

**MINUTES OF THE REGULAR MEETING  
OF THE  
BUFFALO SEWER AUTHORITY  
March 15, 2006**

**50641.....50669**



# BUFFALO SEWER AUTHORITY

March 15, 2006

**REGULAR MEETING**

**9:00 A.M.**

**1038 CITY HALL**

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**CALL OF THE ROLL**

Present:	<u>James P. Naples</u>	<u>Vice Chairman</u>
	<u>John D. Kennedy, Sr.</u>	<u>Assistant Vice Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Secretary</u>
	<u>Eleanor Wilson-DiVincenzo</u>	<u>Assistant Secretary</u>
	<u>David P. Comerford</u>	<u>General Manager</u>
	<u>Margaret Burke</u>	<u>Executive Secretary</u>
	<u>Oluwole McFoy</u>	<u>Secretary to the General Manager</u>
	<u>Franklin DiMascio, P.E.</u>	<u>Principal Engineer</u>
	<u>Burt Mirti</u>	<u>Intergovernmental Coordinator</u>
	<u>James Keller</u>	<u>Treatment Plant Superintendent</u>
	<u>Angel Rivera</u>	<u>Supt. of Mechanical Maintenance</u>
	<u>Edward Hennessy</u>	<u>Director of Sewer Maintenance</u>
	<u>Roberta Gaiek</u>	<u>Treatment Plant Administrator</u>
	<u>Angelo Provenzano</u>	<u>Special Assistant</u>
	<u>Thomas Cicatello</u>	<u>Union President, CSEA</u>
	<u>Nicole Elliott</u>	<u>Erie Co. Environment &amp; Planning</u>
	<u>Brian Meyer</u>	<u>Buffalo News</u>
Absent:	<u>Herbert L. Bellamy, Jr.</u>	<u>Chairman</u>

The meeting was called to order at 9:05 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of February 8, 2006

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

Board Meeting of March 15, 2006

## ITEM NO. 2

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

**March 3, 2006**

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	4.15%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	Money Market		\$14,156,105.21	Chase	4.15%	High Yield
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	Money Market		\$1,145,146.74	Chase	4.15%	High Yield
<b>OPERATING FUND</b>						
08-Apr-02	Money Market		\$3,034,939.41	Chase	4.15%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	Money Market		\$26,198.01	Chase	4.15%	High Yield
<b>SURPLUS FUND</b>						
03-Feb-06	04-May-06	90	\$4,793,721.40	M&T Securities	4.56%	\$55,278.60
<b>NET REVENUE FUND</b>						
			\$ .50	MTB Funds		
30-Dec-05	27-Mar-06	87	\$3,299,230.12	Citizens	4.50%	\$35,879.13
25-Jan-06	25-Apr-06	90	\$7,899,554.20	Citizens	4.54%	\$89,659.94
27-Feb-06	30-May-06	92	\$1,800,000.00	Citizens	4.72%	\$21,712.00
			<u>\$12,998,784.82</u>			



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%	(2/15/06)
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>						
02-Mar-06	09-Mar-06	7	\$540,108.85	\$0.15 MTB Funds Citizens	4.54%	\$475.55
			\$540,109.00			
<b>CONSTRUCTION FUND SERIES K</b>						
02-Mar-06	16-Mar-06	14	\$53,807.41	Citizens	4.54%	\$95.00

**RECEIVE & FILE**

Board Meeting of March 15, 2006

ITEM NO. 3

**PRELIMINARY OUTLINE OF OPERATING BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2006**

A proposed Operating Budget, with full details, for the fiscal year beginning July 1, 2006, will be presented for formal consideration by your Honorable Body at the next scheduled meeting on April 12, 2006. This proposed budget will be in an amount not to exceed \$55,348,339, which is a \$2,261,097 increase over the current budget of \$53,087,242.

At this time, an outline of the proposed budget is submitted for your tentative approval. Once approved, we will proceed in the preparation of a formal budget document complete with comparison charts and exhibits. Attached to this outline are the following exhibits:

A comparison of Appropriation by Division for the years 2003-04 to 2006-07 Proposed;

A revenue estimate and comparison for the years 2003-04 to 2006-07 Proposed;

Capital Budget Projects for 2006-2007.

Sewer rents based on assessed valuation will not be increased to fund this proposed budget. The final rate for sewer rent will be dependent upon the final City assessed valuation. Sewer rents based upon water usage will not be increased. The estimate of sewer rents based on water use and the final budget appropriation estimates will be detailed at the scheduled meeting of April 12, 2006.

WHEREAS: The preliminary budget presented herein reflects a balanced plan to fund the necessary operations of the Buffalo Sewer Authority for the fiscal year beginning July 1, 2006.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to proceed in preparing a detailed budget not to exceed \$55,348,339 to be submitted to this Body at the meeting of April 12, 2006.

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

Board Meeting of March 15, 2006

**BUFFALO SEWER AUTHORITY  
REVENUE ESTIMATE  
2006-2007 PRELIMINARY BUDGET**

<b>Revenue</b>	<b>2003-2004 Actual</b>	<b>2004-2005 Actual</b>	<b>2005-2006 Budget</b>	<b>2006-2007 Budget</b>
Assessment Sewer Rents	\$12,111,427	\$12,114,409	\$11,766,350	\$11,735,850
Water Use Sewer Rents	24,989,023	24,326,204	29,342,392	30,026,924
Outside City-Sewer Connection	6,355,501	10,358,147	8,700,000	9,700,000
Industrial Waste	1,702,366	1,431,484	1,378,500	1,049,500
Interest Income	1,752,231	2,088,380	1,894,500	2,097,315
Miscellaneous	1,830,015	1,530,302	5,500	738,750
<b>Total Revenues</b>	<b><u>\$48,740,563</u></b>	<b><u>\$51,848,926</u></b>	<b><u>\$53,087,242</u></b>	<b><u>\$55,348,339</u></b>

**BUFFALO SEWER AUTHORITY  
APPROPRIATIONS BY DIVISION  
2006-2007 PRELIMINARY BUDGET**

<b>Division</b>	<b>2003-2004 Actual</b>	<b>2004-2005 Actual</b>	<b>2005-2006 Budget</b>	<b>2006-2007 Budget</b>
General Offices	\$1,018,771	\$950,030	\$1,352,924	\$1,313,343
Wastewater Treatment Facility	19,627,791	20,220,466	22,368,991	24,491,358
Industrial Waste	528,150	511,966	567,068	557,157
Engineering	712,808	750,005	755,139	704,034
Sewer Maintenance	2,487,266	2,648,890	2,809,369	2,785,980
Miscellaneous Financial Chgs	3,940,813	3,811,178	3,919,690	2,573,286
Fringe Benefits	6,217,070	6,095,402	6,532,553	7,057,277
Debt Service & Reserve	11,224,654	12,018,846	14,781,508	15,865,904
<b>Total Appropriations</b>	<b><u>\$45,757,323</u></b>	<b><u>\$47,006,783</u></b>	<b><u>\$53,087,242</u></b>	<b><u>\$55,348,339</u></b>

**BUFFALO SEWER AUTHORITY  
CAPITAL PROJECTS  
2006 - 2007 PRELIMINARY BUDGET**

<b><u>PROJECT TITLE:</u></b>	ESTIMATED COST
<b><u>TREATMENT PLANT:</u></b>	
INCINERATOR REFRACTORY REHABILITATION	\$200,000
REHAB OF (1) RWW PUMP & MOTOR	120,000
REHAB OF (1) SWW PUMP & MOTOR	120,000
ANNUAL CENTRIFUGE MAINTENANCE	50,000
ROOF REPLACEMENT & STRUCTURAL REPAIRS	750,000
CLEAR DEBRIS FROM AERATION TANKS REPLACE AIR CONTROL SYSTEM	2,000,000
SECONDARY CLARIFIER SLUDGE WITHDRAWAL SYSTEM IMPROVEMENTS	260,000
FINAL EFFLUENT HYPOCHLORITE DOSING AND CONTROL (INCLUDES NEW PUMPS, CHLORINE RESIDUAL MONITORS AND SCADA PROGRAMMING)	60,000
DIGESTER GAS SYSTEM AND SPHERE EVALUATION	75,000
REPLACE PROTECTED WATER BREAKTANK WITH BACKFLOW PREVENTOR	75,000
EVALUATE AHUs PLANT WIDE	30,000
CENTRIFUGE INSTALLATION (Permanent Centrifuges) (INCLUDES NUCLEAR SCALES)	1,500,000
<b><u>COLLECTION SYSTEM:</u></b>	
SEWER CLEANING/TV INSPECTION	300,000
CSO SYSTEM IMPROVEMENTS – SLOAN DRAIN	300,000
CSO SYSTEM IMPROVEMENTS - HAMBURG DRAIN	2,600,000
UNANTICIPATED SEWER REPLACEMENTS	<u>200,000</u>
<b><u>GRAND TOTAL</u></b>	<b><u>\$8,640,000</u></b>

## ITEM NO. 4

**AMENDMENT NO. 1 TO NOTE RESOLUTION, SERIES 2004 BOND ANTICIPATION NOTES**

**EXTRACT OF MINUTES  
Meeting of the Buffalo Sewer Authority  
of the City of Buffalo, County of Erie, New York  
March 15, 2006**

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A regular meeting of the Buffalo Sewer Authority of the City of Buffalo, in the County of Erie, New York, was held at City Hall, Buffalo, New York, on March 15, 2006, at 9:00 o'clock A.M. (Prevailing Time)

**There were present:**

**Members: 4**

**There were absent: 1**

**Also present: 13**

**Member Mr. Kennedy offered the following resolution and offered its adoption:**

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO  
 AYES 4 NOES 0

Board Meeting of March 15, 2006

**BUFFALO SEWER AUTHORITY**  
**SERIES 2004 BOND ANTICIPATION NOTES**

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**AMENDMENT NO. 1 TO**  
**NOTE RESOLUTION**

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**Adopted: March 15, 2006**

BUFFALO SEWER AUTHORITY  
AMENDMENT NO. 1 TO  
SERIES 2004 BOND ANTICIPATION NOTE  
RESOLUTION

WHEREAS, the Buffalo Sewer Authority (the “Authority”), a body corporate and politic constituting a public benefit corporation organized and existing under the laws of the State of New York, now owns and operates sewerage and stormwater drainage facilities within the environs of the City of Buffalo, New York (the “City”); and

WHEREAS, the Authority has determined to undertake certain improvements to the sewer system (collectively, the “Project”), to wit the Bird Island WWTP Anaerobic Digester Upgrade Phase II; and

WHEREAS, the Authority is authorized by the Act to borrow money and issue notes, and to provide for the rights of the owners thereof; and

WHEREAS, by virtue of a Note Resolution adopted by the Authority on September 8, 2004 (the “2004 Note Resolution”), the Authority proposed to issue a note in a principal amount not to exceed \$9,700,000 pursuant to the Buffalo Sewer Authority Act, Title 8 of Article 5 of the Public Authorities Law, Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the “Act”), to provide for the temporary financing of the construction of the Project until such time as the Authority issues bonds to provide for the permanent financing of the Project; and

WHEREAS, pursuant to the 2004 Note Resolution and a Certificate of Determination dated as of February 10, 2005, the Authority issued to the New York State Environmental Facilities Corporation (“EFC”) as of February 10, 2005, its E.F.C. Municipal Water Pollution Control Facility Note – 2005 A (Bond Anticipation Note) in the principal amount of \$4,487,525; and

WHEREAS, the Authority now wishes to issue a further note to EFC pursuant to the general authority and within the limitations contained in the 2004 Note Resolution in order to provide for additional temporary financing of the construction of the Project until such time as the Authority issues bonds to provide for the permanent financing of the Project; and

WHEREAS, in order to avoid any ambiguity regarding the authority granted by this Board in the 2004 Note Resolution as such authority pertains to the issuance of a further note to EFC, this Board desires to amend certain provisions of the Note Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE BUFFALO SEWER AUTHORITY AS FOLLOWS:

Section 1. Continued Effect of 2004 Note Resolution. Except as specifically amended hereby, all provisions of the 2004 Note Resolution shall remain in full force and effect.

Section 2. Definitions. All terms defined in the 2004 Note Resolution shall have the meanings set forth therein unless otherwise defined below or unless the context otherwise requires:

“Certificate of Determination” shall mean one or more Certificates executed from time to time by the General Manager of the Authority pursuant to Section 2.8 hereof.

“Note Resolution” shall mean the 2004 Note Resolution as amended by this Amendment No. 1.

“Project Finance Agreement” or “PFA” shall mean the project finance agreement or agreements between the Authority and EFC relating to the Notes, as the same may be amended from time to time.

Section 3. Amendment to Section 2.4. Section 2.4 of the 2004 Note Resolution is hereby amended in its entirety to read as follows:

Section 2.4 Authorization, Principal Amount and Purpose of Notes. There is hereby established and created an issue of Notes of the Authority to be known and designated as set forth in one or more Certificates of Determination. Said Notes shall be issued in an aggregate principal amount to be set forth in one or more Certificates of Determination and the Authority covenants and agrees that after the issuance of the Notes in an aggregate principal amount of \$9,700,000, no other Notes shall thereafter be issued pursuant to this Note Resolution. The Notes are being issued for the purpose of providing interim financing of the Project, including the making of deposits in the amounts, if any, required by the PFA and this Note Resolution.

Section 4. Amendment to Section 2.5. Section 2.5 of the 2004 Note Resolution is hereby amended in its entirety to read as follows:

Section 2.5 Terms and Provisions of Notes. The Notes shall be dated the date of delivery and shall mature without interest in accordance with the Project Finance Agreement relating to such Notes. Interest shall not accrue on the unpaid principal amount of the Notes prior to the earlier of (a) the maturity date thereof or on such date as may be established pursuant to the applicable Project Finance Agreement or (b) the date of earlier redemption of such unpaid principal amount, but in the event of any default in the payment of such unpaid principal amount on the earlier of the maturity date (or such date established as aforesaid) or the date of earlier redemption, the Authority shall be obligated to pay interest on such unpaid principal amount to the Holders of the Notes at the rate specified in the Project Finance Agreement on and after such maturity date (or such date established as aforesaid) or date of earlier redemption until such unpaid principal amount is paid in full. The Notes will be payable as to principal thereof and interest (in respect of overdue principal), if any, thereon at the principal office of the registrar and paying agent (the “Registrar and Paying Agent”) in its capacity as paying agent to the Holder of the Notes at its address set forth on the books of the Authority maintained for registration of the Notes. For so long as the EFC is the Holder of the Notes, the EFC may, by written instruction to the Authority, direct the Authority to pay any principal of or interest (in respect of overdue principal), if any, on the Notes, to any bank acting as custodian of the EFC.



Section 5. Amendment to Section 2.8. Section 2.8 of the 2004 Note Resolution is hereby amended in its entirety to read as follows:

Section 2.8 Delegation to General Manager. There is hereby delegated to the General Manager of the Authority, subject to the limitations contained herein, the power with respect to the Notes to determine and carry out the following terms which shall be set forth in the Certificate of Determination:

(A) the principal amount of the Notes, which shall not exceed \$9,700,000 in the aggregate, and the designations, dates and maturity dates of the Notes; provided, however, that the maturity dates of the Notes shall not be later than the third anniversary of the issuance of the first of the Notes to be issued;

(B) the disposition of the proceeds of the sale of the Notes for Costs of Issuance, deposit to the Construction Fund in accordance with the applicable provisions of the Sewer System Revenue Bond Resolution or such other uses as the General Manager may determine;

(C) the terms and conditions of the PFA and any other agreement, document or certificate reasonably required by the EFC in connection with the sale of the Notes; and

(D) any other provisions which may be required to be inserted in such Certificate of Determination by the provisions of this Note Resolution or any other necessary or desirable provisions not inconsistent or in conflict with the provisions of this Note Resolution; and the taking of any and all action necessary to provide for the issuance of the Notes, including the execution and delivery of the PFA and any required documents, certificates and agreements, closing documents and tax and arbitrage certificates.

Section 6. Amendment to Section 3.6. Section 3.6 of the 2004 Note Resolution is hereby amended in its entirety to read as follows:

Section 3.6 Registration of the Notes. The Notes shall be initially issued in the form of a separate single authenticated fully registered note with respect to each Project Finance Agreement entered into between the Authority and EFC pursuant hereto, in an aggregate principal amount not to exceed \$9,700,000 registered in the name of the New York State Environmental Facilities Corporation.

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Section 7 Effective Date. This Amendment No. 1 shall take effect from and after its adoption.

The adoption of the foregoing resolution was seconded by Member Ms. Wilson-DiVincenzo, and duly put to a vote on roll call, which resulted as follows:

AYES: 4

NOES: 0

## CERTIFICATE

I, Christopher Roosevelt, Secretary of the Buffalo Sewer Authority in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the Minutes of a meeting of the Board of Directors of said Authority, duly called and held on March 15, 2006, and at which a quorum was present and acting throughout and the resolution contained therein is a true and complete copy of the resolution thereupon adopted and recorded in the Minutes of said Authority and that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Authority and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract, and that said resolution has not been amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Authority this 15th day of March, 2006.

(SEAL)

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Secretary

-#987252-

ITEM NO. 5

**EXTENSION OF CONTRACT FOR ENERGY CONSULTING SERVICES**

WHEREAS: On May 26, 2004, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract for energy consulting services with United Energy for the period May 10, 2004 through May 9, 2005, with an option to renew for two (2) one-year periods through May 9, 2007; and

WHEREAS: The Board authorized renewal of this contract on April 13, 2005, for the period May 10, 2005 through May 9, 2006; and

WHEREAS: United Energy has agreed to extend this contract for one (1) additional year under the same terms and conditions for the period May 10, 2006 through May 9, 2007; and

WHEREAS: The General Manager and his committee recommend this extension at a cost not to exceed \$40,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with United Energy for energy consulting services for one (1) additional year under the same terms and conditions for the period May 10, 2006 through May 9, 2007. Expenses for this contract will be charged to account no. 00380106-432004 (\$6,666.66 for the remainder of the current fiscal year through June 30, 2006) and (\$33,333.34 for fiscal year July 1, 2006 through May 9, 2007).

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 4 NOES 0

Board Meeting of March 15, 2006

## ITEM NO. 6

**AUTHORIZATION TO EXECUTE AGREEMENTS WITH SIEMENS BUILDING TECHNOLOGIES, INC., RESCINDED**

WHEREAS: On October 12, 2005, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute agreements with Siemens Building Technologies, Inc., for Technical Support Programs for the period November 1, 2005 through June 30, 2006, for the pneumatic controls for the HVAC system located at the Sewer Maintenance Building and for the pneumatic controls for the HVAC system located throughout the remainder of the Treatment Plant at a total cost not to exceed \$58,476.00; and

WHEREAS: Upon further review, the General Manager and staff of the Buffalo Sewer Authority have determined that these services can be performed in-house and request that the Board rescind authorization for these agreements at this time.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority rescinds the authorization passed on October 12, 2005, to execute the above designated agreements with Siemens Building Technologies, Inc.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 4 NOES 0

Board Meeting of March 15, 2006

ITEM NO. 7

**TRAVEL AUTHORIZATION - OLD FORGE, NEW YORK**

WHEREAS: The Treatment Plant Superintendent is in receipt of a request from employee Robert Cornell, Shift Superintendent, to attend a refresher course titled *Troubleshooting O & M Problems at Activated Sludge Wastewater Treatment Plants* being held from March 26-31, 2006, at Old Forge, New York; and

WHEREAS: Mr. Cornell's request indicates that he would use his own vehicle, gas, and time to attend this seminar. The only cost to the Buffalo Sewer Authority would be \$484.00 which includes the hotel, meals, and the course; and

WHEREAS: The Treatment Plant Superintendent recommends that Robert Cornell, Shift Superintendent, be authorized to attend this refresher course on troubleshooting O & M problems.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes Robert Cornell, Shift Superintendent, to travel to Old Forge, New York, for attendance at a refresher course titled *Troubleshooting O & M Problems at Activated Sludge Wastewater Treatment Plants* at a total cost of \$484.00. Funds are available in account no. 00200104-458012.

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 4 NOES 0

Board Meeting of March 15, 2006

## ITEM NO. 8

**AUTHORIZATION FOR RENEWAL OF ANNUAL CUSTOMER SUPPORT PLAN WITH MRO SOFTWARE**

WHEREAS: The Buffalo Sewer Authority has been utilizing Maximo Maintenance System software for its work order tracking, purchasing, and inventory control programs; and

WHEREAS: An annual customer support plan is beneficial in order to keep current, receive the latest releases of this program, and receive unlimited telephone support; and

WHEREAS: The Treatment Plant Superintendent, Computer Systems Engineer Coordinator, and staff recommend renewal of the annual customer support plan with MRO Software through March 31, 2007, at a cost of \$36,223.32.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the annual customer support plan with MRO Software through March 31, 2007, at a cost of \$36,223.32. Funds are available in account no. 00200106-443420.

MOTION TO                      APPROVE                     

MADE BY                      MS. WILSON-DIVINCENZO                     

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

AYES            4            NOES            0           

Board Meeting of March 15, 2006

ITEM NO. 9

**EXTENSION OF CONTRACT FOR THE REMOVAL AND DISPOSAL OF GRIT, SCREENINGS, AND TRASH**

WHEREAS: On December 8, 2004, the Board of the Buffalo Sewer Authority awarded a contract to Allied Waste Services of North America, formerly known as BFI Waste Systems of North America, Inc., for the removal and disposal of grit, screenings, and trash at the Treatment Plant for an eighteen-month period beginning January 1, 2005 through June 30, 2006, with an option to renew for three (3) one-year periods through June 30, 2009; and

WHEREAS: Allied Waste Services of North America has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2006-2007; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension, up to a maximum amount of \$85,567.50.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with Allied Waste Services of North America for the removal and disposal of grit, screenings, and trash at the Treatment Plant for a one-year period beginning July 1, 2006, up to a maximum amount of \$85,567.50. Expenses for this contract will be charged to account nos. 00230106-442100, 00380106-442100, and 00690106-442100.

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

Board Meeting of March 15, 2006



## ITEM NO. 10

**AUTHORIZATION TO PURCHASE AN ICP-OES SYSTEM UNDER STATE CONTRACT**

- WHEREAS: The Buffalo Sewer Authority Laboratory performs metals analyses as required by the New York State Department of Environmental Conservation in partial fulfillment of the State Pollution Discharge Elimination Systems Permit; and
- WHEREAS: The Laboratory currently utilizes a ten-year old Atomic Absorption Spectrometer (AAS) which is costly to maintain and which does not sufficiently meet strict quality control requirements mandated by the New York State Department of Health; and
- WHEREAS: Gary Aures, Associate Chemist, recommends the purchase of an Inductively Coupled Plasma Optical Emission Spectrometer (ICP-OES) system to replace the current AAS. The purchase of this ICP-OES will enable the Buffalo Sewer Authority Laboratory to increase and broaden its capability, in addition to decreasing analytical turn-around time and will also create a potential revenue stream for the Buffalo Sewer Authority as our Laboratory will be able to assist other communities with their analytical needs; and
- WHEREAS: The ICP-OES is available for purchase through the original equipment manufacturer, Perkin-Elmer Life and Analytical Sciences, under State Contract #PC60245 at a total cost of \$82,711.00, less State Contract discount of \$3,907.85. In addition, Perkin-Elmer, also the OEM of our AAS and Gas Chromatograph equipment, is discounting an additional \$20,873.15 off the State Contract pricing for the decommissioning of the AAS and Gas Chromatograph, bringing the total purchase cost down to \$60,430.00. This cost includes the complete system, installation, and on-site and off-site training; and
- WHEREAS: Board approval is required on purchases made over \$10,000.00; and
- WHEREAS: The Treatment Plant Superintendent, Associate Chemist, and staff recommend purchase of one new and unused ICP-OES at a total cost of \$60,430.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase one new and unused ICP-OES through Perkin-Elmer Life and Analytical Sciences under State Contract #PC60245 at a total cost of \$60,430.00. Funds are available in account no. 00510107-474100

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of March 15, 2006

ITEM NO. 11

**EXTENSION OF CONTRACT FOR ANALYTICAL SERVICES**

WHEREAS: On December 8, 2004, the Board of the Buffalo Sewer Authority awarded a contract to Severn Trent Laboratories, Inc., to provide analytical services for an eighteen-month period beginning January 1, 2005 through June 30, 2006, with an option to renew for three (3) one-year periods through June 2009; and

WHEREAS: Severn Trent Laboratories, Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2006-2007; and

WHEREAS: The Treatment Plant Superintendent, Industrial Waste Administrator, Associate Chemist, and staff recommend this extension, up to a maximum amount of \$82,633.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with Severn Trent Laboratories, Inc., for analytical services needed for a one-year period beginning July 1, 2006, up to a maximum amount of \$82,633.00. Expenses for this contract will be charged to account no. 00550106-432004.

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 4 NOES 0

Board Meeting of March 15, 2006

ITEM NO. 12

**AUTHORIZATION TO PURCHASE REPAIR PARTS FOR GRIT PUMPS FROM ORIGINAL EQUIPMENT MANUFACTURER’S DESIGNATED LOCAL REPRESENTATIVE**

WHEREAS: The Buffalo Sewer Authority purchased new Smith and Loveless grit pumps in 2002 as part of the Grit System Project; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined that replacement parts are now needed for these pumps; and

WHEREAS: In order to maintain the integrity of these pumps and warranties from the manufacturer, the Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend purchasing these parts from the original equipment manufacturer’s designated local representative; and

WHEREAS: The Buffalo Sewer Authority has supporting documentation from the original equipment manufacturer, Smith and Loveless, designating Koester Associates, Inc., as their local representative; and

WHEREAS: Upon request Koester Associates, Inc., has submitted a quote in the amount of \$24,035.54 for the parts necessary to repair the grit pumps; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend the purchase of these repairs parts from Koester Associates, Inc., at a total cost of \$24,035.54, 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 the repair parts necessary to repair the grit pumps from Koester Associates, Inc., at a total cost of \$24,035.54, plus any incurred freight charges. This purchase will be charged to account no. 00230105-466107.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 4 NOES 0

## ITEM NO. 13

**APPROVAL TO ENTER INTO THE MEMORANDUM OF AGREEMENT CREATED BY THE WESTERN NEW YORK STORMWATER COALITION**

- WHEREAS: The Buffalo Sewer Authority was issued a New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer System (MS4) in 2003, and is among 42 communities in Western New York who own or operate MS4s; and
- WHEREAS: The Western New York Stormwater Coalition, consisting of these 42 communities, was created in order to work collectively to meet the goals of the United States Environmental Protection Agency's "Phase II" Stormwater Regulations (40 C.F.R. Sections 9, 122, 123, and 124) and the New York State Department of Environmental Conservation's SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02); and any amendments thereto. The Erie County Department of Environment and Planning has been the lead member in organizing, assisting, and obtaining grant money to assist with complying with these regulations; and
- WHEREAS: The most recent grant requires the Coalition to be formally created and establish rights and responsibilities of its members through a Memorandum of Agreement; and
- WHEREAS: A Memorandum of Agreement was established for the period December 31, 2005 through December 31, 2010, and has been reviewed and approved by the Corporation Counsel as to form; and
- WHEREAS: Each Coalition Member is required to pay an annual membership fee. Membership fees shall be used to fund activities required to fulfill the purposes of the Stormwater Coalition, including costs incurred in preparing and implementing a Stormwater Management Plan, and shall serve as required local match funds for Federal and State grants awarded to the Coalition. The current fee for the annual membership is \$2,500.00; and
- WHEREAS: The Treatment Plant Superintendent, Industrial Waste Administrator, and staff recommend that the Buffalo Sewer Authority enter into and execute the Memorandum of Agreement created by the Western New York Stormwater Coalition.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute the above described Memorandum of Agreement for the period December 31, 2005 through December 31, 2010. The Board further authorizes payment of the annual membership fee of \$2,500.00. Membership fees will be charged to account no. 00550106-464000.

MOTION TO                     APPROVE                    

MADE BY           MS. WILSON-DIVINCENZO          

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

AYES           4           NOES           0          

Board Meeting of March 15, 2006

## ITEM NO. 14

**REPORT ON BIDS RECEIVED - BIRD ISLAND SEWAGE TREATMENT PLANT RAW WASTEWATER PUMP NO. 2 REPAIR**

WHEREAS: Formal bids were advertised and solicited for the Bird Island Sewage Treatment Plant Raw Wastewater Pump No. 2 Repair. The following bids were received and opened by the Buffalo Sewer Authority on January 31, 2006:

Kohl Construction, Inc.	\$ 96,800.00
Hohl Industrial Services, Inc.	\$153,280.00
John W. Danforth Company	\$167,000.00
ITT Ontario Pro Services	\$178,735.00
; and	

WHEREAS: The bids were received and the contract will be awarded on the basis of a lump sum bid. The bids reflect the true amount of the contract; and

WHEREAS: The bid submitted by Kohl Construction, Inc., is in the amount of \$96,800.00; and

WHEREAS: The Superintendent of Mechanical Maintenance and staff reviewed the bids and recommend accepting the low bid and awarding the contract to Kohl Construction, 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 Kohl Construction, Inc., at a cost not to exceed \$96,800.00. Expenses for this contract will be charged to account no. 02000251-490740.

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

Board Meeting of March 15, 2006

ITEM NO. 15

**REPORT ON BIDS RECEIVED - BIRD ISLAND SEWAGE TREATMENT PLANT REPAIR AND START-UP OF INCINERATOR ASH HANDLING SYSTEM**

WHEREAS: Formal bids were advertised and solicited for the Bird Island Sewage Treatment Plant Repair and Start Up of Incinerator Ash Handling System. The following bids were received and opened by the Buffalo Sewer Authority on February 24, 2006:

Quackenbush Co., Inc.	\$ 54,980.00
Nicholson & Hall Corp.	\$ 83,865.00
Hohl Industrial Services, Inc.	\$172,300.00
; and	

WHEREAS: The bids were received and the contract will be awarded on the basis of a lump sum bid. The bids reflect the true amount of the contract; and

WHEREAS: The bid submitted by Quackenbush Co. Inc., is in the amount of \$54,980.00; and

WHEREAS: The Principal Sanitary Engineer and staff reviewed the bids and recommend accepting the low bid and awarding the contract to 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., at a cost not to exceed \$54,980.00. Expenses for this contract will be charged to account no. 02000233-490740.

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 4 NOES 0

Board Meeting of March 15, 2006



## ITEM NO. 16

**REPORT ON BIDS RECEIVED - BIRD ISLAND SEWAGE TREATMENT PLANT REPAIR AND START-UP OF STEAM ABSORPTION CHILLER NOS. 2 & 3**

WHEREAS: Formal bids were advertised and solicited for the Bird Island Sewage Treatment Plant Repair and Start Up Of Steam Absorption Chiller Nos. 2 & 3. The following bids were received and opened by the Buffalo Sewer Authority on February 1, 2006:

York International Corp.	\$ 57,900.00
Gerster Sales & Service, Inc.	\$ 65,000.00
; and	

WHEREAS: The bids were received and the contract will be awarded on the basis of a lump sum bid. The bids reflect the true amount of the contract; and

WHEREAS: The bid submitted by York International Corp. is in the amount of \$57,900.00; and

WHEREAS: The Principal Sanitary Engineer and staff reviewed the bids and recommend accepting the low bid and awarding the contract to York International Corp.

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 York International Corp. at a cost not to exceed \$57,900.00. Expenses for this contract will be charged to account no. 02000252-490740.

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

Board Meeting of March 15, 2006

ITEM NO. 17

**REQUEST FOR REDUCTION OF RETENTION**

WHEREAS: The Buffalo Sewer Authority is currently engaged through Contract No. 84500013 with C. Destro Development Co., Inc., for Storm Sewer Improvements in Kaisertown South of Clinton; and

WHEREAS: The contract is essentially completed with only minor surface restoration work yet to be completed; and

WHEREAS: C. Destro Development Co., Inc., has requested a reduction in retention from 5% of the contract value to 1% of the contract value; and

WHEREAS: The Principal Sanitary Engineer recommends a reduction in retention.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby amends Contract No. 84500013 with C. Destro Development Co., Inc., reducing the retention from 5% of the contract value to 1% of the contract value.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 4 NOES 0

Board Meeting of March 15, 2006

ITEM NO. 18

**ADJOURNMENT OF MEETING**MOTION TO                     APPROVE                    MADE BY           MS. WILSON-DIVINCENZO          2<sup>ND</sup> BY                     MR. ROOSEVELT                    AYES           4           NOES           0          

Board Meeting of March 15, 2006