

**MINUTES OF THE REGULAR MEETING**  
**OF THE**  
**BUFFALO SEWER AUTHORITY**  
**June 15, 2005**

50438.....50456



# BUFFALO SEWER AUTHORITY

June 15, 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 27, 2005**

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>CAPITAL IMPROVEMENT FUND</b>						
15-Apr-02	Money Market		\$500,000.00	Chase	2.85%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	Money Market		\$10,533,064.35	Chase	2.85%	High Yield
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	Money Market		\$1,127,948.13	Chase	2.85%	High Yield
<b>OPERATING FUND</b>						
08-Apr-02	Money Market		\$3,065,310.77	Chase	2.85%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	Money Market		\$25,045.95	Chase	2.85%	High Yield
<b>SURPLUS FUND</b>						
03-Feb-05	30-Jun-05	147	\$4,187,195.41	M&T Securities	2.65%	\$45,804.59
<b>NET REVENUE FUND</b>						
			\$189.36	MTB Funds		
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
25-May-05	30-Jun-05	36	\$2,502,645.70	M&T Securities	2.93%	\$7,354.30
			\$12,428,853.39			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>DEBT RESERVE FUND</b>						
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%	
<b>CONSTRUCTION FUND SERIES H</b>						
26-May-05	02-Jun-05	7	\$480.71 \$1,543,129.36 \$1,543,610.07	MTB Funds M&T Securities	2.90%	\$870.64
<b>CONSTRUCTION FUND SERIES J</b>						
26-May-05	02-Jun-05	7	\$35,055.14	M&T	2.86%	\$19.49
<b>CONSTRUCTION FUND SERIES K</b>						
26-May-05	02-Jun-05	7	\$876.73 \$691,609.79 \$692,486.52	MTB Funds M&T Securities	2.90%	\$390.21

**RECEIVE & FILE**

Board Meeting of June 15, 2005

## ITEM NO. 3

**INFORMATIVE: SEWER RENTS BASED ON ASSESSED VALUE AND COMPARISON**

The Department of Assessment has fixed the following assessed valuation of property to use in the calculation of sewer rents for the 2005-2006 fiscal year. This results in the following sewer rents based on assessed value and comparison:

	<b>SEWER RENT REQUIRED</b>	<b>TOTAL ASSESSED VALUE OF PROPERTY APPLICABLE FOR SEWER PURPOSES</b>	<b>SEWER RENT PER \$1,000 VALUE</b>
2005-06	\$12,050,000	\$6,048,585,245	1.99220140
2004-05	\$12,050,000	\$5,862,610,686	2.05539829
Change	-0-	\$185,974,559	(.06319689)

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

**RECEIVE AND FILE**

Board Meeting of June 15, 2005



ITEM NO. 4

**CONTRACT APPROVAL - LEGAL SERVICES**

WHEREAS: The Buffalo Sewer Authority has many complex labor relations matters that require the skill of a special labor relations attorney; and

WHEREAS: James N. Schmit, of Damon & Morey, has extensive experience in these areas; and

WHEREAS: The Buffalo Sewer Authority wishes to continue to utilize his expertise and services; and

WHEREAS: The General Manager and the members of his committee recommend approval to continue to retain James N. Schmit, of Damon & Morey, for legal services on an as-needed basis for the fiscal year July 1, 2005 through June 30, 2006.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain, on an as-needed basis, the services of James N. Schmit, of Damon and Morey, to provide legal services as required. Mr. Schmit shall be compensated at a rate of \$150.00 per hour and associate attorneys shall be compensated at the rate of \$125.00 per hour, to a maximum of \$65,000.00. This agreement will be for the fiscal year July 1, 2005 through June 30, 2006. The cost of these services will be charged to account no. 00110106-432003.

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

Board Meeting of June 15, 2005

ITEM NO. 5

**CONTRACT APPROVAL - LEGAL SERVICES**

WHEREAS: The Buffalo Sewer Authority has many complex regulatory, enforcement and environmental matters that require the skills of a specialized attorney; and

WHEREAS: Charles Martorana of Hiscock & Barclay has extensive expertise in these areas. Mr. Martorana also represents the Buffalo Sewer Authority in litigation and arbitration matters as needed; and

WHEREAS: The Buffalo Sewer Authority wishes to continue to utilize his expertise and services; and

WHEREAS: The General Manager and the members of his committee recommend approval to continue to retain Charles Martorana, of Hiscock & Barclay, for legal services on an as-needed basis for the fiscal year July 1, 2005 through June 30, 2006.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to continue to retain Charles Mortorana, of Hiscock & Barclay, for legal services on an as-needed basis for the fiscal year July 1, 2005 through June 30, 2006. Mr. Mortorana shall be compensated at the rate of \$175.00 per hour, to a maximum of \$50,000.00. Expenses for these legal services will be charged to account no. 00550106 – 432003.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of June 15, 2005

ITEM NO. 6

**CONTRACT APPROVAL - LEGAL SERVICES**

WHEREAS: The Buffalo Sewer Authority requires the services of an attorney who has experience with financial matters such as bond transactions; and

WHEREAS: Timothy C. Cashmore, of Damon & Morey, has extensive experience in these areas; and

WHEREAS: The Buffalo Sewer Authority wishes to continue to utilize his expertise and services; and

WHEREAS: The General Manager and the members of his committee recommend approval to continue to retain Timothy C. Cashmore, of Damon & Morey, for legal services on an as-needed basis for the fiscal year July 1, 2005 through June 30, 2006.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain, on an as-needed basis, the services of Timothy C. Cashmore, of Damon and Morey, to provide legal services as required. Mr. Cashmore shall be compensated at a rate of \$200.00 per hour, associate attorneys shall be compensated at the rate of \$145.00 to \$200.00 per hour, and paralegals shall be compensated at a rate of \$85.00 to \$120.00 per hour to a maximum of \$20,000.00. This agreement will be for the fiscal year July 1, 2005 through June 30, 2006. The cost of these services will be charged to account no. 00110106-432003.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of June 15, 2005

## ITEM NO. 7

**CONTRACT APPROVAL - AUDIT AND ACCOUNTING SERVICES**

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

WHEREAS: The Buffalo Sewer Authority's existing agreement with Drescher & Malecki, Certified Public Accountants, for audit and accounting services, allows for renewal of the current contract for a one-year period beginning July 1, 2005, for a fee not to exceed \$44,500.00, and for a cost allocation schedule for a maximum of \$4,250.00. This proposal also provides for a renewal for the fiscal year July 1, 2006 through June 30, 2007, with an increase not to exceed two percent; and

WHEREAS: The Executive Secretary and her Committee recommend the renewal of this contract for the fiscal year beginning July 1, 2005.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves and authorizes the General Manager to enter into an agreement with Drescher & Malecki, Certified Public Accountants, to develop the cost allocation schedule and perform the required auditing services of the Authority's affairs for the fiscal year beginning July 1, 2005. The cost for performing the required financial audit is \$44,500.00 and will be charged to account no. 00110106-432001. The fee for cost allocation schedules, up to a maximum of \$4,250.00, will be charged to account no. 00550106-432001.

MOTION TO	_____ APPROVE _____	
MADE BY	_____ MR. KENNEDY _____	
2 <sup>ND</sup> BY	_____ MR. NAPLES _____	
AYES	_____ 5 _____	NOES _____ 0 _____

Board Meeting of June 15, 2005

## ITEM NO. 8

**REPORT ON BIDS RECEIVED - SECURITY GUARD SERVICE**

WHEREAS: Formal bids were advertised and solicited to provide security guard service at the Treatment Plant for the period July 1, 2005 through June 30, 2007. Due to increases in the New York State minimum wage taking effect on January 1, 2006 and January 1, 2007, the Authority allowed for increases in the hourly rate to commence on these dates. The vendors have indicated the hourly rates they would charge for these periods. The following bids were received and opened by the Buffalo Sewer Authority on May 26, 2005:

<b>Vendor</b>	Hourly rate 7/1/05- 12/31/05	Hourly rate 1/1/06- 12/31/06	Hourly rate 1/1/07- 6/30/07	Total cost July 1, 2005 through June 30, 2007
Morris Protective Services	\$8.41	\$9.42	\$9.99	\$326,108.64
U.S. Security Associates	\$8.64	\$9.46	\$9.86	\$327,623.04
Rivera/BCJS Investigations	\$8.84	\$9.82	\$10.40	\$340,476.48
Salomon Investigations	\$9.30	\$10.00	\$10.50	\$348,561.60
Command Security Services	\$12.37	\$12.37	\$12.37	\$433,444.80
Securitas Security Services	\$13.05	\$13.05	\$13.05	\$457,272.00
PBS Consultants	\$15.23	\$16.24	\$17.25	\$568,904.16
Don's Security				No bid
Wackenhut				No bid

; and

WHEREAS: The Buffalo Sewer Authority contacted references provided by Morris Protective Services, the low bidder, and reports that they have received favorable recommendations from their other clients; and

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

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Morris Protective Services, to provide security guard service at the Treatment Plant for the period July 1, 2005 through June 30, 2007 as follows:

- Total cost for the period July 1, 2005 – December 31, 2005 at an hourly rate of \$8.41 per hour is \$74,277.12
- Total cost for the period January 1, 2006 – December 31, 2006 at an hourly rate of \$9.42 per hour is \$165,038.40
- Total cost for the period January 1, 2007 – June 30, 2007 at an hourly rate of \$9.99 per hour is \$86,793.12.

Total expenses for this contract for the period July 1, 2005 through June 30, 2007 in the amount of \$326,108.64 will be charged to account no. 00200106-434000.

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

Board Meeting of June 15, 2005

ITEM NO. 9

**AUTHORIZATION FOR RENEWAL OF AGREEMENT FOR SOFTWARE MANAGEMENT SERVICES**

WHEREAS: Buffalo Sewer Authority installed a Supervisory Control and Data Acquisition (SCADA) System for its daily plant operations in 1999. This system monitors and controls plant processes; and

WHEREAS: On July 21, 2004, the Board of the Buffalo Sewer Authority designated ABB Automation, Inc., the original equipment manufacturer of this proprietary system, as a sole source for support of the SCADA system; and

WHEREAS: Our current software management service agreement expires June 30, 2005. The software management service agreement provides the Buffalo Sewer Authority with the latest software versions to insure the continued viability of the SCADA system; and

WHEREAS: The Treatment Plant Superintendent, Computer Systems Coordinator, and staff recommend approval to renew this agreement for fiscal year 2005-2006 with ABB Automation, Inc., for software management services in the amount of \$37,811.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the agreement with ABB Automation, Inc., for software management services in the amount of \$37,811.00. Funds are available in account no. 00200106-443420.

MOTION TO \_\_\_\_\_ APPROVE \_\_\_\_\_

MADE BY \_\_\_\_\_ MR. ROOSEVELT \_\_\_\_\_

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

AYES \_\_\_\_\_ 5 \_\_\_\_\_ NOES \_\_\_\_\_ 0 \_\_\_\_\_

Board Meeting of June 15, 2005

## ITEM NO. 10

**CHANGE ORDER NO. 1 – CONTRACT NO 84100017**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$38,700.00
O'Brien & Gere Engineering Services	PREVIOUS CHANGE ORDER	0.00
5000 Brittonfield Parkway	THIS CHANGE ORDER	<u>6,500.00</u>
East Syracuse, New York 13057	ADJUSTED CONTRACT COST	\$45,200.00

WORK: Re-Design the Transfer Fuel Area

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**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1 Additional engineering services will be required in order to re-design the transfer fuel area and to review and revise the contract documents.

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1 Due to the change in requirement related to design/construction of the secondary containment system for the fuel unloading area as required by USEPA.

**COST OF CHANGE OR EXTRA WORK:**

Item #1 \$6,500.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$6,500.00

The total INCREASE to the contract as a result of this Change Order is \$6,500.00;and

WHEREAS: The Treatment Plant Administrator and staff reviewed the cost and recommend the increase in the contract.





ITEM NO. 11

**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 addition of the following position to the Job Classification Plan:

**One (1) Treatment Plant Superintendent                    00200111 411001**

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

Board Meeting of June 15, 2005

ITEM NO. 12

**AUTHORIZATION FOR PAYMENT TO GE ENERGY SERVICE FOR FISCAL YEAR 2004-2005**

WHEREAS: The Buffalo Sewer Authority awarded, through the informal bid process, various work needed at the Treatment Plant facility during fiscal year 2004-2005; and

WHEREAS: Recent emergency repair work needed in the amount of \$34,821.27 will bring the total monies payable to GE Energy Service for fiscal year 2004-2005 to \$52,907.01; and

WHEREAS: Board approval is required for services over \$20,000.00; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend authorization for payment of this emergency service to GE Energy Service in the amount of \$34,821.27, bringing the total monies payable to GE Energy Service for fiscal year 2004-2005 to \$52,907.01.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes payment to GE Energy Service for recent emergency services in the amount of \$34,821.27, bringing the total monies payable to GE Energy Service for fiscal year 2004-2005 to \$52,907.01. Expenses for the emergency service will be charged to account no. 00380106-443301.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY</u>
2 <sup>ND</sup> BY	<u>MR. ROOSEVELT</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of June 15, 2005

ITEM NO. 13

**AUTHORIZATION FOR PAYMENT OF EMERGENCY SERVICES RECEIVED FROM ACT ASSOCIATES, INC.**

WHEREAS: The Buffalo Sewer Authority has been experiencing an unusual frequency of problems associated with the ID fans located at the Treatment Plant. These ID fans are vital to the plant process; and

WHEREAS: On December 8, 2004, the Board authorized approval for any services required on these ID fans through ACT Associates, provided they are the low bidder, for the remainder of the fiscal year to a maximum amount of \$30,000.00; and

WHEREAS: Due to additional emergency work required, the Buffalo Sewer Authority has awarded, through the informal bid process, various other work required on these ID fans to ACT Associates, bringing the total of monies payable to ACT Associates for fiscal year 2004-2005 to \$35,104.01; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend authorization for payment of these emergency services, bringing the total monies payable to ACT Associates for fiscal year 2004-2005 to \$35,104.01.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes an increase to monies payable to ACT Associates for fiscal year 2004-2005 from \$30,000.00 to \$35,104.01. Expenses for these services will be charged to account no. 00380106-443301.

MOTION TO APPROVE

MADE BY MR. NAPLES

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

AYES 5 NOES 0

Board Meeting of June 15, 2005

## ITEM NO. 14

**TUITION ASSISTANCE**

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

<b><u>EMPLOYEE</u></b>	<b><u>SCHOOL</u></b>	<b><u>COURSE</u></b>	<b><u>SEMESTER</u></b>	<b><u>TUITION</u></b>
Anthony A. Hazzan	Canisius College	International Marketing	June 2005 – August 2005	\$1,900.00

WHEREAS: No funds will be expended at this time.

NOW THEREFORE  
BE IT RESOLVED:

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

MOTION TO APPROVE

MADE BY MR. NAPLES

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

AYES 5 NOES 0

Board Meeting of June 15, 2005



ITEM NO. 16

**ADJOURNMENT OF MEETING**

MOTION TO                     APPROVE                    

MADE BY                     MR. KENNEDY                    

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

AYES           5           NOES           0          

Board Meeting of June 15, 2005