

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
July 27, 2005**

BUFFALO SEWER AUTHORITY

July 27, 2005

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present: James Naples

John Kennedy

Christopher Roosevelt

Eleanor Wilson-DiVincenzo

Anthony A. Hazzan

Margaret Burke

Frank DiMascio

James Keller

Angel Rivera

Anthony Barone

Pam DiPalma

Joseph Baudo

Frank Belliotti

Dave Cunningham

Natalie Kernycznyj

Absent: Herbert L. Bellamy, Jr.

Vice Chairman

Assistant Vice Chairman

Secretary

Assistant Secretary

General Manager

Executive Secretary

Principal Engineer

Treatment Plant Superintendent

Director of Mechanical Maintenance

Director of Sewer Maintenance

Director of Human Resources

Engineering Dept.

City Auditor

CSEA Representative

Erie Co. Environment & Planning

Chairman

The meeting was called to order at 9:02 a.m. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of July 1, 2005

MOTION TO ADOPT

MADE BY MR. KENNEDY

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

ITEM NO. 2

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

July 30, 2005

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$501,205.61	Chase	2.95%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$10,088,558.44	Chase	2.95%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,133,421.67	Chase	2.95%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$3,007,118.19	Chase	2.95%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$23,930.04	Chase	2.95%	High Yield
SURPLUS FUND						
30-Jun-05	31-Oct-05	123	\$4,186,237.50	M&T Securities	3.37%	\$48,762.50
NET REVENUE FUND						
30-Jun-05	25-Jul-05	25	\$12,428,666.01	M&T Securities	3.16%	\$27,333.99
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%	
ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION FUND SERIES H						
23-Jun-05	07-Jul-05	14	\$1,547,111.74	M&T	3.01%	\$1,811.51

50466

CONSTRUCTION FUND SERIES J

23-Jun-05	07-Jul-05	14	\$35,134.50	M&T	2.98%	\$40.72
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CONSTRUCTION FUND SERIES K

			\$14,169.41	MTB Funds		
23-Jun-05	07-Jul-05	14	<u>\$161,033.56</u>	M&T	3.01%	\$188.50
			\$175,202.97			

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Board Meeting of July 27, 2005

ITEM NO. 3

INFORMATIVE: REPORT ON THE CONDITION OF THE CAPITAL IMPROVEMENT FUND

Balance July 1, 2004 (Temporary Investments & Cash)	\$500,403.43	
Interest on Investments	10,779.68	
Transfers from Operating Fund	0	
Transfers to Operating Fund	<u>(9,977.50)</u>	501,205.61
Less: Expenditures	0	
Encumbrances	<u>0</u>	<u>0</u>
Unallocated Funds as of June 30, 2005		<u>\$501,205.61</u>

Expenditures:

Total Expenditures	<u>0</u>
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Encumbrances:

Total Encumbrances	<u>0</u>
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ENCUMBRANCES AND EXPENDITURES FOR 7/1/04-6/30/05	<u>\$0</u>
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JULY 27, 2005**

ITEM NO. 4

INFORMATIVE: REPORT ON THE CONDITION OF THE LIABILITY AND CASUALTY RESERVE FUND

The Resolution that created the Liability and Casual Reserve Fund provides that:

“The General Manager shall regularly and not less than semi-annually render to the Board a detailed report of the operation and condition of the Liability and Casualty Reserve Fund.”

Fund Balance as of June 30, 2004	\$1,137,494.73
Interest Earnings	24,629.97
Less: Claims Paid	<u>28,703.03</u>
Fund Balance as of June 30, 2005	\$1,133,421.67

During the period of July 1, 2004 – June 30, 2005, the B.S.A. settled 22 claims. 14 claims were denied. One (1) claim was removed from our pending file due to age. Seven (7) claims resulted in cash payments from the B.S.A. totaling \$28,703.03.

Total Active Claims Pending

Bodily Injury	19
Property Damage	28
Auto B.I. & P.D	2
Other Liability	<u>1</u>
	50

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JULY 27, 2005**

ITEM NO. 5

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On January 13, 2005, Dedric Johnson, 76 Bame Avenue, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damages to his basement and personal property due to sewer back up. The total amount of Mr. Johnson's claim was \$20,000.00; and

WHEREAS: The General Manager reviewed the Claim and has made an agreement with Mr. Johnson to accept payment in full in the amount of \$10,000.00; and

WHEREAS: The Law Department has concurred with the General Manager's recommendation.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Dedric Johnson, 76 Bame Avenue, Buffalo, New York, in the amount of \$10,000.00. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MS. WILSON-DIVINCENZO</u>	
2 ND BY	<u>MR. KENNEDY</u>	
AYES	<u>4</u>	NOES <u>0</u>

Board Meeting of July 27, 2005

ITEM NO. 6

APPOINTING OFFICER OF BUFFALO SEWER AUTHORITY RECORDS

WHEREAS: Pursuant to Section 57.19 of the Arts and Cultural Affairs Law, the Buffalo Sewer Authority has previously appointed an Officer of Records Management; and

WHEREAS: The Buffalo Sewer Authority’s Officer of Records Management, City Clerk Charles L. Michaux, III, has retired from the City of Buffalo, and will no longer act as the Buffalo Sewer Authority’s Officer of Records Management; and

WHEREAS: The Board of the Buffalo Sewer Authority must now appoint an officer of records management for the proper execution of records management; and

WHEREAS: The General Manager and his committee have deemed that Margaret T. Burke, Executive Secretary of the Buffalo Sewer Authority, is qualified to serve as Officer of Records Management.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the appointment of Margaret T. Burke, Executive Secretary of the Buffalo Sewer Authority, as Officer of Records Management for the Buffalo Sewer Authority.

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

Board Meeting of July 27, 2005

ITEM NO. 7

TRAVEL AUTHORIZATION - NASHVILLE, TENNESSEE

WHEREAS: The Buffalo Sewer Authority utilizes the City of Buffalo's computerized purchasing software called MUNIS; and

WHEREAS: The annual MUNIS User Conference is scheduled from September 12-14, 2005, in Nashville, Tennessee; and

WHEREAS: The MUNIS Conference is offering educational classes and informational forums on a variety of MUNIS topics; and

WHEREAS: The MUNIS Conference is offering a discount on early registration; and

WHEREAS: The Assistant Supervisor of Fixed Assets Inventory is responsible for the coordination of the Buffalo Sewer Authority's purchasing segments of the MUNIS system; and

WHEREAS: The General Manager recommends that the Assistant Supervisor of Fixed Assets Inventory attend this conference.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Assistant Supervisor of Fixed Assets Inventory to attend the Annual MUNIS User Conference at a cost not to exceed \$2,100.00. Funds are available in account nos. 00200104-458010 and 00200104-458012.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 8

ADJUSTMENT OF SEWER RENT

WHEREAS: On July 1, 2005, the City of Buffalo Department of Assessment billed the Buffalo Municipal Housing Authority sewer rent based on total assessed valuation; and

WHEREAS: In accordance with a Consolidated Loan and Subsidy Contract among the Buffalo Municipal Housing Authority, the City of Buffalo, Buffalo Sewer Authority and the State of New York, sewer rent billing based on the assessed valuation of \$5,530,300.00, and for Ferry Grider and Marine Drive properties, the sewer rent is calculated on only one-third of the exempt value; and

WHEREAS: Sewer rent bills were issued totaling \$44,514.91 for the above named properties, and the contractual obligation is actually \$21,652.55.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approve the cancellation of sewer rent totaling \$22,862.36 for the Talbert Mall, Kensington Heights, Ferry Grider and Marine Drive properties and that this cancellation be paid out of sewer rent account no. 00800108-480090.

MOTION TO APPROVE
MADE BY MR. KENNEDY
2ND BY MS. WILSON-DIVINCENZO
AYES 4 NOES 0

Board Meeting of July 27, 2005

Buffalo Municipal Housing Authority
Assessment Sewer Rent Adjustment
As Per Contract
2005 - 2006

	Billed by Dept. of Assessment	Billing as Per Contract	Adjustment
Talbert Mall (61A)	\$1,367.05		
Talbert Mall (61A)	\$127.10		
Ellicott Mall (61B)	0.00		
Kensington Hts. (61C)	9,823.32		
Sub -Total	\$11,017.47	\$11,366.97(1)	(\$349.50)
Ferry Grider	\$5,857.05	\$1,768.16(2)	\$4,088.89
Marine Drive	21,914.21	7,235.00(2)	14,679.21
Marine Drive	5,726.18	1,969.28(2)	3,756.90
Sub-Total	\$33,497.44	\$10,972.44	\$22,525.00
GRAND TOTAL	\$44,514.91	\$22,339.41	\$22,175.50

(1) As per contract, sewer rent billing is based upon full assessed valuation of not to exceed \$ 8,000,000 total for 3 parcels.

(2) As per contract, sewer rent billings are based upon 1/3 of the exempt value.

ITEM NO. 9

BUFFALO SEWER AUTHORITY POLICY – SEWER CREDIT

WHEREAS: The Buffalo Sewer Authority, upon request, adjusts sewer bills to reflect the actual amount of wastewater discharged into the Authority’s system; and

WHEREAS: The Buffalo Sewer Authority has developed a Sewer Credit Policy in an effort to assist the user of the sewer system in the procedures that must be followed to request a billing adjustment; and

WHEREAS: The Corporation Counsel of the City of Buffalo, as attorney for the Buffalo Sewer Authority, has reviewed the Sewer Credit Policy, and found that the policy is consistent with the Public Authorities Law and General Municipal Law provisions governing billing adjustments.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the Sewer Credit Policy, which establishes guidelines for sewer system users to request adjustment of sewer bills to reflect the actual amount of wastewater discharged into the Authority’s sewer system.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of July 27, 2005

BUFFALO SEWER AUTHORITY
Sewer Credit Policy

The Buffalo Sewer Authority (BSA) has developed this Sewer Credit Policy in an effort to assist the user of the Buffalo sewer system in the procedures that must be followed to request a sewer credit. All requests for a sewer credit will be reviewed. However, the BSA does not guarantee that every request will be approved.

The definitions and terms used in this policy may be found in the “Buffalo Sewer Authority Sewer Use Regulations” effective July 1995 and the “Schedule of Sewer Rents and other Charges for 2005 – 2006”.

Sewer Credit: shall mean an adjustment of a sewer bill to reflect the actual amount of wastewater discharged to the Buffalo Sewer Authority’s sewer system. The sewer bill is based on total water consumption as provided by the Buffalo Water Board.

This policy will deal with the three (3) most common requests for sewer credit received by the BSA.

****PLEASE NOTE THAT DURING A REVIEW OF ANY DISPUTED SEWER CHARGE, THE WATER/SEWER BILLS MUST BE KEPT CURRENT OR INTEREST AND LATE FEES WILL BE ADDED AND LOSS OF SERVICE MAY OCCUR.****

A. Sewer Credit: Water Line Leak.

1. The request for a sewer credit, due to a water line leak, must be provided in writing. Email and/or faxes will not be accepted. All correspondence must be addressed to:

Buffalo Sewer Authority
General Manager
1038 City Hall
Buffalo, New York 14202

2. A copy of the disputed water/sewer bill must be included with the written request. The BSA staff reviews all requests as directed by the General Manager.
3. The BSA will only consider a request for sewer credit within ninety (90) days of the billing date.
4. To determine the sewer credit, the BSA staff will review water consumption figures from the two (2) previous years to establish the average water consumption for the quarter(s) in which the sewer credit is requested. Additionally, two (2) quarters of water consumption will be reviewed after the water leak has been repaired.
5. Substantial proof must be provided:
 - i. A written statement by a certified plumber that the leak did exist and was repaired by the plumber providing the written statement;
 - ii. A copy of the plumber’s work order or invoice showing the date, location, and work performed to repair the leak; and

- iii. A copy of the paid receipt to the certified plumber.
- 6. If the Buffalo Water Board provides any information that is in conflict with the request for a sewer credit, the request may be denied.
- 7. Estimated water meter readings will not be used in any calculations when considering a sewer credit.
- 8. Water leaks that are within the physical dwelling or business space will not be considered for sewer credits. The water leak must be the water line that services the dwelling or business.
- 9. Once the BSA staff has conducted its review, the staff will present their findings to the General Manager.
- 10. If the findings show that a sewer credit is justified, an adjustment will be made on the water/sewer account to show the sewer credit. At no time will there be a refund, except if the property in question has been sold; in that case, a refund will be issued after proof of closing is provided. However, if the account shows an outstanding assessment on sewer rent, the refund will be applied to that portion of the assessment bill.
- 11. THE BUFFALO SEWER AUTHORITY RESERVES THE RIGHT TO REJECT ANY OR ALL REQUESTS FOR SEWER CREDIT. GRANTING OR DENYING A REQUEST FOR SEWER CREDIT IS THE SOLE DISCRETION OF BUFFALO SEWER AUTHORITY.

B. Sewer Credit: Fire or Water Meter.

- 1. The request for a sewer credit must be provided in writing. Email and/or faxes will not be accepted. All correspondence must be addressed to:

Buffalo Sewer Authority
General Manager
1038 City Hall
Buffalo, New York 14202
- 2. A copy of the disputed water/sewer bill must be included with the written request. The BSA staff reviews all requests as directed by the General Manager.
- 3. The BSA will only consider a request for sewer credit within ninety (90) days of the billing date.
- 4. To determine the sewer credit, the BSA staff will review water consumption figures from the previous two (2) years, to establish the average water consumption for the quarter(s) in which the sewer credit is requested. Additionally, two (2) quarters of water consumption will be reviewed after the time period in question to ensure that the event was a one-time occurrence.

5. Substantial proof must be provided:
 - i. **Fire:**

The written request for a sewer credit must be accompanied with the completed fire record. This fire record can be obtained from the Buffalo Fire Department, Bureau of Fire Prevention.
 - ii. **Water Meter:**

When an inaccuracy occurs due to a water meter malfunction or conversion from flat rate, a written request for sewer credit must be explained in detail with any information/proof that can be provided.
6. If the Buffalo Water Board provides any information that is in conflict with the request for a sewer credit, the request may be denied.
7. Estimated water meter readings will not be used in any calculations when considering a sewer credit.
8. Once the BSA staff has conducted its review, the staff will present their findings to the General Manager.
9. If the findings show that a sewer credit is justified, an adjustment will be made on the water/sewer account to show the sewer credit. At no time will there be a refund, except if the property in question has been sold; in that case a refund will be issued after proof of closing is provided. However, if your account shows an outstanding assessment on sewer rent, the refund will be applied to that portion of the assessment bill.
10. THE BUFFALO SEWER AUTHORITY RESERVES THE RIGHT TO REJECT ANY OR ALL REQUESTS FOR SEWER CREDIT. GRANTING OR DENYING A REQUEST FOR SEWER CREDIT IS THE SOLE DISCRETION OF BUFFALO SEWER AUTHORITY.

C. Sewer Credit: Water used in process, product, evaporated and/or not discharged to the Sewer.

Sewer Credit, in this instance, is also known as retention credit, sewer adjustment, percent retention, sewer retention credit, and non-sewered water credit. Please note that sewer retention credits will not be granted retroactively.

The request for a sewer credit due to water used in process, product, evaporated, etc., must be provided in writing and addressed to:

Buffalo Sewer Authority
Industrial Waste Section
90 West Ferry Street
Buffalo, New York 14213

2. There are three (3) acceptable ways to qualify for this type of sewer credit:
 - i. **Discharge Meter:**

The industry installs a discharge meter that records actual discharge to the sewer. This is compared to water meter readings, and the difference is the sewer credit. The readings from both meters must be recorded in a logbook on a monthly basis. The Industrial Waste Section of the BSA will calculate the sewer rent and provide this information to the BSA's Billing Department. Additionally the discharge meter must be calibrated by an outside contractor on an annual basis. A copy of this certificate of calibration must be submitted to the BSA annually. If the certificate is not received, the sewer credit will be removed. The industry must seek approval from the BSA prior to the meter installation.
 - ii. **Study conducted by the Industry:**

The industry may conduct a study of the amount of water being discharged to the sewer. The study must be conducted every three (3) years by an outside contractor. However, if water usage increases or decreases by 20% in a given year, the industry must notify the BSA. The BSA will then determine if the credit is still applicable. If, during that three (3) year time period, any process is changed, modified, added, or discontinued, the study must be conducted again. However, the BSA reserves the right to deny any sewer adjustment.
 - iii. **Industrial Studies:**

Professional Industrial Associations have, from time to time, conducted studies of water use and practices associated with that industry. Typically, these studies are thoroughly researched. An industry may submit an industrial study from their association for a sewer credit. However, the study must be from an accredited association with data and information relevant to the industry applying for credit. Additionally, the study cannot be more than five (5) years old. The BSA will review each study received on a case-by-case basis. However, the BSA reserves the right to deny any sewer adjustment.
3. THE BUFFALO SEWER AUTHORITY RESERVES THE RIGHT TO REJECT ANY OR ALL REQUESTS FOR SEWER CREDIT. GRANTING OR DENYING A REQUEST FOR SEWER CREDIT IS THE SOLE DISCRETION OF BUFFALO SEWER AUTHORITY.

ITEM NO. 10

PAYMENT FROM JUDGMENTS & 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 2004-2005 fiscal year and charged to the 2005-2006 budget account number 00800108-480214:

VENDOR	AMOUNT
Getinge USA, Inc.	\$ 63.10
LaFarge North America	\$3,691.75
; 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 MS. WILSON-DIVINCENZO
2ND BY MR. KENNEDY
AYES 5 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 11

JANITORIAL SERVICES CONTRACT RENEWAL

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

WHEREAS: The Buffalo Sewer Authority utilized a contract with Phoenix Frontier, Inc., (Member Agency) during the period July 1, 2004 to June 30, 2005, to perform janitorial services at the Treatment Plant; and

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

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract renewal with Phoenix Frontier, Inc., to perform janitorial services at the Treatment Plant for a one-year period beginning July 1, 2005 to June 30, 2006, at a total cost not to exceed \$55,300.00. Expenses for this contract will be charged to account no. 00200106-434000 and 00650106-434000.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 12

AUTHORIZATION FOR EMERGENCY ODOR CONTROL UNIT AND ODOR CONTROL SYSTEM FOR FISCAL YEAR 2005-2006

- WHEREAS: In April 2003, the Buffalo Sewer Authority staff investigated various odor control technologies and requested proposals from various odor control companies. The Buffalo Sewer Authority also investigated the option of purchasing an odor control unit which would require monthly maintenance and upkeep of the water softening system; and
- WHEREAS: After review, the Treatment Plant Superintendent and staff recommended it was more cost effective to rent a high-pressure hydraulic system from Sheridan Soft Water Services Company, Inc., a local company which also monitors and maintains this equipment throughout the rental, to help control the odor problems for the summer months, from May through September 2003. This type of system atomizes odor-neutralizing chemicals into the atmosphere and has been successfully used at the Erie County Southtowns Treatment Plant. The Board of the Buffalo Sewer Authority authorized this rental on May 28, 2003 through September 30, 2003. This system proved to be effective; the digesters returned to proper temperature range over the summer and odors were minimized; and
- WHEREAS: Repairs to the digesters have decreased the need for some of the odor control system; however, the New York State Department of Environmental Conservation continues to monitor the odor controls at the Treatment Plant and requires the Authority to control odors emitted from the Treatment Plant; and
- WHEREAS: The Board of the Buffalo Sewer Authority authorized continued rental of odor control equipment, as needed, on February 11, 2004 through June 30, 2004, and on June 16, 2004 through October 31, 2004; and
- WHEREAS: On July 1, 2005, the Authority was emitting strong odors from the Treatment Plant. Due to these odors and the immediate need to control them, the Treatment Plant Superintendent and Treatment Plant Administrator authorized emergency rental of a turbo fan and chemical feed pump from Sheridan Soft Water, Inc., at a cost of \$450.00 per month with a \$100.00 delivery and set-up charge; and

WHEREAS:

The Treatment Plant Superintendent, Treatment Plant Administrator and staff request approval for this emergency rental and further recommend authorization for an odor control system for fiscal year 2005-2006 from Sheridan Soft Water, Inc., in an amount not to exceed \$16,000.00. This odor control system will be monitored by the Treatment Plant Superintendent, Treatment Plant Administrator and staff and will allow the Buffalo Sewer Authority to comply with any requests from the New York State Department of Environmental Conservation, or any recommended needs as determined by the Plant Superintendent and his staff.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the emergency rental of the turbo fan and chemical feed pump and further authorizes an odor control system, which will be monitored and utilized as needed, for fiscal year 2005-2006 from Sheridan Soft Water, Inc., in an amount not to exceed \$16,000.00. Funds are available in account no. 00200106-444255.

MOTION TO APPROVE
MADE BY MR. ROOSEVELT
2ND BY MS. WILSON-DIVINCENZO
AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 14

AUTHORIZATION TO PURCHASE VARIOUS COMMODITIES UTILIZING STATE CONTRACT PRICING FOR FISCAL YEAR 2005-2006

WHEREAS: Board approval is required on purchases made over \$10,000.00; and

WHEREAS: The Treatment Plant purchases the following commodities available through State Contract:

Product	Vendor	NYS Contract	Amount	Account No.
Automotive Replacement Parts	Meisenzahl Auto Parts d/b/a Nuway	PC60416 (through 7/31/06)	\$14,000.00	00520105-465001 (\$6,000.00) 00690105-465001 (\$8,000.00)
Tires and Related Services	Goodyear	PC61334 (through 7/31/09)	\$10,000.00	00520105-465001 (\$2,000.00) 00690105-465001 (\$8,000.00)
Gasoline	Kurk Fuel Oil Company	PC60400 (through 8/31/05) Note: awaiting NYS approval of new contract	\$48,200.00	00520105-462600 (\$18,200.00) 00690105-462600 (\$30,000.00)
Diesel	NOCO Energy Corp.	PC60384 (through 8/18/05) Note: awaiting NYS approval of new contract	\$28,000.00	00520105-462600 (\$8,000.00) 00690105-462600 (\$20,000.00)

;and

WHEREAS: The Treatment Plant Superintendent, Director of Sewer Maintenance, and staff recommend the utilization of State Contract pricing for these purchases.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to utilize State Contract pricing to purchase the above commodities at a cost not to exceed the amounts listed and to charge these items to the appropriate accounts.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

ITEM NO. 15

AUTHORIZATION TO PURCHASE DUROTIX DEWATERING BELTS

WHEREAS: The Board of the Buffalo Sewer Authority at this meeting is designating Industrial Fabrics Corporation, the manufacturer and supplier of Durotex-brand dewatering belts, as a single source for the purchase of these belts. The Treatment Plant utilizes many of these replacement belts throughout the year in the dewatering process; and

WHEREAS: Board approval is required on purchases made over \$10,000.00; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance and staff recommend the purchase of these replacement belts, as needed, for fiscal year 2005-2006 from Industrial Fabrics Corporation at a cost not to exceed \$30,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the recommended belts, as needed, for fiscal year 2005-2006 from Industrial Fabrics Corporation at a total cost not to exceed \$30,000.00. Funds are available in account no. 00360105-466107.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MS. WILSON-DIVINCENZO</u>	
2 ND BY	<u>MR. KENNEDY</u>	
AYES	<u>4</u>	NOES <u>0</u>

Board Meeting of July 27, 2005

ITEM NO. 16

AUTHORIZATION TO PURCHASE FOUR (4) NEW TOW-BRO MECHANISM RETROFITS FOR FINAL CLARIFIER NOS. 1A, 5A, 2B & 5B

WHEREAS: Board approval is required on purchases made over \$10,000.00; and

WHEREAS: On April 14, 2004, the Board of the Buffalo Sewer Authority authorized the General Manager to purchase four (4) new Tow-Bro mechanism retrofits for Final Clarifiers Nos. 2A, 7A, 8A and 1B from U. S. Filter/Envirex, the designated sole source; and

WHEREAS: Final Clarifiers Nos. 1A, 5A, 2B and 5B are approximately twenty-five years old and are now also in need of replacement. This equipment is essential to plant operations; and

WHEREAS: The Board of the Buffalo Sewer Authority at this meeting is designating U. S. Filter/Envirex, the original equipment manufacturer, as a sole source for replacement parts, supplies, and service for the grit collectors, sludge thickeners, and final clarifier withdrawal equipment for fiscal year 2005-2006; and

WHEREAS: U. S. Filter/Envirex has submitted a quote in the amount of \$387,834.00 for four (4) new Tow-Bro mechanism retrofits for these final clarifiers; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend the purchase of this equipment from U. S. Filter/Envirex at a total cost of \$387,834.00, plus any incurred freight charges.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase four (4) new Tow-Bro mechanism retrofits for Final Clarifiers Nos. 1A, 5A, 2B and 5B from U. S. Filter/Envirex at a total cost of \$387,834.00, plus any incurred freight charges. This purchase will be charged to account no. 02000220-474080.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

ITEM NO. 17

SOLE SOURCE LISTING FOR SELECTED INSTRUMENTATION, MAINTENANCE, LABORATORY, AND OFFICE EQUIPMENT FOR FISCAL YEAR 2005-2006

WHEREAS: A Sole Source procurement, in accordance with New York State Procurement Guidelines, is one in which an item is only available from one source due to patents, exclusive franchises, etc., and there is no possibility of competition for the item; and

WHEREAS: The Buffalo Sewer Authority Purchasing Department has contacted the attached list of original equipment manufacturers and has supporting documentation for their designation as a sole source for the specifically listed commodities, technology, and/or services only for fiscal year 2005-2006; and

WHEREAS: The Treatment Plant and Purchasing Department staff have reviewed all supporting documentation and recommend the attached list of original equipment manufacturers, and/or their local representatives on record as sole sources for the specifically listed commodities, technology, and/or services only for fiscal year 2005-2006.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority declares the attached list of vendors and/or their local representatives on record as sole sources for the specifically listed commodities, technology, and/or services only for fiscal year 2005-2006.

MOTION TO APPROVE
MADE BY MR. KENNEDY
2ND BY MS. WILSON-DIVINCENZO
AYES 4 NOES 0

Board Meeting of July 27, 2005

Manufacturer	Detail
ABB Automation Inc.	Support of the Distribution Control System (DCS) a proprietary system primarily using hardware and software manufactured by ABB
ABB Automation Inc.	Instrumentation, analytical parts, supplies, software and service.
Allis Chalmers/ITT	Allis Chalmers brand pumps installed throughout the BSA facilities
American Air Filter International	Manufacturer of the filtration system in the Dresser Roots blowers and air-handling units installed at the BSA
Ametek Thermox	Ametek products (oxygen analyzers & pressure gauges) installed throughout the BSA facilities
Aries Industries, Inc.	Aries Industries Sewer Televising equipment owned by the BSA
AUMA Actuators	Auma control products (valve positioners) installed throughout the BSA facilities
BDP Industries	2.0M BDP Model E Belt Presses installed throughout the BSA facilities
Beaumont Birch Industrial Division of Allen Sherman Hoff - (See Diamond Power)	
Bell and Gossett/ITT	Bell and Gossett brand pumps installed throughout the BSA facilities
Biosystems - (Bacou-Dalloz)	Biosystems products (gas detection units, etc.) installed throughout the BSA facilities
BOC Edwards	BOC vacuum pumps installed at BSA facilities
BSP Thermal Systems	BSP 22 -3 O.D. x 12 hearth sludge incinerators installed at BSA facilities
Coastal Environmental Systems	Weatherpak & Zeno brands equipment installed at BSA facilities
Cooper Compression	Cooper Turbo air and C-8 series compressors and Engineer (TA-MSG) compressed air
Diamond Power International, Inc.	Ash handlings systems & products support of the proprietary Ash System parts (original Beaumont Birch contract number CR-44284 and CR-95138)
Draeger Safety Inc.	Draeger fixed and portable gas detection instruments and systems
Dresser Roots	Owner of proprietary drawings for Dresser Roots brand equipment (blowers, exhausters & compressors)
EIM Controls	EIM valve actuators and controls
Emerson Process Management Rosemount Analytical Inc.	Rosemount Products
Fairbanks Morse	Fairbanks pumps and components
Fincor Automation	Fincor Drives and Controls products
Fireye	Fireye brand combustion control systems and products
Fisher Controls International, LLC	Fisher control valves and actuators
Flowserve Pump Co.	Flowserve (formerly Ingersoll-Dresser Pump Co.) brand waste activated sludge pumps
Gorman-Rupp Company	Gorman Rupp brand pumps installed at BSA's facilities

Manufacturer	Detail
Goulds/ITT	Goulds brand pumps installed at BSA facilities
Greenheck Fan Corporation	Greenheck Fan products
Hanson International Truck	International Truck brand vehicles and equipment owned by the BSA
Hauck Mfg.	Hauck combustion equipment (incinerator burners & afterburners)
Hays Cleveland	Hays Cleveland Controls brand boiler control products purchase of new equipment, supplies, replacement parts, service and repair
Hydro Gate	Hydro Gate brand sluice gate and related equipment installed at the BSA facilities
Ideal Electric	Ideal Electric Company and Electric Machinery motors
Infilco Degremont Incorporated	Climber Screens & Helico Presses which are a trademark of Ondeo Degremont, Inc. (former name) and were designed specifically for BSA's treatment and application
Ingersoll-Rand	(Parent company for Dresser Rand) the OEM for digester gas compressors
Invensys Systems, Inc. Measurement & Instrument Division (Foxboro)	Foxboro branded Invensys Systems, Inc. measurement and instrument control products
Isco, Inc.	ISCO samplers
ITT Flygt	ITT Flygt brand pumps installed throughout the BSA facilities
John Deere	John Deere backhoe owned by the BSA
JWC Environmental	Muffin Monster brand grinder products
Krohne Inc.	Krohne brand ultrasonic flow meters
Limitorque (A div. of Flowserve)	Limitorque brand valve actuators
Milltronics	Milltronics brand ultrasonic level analyzers & instrumentation equipment
Moyno, Inc.	Moyno brand pumps
Powerware Systems - Eaton Power Quality Corp.	Powerware Uninterruptible Power Supply (UPS) equipment used for the Supervisory Control and Data Acquisition (SCADA) System installed at the BSA facilities
Pulsafeeder Incorporated	Pulsafeeder brand chemical feed pumps
R.P. Adams Company	R. P. Adams automatic water strainers (self-flushing strainers)
Robicon Corporation	Robicon/Ansaldo Ross Hill products
Rockwell Automation	Allen-Bradley programmable logic controllers
Roediger Pittsburgh	Roediger BFP 25.3 sludge dewatering presses & components
Royce Technologies	Royce Technologies brand depth analyzers and dissolved oxygen analyzers
Saturn of Orchard Park	Saturn vehicles owned by the BSA
Scott Instruments	Scott Instruments gas detection equipment
Siemens Building Technologies, Inc.	Siemens brand pneumatic control system
Square D	Square D Automation products
T C Clarage, Incorporated	Zurn/Clarage ID fans installed throughout BSA's facilities
Thermo Electron Process	Thermo Brandt STD 5000 & STD 6000 Series current to

Manufacturer	Detail
Instruments	pressure transducers
Thermo Electron Instruments	TEI Model 51 series Total Hydrocarbon Analyzers for the Continuous Emissions Monitoring System (CEMS) at Incinerator Control
Time Trak	Time Trak Badge Reader/Time Data Terminals
Trane Service of Western New York	Owner of proprietary drawings for Trane brand air handling units installed at the BSA facilities
US Filter	Mixed bed deionizing cartridges installed in lab are property of U. S. Filter and serviced monthly
US Filter/Envirex	US Filter/Envirex, Link-Belt and FMC Corporation brand equipment including grit collectors, sludge thickeners, final clarifier sludge withdrawal equipment installed at the BSA facilities
Vaughn Co., Inc.	Vaughn Chopper Pumps installed at the Treatment Plant
WEMCO Pump	WEMCO brand products
YSI Environmental	YSI Dissolved Oxygen Probes, cables & meters

ITEM NO. 18

SINGLE SOURCE LISTING FOR SELECTED INSTRUMENTATION, MAINTENANCE, LABORATORY, AND OFFICE EQUIPMENT FOR FISCAL YEAR 2005-2006

WHEREAS: A Single Source procurement, in accordance with New York State Procurement Guidelines, is one in which two or more vendors can supply the commodity, technology, and/or perform the services required by an agency, but the agency selects one vendor over the others for reasons such as expertise or previous experience with similar contracts; and

WHEREAS: The Buffalo Sewer Authority Purchasing Department has supporting documentation for the attached list of vendors for their designation as single sources for the specifically listed commodities, technology, and/or services only for fiscal year 2005-2006; and

WHEREAS: The Treatment Plant and Purchasing Department staff have reviewed all supporting documentation and recommend the attached list of vendors as single sources for the specifically listed commodities, technology, and/or services only for fiscal year 2005-2006.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority declares the attached list of vendors as single sources for the specifically listed commodities, technology, and/or services only for fiscal year 2005-2006.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of July 27, 2005

Single Source Vendor	Detail
Comtel	For the purchase of upgrades, replacement parts and service for the existing phone system installed at the BSA facilities. The original purchase of this system was awarded to Comtel after competitive bids.
E. D. Farrell	For the replacements parts, supplies and service to BSA owned Yale forklift equipment. The forklifts were purchased from this vendor (a Yale authorized representative) after a formal competitive bid. Purchased June 2002 - 1 yr. warranty.
Kinequip	For replacement parts, supplies and service to BSA owned Zander air dryer. This equipment was purchased from this vendor after a formal competitive bid. Purchased May 2002 - 3-year warranty.
Industrial Fabrics	For the purchase of Durotex brand fabric dewatering belts. Manufacturer of Durotex brand fabric dewatering belts used on belt presses installed at the BSA facilities. These belts were tested and proven to be the most durable and dependable for BSA needs.
King Wholesale/Suburban Lock & Key	For the purchase of new equipment, replacement parts and keys, supplies and service for the Kaba Peak key system at BSA facilities. The original purchase of this key system was awarded to this vendor after competitive bids. The Kaba Peak key system is restricted via patent #5,016,455.
University Facilities	To provide required radiation leak testing for the BSA Radiation Materials License #2114-2224. This service has been competitively bid in the past and this vendor has been the only source available to perform this testing.

ITEM NO. 19

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

WHEREAS: Formal bids were advertised and solicited for the Demolition and Installation of Sludge Withdrawal Equipment Project. The following bids were received and opened by the Buffalo Sewer Authority on July 7, 2005:

	Quackenbush Co., Inc.	Hohl Industrial
Item #1	\$135,000.00	\$196,400.00
Item #2 *	\$ 16,800.00	\$ 15,587.00
Item #3 *	\$ 61,600.00	\$ 58,920.00
Item #4 *	\$ 42,400.00	\$ 53,793.00
Item #5 *	\$150,400.00	\$154,663.00

* Alternate Bid Item

WHEREAS: The bids were received, and the contract will be awarded on the basis of lump sum prices. Therefore, the bids do reflect the true amount of the contract; and

WHEREAS: The Superintendent of Mechanical Maintenance and staff have reviewed the bids and recommend accepting the low base bid Item #1, and alternate bid Item #2 as proposed by Quackenbush Co., Inc.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Quackenbush Co., Inc., for base bid Item #1 for \$135,000.00 and alternate bid Item #2 for \$16,800.00 at a total cost not to exceed \$151,800.00. Expenses for this contract will be charged to account no. 02000220-490740.

MOTION TO _____ APPROVE _____
MADE BY _____ MS. WILSON-DIVINCENZO _____
2ND BY _____ MR. ROOSEVELT _____
AYES _____ 4 _____ NOES _____ 0 _____

Board Meeting of July 27, 2005

ITEM NO. 20

AUTHORIZATION FOR PUBLICATION OF INDUSTRIAL USER VIOLATORS LIST

WHEREAS: The Environmental Protection Agency’s General Pretreatment Regulations, 40 CFR Section 403.8(f)(2)(vii), requires that the Buffalo Sewer Authority (BSA) publish at least annually in the largest daily newspaper in the City of Buffalo, a list of the users which, during the previous twelve (12) months, met with one or more of the following criteria:

- were in significant non-compliance with applicable pretreatment standards and requirements;
- received fines;
- had violations that were unique or warrant special attention

; and

WHEREAS: In accordance with this requirement the following violator met the above criteria between July 1, 2004 and June 30, 2005:

Marlette National
25 Rano Street
Buffalo, NY 14207

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to publish the aforementioned violator.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY

AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 21

CHANGE ORDER NO. 1 – CONTRACT NO 84500011

CONTRACTOR:	ORIGINAL CONTRACT COST	\$4,963,000.00
Kranick Environmental Contractors	PREVIOUS CHANGE ORDER	0.00
537 Lincoln Highway	THIS CHANGE ORDER	<u>142,551.50</u>
East McKeesport, Pa. 15035	ADJUSTED CONTRACT COST	\$5,105,551.50

WORK: Digesters No. 1 and No. 2 Upgrade

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Credit to Owner for reduced submittals.
- Item #2 Addition for new switchgear at the Gas Compressor Building and temporary power during installation of the switchgear. This portion represents the amount attributable to the Digesters 1 & 2 project. A portion is also included in the Digesters 3 & 4 project Change Order No. 2.
- Item #3 Credit to Owner for Digester 1 initial volume adjustment.
- Item #4 Credit to Owner for floating cover steel adjustment clause.
- Item #5 Credit to Owner for elimination of pile testing.
- Item #6 Additional valves in the North Digester Control Building. This portion represents the amount attributable to the Digesters 1 & 2 project. A portion is also included in the Digesters 3 & 4 project Change Order No. 2.
- Item #7 Addition of digester gas flow meters to the project. This portion represents the amount attributable to the Digester 1 & 2 project. A portion is also included in the Digester 3 & 4 project Change Order No. 2.
- Item #8 Addition of gas monitoring equipment to the project. This portion represents the amount attributable to the Digesters 1 & 2 project. A portion is also included in the Digesters 3 & 4 project Change Order No. 2.

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Because the Digesters 1 & 2 project is similar or identical to the Digesters 3 & 4 project, and the same contractor is doing both projects, a number of the product submittals were deleted from the project to reduce the paperwork. In lieu of a submission, the Owner agrees to accept the same products that were submitted and approved during the Digesters 3 & 4 project. In turn the Contractor has issued a credit to the Owner for deletion of those submittals.

- Item #2 The existing switchgear at the Gas Compressor Building does not have sufficient space on the line side to connect the new electric feeders for the Digesters 1 & 2 and 3 & 4 Mixing Buildings. New switchgear will be installed in place of the existing switchgear that will enable the power connections to be made. This item also includes temporary power feed to the North Digester Control Building and Gas Compressor Building during the switchgear installation. This portion represents the amount attributable to the Digesters 1 & 2 project.
- Item #3 Cleaning of Digester 1 was based upon an assumed volume with a stated unit price to allow for an adjustment in the quantity (up or down). At the time Digester 1 was turned over to the Contractor, the actual volume in the tank (and lid) was 1,308,371 gallons. The bid was predicated on a base volume of 1,733,000 gallons, and a per gallon adjustment of \$0.005 per gallon was bid by the contractor in Bid Item U-9. This results in a credit to the Owner of \$2,123.
- Item #4 A steel price adjustment clause was included in the contract documents for the steel that makes up the floating covers (Item 3). The terms and conditions for the adjustment were defined in the bid documents on Pages P-12 through P-14. As a result of steel price decreases since the bids were received on March 1, 2005 the contractor is entitled to a decrease in the bid item (Credit to Owner).
- Item #5 The owner has elected not to perform pile testing as identified in Bid Item 6C. Therefore, a credit equal to the bid item is issued to the Owner.
- Item #6 During construction in the North Digester Control Building it was determined that many of the valves are in poor or non-operable condition. A decision was made to replace key valves that are needed in order to isolate a digester. This will allow any future valve replacement or equipment maintenance to proceed without having to drain the digester. A total of 22 valves associated with Digesters 1 and 2 will be replaced. The gate and plug valves are for sludge, hot water, and digester gas, and are 4", 6", 8", and 10" in size. This portion represents the amount attributable to the Digesters 1 & 2 project.
- Item #7 The BSA requested that new gas flow meters to measure the flow of digester gas from each digester be incorporated into the project. A new thermal mass flow meter, piping modifications, installation, and electrical and instrumentation connections was included for each digester. This portion represents the amount attributable to the Digesters 1 & 2 project.
- Item #8 The existing flammable gas monitoring equipment in the North Digester Control Building, South Digester Control Building, and Gas Compressor Building is not operable and the BSA requested that they be replaced. The work includes 15 new sensors, three new gas monitors (multi-sensor), and installation. This portion represents the amount attributable to the Digesters 1 & 2 project. A portion is also included in the Digesters 3 & 4 project.

COST OF CHANGE OR EXTRA WORK:

- Item #1 (\$ 3,500.00)
- Item #2 \$ 28,993.50
- Item #3 (\$ 2,123.00)

Item #4 (\$ 1,978.00)
 Item #5 (\$17,000.00)
 Item #6 \$ 89,275.00
 Item #7 \$ 26,392.50
 Item #8 \$ 22,491.50

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$142,551.50

The total INCREASE to the contract as a result of this Change Order is \$142,551.50

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 August 21, 2006 (NTP of April 25, 2005, plus 455 days, project duration).
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable Equipment Specifications, General Specifications, and Project Specifications for the same type of work.
3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place under coverage of his performance and Payment Bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the owner evidence of increased coverage of his Performance and Payment Bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 84500011 as written in the above Agenda Item, increasing the contract cost in the amount of \$142,551.50, making the adjusted contract cost \$5,105,551.50.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY

AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 22

CHANGE ORDER NO.2 – CONTRACT NO 84500006

CONTRACTOR:	ORIGINAL CONTRACT COST	\$4,747,000.00
Kranick Environmental Contractors	PREVIOUS CHANGE ORDER	18,835.33
537 Lincoln Highway	THIS CHANGE ORDER	<u>173,372.50</u>
East McKeesport, Pa. 15035	ADJUSTED CONTRACT COST	\$4,939,207.83

WORK: Digesters No. 3 and No. 4 Upgrade

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Addition of a 4" electrical conduit from the North Digester Control Building to the Gas Compressor Building switchgear.
- Item #2 Four additional 18" and 20" MJ fittings in sludge pipeline between Digesters 3 & 4 Mixing Building and Digester 4.
- Item #3 Credit to Owner for deleting two (2) motors that were not replaced as part of the re-motoring in the North Digester Control Building.
- Item #4 Credit to Owner for not replacing the electric feeder from the Raw Wastewater Pump Station to the Gas Compressor Building.
- Item #5 New switchgear at the Gas Compressor Building and temporary power during installation of the switchgear. This portion represents the amount attributable to the Digesters 3 & 4 project. A portion is also included in the Digesters 1 & 2 project.
- Item #6 Additional valves in the North Digester Control Building. This portion represents the amount attributable to the Digesters 3 & 4 project. A portion is also included in the Digesters 1 & 2 project.
- Item #7 Addition of digester gas flow meters to the project. This portion represents the amount attributable to the Digester 3 & 4 project. A portion is also included in the Digester 1 & 2 project.
- Item #8 Addition of gas monitoring equipment to the project. This portion represents the amount attributable to the Digesters 3 & 4 project. A portion is also included in the Digesters 1 & 2 project.

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 A 4" electrical conduit from the North Digester Control Building to the Gas Compressor Building switchgear was added to provide power to the Digesters 1 & 2 Mixing Building. This change was made to allow the contractor to install the conduit at the same time as other conduits for the Digesters 3 & 4 project that are in the same trench. Installing the conduit at this time, rather than during the Digesters 1 & 2 project resulted in an overall savings to the project.
- Item #2 Additional fittings, not shown on the project drawings, were necessary to carry the 18" and 20" sludge pipelines from the Digesters 3 & 4 Mixing Building to Digester 4. The fittings were required in order to avoid unforeseen interferences from the low-pressure digester gas tank, the digester brick ledge, and the pipe tunnel.
- Item #3 Two (2) motors in the North Digester Control Building that were slated for replacement when the power in the building was converted from 208V to 480V were not replaced because it was determined that the pumps were no longer necessary. A credit was requested from the contractor.
- Item #4 A bid item was included in the project to replace the dual electric feeder from the Raw Wastewater Pump Station to the Gas Compressor Building, if it was determined based upon metering performed by the Contractor, that replacement was necessary. The metering results of existing power consumption, combined with the proposed electric loads are still well within the current carrying capacity of the feeders. Therefore, the feeders will not be replaced and the contractor issued a credit. The credit included an inspection of the physical condition of the feeders along with non-destructive testing to verify its condition.
- Item #5 The existing switchgear at the Gas Compressor Building does not have sufficient space on the line side to connect the new electric feeders for the Digesters 1 & 2 and 3 & 4 Mixing Buildings. New switchgear will be installed in place of the existing switchgear that will enable the power connections to be made. This item also includes temporary power feed to the North Digester Control Building and Gas Compressor Building during the switchgear installation. This portion represents the amount attributable to the Digesters 3 & 4 project.
- Item #6 During construction in the North Digester Control Building it was determined that many of the valves are in poor or non-operable condition. A decision was made to replace key valves that are needed in order to isolate a digester. This will allow any future valve replacement or equipment maintenance to proceed without having to drain the digester. A total of 32 valves associated with Digesters 3 and 4 will be replaced. The gate and plug valves are for sludge, hot water, and digester gas, and are 4", 6", 8", and 10" in size. This portion represents the amount attributable to the Digesters 3 & 4 project.
- Item #7 The BSA requested that new gas flow meters to measure the flow of digester gas from each digester be incorporated into the project. A new thermal mass flow meter, piping modifications, installation, and electrical and instrumentation connections was included for each digester. This portion represents the amount attributable to the Digesters 3 & 4 project.

- Item #8 The existing flammable gas monitoring equipment in the North Digester Control Building, South Digester Control Building, and Gas Compressor Building is not operable and the BSA requested that they be replaced. The work includes 15 new sensors, three (3) new gas monitors (multi-sensor), and installation. This portion represents the amount attributable to the Digesters 3 & 4 project.

COST OF CHANGE OR EXTRA WORK:

Item #1	\$ 4,886.00
Item #2	\$ 15,939.00
Item #3	(\$ 1,765.00)
Item #4	(\$36,000.00)
Item #5	\$28,993.50
Item #6	\$112,435.00
Item #7	\$ 26,392.50
Item #8	\$ 22,491.50

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$173,372.50

The total INCREASE to the contract as a result of this Change Order is \$173,372.50

CONTRACT SUPPLEMENT CONDITIONS:

6. 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 September 13, 2005 (NTP plus 360 days, project duration).
7. 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.
8. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
9. The Contractor expressly agrees that he will place under coverage of his performance and Payment Bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the owner evidence of increased coverage of his Performance and Payment Bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).

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10. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 84500006 as written in the above Agenda Item, increasing the contract cost in the amount of \$173,372.50, making the adjusted contract cost \$4,939,207.83.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 23

CONFIRMATION OF APPOINTMENTS

**SEWER CONSTRUCTION INSPECTOR (PERMANENT)
CHANGE OF STATUS ONLY
ENGINEERING DEPARTMENT
\$46,754 PER ANNUM
EFFECTIVE: JUNE 27, 2005**

RICHARD SKINNER
5148 MAYER RD.
HAMBURG, NY

**SHIFT SUPERINTENDENT (SEWAGE TREATMENT)
(PERMANENT)
SEWAGE TREATMENT PLANT
\$59,836 PER ANNUM
EFFECTIVE: JULY 11, 2005**

RICHARD SLINKOSKY
37 HENRIETTA AVE.
BUFFALO, NY

WHEREAS: The preceding appointments were made by the General Manager since the last Board Meeting; and

WHEREAS: The General Manager requests confirmation of each appointment.

NOW THEREFORE
BE IT RESOLVED: That the preceding appointments are hereby confirmed by the Board of the Buffalo Sewer Authority.

MOTION TO APPROVE
MADE BY MR. KENNEDY
2ND BY MS. WILSON-DIVINCENZO
AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 24

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/COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
George Giambrone	NYRWA Purified Water & Process Instruments Wastewater Analysis	100%	\$255.00
William Salter	Advance Photography	50%	\$87.50

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$342.50. These Reimbursements will be charged to account no. 00800108-480214.

MOTION TO APPROVE
 MADE BY MR. ROOSEVELT
 2ND BY MS. WILSON-DIVINCENZO
 AYES 4 NOES 0
 Board Meeting of July 27, 2005

ITEM NO. 25

REQUEST FOR LEAVE WHILE ON UNION BUSINESS

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

“June 15, 2005

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

Dear Tony,

Being a duly elected Officer of C.S.E.A. Local #815, I am being sent as a delegate of C.S.E.A. Local #815 to Buffalo, NY, for the C.S.E.A. State Convention on September 26-30, 2005.

I will need Monday, September 26, through Friday, September 30, 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	<u>APPROVE</u>
MADE BY	<u>MS. WILSON-DIVINCENZO</u>
2 ND BY	<u>MR. KENNEDY</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of July 27, 2005

ITEM NO. 26

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On July 15, 2005, Daniel Bonner, of 404 Marilla Street, Buffalo, New York, completed the paperwork for filing a Claim with the Buffalo Sewer Authority for damages to his automobile. Mr. Bonner is an employee with the Buffalo Sewer Authority. On April 25, 2005, while reporting for work, Mr. Bonner was entering the south gate at the Bird Island Sewage Treatment Plant while approximately 30 protesters were blocking the entrance. The protesters flagged Mr. Bonner through but swarmed his vehicle and gouged the new paint job on his truck. The total cost of damages is \$649.50; and

WHEREAS: Shortly after entering his work place, damages to the truck were observed by Salvatore LoTempio, who was the Treatment Plant Superintendent at the time of this incident and, Pamela DiPalma, Director of Human Resources; and

WHEREAS: The General Manager reviewed the Claim and recommends payment in the amount of \$649.50.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Daniel Bonner, 404 Marilla, Buffalo, New York, in the amount of \$649.50. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE
MADE BY MR. KENNEDY
2ND BY MS. WILSON-DIVINCENZO
AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 27

PRELIMINARY WORK AGREEMENT - NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS: The New York State Department of Transportation desires to perform various safety improvements on the Kensington Expressway/Elm-Oak arterial within the City of Buffalo, Erie County PIN 5512.41; and

WHEREAS: It is a requirement of the NYSDOT that a Preliminary Utility Work Agreement be executed by a duly authorized agent of the affected utility to allow the State of New York to perform said work within our jurisdiction; and

WHEREAS: The plans and specifications for this work have been reviewed by the Engineering Division of the Buffalo Sewer Authority and found acceptable; and

WHEREAS: This work will be done at no cost to the Buffalo Sewer Authority.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute, on behalf of the Buffalo Sewer Authority, the above mentioned Agreement with the New York State Department of Transportation.

MOTION TO APPROVE
MADE BY MR. ROOSEVELT
2ND BY MS. WILSON-DIVINCENZO
AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 28

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: We have received a request from Evelyn Sliwa, a permanent Senior Clerk for a three (3) month personal leave of absence; and

WHEREAS: The General Manager has reviewed this request and recommends approving this request for a three (3) month period.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants Evelyn Sliwa a leave of absence without pay for a period of three (3) months beginning August 22, 2005, and extending until November 21, 2005.

MOTION TO APPROVE
MADE BY MR. KENNEDY
2ND BY MS. WILSON-DIVINCENZO
AYES 4 NOES 0

Board Meeting of July 27, 2005

ITEM NO. 29

ADJOURNMENT OF MEETINGMOTION TO APPROVE MADE BY MR. ROOSEVELT 2ND BY MR. KENNEDY AYES 4 NOES 0

Board Meeting of July 27, 2005