rents and charges as are based upon the assessed valuation of chargeable real estate shall become due and 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.
3. Such sewer rents and charges that remain unpaid after their respective due dates, shall be charged interest and such interest shall continue to be charged until such sewer rents and charges are paid in full, at the same rate as unpaid City taxes, to wit: four and one-half percent (4.5%) interest shall be added to amounts unpaid from the first through the thirtieth day after the due date, and one and one-half percent (1.5%) shall be added to all amounts that remain unpaid for each succeeding month thereafter.

(q) All users shall be subject to paying reasonable costs and expenses, including attorney fees incurred in the collection of sewer rents and charges that remain unpaid, as may be determined by the Board of the Authority. In addition to any other remedy or provision hereof, the Authority reserves the right to engage in such collection activities, as it deems appropriate, for all accounts that remain unpaid after the due date. In consideration of such collection activities and to defray the cost thereof, the user shall pay an additional charge of twenty-one percent (21%) of the amount of each such delinquent account, together with interest as provided herein, that remains unpaid for more than (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 non-metered flat rate accounts. Due date, as used herein, means the date that the Authority's sewer rent and other charges are due and payable pursuant to III (p) (1) and III (p) (2), herein, respectively.

(r) Invoice statements shall be mailed or delivered to the address of the owner or user, as the case may be, as such address appears on the Authority's records. Such mailing or delivery is a matter of convenience. Failure of an owner or user to receive an invoice statement shall not release such owner or user from the obligation to pay such invoice statement, together with any other charges and interest which may accrue on unpaid amounts.

(s) All invoices shall be paid in United States dollars and may be paid by cash, check or MasterCard and Visa at Room 117, City Hall, Buffalo, New York or such other location or address as may be provided on such invoice, or by telephone as set forth on the invoice. All persons who pay by such charge cards shall pay the Authority a two dollar (\$2.00) charge for each credit card payment transaction as a handling fee.

IV. LIEN OF SEWER RENT

From and after the due date thereof, such sewer rents and charges, together with any interest and collection costs 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 SCHEDULE

This schedule of sewer rents and other charges shall become effective July 1, 2005; provided, however, that the sewer rents and other charges herein set forth, applicable to water use, shall become effective on all billings on and after August 1, 2005, excepting only monthly metered accounts for July 2005, and Section "W" of the quarterly metered accounts for the period May, June, and July 2005, which shall be billed at the rents in effect prior to July 1, 2005.

Exhibit A

Stories High:	1	1 1/2	2	2 1/2	3	4	5
Under 25 ft.	21.65	24.38	29.76	35.17	37.84	40.57	45.97
From 25 ft. to 30 ft.	24.38	29.76	35.17	37.84	40.57	45.97	51.35
From 31 ft. to 35 ft.	29.76	35.17	37.84	40.57	45.97	51.35	56.74
From 36 ft. to 40 ft.	35.17	37.84	40.57	45.97	51.35	56.74	59.44
From 41 ft. to 45 ft.	37.84	40.57	45.97	51.35	56.74	59.44	62.12
From 46 ft. to 50 ft.	40.57	45.97	51.35	56.74	59.44	62.12	67.56
The Following Rates Apply To More Than One Family Homes Or Housekeeping:							
1 Family	21.65						
2 Families	43.29						
3 Families	64.94						
4 Families	86.58						
5 Families	108.03						
6 Families	129.87						
Bathtubs & Showers	*Bathtubs with attached showers are charged for only bathtubs						
1 Bathtub	5.45						
2 Bathtubs	10.91						
3 Bathtubs	16.36						
4 Bathtubs	21.81						
5 Bathtubs	27.27						
6 Bathtubs	32.72						
7 Bathtubs	38.17						
8 Bathtubs	43.63						
9 Bathtubs	49.08						
Toilets:	1 Family	2 Family	3 Family	4 Family	5 Family	6 Family	
1 Toilet	10.86						
2 Toilets	19.15	21.73					
3 Toilets	27.43	30.01	32.59				
4 Toilets	35.72	38.30	40.88	43.46			
5 Toilets	44.00	46.58	49.16	51.74	54.32		
6 Toilets	52.29	54.87	57.45	60.03	62.61	65.19	
7 Toilets	60.57	63.15	65.73	68.31	70.89	73.47	
8 Toilets	68.86	71.44	74.02	76.60	79.18	81.76	
9 Toilets	77.14	79.72	82.30	84.88	87.46	90.04	
Each Additional Toilet	8.28						

ITEM NO. 5

AUTHORIZATION TO PUBLISH NOTICE OF PROPOSED AMENDED "SCHEDULE OF SEWER RENTS AND OTHER CHARGES"

WHEREAS: The Buffalo Sewer Authority requires an amendment to the "Schedule of Sewer Rents and Other Charges."

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes and directs that the proposed amended "Schedule of Sewer Rents and Other Charges" be published as a notice once a week for three (3) successive weeks, in *The Buffalo News* and the City Record on Friday, April 22, April 29, and May 6, 2005. This notice shall state that the proposed amended "Schedule of Sewer Rents and Other Charges" will remain open for inspection in the office of the Authority for thirty (30) days from the date of said notice, and that objections thereto may be filed during said period with said Authority by any person conceiving himself or herself aggrieved thereby, and that the Authority shall hear and examine such complaints and may modify the proposed Schedule and shall adopt the final amended "Schedule of Sewer Rents and Other Charges" within sixty (60) days of such notice.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY

AYES 4 NOES 0

Board Meeting of April 13, 2005

ITEM NO. 6

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On January 18, 2005, Leroy Properties, of 2101 Kenmore Avenue, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damages to a brick guard house located on their property; and

WHEREAS: On November 18, 2005, the Director of Sewer Maintenance, Anthony Barone, lost control of the Buffalo Sewer Authority vehicle he was driving and struck the guard house. The total cost of damages is \$24,500.00; and

WHEREAS: The Claim was forwarded to the City of Buffalo Law Department. The Law Department determined that there was some liability on the part of the Buffalo Sewer Authority. The General Manager recommended a total settlement of \$24,500.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Leroy Properties, 2101 Kenmore Avenue, Buffalo, New York, in the amount of \$24,500.00. This Claim will be paid out of the Liability and Casualty Reserve Fund.

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

Board Meeting of April 13, 2005

ITEM NO. 8

TRAVEL AUTHORIZATION - FRANKFURT, GERMANY

WHEREAS: On October 13, 2004, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Westfalia Separator, Inc., for the Centrifuge Equipment Procurement for Sludge Dewatering System Improvements at a cost not to exceed \$507,600.00; and

WHEREAS: Under the terms of this contract, the seller, Westfalia Separator, Inc., shall pay the costs for representatives of the buyer, Buffalo Sewer Authority, to witness the performance tests at the seller's factory or test factory upon completion of the manufacture of the centrifuge; and

WHEREAS: Westfalia Separator, Inc., has scheduled the performance tests for April 25 and 26, 2005, at their factory in Frankfurt, Germany; and

WHEREAS: The Buffalo Sewer Authority has notified the Buffalo Board of Ethics of the details of this trip.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager and Treatment Plant Administrator to travel to Frankfurt, Germany from April 23-27, 2005, to witness performance testing of the centrifuge equipment. All costs are to be incurred by Westfalia, Separator, Inc.

MOTION TO APPROVE

MADE BY MR. NAPLES

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of April 13, 2005

ITEM NO. 10

PAYMENT FROM JUDGMENT & CLAIMS

WHEREAS: Board approval is required for charges made against the Buffalo Sewer Authority's current budget for services and/or materials received during a prior fiscal year; and

WHEREAS: The following service was received during the 2003-04 fiscal year and charged to the 2004-05 budget account number 00800108-480214:

VENDOR	AMOUNT
Union Occupational Health Center	\$1,115.00
; and	

WHEREAS: The Treatment Plant Superintendent recommends the above payment from the Judgment and Claims account.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above payment from the Judgment and Claims account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. NAPLES

AYES 4 NOES 0

Board Meeting of April 13, 2005

ITEM NO. 11

REPORT ON BIDS RECEIVED - PURCHASE OF FERROUS CHLORIDE

WHEREAS: Formal bids were advertised and solicited for the purchase of ferrous chloride for use at the Treatment Plant. The following bids were received and opened by the Buffalo Sewer Authority on March 22, 2005:

Kemiron	\$0.25 per gallon
Riverside Chemical	\$0.625 per gallon
Gulbrandsen Technologies, Inc.	No bid
Amrex Chemical Co., Inc.	No bid

; and

WHEREAS: The Treatment Plant Superintendent and staff reviewed the bids and recommend awarding a contract to the low bidder, Kemiron.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby formally authorizes the General Manager to enter into and execute a contract with Kemiron to provide ferrous chloride for use at the Treatment Plant for a two-year period beginning July 1, 2005 to June 30, 2007, at a cost of \$0.25 per gallon, up to a maximum amount of \$80,000.00, with an option to renew for three (3) one-year periods if agreeable to both the Buffalo Sewer Authority and Kemiron. Expenses for this contract will be charged to account no. 00360105-467044.

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

Board Meeting of April 13, 2005

ITEM NO. 12

REPORT ON BIDS RECEIVED - PURCHASE OF SODIUM HYPOCHLORITE

WHEREAS: Formal bids were advertised and solicited for the purchase of sodium hypochlorite for use at the Treatment Plant. The following bids were received and opened by the Buffalo Sewer Authority on March 22, 2005:

Bison Laboratories	\$0.444 per gallon
Surpass Chemical	\$0.66 per gallon
JCI Jones	No bid
Amrex Chemical Co., Inc.	No bid
; and	

WHEREAS: The Treatment Plant Superintendent and staff reviewed the bids and recommend awarding a contract to the low bidder, Bison Laboratories.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby formally authorizes the General Manager to enter into and execute a contract with Bison Laboratories to provide sodium hypochlorite for use at the Treatment Plant for a two-year period beginning July 1, 2005 to June 30, 2007, at a cost of \$0.444 per gallon, up to a maximum amount of \$499,500.00, with an option to renew for three (3) one-year periods if agreeable to both the Buffalo Sewer Authority and Bison Laboratories. Expenses for this contract will be charged to account no. 00330105-467044.

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

Board Meeting of April 13, 2005

ITEM NO. 13

AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN

WHEREAS: There is a need to modify the Job Classification Plan.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority approves the deletion of the following positions from the Job Classification Plan:

One (1) Senior Clerk	00110121 411001
Two (2) Wastewater Treatment Plant Operator II w/License	00290161 411001

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. NAPLES

AYES 4 NOES 0

Board Meeting of April 13, 2005

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</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Norbert A.Olszowka	Latin American Institute	Spanish Language	50%	\$ 67.50
George Giambrone	New York Environment Association	Buffalo Environmental Conference	100%	\$ 75.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$142.50. These Reimbursements will be charged to account no. 00800108-480214.

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

Board Meeting of April 13, 2005

ITEM NO. 16

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. NAPLES

AYES 4 NOES 0

Board Meeting of April 13, 2005