

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
May 25, 2005**

BUFFALO SEWER AUTHORITY

May 25, 2005

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)

May 12, 2005

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	2.85%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$11,070,884.29	Chase	2.85%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,153,348.13	Chase	2.85%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$2,744,463.03	Chase	2.85%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$23,794.66	Chase	2.85%	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						
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
25-Apr-05	30-Jun-05	66	\$2,400,606.45	M&T	2.88%	\$12,675.20
			\$12,428,853.39			

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%	(8/15/05)
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						
12-May-05	19-May-05	7	\$980.08 \$1,757,008.68 \$1,757,988.76	MTB Funds M&T Securities	2.90%	\$991.32
CONSTRUCTION FUND SERIES J						
12-May-05	19-May-05	7	\$35,016.19	M&T	2.86%	\$19.47
CONSTRUCTION FUND SERIES K						
12-May-05	19-May-05	7	\$672.61 \$704,602.46 \$705,275.07	MTB Funds M&T Securities	2.90%	\$397.54

RECEIVE & FILE

Board Meeting of May 25, 2005

ITEM NO. 3

INFORMATIVE: PUBLICATION OF STORMWATER ANNUAL REPORT (APRIL 2004 - MARCH 2005)

New York State's MS4 SPDES Permit, Section 2e: Public Involvement/Participation requires that the Buffalo Sewer Authority (BSA) publish annually in the largest daily newspaper in the City of Buffalo, a notification of the annual stormwater report for public review and comment; and

This notification was placed in *The Buffalo News* on Sunday, May 15, 2005. This notice stated that the annual stormwater report would be available in the office of the Authority from 9:00 am to 12:00 pm on Friday, May 20, 2005, for public review and comment.

The Stormwater Annual Report for April 2004 – March 2005 will be completed and submitted after the public review and comment period.

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

RECEIVE & FILE

Board Meeting of May 25, 2005

ITEM NO. 4

ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2005-2006"

WHEREAS: The Buffalo Sewer Authority, in the meeting of April 13, 2005, adopted a proposed "Schedule of Sewer Rents and Other Charges for 2005-2006" and authorized the publication of this notice, commencing April 22, 2005, 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 "Final Schedule of Sewer Rents and Other Charges for 2005-2006"; and

WHEREAS: The "Final Schedule of Sewer Rents and Other Charges for 2005-2006" includes a drainage connection fee assessed to both flat rate and metered accounts. The charge for flat rate accounts will be \$6.00 per month. Metered accounts will be charged based on the meter size at a minimum of \$6.00 per month.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby adopts the "Final Schedule of Sewer Rents and Other Charges for 2005-2006".

MOTION TO _____ APPROVE _____

MADE BY _____ MR. KENNEDY _____

2ND BY _____ MS. WILSON-DIVENCENZO _____

AYES _____ 5 _____ NOES _____ 0 _____

Board Meeting of May 25, 2005

FINAL 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:

Surcharge = 8.34 QMGY (0.106 (BOD₅-250) + 0.141 (TSS-250) + 0.011 (TPO₄-15.35))

\$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.

50410

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

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

(q) 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.

(r) 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.

(s) 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.

(t) 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 ½	2	2 ½	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					

50414

Border or Roomer

1	4.13
2	8.26
3	12.38
4	16.51

Office with Water: 21.65

Office without Water: 10.86

Hot Water Heating Billed in November & February:

1	10.84
2	21.67
3	32.51
4	43.35
5	54.18
6	65.02
7	75.86
8	86.69

Car in Garage:

Garage w/out Water

Garage w/Water

1 Car	10.84	21.66
2 Cars	21.67	43.32
3 Cars	32.51	64.98
4 Cars	43.35	86.69
5 Cars	54.18	108.30
6 Cars	65.02	129.96
7 Cars	75.86	151.62
8 Cars	86.69	173.28

ITEM NO. 5

EXTENSION OF CONTRACT FOR THE PURCHASE OF POLYMER DEWATERING AID FOR WASTEWATER SLUDGE THICKENING AND CONDITIONING

- WHEREAS: On July 24, 2002, the Board of the Buffalo Sewer Authority awarded a contract to Polydyne, Inc., for the purchase of dewatering polymer, thickening polymer, and related equipment for use at the Treatment Plant for a 33-month period beginning October 1, 2002 to June 30, 2005; with an option to renew for three (3) 12-month periods through June 30, 2008; and
- WHEREAS: Due to unexpected market conditions Polydyne, Inc., is unable to extend this contract at the same costs; and
- WHEREAS: Buffalo Sewer Authority requested an extension of this contract for a three-month period, July 1, 2005 to September 30, 2005, to allow time for the formal bid process; and
- WHEREAS: Polydyne, Inc., has agreed to this extension with the following price increases:
- Clarifloc NE 716 \$0.85/lb.
(change from current NE 409 at \$0.62/lb.)
 - Clarifloc C-311 \$0.1026/lb.
(change from current C-311 at \$0.088/lb.)
- ; and
- WHEREAS: The Law Department has reviewed the current contract and found no verbiage in the renewal clause allowing or disallowing an increase to the cost at the time of renewal; and
- WHEREAS: The General Manager, Treatment Plant Superintendent, and Process Department staff recommend this three-month extension.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Polydyne, Inc., for the purchase of dewatering polymer, thickening polymer, and related equipment for use at the Treatment Plant for a three-month period, July 1, 2005 to September 30, 2005, to allow time for the formal bid process. The Board of the Buffalo Sewer Authority further authorizes the change of Clarifloc NE 409 at a cost of \$0.062/lb. to Clarifloc NE 716 at a cost of \$0.85/lb. and a change in the cost of Clarifloc C-311 from \$0.088/lb. to \$0.1026/lb. Expenses for this three-month extension will be charged to account nos. 00340105-467044 and 00360105-467044 at a total cost not to exceed \$275,000.00.

MOTION TO APPROVE
MADE BY MR. ROOSEVELT
2ND BY MR. KENNEDY
AYES 5 NOES 0

Board Meeting of May 25, 2005

ITEM NO. 6

TRAVEL AUTHORIZATION - ALBANY, NEW YORK

WHEREAS: The Buffalo Sewer Authority Laboratory must be up to date on current approved laboratory methods; and

WHEREAS: The New York Association of Approved Environmental Laboratories (NYAAEL) is holding a seminar in Albany, New York, on June 13, 2005, covering an overview of laboratory approved methods; and

WHEREAS: The Treatment Plant Superintendent recommends that Robert Carroll, Assistant Sanitary Chemist, be authorized to attend this seminar.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes Robert Carroll, Assistant Sanitary Chemist, to travel to Albany, New York, from June 12-14, 2005, to attend this seminar at a cost not to exceed \$400.00. Funds are available in account nos. 00510104-458010 and 00510104-458012.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVENCENZO

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 25, 2005

ITEM NO. 7

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH KOESTER ASSOCIATES, INC.

WHEREAS: The Buffalo Sewer Authority installed a fine bubble diffusion system on 16 aeration tanks at the Treatment Plant in 1995. Sanitaire, the original equipment manufacturer of the diffusers and the holder of the patent on the gas cleaning procedure, recommends annual gas cleaning of the diffuser elements. Lack of cleaning results in serve bio-fouling and loss of oxygen-transfer efficiency; and

WHEREAS: Since 1996, each of the 16 aeration tanks has been gas cleaned once. Seven of the 16 tanks were gas cleaned between 2002 and 2003. The remaining nine (9) tanks were gas cleaned in 2004; and

WHEREAS: Plant staff recommends a second cleaning of all 16 aeration tanks; and

WHEREAS: Koester Associates, Inc., has submitted a quote not to exceed \$179,000.00 for an aeration diffuser program. This cost includes manual cleaning of the remaining fouled diffusers, parts and labor to repair two (2) broken gas lines in Tank 1B, gaseous chlorine, and labor required to clean all 16 aeration tanks, as well as, one (1) license fee for this patented gas cleaning process; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend accepting the quote not to exceed \$179,000.00 from Koester Associates, Inc., for an aeration diffuser program.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute an agreement with Koester Associates, Inc., for an aeration diffuser program at a total cost not to exceed \$179,000.00. Expenses for this agreement will be charged to account no. 02000222-490740.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MS. WILSON-DIVENCENZO

AYES 5 NOES 0

Board Meeting of May 25, 2005

ITEM NO. 8

AUTHORIZATION FOR INCREASE TO PURCHASE ORDER NO. 20500124

WHEREAS: On July 21, 2004, the Board of the Buffalo Sewer Authority authorized the General Manager to utilize State Contract pricing to purchase gasoline for vehicles utilized by the Buffalo Sewer Authority from Kurk Fuel Oil Company in an amount not to exceed \$35,200.00 (\$13,200.00 from account no. 00520105-462600 and \$22,000.00 from account no. 00690105-462600) for fiscal year 2004-2005; and

WHEREAS: Due to market conditions, the cost of this commodity has escalated necessitating an increase to purchase order no. 205000124 for the remainder of fiscal year 2004-2005; and

WHEREAS: The Treatment Plant Superintendent, Director of Sewer Maintenance, and staff recommend an increase to purchase order no. 20500124 of \$12,000.00 from \$35,200.00 to \$47,200.00 for the purchase of gasoline for vehicles.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes an increase of \$12,000.00 to purchase order no. 20500124 from \$35,200.00 to \$47,200.00 for the purchase of gasoline under State Contract pricing from Kurk Fuel Oil Company for fiscal year 2004-2005. Expenses for this increase will be charged to account nos. 00520105-462600 (\$4,000.00) and 00690105-462600 (\$8,000.00).

MOTION TO APPROVE

MADE BY MS. WILSON-DIVENCENZO

2ND BY MR. NAPLES

AYES 5 NOES 0

Board Meeting of May 25, 2005

ITEM NO. 9

AUTHORIZATION FOR INCREASE TO PURCHASE ORDER NO. 20500125

WHEREAS: On July 21, 2004, the Board of the Buffalo Sewer Authority authorized the General Manager to utilize State Contract pricing to purchase diesel fuel for vehicles utilized by the Buffalo Sewer Authority from NOCO Energy Corporation in an amount not to exceed \$20,900.00 (\$6,600.00 from account no. 00520105-462600 and \$14,300.00 from account no. 00690105-462600) for fiscal year 2004-2005; and

WHEREAS: Due to market conditions, the cost of this commodity has escalated necessitating an increase to purchase order no. 20500125 for the remainder of fiscal year 2004-2005; and

WHEREAS: The Treatment Plant Superintendent, Director of Sewer Maintenance, and staff recommend an increase to purchase order no. 20500125 of \$7,000.00 from \$20,900.00 to \$27,900.00 for the purchase of diesel for vehicles.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes an increase of \$7,000.00 to purchase order no. 20500125 from \$20,900.00 to \$27,900.00 for the purchase of diesel under State Contract pricing from NOCO Energy Corporation for fiscal year 2004-2005. Expenses for this increase will be charged to account nos. 00520105-462600 (\$1,400.00) and 00690105-462600 (\$5,600.00).

MOTION TO APPROVE
MADE BY MS. WILSON-DIVENCENZO
2ND BY MR. NAPLES
AYES 5 NOES 0

Board Meeting of May 25, 2005

ITEM NO. 10

AUTHORIZATION TO ENTER INTO AGREEMENT WITH CRA INFRASTRUCTURE & ENGINEERING, INC.

WHEREAS: The South Buffalo Pump Station, constructed in 1938, is instrumental to the Buffalo Sewer Authority collection system as it is the primary means of conveying wastewater from the southern portions of the City to the Treatment Plant; and

WHEREAS: In the years between 1983 and the present, several modifications were made to this station; and

WHEREAS: In order to help prevent sewer system surcharging and backup in the service area, this station is now in need of major rehabilitation; and

WHEREAS: CRA Infrastructure & Engineering, Inc., has extensive experience related to design and construction in this type of rehabilitation work; and

WHEREAS: Buffalo Sewer Authority staff solicited and received a proposal from CRA Infrastructure & Engineering, Inc., as follows:

Tasks	Description	Costs
1	Preliminary Design Services	\$ 8,860.00
2	Detailed Design Services	\$ 76,140.00
3	Bid Services	\$ 5,800.00
4	Construction Administration/Commissioning and Start-up Services	\$ 34,000.00
5	Resident Inspection Services	\$ 26,000.00
Total cost not to exceed		\$150,800.00

; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, Superintendent of Mechanical Maintenance, and staff have reviewed the proposal and recommend entering into an engineering contract with CRA Infrastructure & Engineering, Inc., for this work.

ITEM NO. 11

EXTENSION OF CONTRACT FOR STEAM SYSTEM REPAIRS

WHEREAS: On May 28, 2003, the Board of the Buffalo Sewer Authority awarded a contract to Nicholson & Hall Corporation for steam system repairs at the Treatment Plant through June 30, 2004. This contract provides for two (2) one-year renewals; and

WHEREAS: Nicholson & Hall Corporation has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent and Superintendent of Mechanical Maintenance recommend this extension, up to a maximum amount of \$30,000.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Nicholson & Hall Corporation for steam system repairs at the Treatment Plant for a second one-year period beginning July 1, 2005, up to a maximum amount of \$30,000.00. Expenses for this contract will be charged to account no. 00380106-443421.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVENCENZO

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 25, 2005

ITEM NO. 12

EXTENSION OF CONTRACT FOR MECHANICAL MAINTENANCE

WHEREAS: On May 28, 2003, the Board of the Buffalo Sewer Authority awarded a contract to Quackenbush Company, Inc., for mechanical maintenance at the Treatment Plant through June 30, 2004. This contract provides for two one-year renewals; and

WHEREAS: Quackenbush Company, Inc., has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent and Superintendent of Mechanical Maintenance recommend this extension, up to a maximum amount of \$100,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Quackenbush Company, Inc., for mechanical maintenance at the Treatment Plant for a second one-year period beginning July 1, 2005, up to a maximum amount of \$100,000.00. Expenses for this contract will be charged to account no. 00520106-443421.

MOTION TO APPROVE
MADE BY MR. KENNEDY
2ND BY MS. WILSON-DIVENCENZO
AYES 5 NOES 0

Board Meeting of May 25, 2005

ITEM NO. 13

EXTENSION OF CONTRACT FOR IN-PLANT ELECTRICAL MAINTENANCE SERVICE

WHEREAS: On June 16, 2004, the Board of the Buffalo Sewer Authority awarded a contract to O'Connell Electric Co., for in-plant electrical maintenance service at the Treatment Plant through June 30, 2005. This contract provides for two (2) one-year renewals; and

WHEREAS: O'Connell Electric Co., has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent and Superintendent of Mechanical Maintenance recommend this extension, up to a maximum amount of \$30,000.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with O'Connell Electric Co., for in-plant electrical maintenance service at the Treatment Plant for a one-year period beginning July 1, 2005, up to a maximum amount of \$30,000.00. Expenses for this contract will be charged to account no. 00520106-443421.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVENCENZO

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 25, 2005

ITEM NO. 14

**REPORT ON BIDS RECEIVED - 96-INCH SETTLED WASTEWATER FORCEMAIN
INTERNAL JOINT REPAIR PROJECT**

WHEREAS: Formal bids were advertised and solicited for the 96-Inch Settled Wastewater Forcemain Internal Joint Repair Project. The following bids were received and opened by the Buffalo Sewer Authority on May 13, 2005:

J. Fletcher Creamer & Son	\$ 64,000.00
Miller Pipeline Corp.	\$ 89,400.00
Kandey Company	\$209,000.00
; 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 bid submitted by J. Fletcher Creamer & Son is in the amount of \$64,000.00; and

WHEREAS: The Consulting Engineer CRA Infrastructure & Engineering, Inc., the Superintendent of Mechanical Maintenance, and staff reviewed the bids and recommend accepting the low bid and awarding the contract to J. Fletcher Creamer & Son.

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 J. Fletcher Creamer & Son, at a cost not to exceed \$64,000.00. Expenses for this contract will be charged to account no. 02000232-490740.

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

ITEM NO. 15

REPORT ON BIDS RECEIVED - STORM SEWER IMPROVEMENTS IN KAISERTOWN SOUTH OF CLINTON STREET

WHEREAS: Formal bids were solicited for the Storm Sewer Improvements in Kaisertown South of Clinton Street. The following bids were received and opened by the Buffalo Sewer Authority on May 2, 2005:

C. Destro Development	\$ 787,605.00
Sicar, Inc.	\$ 885,825.00
Visone Construction	\$ 886,300.00
Milherst Construction	\$ 917,112.00
Triple R Development	\$ 933,410.00
Accadia Site Contracting	\$ 957,255.00
C M H Company	\$1,006,400.00
Kandey Company	\$1,032,670.00
; 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 bid submitted by C. Destro Development is in the amount of \$787,605.00; and

WHEREAS: The Principal Sanitary Engineer and staff reviewed the bids and recommend accepting the low bid and awarding the contract to C. Destro Development.

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 C. Destro Development, at a cost not to exceed \$787,605.00. Expenses for this contract will be charged to account no. 02000236-490740.

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

Board Meeting of May 25, 2005

ITEM NO. 16

CHANGE ORDER NO. 3 – CONTRACT NO. 84100005

CONTRACTOR:	ORIGINAL CONTRACT COST	\$2,089,800.00
Malcolm Pirnie, Inc.	PREVIOUS CHANGE ORDER	507,440.00
104 Corporation Park Drive	THIS CHANGE ORDER	<u>159,314.00</u>
White Planes, New York 10602	ADJUSTED CONTRACT COST	\$2,756,554.00

WORK: Grit Removal System Modifications

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Additional scope of work
- Item #2 Additional Resident Inspection/Construction Administration/Closeout

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Additional Engineering Services requested by the Buffalo Sewer Authority that were not part of the original scope of the project.
- Item #2 Due to the construction contract time being extended to facilitate additional work required at the Treatment Plant, additional Construction Services were needed.

COST OF CHANGE OR EXTRA WORK:

- Item #1 Task 1 - \$1,774.00
- Item #2 Task 2 - \$157,540.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$159,314.00

The total INCREASE to the contract as a result of this Change Order is \$159,314.00

;and

WHEREAS: The Buffalo Sewer Authority Staff reviewed the cost and recommend the increase in the contract.

ITEM NO. 17

CHANGE ORDER NO. 4 – CONTRACT NO. 84100018

CONTRACTOR:	ORIGINAL CONTRACT COST	\$16,296,101.00
C. O. Falter Construction Corp.	PREVIOUS CHANGE ORDERS	\$3,323,126.00
403 West Bear Street	THIS CHANGE ORDER	<u>\$258,999.20</u>
Syracuse, New York 13204	ADJUSTED CONTRACT COST	\$19,878,226.20

WORK: Grit Removal System Modifications

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Dispose of hazardous material to complete lead abatement.
- Item #2 Provide explosion-proof telephone conduits, training, and programming changes.
- Item #3 Provide monitoring system for sixteen grit pumps.
- Item #4 Provide SCADA Operator Workstation in new Grit Facility.
- Item #5 Pavement improvements.
- Item #6 Provide maintenance tools and storage.
- Item #7 Drainage improvements in Grit Facility Dumpster Room.
- Item #8 Re-point existing Screenings Building.
- Item #9 Reduce retention.

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Provide transportation and disposal for twenty-six drums of lead paint chips abated from Screening Building and disposed at a hazardous waste site.
- Item #2 Provide explosion-proof telephone conduits to the east and west building basements of the new Grit Facility for connection of an explosion-proof telephone for use in the event of an emergency. Provide additional operator training and final PLC programming changes for Grit Removal System.
- Item #3 Provide a monitoring system to detect pump failure on a total of sixteen grit pumps in the east and west building basements of the new Grit Facility to maximize pump life and

minimize clogging malfunctions.

- Item #4 Provide a SCADA and LAN workstation in the Control Room of the new Grit Facility for operator use.
- Item #5 Remove temporary pavement placed on the south side of the Administration Building during construction and restore landscaping to raise existing sanitary and storm manhole rims to match finish pavement elevations.
- Item #6 Provide maintenance tools to repair new equipment and provide storage boxes.
- Item #7 Sawcut drainage channels from dumpsters to center drain in the new Grit Room.
- Item #8 Re-point existing Screening Building to resolve unsafe masonry condition caused by freeze/thaw conditions.
- Item #9 Work has surpassed substantial completion: reduce retention to 0.5%.

COST OF CHANGE OR EXTRA WORK:

Item #1	\$ 4,499.20
Item #2	\$ 8,000.00
Item #3	\$165,000.00
Item #4	\$ 8,000.00
Item #5	\$ 20,000.00
Item #6	\$ 10,000.00
Item #7	\$ 8,500.00
Item #8	\$ 35,000.00
Item #9	\$ 00.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$258,999.20

The total INCREASE to the contract as a result of this Change Order is \$258,999.20

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 June 1, 2005.
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.

ITEM NO. 18

HEALTH INSURANCE FOR RETIRED BUFFALO SEWER AUTHORITY EMPLOYEES

WHEREAS: The Buffalo Sewer Authority currently provides Independent Health (Gold Plan), now known as Encompass A (Gold Plan), to its CWA retirees at no cost to the retiree. Independent Health has introduced a new health care plan, Medicare Encompass A, for retirees with Medicare Part B; and

WHEREAS: The benefits associated with the Medicare Encompass A Plan are identical to those offered under the Encompass A (Gold Plan). The only instances where benefits are not identical are the enhancements associated with the Medicare plan; and

WHEREAS: All current and future CWA retirees and their spouses over the age of 65 with Medicare Part B must enroll in Independent Health Medicare Encompass A effective July 1, 2005, at no cost to the retiree; and

WHEREAS: The Buffalo Sewer Authority will continue to offer Blue Cross & Blue Shield, Community Blue, and Univera to its present and future CWA Retirees; however, each eligible CWA Retiree who chooses a health insurance plan other than Independent Health Medicare Encompass A Plan must reimburse the Buffalo Sewer Authority, on a monthly basis through pension deduction, the difference between the cost of Independent Health Medicare Encompass A Plan and the plan of their choice; and

WHEREAS: Due to the timing of the upcoming Open Enrollment for health insurance, the Board was polled and verbally authorized this change; and

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

NOW THEREFORE
BE IT RESOLVED:

That effective July 1, 2005, the Buffalo Sewer Authority will make the following changes in its Retiree Health Insurance Program:

1. The Buffalo Sewer Authority will require all current and future CWA retirees and their spouses over the age of 65 with Medicare Part B to enroll in Independent Health Medicare Encompass A effective July 1, 2005, at no cost to the retiree.

ITEM NO. 19

REQUEST FOR LEAVE WHILE ON UNION BUSINESS

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

“May 12, 2005

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

Dear Tony,

As President of the Sewer Unit of C.S.E.A., I am being sent to the Region VI meeting in Geneva, NY, from Friday, June 3, 2005 through Monday, June 6, 2005.

I will need Friday, June 3, 2005, and Monday, June 6, 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. KENNEDY	_____
2 ND BY	_____	MS. WILSON-DIVENCENZO	_____
AYES	_____	5	NOES _____ 0

Board Meeting of May 25, 2005

ITEM NO. 20

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 employee has applied for Tuition Reimbursement:

<u>EMPLOYEE</u>	<u>SCHOOL/COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Anthony A. Hazzan	Canisius College <i>Human Resource Management</i>	90%	\$1,831.72

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$1,831.72. This Reimbursement will be charged to account no. 00800108-480214.

MOTION TO APPROVE
 MADE BY MR. ROOSEVELT
 2ND BY MS. WILSON-DIVENCENZO
 AYES 5 NOES 0

Board Meeting of May 25, 2005

ITEM NO. 21

ADJOURNMENT OF MEETINGMOTION TO APPROVEMADE BY MR. KENNEDY2ND BY MS. WILSON-DIVENCENZOAYES 5 NOES 0

Board Meeting of May 25, 2005