

**MINUTES OF THE REGULAR MEETING  
OF THE  
BUFFALO SEWER AUTHORITY  
May 3, 2006**

**50719.....50734**



## BUFFALO SEWER AUTHORITY

May 3, 2006

**REGULAR MEETING**

**9:00 A.M.**

**1038 CITY HALL**

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**CALL OF THE ROLL**

Present: <u>Herbert L. Bellamy, Jr.</u>	<u>Chairman</u>
<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>Burt Mirti</u>	<u>Intergovernmental Coordinator</u>
<u>Franklin DiMascio, P.E.</u>	<u>Principal Engineer</u>
<u>James Keller</u>	<u>Treatment Plant Superintendent</u>
<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Administrator</u>
<u>Edward Hennessy</u>	<u>Director of Sewer Maintenance</u>
<u>Frank Belliotti</u>	<u>City Auditor</u>
<u>David Cunningham</u>	<u>CSEA Representative</u>

The meeting was called to order at 9:00A.M. A quorum was present.

## ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of April 12, 2006

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

Board Meeting of May 3, 2006

## ITEM NO. 2

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

**April 24, 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	4.35%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	Money Market		\$13,933,466.81	Chase	4.35%	High Yield
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	Money Market		\$1,149,249.70	Chase	4.35%	High Yield
<b>OPERATING FUND</b>						
08-Apr-02	Money Market		\$4,011,866.55	Chase	4.35%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	Money Market		\$30,678.44	Chase	4.35%	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>						
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
<b>DEBT RESERVE FUND</b>						
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%	
<b>CONSTRUCTION FUND SERIES H</b>						
13-Apr-06	27-Apr-06	14	\$434,122.00	Citizens	4.75%	\$801.92
<b>CONSTRUCTION FUND SERIES K</b>						
13-Apr-06	27-Apr-06	14	\$54,098.16	Citizens	4.75%	\$99.93

**RECEIVE & FILE**

Board Meeting of May 3, 2006

ITEM NO. 3

**CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND**

WHEREAS: On March 6, 2006, Michelle D. York and Scott A. Wittmeyer of 2323 School Street, North Collins, New York, filed a Claim against the Buffalo Sewer Authority for damages to Ms. York’s vehicle. On February 22, 2006, as she and Scott Wittmeyer, the driver of the vehicle, were traveling on Clinton Street towards Bailey Avenue, a Buffalo Sewer Authority truck struck her vehicle; and

WHEREAS: The Buffalo Police Department report indicated that the Buffalo Sewer Authority was at fault in this accident; and

WHEREAS: The lowest estimate received for damages to the vehicle was \$2,032.65; and

WHEREAS: The City of Buffalo Law Department and the General Manager reviewed this Claim and recommend payment in the amount of \$2,032.65 as full settlement of this Claim.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Michelle D. York and Scott Wittmeyer, 2323 School Street, North Collins, New York, in the amount of \$2,032.65 as full settlement of this Claim. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 5 NOES 0

Board Meeting of May 3, 2006



## ITEM NO. 4

**CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND**

WHEREAS: On July 20, 2001, the Buffalo Sewer Authority received a Notice of Claim filed by Dianna Wright and Gregory Smalls of 201 Southampton Street, Buffalo, New York, relating to an incident that occurred on May 8, 2001, at 1028 Main Street, Buffalo, New York; and

WHEREAS: The incident occurred when a vehicle traveling down Main Street ran over a hose connected to a Buffalo Sewer Authority truck. This caused the hose to become disconnected and strike a vehicle occupied by Dianna Wright, Gregory Smalls, and Aillin Wright; and

WHEREAS: The Department of Law represented the Buffalo Sewer Authority in this Claim and negotiated a final total settlement in the amount of \$6,000.00; and

WHEREAS: The General Manager reviewed this settlement and recommends payment in the amount of \$6,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Dianna Wright and Shaw and Shaw, P. C., as attorneys, in the amount of \$6,000.00 as final settlement of this Claim. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of May 3, 2006

ITEM NO. 5

**REPORT ON BIDS RECEIVED - RENTAL OF AN ODOR CONTROL SYSTEM FOR THE BIRD ISLAND TREATMENT PLANT**

WHEREAS: Formal bids were advertised and solicited for the rental of an odor control system for the Bird Island Treatment Plant for the period May 1, 2006 to October 1, 2006. The following bid was received and opened by the Buffalo Sewer Authority on May 1, 2006:

Sheridan Soft Water Service Company, Inc. \$83,000.00  
; and

WHEREAS: The bid was received and the contract will be awarded on the basis of a not to exceed bid. The bid reflects a variance due to the quantity of deodorizing chemical which may be used during the duration of the contract; and

WHEREAS: The Plant Superintendent and staff reviewed the bid and recommend accepting the bid and awarding the contract to Sheridan Soft Water Service Company, 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 Sheridan Soft Water Service Company, Inc., at a cost not to exceed \$83,000.00, for the period May 1, 2006 to October 1, 2006. Expenses for this contract will be charged to account no. 00200106-444255.

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

Board Meeting of May 3, 2006

## ITEM NO. 6

**REPORT OF BIDS RECEIVED - COLLECTION, REMOVAL, AND DISPOSAL OF INCINERATOR ASH AND INCINERATOR ASH CLINKERS**

WHEREAS: Formal bids were advertised and solicited for the collection, removal, and disposal of incinerator ash and incinerator ash clinkers at the Treatment Plant for the period July 1, 2006 to June 30, 2007, with an option to renew for three (3) one-year periods. The following bids were received and opened by the Buffalo Sewer Authority on April 19, 2006:

Vendors	Incinerator Ash Removal & Disposal	Yearly Estimate (based on 7,000 tons)	Incinerator Ash Clinkers Removal & Disposal	Yearly Estimate (based on 100 tons)	Total Annual Cost for Disposal (based upon est. quantities)
Allied Waste	\$41.00 per ton	\$287,000.00	\$42.95 per ton	\$4,295.00	\$291,295.00
Modern Disposal	\$47.30 per ton	\$331,100.00	\$47.30 per ton	\$4,730.00	\$335,830.00

; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff reviewed the bids received and recommend awarding a contract to Allied Waste Services of North America, LLC, for the collection, removal, and disposal of incinerator ash and incinerator ash clinkers at a cost of \$41.00 per ton and \$42.95 per ton, respectively, for the period July 1, 2006 to June 30, 2007, with an option to renew for three (3) one-year periods at a total cost not to exceed \$291,295.00.

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 Allied Waste Services of North America, LLC, for the collection, removal, and disposal of incinerator ash and incinerator ash clinkers at a cost of \$41.00 per ton and \$42.95 per ton, respectively, for the period July 1, 2006 to June 30, 2007, with an option to renew for three (3) one-year periods at a total cost not to exceed \$291,295.00. The cost for this contract will be charged to account no. 00380106-442100.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 5 NOES 0

Board Meeting of May 3, 2006

## ITEM NO. 7

**CHANGE ORDER NO. 2 – CONTRACT NO. 84500010**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$971,956.50
Paul J. Gallo Contracting, Inc.	PREVIOUS CHANGE ORDER	0.00
4244 Ridge Lea Road, Suite 1	THIS CHANGE ORDER	(42, 009.05)
Buffalo, New York 14226	ADJUSTED CONTRACT COST	\$929,947.45

WORK: Sludge Dewatering System Improvements

**DESCRIPTION OF CHANGE OR EXTRA WORK:**

- Item #1 Substitute aluminum electrical conduit for the specified rigid galvanized steel electrical conduit.
- Item #2 Reduce the quantity of Payment Items: A-1a, A-1b, A-1c, A-1d, A-1e, A-1f, A-1g, A-1h, A-1i, A-1j, A-1k, A-1l, A-1n, A-1o, A-1q, and A-1r to zero.
- Item #3 Increase the quantity of Payment Item A-1m, additional  $\frac{3}{4}$  inch to 1.5-inch diameter exposed electrical conduit, by 40 feet.
- Item #4 Reduce the amount of the contingency allowance to zero.
- Item #5 Provide additional mechanical and electrical work associated with the unforeseen  $\frac{3}{4}$  inch electrical conduit in the third floor slab that was found during construction and conflicted with the flush water line slab penetration.
- Item #6 Connect the 6-inch glass-lined ductile iron pipe (DIP) mixed sludge force main to force main no. 2 at the discharge of filter feed pump no. 2, instead of along the west wall, deleting 12 feet of DIP and two (2) 45-degree elbows, and adding one (1) 6-inch 90-degree elbow.
- Item #7 Furnish sewer signs to be installed by the BSA on the chainfalls of seven (7) plug valves.
- Item #8 Reduce retention.

**REASON FOR CHANGE OR EXTRA WORK:**

- Item #1 Using aluminum conduit as opposed to galvanized steel conduit resulted in a cost savings for the Authority without detriment to the project.
- Item #2 The reduced quantity for each item reflects the actual quantity required for the work.

- Item #3 The additional electrical conduit was required for operation of the safety stop switches provided for the screw conveyors.
- Item #4 The reduction in allowance reflects the actual amount used for the work.
- Item #5 The electrical conduit embedded in the slab was not shown on the record drawings or contract documents. The conduit was damaged during construction and required additional work by the contractor.
- Item #6 The alternate force main tie-in location provided the same functionality for less cost than shown in the contract documents, resulting in a credit to the BSA.
- Item #7 The BSA requested the contractor to furnish the signs for installation by the Authority.
- Item #8 Work on the project is 98.8% complete. Reduce retention from 5% to 1.2%.

COST OF CHANGE OR EXTRA WORK:

Item #1	\$ (3,937.50)	
Item #2	(39,276.50)	
Item #3	450.00	
Item #4	(111.80)	
Item #5	1,811.05	
Item #6	(1,189.25)	
Item #7	244.95	
Item #8	0.00	
THE TOTAL COST OF THE CHANGE OR EXTRA WORK		\$(42,009.05)
The total DECREASE to the contract as a result of this Change Order is		\$(42,009.05)

CONTRACT SUPPLEMENT CONDITIONS:

- 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 unchanged.

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. 84500010 as written in the above Agenda Item, decreasing the contract cost in the amount of \$42,009.25, making the adjusted contract cost \$929,947.45.

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

Board Meeting of May 3, 2006

## ITEM NO. 8

**CHANGE ORDER NO. 2 – CONTRACT NO 84500005**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$188,050.00
URS Corporation	PREVIOUS CHANGE ORDER	\$178,300.00
77 Goodell Street	THIS CHANGE ORDER	<u>\$120,000.00</u>
Buffalo, New York 14203	ADJUSTED CONTRACT COST	\$486,350.00

WORK:           Engineering Agreement with URS Corporation for Phase II. Engineering Report and Design for Installation of Anaerobic Digester Mixing and Heating Systems in Digester Nos. 1 & 2 at the Bird Island Wastewater Treatment Plant.

**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1   Phase III – Task No. 5 – Construction Administration and Inspection.

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1   All services are necessary to upgrade Anaerobic Digesters No. 1 and 2 at the Bird Island Wastewater Treatment Plant. The executed contract included funding for Phases I and II, only. The BSA and URS amended the contract with Change Order No. 1 to include Phase III construction services during one construction season. The BSA and URS now desire to change the contract compensation to include additional Phase III funding for continued construction services sufficient to complete the project.

**COST OF CHANGE OR EXTRA WORK:**

Item #1   Phase III – Task No. 5   \$120,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK                   \$120,000.00

The total INCREASE to the contract as a result of this Change Order is   \$120,000.00

and;

WHEREAS:           The Buffalo Sewer Authority Treatment Plant Administrator, Senior Sanitary Engineering Supervisor, and staff reviewed the cost and recommend the increase to the contract.

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NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 84500005 as written in the above Agenda Item, increasing the contract cost in the amount of \$120,000.00, making the adjusted contract cost \$486,350.00.

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 5 NOES 0

Board Meeting of May 3, 2006



## ITEM NO. 9

**CONFIRMATION OF APPOINTMENTS**

**ASSISTANT SANITARY CHEMIST (PROVISIONAL)**  
 SEWAGE TREATMENT PLANT  
 \$42,628 PER ANNUM  
 EFFECTIVE: APRIL 10, 2006

DENNIS SMITH, JR.  
 63 BETTY LOU  
 CHEEKTOWAGA, NY

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**MAINTENANCE ASSISTANT (SEWER CLEANING) (PERMANENT)**  
 SEWER MAINTENANCE DEPARTMENT  
 \$15.59 PER HOUR  
 EFFECTIVE: APRIL 17, 2006

MICHAEL WEIMER  
 546 DOWNING ST.  
 BUFFALO, NY

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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. NAPLES  
 2<sup>ND</sup> BY MS. WILSON-DIVINCENZO  
 AYES 5 NOES 0

Board Meeting of May 3, 2006

## ITEM NO. 10

TUITION ASSISTANCE

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

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>SEMESTER</u>	<u>TUITION</u>
Charles Riley	Canisius College	<i>Economics for Managers</i>	Summer 2006	\$1,863.00
		<i>Corporate Finance</i>	Summer 2006	\$1,863.00

WHEREAS: No Funds will be expended at this time.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Assistance.

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

Board Meeting of May 3, 2006

## ITEM NO. 11

**TUITION REIMBURSEMENT**

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

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
David W. Rossney	American Red Cross	<i>Standard First Aid/AED CPR</i>	100%	\$75.00

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$75.00. This Reimbursement will be charged to account no. 00800108-480214.

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

Board Meeting of May 3, 2006

ITEM NO. 12

ADJOURNMENT OF MEETING

MOTION TO                     APPROVE                    

MADE BY                     MR. ROOSEVELT                    

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

AYES           5           NOES           0          

Board Meeting of May 3, 2006