

MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
April 12, 2006

50679.....50718

BUFFALO SEWER AUTHORITY

April 12, 2006

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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ITEM NO. 2

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

March 30, 2006

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	4.25%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$13,702,452.67	Chase	4.25%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,145,146.74	Chase	4.25%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$3,288,992.12	Chase	4.25%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$28,545.59	Chase	4.25%	High Yield
SURPLUS FUND						
			\$970.61	MTB Funds		
03-Feb-06	04-May-06	90	\$4,793,721.40	M&T Securities	4.56%	\$55,278.60
			<u>\$4,794,692.01</u>			
NET REVENUE FUND						
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
27-Mar-06	30-Jun-06	95	\$5,499,230.62	HSBC	4.87%	\$70,672.75
			<u>\$15,198,784.82</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
DEBT RESERVE FUND						
30-Jun-04	31-May-06	700	\$1,156,364.75	U.S. Treasury Notes	2.50%	
23-Sep-03	15-Aug-08	1788	\$7,350,000.00	M&T Securities	3.25%	
13-Mar-03	15-Apr-32		\$2,825,593.00	Series H SLG	4.35%	
04-Mar-04	15-Nov-33		\$774,061.00	Series J SLG	3.82%	
22-Jul-04	15-Feb-33		\$498,654.00	Series K SLG	5.26%	
CONSTRUCTION FUND SERIES H						
23-Mar-06	06-Apr-06	14	\$432,941.04	Citizens	4.67%	\$786.27
CONSTRUCTION FUND SERIES K						
30-Mar-06	13-Apr-06	14	\$53,999.88	Citizens	4.68%	\$98.28

RECEIVE & FILE

Board Meeting of April 12, 2006

ITEM NO. 3

INFORMATIVE: PUBLIC NOTICE – STORMWATER ANNUAL REPORT (APRIL 2005 – MARCH 2006)

New York State’s MS4 SPDES Permit, Section 2e: Public Involvement/Participation requires that the Buffalo Sewer Authority (BSA) present the draft annual report at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report.

The Buffalo Sewer Authority will have available for public review and comment the Annual Stormwater Report at their City Hall Office, Room 1038, Buffalo, New York, from 9:00 a.m. to 12:00 p.m. on Friday, May 5, 2006.

The Stormwater Annual Report for April 2005 – March 2006 will be completed and submitted after the public review and comment period.

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

RECEIVE & FILE

Board Meeting of April 12, 2006

ITEM NO. 5

PROPOSED AMENDED "SCHEDULE OF SEWER RENTS AND OTHER CHARGES"

WHEREAS: The Buffalo Sewer Authority has hereto adopted a "Schedule of Sewer Rents and Other Charges" pursuant to Section 1180 of Title 8, Article 5 of Chapter 870 of the Laws of 1939 of the State of New York; and

WHEREAS: Such "Schedule of Sewer Rents and Other Charges" now requires adjustments to provide the required revenue to finance our Operating Fund Budget for the fiscal year July 1, 2006 to June 30, 2007.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority does hereby adopt the attached proposed amended "Schedule of Sewer Rents and Other Charges".

MOTION TO APPROVE

MADE BY MR. NAPLES

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of April 12, 2006

PROPOSED SCHEDULE OF SEWER RENTS
AND OTHER CHARGES
FOR 2006-2007

TO PROVIDE FUNDS FOR THE FIXED CHARGES AND FOR THE OPERATION AND MAINTENANCE OF THE ENTIRE SEWER SYSTEM IN THE CITY OF BUFFALO AND ALL OF THE BUFFALO SEWER AUTHORITY FACILITIES FOR THE CONVEYANCE, TREATMENT AND DISPOSAL OF SEWAGE AND STORM WATER OPERATED BY THE BUFFALO SEWER AUTHORITY.

I. **SEWER RENTS FOR PREMISES SITUATED WITHIN THE LIMITS OF THE CITY OF BUFFALO**

(a) \$12,050,000 shall be collected from all real property in the City of Buffalo (the "City") by apportioning the said amount upon such property within the City as the same is set down on the last completed annual assessment roll of the City, except that no ad valorem sewer rent shall be assessed against real property exempt from real property taxes pursuant to subdivision one of section four hundred, sections four hundred four, four hundred six, four hundred twelve, four hundred eighteen, subdivision one section four hundred twenty, section four hundred forty-six, four hundred fifty-two, four hundred sixty-two and four hundred seventy-seven of the New York Real Property Tax Law.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated within the limits of the City, discharging sewage, water or other liquids into the Buffalo Sewer Authority (the "Authority") sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

II. SEWER RENTS FOR PREMISES SITUATED OUTSIDE THE LIMITS OF THE CITY OF BUFFALO

(a) An annual service charge for the privilege of connecting with the facilities of the Authority shall be due for any premises situated outside the limits of the City for each \$1,000 of assessed valuation as determined on the last completed annual assessment, the same rate of \$2.71239 per \$1,000 of assessed valuation for 2006-2007.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated outside the limits of the City, discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

III. GENERAL PROVISIONS

(a) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board, and the quantity of water used is not measured by a water meter acceptable to the Authority, then the sewer charge or rental for all such accounts shall be in the respective amounts (expressed in dollars) set forth in Exhibit A, attached hereto and made a part hereof, as the Authority determines applicable to such person, lot, parcel of land, building or premises.

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

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

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

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

(c) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, which directly or indirectly, uses water obtained from a source other than the Buffalo Water Board, and the water so obtained is not measured by a water meter acceptable to the Authority, then, in each such case, the owner, user or other interested party shall, at his own expense, furnish, install, and maintain a water meter or other water or sewage measuring device acceptable to the Authority and the quantity of water used, as measured by said meter, or as otherwise determined, shall be used to determine the sewer charge or rental and there shall be charged an amount determined as set forth in paragraphs II(a), III(a) and III(b) as the case may be.

(d) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, uses water in excess of 4,000 cubic feet per quarter year and it can be shown to the satisfaction of the Authority, that a portion of the water as measured by the water meter does not and cannot enter the Authority sewer system, then the Authority may determine in such manner as may be found practicable the percentage of metered water entering the Authority sewer system and the quantity of water used to determine the sewer charge or rental shall be that percentage, so determined, of the quantity of water measured by the water meter, or the Authority may require or permit the installation of additional meters or measuring devices in such a manner as to determine the quantity of water or sewage actually entering the Authority sewer system, in which case the quantity of water used to determine the sewer charge or rental shall be the quantity of water actually entering the Authority sewer system and so determined.

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

(f) As a condition of a Buffalo Discharge Elimination System Permit (BPDES), a user may be required to pay an industrial waste surcharge for discharging sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. The Industrial Waste Surcharge Formula reflecting the Treatment Plant unit costs for treatment of Biochemical Oxygen Demand (BOD₅) Total Suspended Solids (TSS) and Total Phosphate (TPO₄) is as follows:

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

\$0.106 Cost/lb. for treatment of BOD₅

\$0.141 Cost/lb. for treatment of TSS

\$0.011 Cost/lb. for treatment of TPO₄

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

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

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

Surchargeable concentrations are as follows:

BOD₅ - Over 250 mg/L; TSS - Over 250 mg/L; TPO₄ - Over 15.35 mg/L

This formula shall be applied in computing the Buffalo Industrial Waste Surcharge subsequent to July 1, 2005 and ending June 30, 2006 for all users that discharge sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. In addition, this formula with the above rates will be used to calculate all monthly, quarterly, semiannual, and annual accounts subsequent to July 1, 2006.

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

(h) Whenever sewage or other wastes result in conditions in the Authority sewer system as to cause blockage or a substantial reduction in the flow, charges for the work necessary to eliminate such blockage or reduction in flow may be made, based upon costs incurred by the Authority for labor, materials, equipment hire, insurances, and other overhead, against the owner of the property or premises that caused the discharge of such sewage or other wastes into the Authority sewer system.

(i) Where sewer facilities have been installed to serve improved and unimproved property and have been paid for in whole or in part by the Authority, a charge shall be made based on a proportionate share of the original cost, determined by the foot frontage of the parcel served, or by the area of such parcels, or by such other method the Authority determines to be equitable, as a condition to a permit for a connection to the Authority's facilities.

(j) An application and inspection fee of \$100.00 for a residential sewer permit, a \$200.00 fee for a commercial sewer permit, and a \$500.00 fee for an industrial sewer permit shall be paid at the time said application is filed with the Authority.

(k) All persons owning or operating a pump truck or other transport vehicle and desiring to discharge wastes, directly or indirectly, into the Authority's facilities shall first secure a valid Truckers Discharge Permit after paying an annual permit fee of \$100.00. In addition to said permit fee, a separate charge shall be billed based upon the quantity and character of the waste discharged and, if applicable, the point of discharge.

The following surcharge rates are hereby charged for such wastehaulers who are located outside the City:

DISCHARGE LOCATION	TOTAL SUSPENDED SOLIDS	BOD ₅	TOTAL PHOSPHATE
Inlet/South Buffalo Pump	\$0.3125/lb	\$0.2093/lb.	\$0.0239/lb.
Mixing Tank	\$0.2917/lb	\$0.1386/lb.	\$0.0239/lb.
Thickener/Digester	\$0.3042/lb	\$0.1444/lb.	\$0.0239/lb.

The above surcharge rates, along with costs incurred by the Authority when handling, testing, conveying, and administrating each wastehauler, will be used to determine the cost per gallon of each wastestream. The wastehauler user charges for various wastestreams are as follows:

1. Septage and portable toilet wastes - The rate of \$0.04 per gallon discharged will be assigned to all permitted septage and portable toilet wastehaulers.
2. Grease trap wastes - The rate of \$0.10 per gallon discharged will be assigned to all permitted grease trap wastehaulers.
3. Sludge wastes - This rate will vary dependent on strength and volume. Sludge rates will be calculated using the parameter costs for the mixing tank location.
4. Miscellaneous Wastes - This rate will vary dependent on strength of waste, volume and discharge location.

These rates will be used for all permits effective July 1, 2006.

(l) In the event a person, lot, parcel of land, building or premises threatens to discharge or discharges sewage or waste into or near the Authority's publicly owned treatment works, either directly or indirectly, which in the opinion of the Authority will or is likely to bypass, upset, harm or endanger the facilities of the Authority, then such person or the owner or operator of such lot, parcel of land, building or premises shall pay to the Authority charges for any and all clean up, removal and remediation costs actually incurred by the Authority, including but not limited to labor, materials, equipment, insurances or laboratory services for the (i) containment or attempted containment of such discharge or threatened discharge, (ii) sampling and analysis of such discharge or threatened discharge, (iii) removal or attempted removal of such discharge or threatened discharge, (iv) taking of reasonable measures to prevent or mitigate damage to property, public health, safety or welfare, or (v) remediation, treatment, storage or disposal of such discharge or threatened discharge and all soils, water or structures affected by such discharge.

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

(n) Any person who is granted a temporary permit to discharge into the facilities of the Authority shall pay a permit fee of \$500.00 to the Authority as a condition of the issuance of such permit.

(o) Except as otherwise defined herein, all terms and phrases used or contained in this schedule of sewer rents shall bear the same meaning and definition as set forth in the Authority's

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

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

1. So much of the sewer rents and charges as are based upon water use and the drainage connection service charge covering the respective premises, or such other charges as provided herein shall be due and payable, except as otherwise stated in this schedule or in such invoice, on the same day, one month following the month of the invoice billing date, and such invoice may be billed monthly, quarterly or as otherwise determined by the Authority; and
2. So much of the sewer rents and charges as are based upon the assessed valuation of chargeable real estate shall become due and payable from the first day of July 1938, and each year thereafter, and may be paid without interest on or before September 30th next succeeding.
3. Such sewer rents and charges that remain unpaid after their respective due dates, shall be charged interest and such interest shall continue to be charged until such sewer rents and charges are paid in full, at the same rate as unpaid City taxes, to wit: four and one-half percent (4.5%) interest shall be added to amounts unpaid from the first through the thirtieth day after the due date, and one and one-half percent (1.5%) shall be added to all amounts that remain unpaid for each succeeding month thereafter.

(q) All users shall be subject to paying reasonable costs and expenses, including attorney fees incurred in the collection of sewer rents and charges that remain unpaid, as may be determined by the Board of the Authority. In addition to any other remedy or provision hereof, the Authority reserves the right to engage in such collection activities, as it deems appropriate, for all accounts that remain unpaid after the due date. In consideration of such collection activities and to defray the cost thereof, the user shall pay an additional charge of twenty-one percent (21%) of the amount of each such delinquent account, together with interest as provided herein, that remains unpaid for more than (i) one hundred twenty (120) days from the due date for metered accounts, and (ii) two hundred ten (210) days from the due date for non-metered flat rate accounts. Due date, as used herein, means the date that the Authority's sewer rent and other charges are due and payable pursuant to III (p) (1) and III (p) (2), herein, respectively.

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

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

IV. LIEN OF SEWER RENT

From and after the due date thereof, such sewer rents and charges, together with any interest and collection costs shall constitute a lien upon the real property served by the facilities. Such lien shall have the same priority and superiority as the lien of the general tax of the City.

V. EFFECTIVE DATE OF THIS SCHEDULE

This schedule of sewer rents and other charges shall become effective July 1, 2006; provided, however, that the sewer rents and other charges herein set forth, applicable to water use, shall become effective on all billings on and after August 1, 2006, excepting only monthly metered accounts for July 2006, and Section "W" of the quarterly metered accounts for the period May, June, and July 2006, which shall be billed at the rents in effect prior to July 1, 2006.

Exhibit A

Stories High:	1	1 ½	2	2 ½	3	4	5
Under 25 ft	21.65	24.38	29.76	35.17	37.84	40.57	45.97
From 25 ft to 30 ft	24.38	29.76	35.17	37.84	40.57	45.97	51.35
From 31 ft to 35 ft	29.76	35.17	37.84	40.57	45.97	51.35	56.74
From 36 ft to 40 ft	35.17	37.84	40.57	45.97	51.35	56.74	59.44
From 41 ft to 45 ft	37.84	40.57	45.97	51.35	56.74	59.44	62.12
From 46 ft to 50 ft	40.57	45.97	51.35	56.74	59.44	62.12	67.56

The Following Rates Apply To More Than One Family Homes or Housekeeping:

1 Family	21.65
2 Families	43.29
3 Families	64.94
4 Families	86.58
5 Families	108.03
6 Families	129.87

Bathtubs & Showers *Bathtubs with attached showers are charged for only bathtubs

1 Bathtub	5.45
2 Bathtubs	10.91
3 Bathtubs	16.36
4 Bathtubs	21.81
5 Bathtubs	27.27
6 Bathtubs	32.72
7 Bathtubs	38.17
8 Bathtubs	43.63
9 Bathtubs	49.08

Toilets:	1 Family	2 Family	3 Family	4 Family	5 Family	6 Family
1 Toilet	10.86					
2 Toilets	19.15	21.73				
3 Toilets	27.43	30.01	32.59			
4 Toilets	35.72	38.30	40.88	43.46		
5 Toilets	44.00	46.58	49.16	51.74	54.32	
6 Toilets	52.29	54.87	57.45	60.03	62.61	65.19
7 Toilets	60.57	63.15	65.73	68.31	70.89	73.47
8 Toilets	68.86	71.44	74.02	76.60	79.18	81.76
9 Toilets	77.14	79.72	82.30	84.88	87.46	90.04
Each Additional Toilet	8.28					

Border or Roomer

1	4.13
2	8.26
3	12.38
4	16.51

Office with Water: 21.65

Office without Water: 10.86

Hot Water Heating Billed in November & February:

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

Car in Garage:

1 Car
2 Cars
3 Cars
4 Cars
5 Cars
6 Cars
7 Cars
8 Cars

Garage w/out Water

10.84
21.67
32.51
43.35
54.18
65.02
75.86
86.69

Garage w/Water

21.66
43.32
64.98
86.69
108.30
129.96
151.62
173.28

ITEM NO. 6

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

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes and directs that the proposed amended "Schedule of Sewer Rents and Other Charges" be published as a notice once a week for three (3) successive weeks, in *The Buffalo News* and the City Record on Friday, April 21, April 28, and May 5, 2006. This notice shall state that the proposed amended "Schedule of Sewer Rents and Other Charges" will remain open for inspection in the office of the Authority for thirty (30) days from the date of said notice, and that objections thereto may be filed during said period with said Authority by any person conceiving himself or herself aggrieved thereby, and that the Authority shall hear and examine such complaints and may modify the proposed Schedule and shall adopt the final amended "Schedule of Sewer Rents and Other Charges" within sixty (60) days of such notice.

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

Board Meeting of April 12, 2006

ITEM NO. 7

CONTRACT APPROVAL - PROPERTY AND CRIME INSURANCE

WHEREAS: The Buffalo Sewer Authority currently receives property insurance coverage through One Beacon Insurance, and crime insurance coverage through Travelers Insurance; and

WHEREAS: One Beacon Insurance and Travelers Insurance have proposed contract extensions with no increase to the premium rates; and

WHEREAS: One Beacon has proposed a one-year extension of the Buffalo Sewer Authority's property insurance coverage at a cost not to exceed \$205,501.00 and Travelers has proposed a one-year extension of the Buffalo Sewer Authority's crime insurance coverage at a cost not to exceed \$4,779.00; and

WHEREAS: The Insurance Consultants for the Buffalo Sewer Authority, Aldrich & Cox, Inc., have carefully reviewed the policies and recommend acceptance of these proposals.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves property insurance coverage with One Beacon Insurance at a cost not to exceed \$205,501.00, and crime insurance coverage with Travelers Insurance at a cost not to exceed \$4,779.00 effective April 15, 2006, for a one-year period, at a total cost not to exceed \$210,280.00, and that this cost be charged to the following accounts on a pro-rata basis: 00110108-452000, 00200108-452000, 00650108-452000.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of April 12, 2006

ITEM NO. 8

TRAVEL AUTHORIZATION - QUANTICO, VIRGINIA

WHEREAS: On February 28, 2006, the Buffalo Division of the Federal Bureau of Investigation's Chief Division Counsel, Paul Mark Moskal, has invited Oluwole McFoy, Secretary to the General Manager, to participate in the 13th session of the Division's Citizens' Academy; and

WHEREAS: This proposal consists of eight (8) weekly sessions for the period of April 27, 2006 through June 10, 2006; and

WHEREAS: On May 15, 2006 and May 16, 2006, an informative trip is scheduled to the FBI Academy in Quantico, Virginia; and

WHEREAS: The General Manager recommends that Oluwole McFoy, Secretary to the General Manager, be authorized to attend this trip.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes Oluwole McFoy, Secretary to the General Manager, to travel to Quantico, Virginia, for attendance at the FBI Academy at total cost not to exceed \$600.00. This expense will be charged to account no. 00110104-458010.

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

Board Meeting of April 12, 2006

ITEM NO. 11

AUTHORIZATION FOR PURCHASE OF A RIDING LAWN MOWER UNDER NEW YORK STATE CONTRACT

- WHEREAS: Board approval is required on purchases made over \$10,000.00; and
- WHEREAS: The Treatment Plant is in need of new lawn maintenance equipment; and
- WHEREAS: The Supervisor of Grounds has requested to purchase one (1) new and unused 2-wheel drive diesel riding lawnmower which will provide cost-efficient operation and durability from Grassland Equipment and Irrigation Corporation under State Contract No. PC61979; and
- WHEREAS: The Treatment Plant Superintendent has reviewed this request and recommends this purchase under State Contract No. PC61979 at a total cost of \$14,433.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase one (1) new and unused 2-wheel drive diesel riding lawnmower from Grassland Equipment and Irrigation Corporation under State Contract No. PC61979 for use at the Treatment Plant at a total cost of \$14,433.00. This purchase will be charged to account no. 00530107-474100.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of April 12, 2006

ITEM NO. 12

AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 20600119 FOR THE PURCHASE OF FERROUS CHLORIDE

WHEREAS: On April 13, 2005, the Board of the Buffalo Sewer Authority awarded a contract to Kemiron to provide ferrous chloride for use at the Treatment Plant at a cost of \$0.25 per gallon, up to a maximum amount of \$80,000.00, for the period July 1, 2005 to June 30, 2007, with an option to renew for three (3) one-year periods. On May 4, 2005, the Board of the Buffalo Sewer Authority amended this item to read, up to a maximum amount of \$80,000.00 for each respective fiscal year; and

WHEREAS: Blanket Order No. 20600119 was established to facilitate payments of this contract for fiscal year 2005-2006; and

WHEREAS: Additional unanticipated loads of ferrous chloride were needed in the month of March due to high concentrates of phosphorous in the sludge being processed which now necessitates a \$20,000.00 increase to Blanket Order No. 20600119 from \$80,000.00 to \$100,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Treatment Plant Superintendent to approve a change order in the amount of \$20,000.00, increasing Blanket Order No. 20600119 with Kemiron from \$80,000.00 to \$100,000.00 for the purchase of ferrous chloride at the Treatment Plant at a cost of \$0.25 per gallon through June 30, 2006. Funds for this Change Order will be charged to account no. 00360105-467044.

MOTION TO APPROVE

MADE BY MR. NAPLES

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of April 12, 2006

- 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. 3 to Contract No. 84500011 as written in the above Agenda Item, increasing the contract cost in the amount of \$114,521.00, making the adjusted contract cost \$5,242,922.50.

MOTION TO APPROVE

MADE BY MR. NAPLES

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of April 12, 2006

ITEM NO. 14

EXTENSION OF CONTRACT FOR THE COLLECTION, REMOVAL, AND DISPOSAL OF CENTRIFUGE SLUDGE

- WHEREAS: On October 12, 2005, the Board of the Buffalo Sewer Authority awarded a contract to Modern Disposal Services, Inc., for the collection, removal, and disposal of centrifuge sludge at the Treatment Plant at a cost of \$60.80 per ton, up to a maximum amount of \$80,000.00 for the period of September 28, 2005 through December 31, 2005. This contract has an option to renew for additional two-month periods through June 30, 2006, during the start-up phase of the newly installed centrifuge. Blanket Order No. 20600550 was established to facilitate the payments of this Contract; and
- WHEREAS: On December 7, 2005 and February 8, 2006, the Board of the Buffalo Sewer Authority authorized the General Manager to renew this contract for two (2) additional months through February 28, 2006 and April 30, 2006, respectively; and
- WHEREAS: In order to meet required design criteria specified in the Centrifuge Procurement Contract, additional centrifuge operation by the original equipment manufacturer was needed; therefore, on January 11, 2006, the Board of the Buffalo Sewer Authority authorized a change order in the amount of \$30,000.00, increasing Blanket Order No. 20600550 with Modern Disposal Services, Inc., from \$80,000.00 to \$110,000.00; and
- WHEREAS: The schedule for subsequent acceptance testing is still awaiting receipt of finalization of the initial report by the original equipment manufacturer requiring an additional two-month and final extension through June 30, 2006. No monetary increase will be required for this extension; and
- WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend this final two-month extension.

ITEM NO. 15

**EXTENSION OF CONTRACT FOR THE PURCHASE OF BOILER FEEDWATER
CHEMICALS**

WHEREAS: On May 26, 2004, the Board of the Buffalo Sewer Authority awarded a contract to Buffalo Industrial Chemicals, Inc., for the purchase of boiler feedwater chemicals for use at the Treatment Plant at cost ranging from \$0.071 per pound to \$11.70 per gallon, depending on the chemical needed, through June 30, 2005, with an option to renew for three (3) one-year periods through June 30, 2008; and

WHEREAS: The Board authorized renewal of this contract on March 16, 2005, for fiscal year 2005-2006; and

WHEREAS: Buffalo Industrial Chemicals, 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, Principal Chief Stationary Engineer, and staff recommend this extension, up to a maximum amount of \$25,100.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with Buffalo Industrial Chemicals, Inc., for the purchase of boiler feedwater chemicals for use at the Treatment Plant at costs ranging from \$0.071 per pound to \$11.70 per gallon, depending on the chemical needed, for a one-year period beginning July 1, 2006, up to a maximum amount of \$25,100.00. Expenses for this contract will be charged to account no. 00380105-467044.

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

Board Meeting of April 12, 2006

ITEM NO. 16

EXTENSION OF CONTRACT FOR IN-PLANT ELECTRICAL MAINTENANCE SERVICE

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

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

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with O’Connell Electric Co., for in-plant electrical maintenance service at the Treatment Plant for a one-year period beginning July 1, 2006, up to a maximum amount of \$30,000.00. Expenses for this contract will be charged to account no. 00520106-443421.

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

Board Meeting of April 12, 2006

ITEM NO. 17

AUTHORIZATION TO PURCHASE RESTOCK REPLACEMENT PARTS FOR THE CLINKER GRINDERS

WHEREAS: On July 27, 2005, the Board of the Buffalo Sewer Authority designated Diamond Power International, Inc., the parent company of Beaumont Birch, as a sole source for replacement parts, supplies, and service for the propriety ash handling system located at the Treatment Plant; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined that there is a need for restocking of replacement parts for the clinker grinders for the ash handling system; and

WHEREAS: Beaumont Birch has submitted a quote in the amount of \$11,953.20 for the restock replacement parts; and

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

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff have reviewed the quote received and recommend purchase of the necessary replacement parts for additional restock in the amount of \$11,953.20, plus incurred freight charges not to exceed \$325.00, from Beaumont Birch.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the necessary replacement parts for additional restock from Beaumont Birch at a total cost of \$11,953.20, plus incurred freight charges not to exceed \$325.00. This purchase will be charged to account no. 00380105-466107.

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

Board Meeting of April 12, 2006

ITEM NO. 18

AUTHORIZATION TO PURCHASE REPLACEMENT PARTS FOR MOYNO PROGRESSIVE CAVITY PUMPS

WHEREAS: On July 27, 2005, the Board of the Buffalo Sewer Authority designated Moyno, Inc., the original equipment manufacturer, and/or their authorized local representative as a sole source for replacement parts, supplies, and service for the Moyno brand pumps located at the Treatment Plant; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined that additional restock of miscellaneous replacement parts for these Moyno brand pumps is needed; and

WHEREAS: Shrier Martin, the authorized local representative for Moyno, Inc., has submitted a quote in the amount of \$12,595.78 for these necessary replacement parts; and

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

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend the purchase of necessary replacement parts for the Moyno brand pumps from Shrier Martin at a total cost of \$12,595.78.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the necessary replacement parts for the Moyno brand pumps from Shrier Martin at a total cost of \$12,595.78. This purchase will be charged to account no. 00520105-466107.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of April 12, 2006

ITEM NO. 20

AUTHORIZATION FOR PURCHASE FROM ABB AUTOMATION, INC.

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

WHEREAS: On July 27, 2005, the Board of the Buffalo Sewer Authority designated ABB Automation, Inc., the original equipment manufacturer of this proprietary system, as a sole source for the support of the SCADA system, including the instrumentation, analytical parts, supplies, software, and service; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined that there is a need for restocking of replacement parts for the distributed control system; and

WHEREAS: ABB Automation, Inc., has submitted a quote in the amount of \$6,398.00 plus estimated freight charges of \$100.00 for the required replacement parts, bringing the total amount of purchases awarded to this vendor for fiscal year 2005-2006 to over \$10,000.00; and

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

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend the purchase of the necessary replacement parts for the distributed control system from ABB Automation, Inc., at a cost of \$6,398.00, 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 the necessary replacement parts for the distributed control system from ABB Automation, Inc., at a cost of \$6,398.00 plus any incurred freight charges. This purchase will be charged to account no. 00520105-466068.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY

AYES 5 NOES 0

Board Meeting of April 12, 2006

ITEM NO. 23

AUTHORIZATION FOR PURCHASE OF BACKHOE UNDER NEW YORK STATE CONTRACT

- WHEREAS: Board approval is required on purchases made over \$10,000.00; and
- WHEREAS: The Sewer Maintenance Department currently utilizes two (2) backhoes for three (3) crews; and
- WHEREAS: The Director of Sewer Maintenance recommends purchasing one (1) new and unused 4-wheel drive backhoe from Tracey Road Equipment, Inc., the authorized local representative for Niagara Frontier Equipment Sales, Inc., under State Contract No. PC62068. The base price for the backhoe is \$47,977.00; and
- WHEREAS: In order to maximize the utilization of this backhoe for operational requirements, the Director of Sewer Maintenance requests additional options, available through State Contract, to be added to this backhoe in the amount of \$14,695.00 for a total purchase cost of \$62,672.00.
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase one (1) new and unused 4-wheel drive backhoe from Tracey Road Equipment, Inc., the authorized local representative for Niagara Frontier Equipment Sales, Inc., under State Contract No. PC62068 at a total cost of \$62,672.00. This purchase will be charged to account no. 00660107-474100.

MOTION TO APPROVEMADE BY MR. NAPLES2ND BY MS. WILSON-DIVINCENZOAYES 5 NOES 0

Board Meeting of April 12, 2006

ITEM NO. 25

**AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN (“SEASONAL”
LABORERS AND CLERKS)**

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

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby amends the pay of
“Seasonal” Laborers and Clerks from the current daily rate of pay of \$50.00 to
\$65.00.

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

Board Meeting of April 12, 2006

ITEM NO. 26

CONFIRMATION OF APPOINTMENT

**ELECTRICIAN (PERMANENT)
CHANGE OF STATUS ONLY
SEWAGE TREATMENT PLANT
\$19.09 PER HOUR
EFFECTIVE: MARCH 22, 2006**

MICHAEL TRAPP
66 JUNIATA PLACE
BUFFALO, NY

WHEREAS: The preceding appointment was 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 appointment is hereby confirmed by the Board of the Buffalo Sewer Authority.

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

Board Meeting of April 12, 2006

ITEM NO. 27

TUITION REIMBURSEMENT

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

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
David Capizzi	N/A	<i>24th Greater Buffalo Environmental Conference</i>	100%	\$75.00
Kenneth Sawyer	Erie Community College	<i>Building Systems I</i>	50%	\$221.50
Kenneth Sawyer	Erie Community College	<i>Electrical Systems I</i>	50%	\$218.50

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$515.00. These Reimbursements will be charged to account no. 00800108-480214.

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

Board Meeting of April 12, 2006

ITEM NO. 28

ADJOURNMENT OF MEETING

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

Board Meeting of April 12, 2006