

**MINUTES OF THE REGULAR MEETING  
OF THE  
BUFFALO SEWER AUTHORITY  
June 14, 2006**

**50769.....50799**



## BUFFALO SEWER AUTHORITY

June 14, 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>James Eagan, P.E.</u>	<u>Senior Sanitary Engineering</u>
<u>James Keller</u>	<u>Supervisor</u>
<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Superintendent</u>
<u>Angel Rivera</u>	<u>Treatment Plant Administrator</u>
<u>Edward Hennessy</u>	<u>Superintendent of Mechanical</u>
<u>David Cunningham</u>	<u>Maintenance</u>
<u>Frank Belliotti</u>	<u>Director of Sewer Maintenance</u>
<u>Nicole Elliott</u>	<u>CSEA Representative</u>
	<u>City Auditor</u>
	<u>Erie County Environment &amp;</u>
	<u>Planning</u>

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

## ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of May 24, 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 June 14, 2006

## ITEM NO. 2

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

**May 30, 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	4.50%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	Money Market		\$13,864,971.42	Chase	4.50%	High Yield
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	Money Market		\$1,145,326.80	Chase	4.50%	High Yield
<b>OPERATING FUND</b>						
08-Apr-02	Money Market		\$3,097,178.58	Chase	4.50%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	Money Market		\$32,101.19	Chase	4.50%	High Yield
<b>SURPLUS FUND</b>						
			\$562.81	MTB Funds		
04-May-06	30-Jun-06	57	\$4,794,129.20	M&T Securities	4.95%	\$37,870.80
			\$4,794,692.01			
<b>NET REVENUE FUND</b>						
27-Mar-06	30-Jun-06	95	\$5,499,230.62	HSBC	4.87%	\$70,672.75
25-Apr-06	30-Jun-06	66	\$8,899,554.20	M&T	4.92%	\$80,273.98
30-May-06	30-Jun-06	31	\$1,300,000.00	Citizens	4.96%	\$58,482.95
			\$15,698,784.82			



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>						
25-May-06	01-Jun-06	7	\$435,583.74	MTB Funds M&T Securities	4.91%	\$416.26
			\$436,000.00			
<b>CONSTRUCTION FUND SERIES K</b>						
25-May-06	08-Jun-06	14	\$54,403.15	M&T	4.84%	\$102.40

**RECEIVE & FILE**

Board Meeting of June 14, 2006

## ITEM NO. 3

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

The Department of Assessment has fixed the following assessed valuation of property to use in the calculation of sewer rents for the 2006-2007 fiscal year. This results in the following sewer rents based on assessed value and comparison:

	<b>SEWER RENT REQUIRED</b>	<b>TOTAL ASSESSED VALUE OF PROPERTY APPLICABLE FOR SEWER PURPOSES</b>	<b>SEWER RENT PER \$1,000 VALUE</b>
2006-07	\$12,050,000	\$6,206,596,563	1.94148272
2005-06	\$12,050,000	\$6,048,585,245	1.99220140
Change	-0-	\$158,011,318	(.05071868)

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

**RECEIVE AND FILE**

Board Meeting of June 14, 2006

## ITEM NO. 4

**CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND**

WHEREAS: On May 10, 2006, Paul Pepero, of 6218 Webster Road, Orchard Park, New York, filed a Claim with the Buffalo Sewer Authority for damage to his vehicle when a Buffalo Sewer Authority truck struck it at the intersection of McKinley Parkway and South Park Avenue; 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 \$756.32; and

WHEREAS: The City of Buffalo Law Department and the General Manager reviewed this Claim and recommend payment in the amount of \$756.32 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 Paul Pepero, 6218 Webster Road, Orchard Park, New York, in the amount of \$756.32 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. NAPLES  
2<sup>ND</sup> BY MS. WILSON-DIVINCENZO  
AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 5

**ADJUSTMENT OF SEWER RENT**

WHEREAS: In accordance with the Resolution adopted on December 15, 1982, requests for sewer rent cancellations, adjustments, or refunds in excess of \$400.00 must be submitted to the Board for its consideration and action; and

WHEREAS: Mary J. Kenney, owner of the premise located at 18 Marion Street, Buffalo, NY 14207, requests an adjustment of sewer rent based on water use for the November 2005 billing period in the amount of \$488.95 in sewer arrears; and

WHEREAS: Upon receiving her November 2005 water bill, which was more than 300 percent higher than her average bill, Mary J. Kenney contacted T-Mark Plumbing to inspect the premises. Upon their inspection, it was determined that a water leak caused the excessively high water bill; and

WHEREAS: A review of this account by Buffalo Sewer Authority staff recommends the requested adjustment of sewer rent arrears.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes and directs the General Manager to reduce the sewer rent based on water use in the amount of \$488.95 in sewer arrears for the premise located at 18 Marion Street for the November 2005 billing period.

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

## ITEM NO. 6

**CONTRACT APPROVAL - SELF-INSURED WORKERS' COMPENSATION PROGRAM**

WHEREAS: The use of a professional claims management company is necessary for the successful continuation of the Buffalo Sewer Authority's self-insured Workers' Compensation Program; and

WHEREAS: First Niagara Risk Management, Inc., has proposed a two-year extension of the current Workers' Compensation Administrative Agreement with the Buffalo Sewer Authority, beginning July 1, 2006, and ending June 30, 2008. This proposed extension includes no increase to the current annual fee of \$29,000.00; and

WHEREAS: The Executive Secretary and her committee recommend accepting this proposal.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves and authorizes the General Manager to enter into an agreement with First Niagara Risk Management, Inc., for Workers' Compensation administration for a two-year period, beginning July 1, 2006, at an annual cost of \$29,000.00. This expense will be charged to account nos. 00110108-452000, 00200108-452000, and 00650108-452000 on a pro-rata basis.

MOTION TO APPROVE

MADE BY MR. NAPLES

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 7

**CONTRACT APPROVAL - AUDIT AND ACCOUNTING SERVICES**

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

WHEREAS: The Buffalo Sewer Authority’s existing agreement with Drescher & Malecki, Certified Public Accountants, for audit and accounting services, allows for renewal of the current contract for a one-year period beginning July 1, 2006, for a fee not to exceed \$45,390.00, and for a cost allocation schedule for a maximum of \$4,335.00. This proposal represents a two percent increase over the fee in the current contract; and

WHEREAS: The Executive Secretary and her committee recommend the renewal of this contract for the fiscal year beginning July 1, 2006.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves and authorizes the General Manager to enter into an agreement with Drescher & Malecki, Certified Public Accountants, to develop the cost allocation schedule and perform the required auditing services of the Authority’s affairs for the fiscal year beginning July 1, 2006. The cost for performing the required financial audit is \$45,390.00 and will be charged to account no. 00110106-432001. The fee for cost allocation schedules, up to a maximum of \$4,335.00, will be charged to account no. 00550106-432001.

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

Board Meeting of June 14, 2006

## ITEM NO. 8

**CONTRACT APPROVAL - LEGAL SERVICES**

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

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

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

WHEREAS: The General Manager and members of his committee recommend approval to continue to retain Timothy C. Cashmore, of Damon & Morey, for legal services on an as-needed basis for the fiscal year July 1, 2006 through June 30, 2007.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain, on an as-needed basis, the services of Timothy C. Cashmore, of Damon and Morey, to provide legal services as required. Mr. Cashmore shall be compensated at a rate of \$200.00 per hour, associate attorneys shall be compensated at the rate of \$145.00 to \$200.00 per hour, and paralegals shall be compensated at a rate of \$85.00 to \$120.00 per hour, to a maximum of \$20,000.00. This agreement will be for the fiscal year July 1, 2006 through June 30, 2007. The cost of these services will be charged to account no. 00110106-432003.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 9

**CONTRACT APPROVAL - LEGAL SERVICES**

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

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

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

WHEREAS: The General Manager and the members of his committee recommend approval to continue to retain Charles Martorana, of Hiscock and Barclay, for legal services on an as-needed basis for the fiscal year July 1, 2006 through June 30, 2007.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to continue to retain Charles Martorana, of Hiscock and Barclay, for legal services on an as-needed basis for the fiscal year July 1, 2006 through June 30, 2007. Mr. Martorana shall be compensated at the rate of \$175.00 per hour, to a maximum of \$50,000.00. Expenses for these legal services will be charged to account no. 00550106-432003.

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

Board Meeting of June 14, 2006



## ITEM NO. 10

**CONTRACT APPROVAL - UTILITY AND TELECOMMUNICATIONS CONSULTANT**

WHEREAS: The Buffalo Sewer Authority desires to review its utility bills to make certain that charges are in accordance with the approved rate schedules; and

WHEREAS: There are a number of utility consultants that will audit utility bills and recover overcharges from utility companies on a contingency fee basis; and

WHEREAS: The General Manager and his committee reviewed a number of proposals from various consultants to perform an audit of electric, telephone, and natural gas services for the Buffalo Sewer Authority on a contingency fee basis; and

WHEREAS: Computel Consultants has proposed to audit the electric, telephone, and natural gas service charges for the Buffalo Sewer Authority on a contingency fee basis in which their commission will be 32% of all recovered overcharges, and the remaining 68% of the recovered overcharges will be returned to the Buffalo Sewer Authority; and

WHEREAS: The General Manager and his committee recommend acceptance of this proposal from Computel Consultants.

NOW THEREFORE  
BE IT RESOLVED: The Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into a contractual agreement with Computel Consultants to audit the Buffalo Sewer Authority's electric, telephone, and natural gas services for a fee of 32% of the recovered overcharges with the remaining 68% of the recovered overcharges returned to the Buffalo Sewer Authority.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 11

**NYS PREFERRED SOURCE - JANITORIAL SERVICES CONTRACT RENEWAL**

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

WHEREAS: The Buffalo Sewer Authority utilized a contract with NYSID through their member agency, Phoenix Frontier, Inc., during the period July 1, 2005 to June 30, 2006, to perform janitorial services at the Buffalo Sewer Authority facilities; and

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

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

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract renewal with NYSID through its member agency, Phoenix Frontier, Inc., to perform janitorial services at the Buffalo Sewer Authority facilities for a one-year period from July 1, 2006 to June 30, 2007, at a total cost not to exceed \$56,708.00. Expenses for this contract will be charged to account nos. 00110106-434000, 00200106-434000, and 00650106-434000.

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

Board Meeting of June 14, 2006

## ITEM NO. 12

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

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

WHEREAS: On July 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 support of the SCADA system; and

WHEREAS: The current software management service agreement expires June 30, 2006. The software management service agreement provides the Buffalo Sewer Authority with the latest software versions to insure the continued viability of the SCADA system; and

WHEREAS: The Treatment Plant Superintendent, Computer Systems Coordinator, and staff recommend approval to renew this agreement for fiscal year 2006-2007 with ABB Automation, Inc., for software management services in the amount of \$38,289.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the agreement with ABB Automation, Inc., for software management services in the amount of \$38,289.00. Funds are available in account no. 00200106-443420.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 13

**AUTHORIZATION TO PURCHASE VARIOUS COMMODITIES UTILIZING CITY CONTRACT PRICING FOR FISCAL YEAR 2006-2007**

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

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

Product	Vendor	City Contract	Amount	Account No.
Stone & Slag	Buffalo Crushed Stone	Formal # 7234 (through 6/30/07)	\$25,000.00	00660105-466269

; and

WHEREAS: The Director of Sewer Maintenance and staff recommend the utilization of City Contract pricing for the purchase of these commodities.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to utilize City Contract pricing to purchase the above commodities at a cost not to exceed the amount listed and to charge these items to the appropriate account.

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

Board Meeting of June 14, 2006

## ITEM NO. 14

**AUTHORIZATION TO PURCHASE VARIOUS COMMODITIES UTILIZING STATE CONTRACT PRICING FOR FISCAL YEAR 2006-2007**

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

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

Product	Vendor	NYS Contract	Amount	Account No.
Automotive Replacement Parts	Meisenzahl Auto Parts d/b/a Nuway	PC60416 (through 7/31/06) Note: Awaiting NYS approval of new contract	\$ 14,000.00	00520105-465001 (\$6,000.00) 00690105-465001 (\$8,000.00)
Tires and Related Services	Goodyear	PC61334 (through 7/31/09)	\$ 10,000.00	00520105-465001 (\$2,000.00) 00690105-465001 (\$8,000.00)
Gasoline	T.F.Kurk, Inc.	PC61914 (through 7/26/07)	\$ 63,000.00	00520105-462600 (\$23,500.00) 00690105-462600 (\$39,500.00)
Diesel Fuel	NOCO Energy Corp.	PC61912 (through 7/26/07)	\$40,000.00	00520105-462600 (\$9,400.00) 00690105-462600 (\$30,600.00)

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

NOW THEREFORE  
BE IT RESOLVED:

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

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

MADE BY MR. NAPLES \_\_\_\_\_

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 15

**AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 20600225**

WHEREAS: On July 27, 2005, the Board of the Buffalo Sewer Authority authorized the General Manager to utilize the City of Buffalo contract pricing for the purchase of ready mix concrete from United Material LLC, under Informal Price Agreement No. 0255 in an amount not to exceed \$27,000.00 for fiscal year 2005-2006; and

WHEREAS: Due to the large quantities of ready mix concrete being utilized by the Sewer Maintenance Emergency Repair Crews, it is now necessary to increase Blanket Order No. 20600225 by \$5,000.00, from \$27,000.00 to \$32,000.00, for the remainder of this fiscal year through June 30, 2006; and

WHEREAS: The Director of Sewer Maintenance and staff recommend the above increase.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to approve a change order in the amount of \$5,000.00, increasing Blanket Order No. 20600225 with United Material LLC, from \$27,000.00 to \$32,000.00 through June 30, 2006, for the purchase of ready mix concrete utilized by the Sewer Maintenance Emergency Repair Crews under the City of Buffalo's Informal Price Agreement No. 0255. Funds for this change order will be charged to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MR. NAPLES

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

## ITEM NO. 16

**REPORT ON BIDS RECEIVED - BIRD ISLAND SEWAGE TREATMENT PLANT IN-PLANT STEAM SYSTEM REPAIR SERVICES**

WHEREAS: Formal bids were advertised and solicited for the Bird Island Sewage Treatment Plant in-plant steam system repair services. The following bids were received and opened by the Buffalo Sewer Authority on April 25, 2006:

Company	Boilermaker Journeyman Per Hour
John W. Danforth Company	\$59.05
Mollenberg-Betz, Inc.	\$59.87
Nicholson & Hall Corp.	\$66.79

; and

WHEREAS: The Principal Sanitary Engineer and staff reviewed the bids and recommend accepting the low bid and awarding the contract to John W. Danforth Company.

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 John W. Danforth Company for steam system repair services at the Bird Island Sewage Treatment Plant for a one-year period beginning July 1, 2006, with an option to renew for two (2) additional one-year periods if agreeable to both parties, at a cost not to exceed \$30,000.00. Expenses for this contract will be charged to account no. 00380106-443421.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 17

**PRELIMINARY UTILITY WORK AGREEMENT - NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

WHEREAS: The New York State Department of Transportation desires to perform work on the Kensington Expressway (permanent removal of the Fillmore Avenue Ramp), Erie County PIN 5512.42; and

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

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

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

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

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of June 14, 2006



## ITEM NO. 18

**CHANGE ORDER NO. 4 – CONTRACT NO. 84500011**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$4,963,000.00
Kranick Environmental	PREVIOUS CHANGE ORDERS	\$279,922.50
537 Lincoln Highway	THIS CHANGE ORDER	<u>\$129,000.00</u>
East McKeesport, Pa. 15035	ADJUSTED CONTRACT COST	\$5,371,922.50

WORK:           Digester Nos. 1 and 2 Upgrade

**DESCRIPTION OF CHANGE OR EXTRA WORK:**

- Item #1    An adjustment to the amounts of Pay Items No. 1B and 1C to transfer, screen, empty, and dewater Digester No. 2 is necessary because the volume of sludge that could be transferred and screened was less than expected. Therefore Pay Item 1B (Digester No. 2 – Transfer and Screen Contents) was decreased, and Pay Item 1C (Digester No. 2 – Empty and Dewater Balance of Tank, Clean Tank) was increased. The pay adjustments were based upon unit rates provided in the Contractor’s original bid.
- Item #2    A credit was issued for work that was not performed by the Contractor during the transfer, screen, empty, and dewater operations on Digester Nos. 1 and 2. Items that were not performed included 24/7 work schedule, lighting of the work area, odor control, and other minor ancillary items.

**REASON FOR CHANGE OR EXTRA WORK:**

- Item #1    The Engineer estimated the volume of Digester No. 2 sludge that could be transferred and screened and the remaining volume of sludge that would be dewatered and disposed of off-site. Because of the thickness of the sludge near the bottom of Digester No. 2, not as much sludge could be transferred, and the quantities for Pay Items 1B and 1C were adjusted accordingly.
- Item #2    Work items described in the contract specifications that were not performed by the Contractor were credited to the owner.

**COST OF CHANGE OR EXTRA WORK:**

The cost of the work is as follows:

• Credit for Pay Item 1B	
• 301,083 gallons @ \$0.005/gallon	\$ (1,505.42)
• Addition for Pay Item 1C	
• 367,579 gallons @ \$0.38/gallon	\$ 139,680.02
• Adjustment to Items 1B, 1C for work not performed	<u>\$ (9,174.60)</u>
<b>THE TOTAL COST OF THE CHANGE OR EXTRA WORK</b>	<b>\$ 129,000.00</b>

The total INCREASE to the contract as a result of this Change Order is \$ 129,000.00  
; and

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements remains 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 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 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. 4 to Contract No. 84500011 as written in the above Agenda Item, making the adjusted contract cost \$5,371,922.50.

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

Board Meeting of June 14, 2006

## ITEM NO. 19

CONTRACT NO. 84600008

**FINAL ADJUSTMENT**

<b>CONTRACTOR:</b> Sterling Refractory 120 Michigan Avenue Buffalo, New York 14203	<b>ADJUSTED CONTRACT COST</b>	\$ 128,745.00
	<b>FINAL ADJUSTMENT</b>	\$ (20,310.00)
	<b>FINAL CONTRACT COST</b>	\$ 108,435.00

**WORK:** Bird Island Sewage Treatment Plant Multiple Hearth Sludge Incinerator Rehabilitation - Incinerator No. 3

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***DESCRIPTION OF FINAL ADJUSTMENT***

Bids were received on a basis of estimated quantities at unit and lump sum prices, and the contract was awarded on the basis to be paid for the work constructed.

In conformity with the stipulation in the contract documents, actual quantities for the items have been measured in the field, and on the basis of these measurements, the total adjusted price is DECREASED by \$20,310.00, making the final contract price \$108,435.00.

WHEREAS: The Superintendent of Mechanical Maintenance reviewed the final adjustment and recommends its approval; and

WHEREAS: The Contractor completed the work on May 17, 2006, and the Buffalo Sewer Authority held the final inspection on May 17, 2006.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the final adjustment for Bird Island Sewage Treatment Plant Multiple Hearth Sludge Incinerator Rehabilitation - Incinerator No. 3, as written in the above Agenda Item, making the final contract cost \$108,435.00.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 20

CONTRACT NO. 84600008

**CERTIFICATE OF ACCEPTANCE AND OCCUPANCY**

WORK: Bird Island Sewage Treatment Plant Multiple Hearth Sludge Incinerator Rehabilitation - Incinerator No. 3

BID: \$101,095.00

CONTRACTOR: Sterling Refractory  
120 Michigan Avenue  
Buffalo, New York 14203

WHEREAS: The Superintendent of Mechanical Maintenance of the Buffalo Sewer Authority has certified that the Contractor completed the work in accordance with the plans and specifications on May 17, 2006.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the contract has been complete and is accepted;
- b. The date of entrance and occupancy be fixed as of May 17, 2006;
- c. The maintenance period commence on May 17, 2006;
- d. Final payment be made to the Contractor in the amount of \$5,421.75, based on an increase of \$27,650.00 by change order, and a decrease of \$20,310.00 by final adjustment, making the final cost of the contract \$108,435.00.

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 21

CONTRACT NO. 84600010

**CERTIFICATE OF ACCEPTANCE AND OCCUPANCY**

WORK: Boiler No. 2 Digester Gas Burner Conversion

BID: \$114,800.00

CONTRACTOR: Colgate Heating Corp.  
142 Colgate Avenue  
Buffalo, New York 14220

WHEREAS: The Superintendent of Mechanical Maintenance of the Buffalo Sewer Authority has certified that the Contractor completed the work in accordance with the plans and specifications on May 12, 2006.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the contract has been complete and is accepted;
- b. The date of entrance and occupancy be fixed as of May 12, 2006;
- c. The maintenance period commence on May 12, 2006;
- d. Final payment be made to the Contractor in the amount of \$5,740.00, making the final cost of the contract \$114,800.00.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of June 14, 2006

ITEM NO. 22

**AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN**

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

NOW THEREFORE  
BE IT RESOLVED:        That the Board of the Buffalo Sewer Authority approves the addition of the following positions to the Job Classification Plan:

- One (1) Wastewater Treatment Plant Operator I    00210161 411001**
- One (1) Wastewater Treatment Plant Operator I    00230161 411001**
- One (1) Wastewater Treatment Plant Operator I    00240161 411001**
- One (1) Wastewater Treatment Plant Operator I    00250161 411001**
- One (1) Wastewater Treatment Plant Operator I    00260161 411001**
- One (1) Wastewater Treatment Plant Operator I    00280161 411001**
- One (1) Wastewater Treatment Plant Operator II   00210161 411001**
- Two (2) Wastewater Treatment Plant Operator II   00290161 411001**
- One (1) Wastewater Treatment Plant Operator II   00360161 411001**

MOTION TO                                      APPROVE                  

MADE BY                                        MR. KENNEDY                  

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

AYES                                   5           NOES                              0          

Board Meeting of June 14, 2006

## ITEM NO. 23

**AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN**

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

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority approves the deletion of the following positions to the Job Classification Plan:

**One (1) Wastewater Treatment Plant Operator II (w/license)**  
**00210161 411001**

**Two (2) Wastewater Treatment Plant Operator II (w/license)**  
**00290161 411001**

**One (1) Wastewater Treatment Plant Operator II (w/license)**  
**00360161 411001**

MOTION TO APPROVE

MADE BY MR. NAPLES

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

AYES 5 NOES 0

Board Meeting of June 14, 2006







ITEM NO. 26

**COMPENSATION: EXEMPT EMPLOYEES**

NOW THEREFORE  
BE IT RESOLVED:

That the modifications and provisions contained in the Agreement between the Buffalo Sewer Authority and Civil Service Employees Association, AFSCME, BSA Local 815, for the period of July 1, 2005 to June 30, 2006, are hereby directed to also apply to the Exempt positions.

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

Board Meeting of June 14, 2006

## ITEM NO. 27

**COMPENSATION: CONFIDENTIAL AND MANAGERIAL EMPLOYEES**

NOW THEREFORE  
BE IT RESOLVED:

That the modifications and provisions contained in the Agreement between the Buffalo Sewer Authority and Civil Service Employees Association, AFSCME, BSA Local 815, for the period of July 1, 2005 to June 30, 2006, are hereby directed to also apply to those positions which are designated Managerial or Confidential.

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

Board Meeting of June 14, 2006

ITEM NO. 28

**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>
Robert Cornell	New York Water Environment Association, Inc.	Belt Press Optimization Workshop	100%	\$45.00
Charles Riley	Canisius College	Statistics for Managers	90%	\$1,808.10

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$1,853.10. These Reimbursements will be charged to account no. 00800108-480214.

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

Board Meeting of June 14, 2006

ITEM NO. 29

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

Board Meeting of June 14, 2006