

MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
November 8, 2006

50891.....50905

BUFFALO SEWER AUTHORITY

November 8, 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 C. 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 Eagan, P.E.</u>	<u>Senior Supervising Sanitary Engineer</u>
	<u>James Keller</u>	<u>Treatment Plant Superintendent</u>
	<u>Edward Hennessy</u>	<u>Director of Sewer Maintenance</u>
	<u>Amy Zubek</u>	<u>New York State Auditor</u>
	<u>Nicole Tomsen</u>	<u>New York State Auditor</u>
	<u>_____</u>	<u>_____</u>
Absent:	<u>_____</u>	<u>_____</u>
	<u>_____</u>	<u>_____</u>

The meeting was called to order at 9:16 AM. A quorum was present.

ITEM NO. 1**Motion to Adopt the Minutes of the Meeting of October 11, 2006**

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

Board Meeting of November 8, 2006

ITEM NO. 2

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

October 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	4.85%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$18,778,128.30	Chase	4.85%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,164,217.39	Chase	4.85%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$2,769,112.52	Chase	4.85%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$23,991.16	Chase	4.85%	High Yield
SURPLUS FUND						
25-Oct-06	27-Nov-06	33	\$4,794,695.58	Citizens	5.22%	\$22,942.62
NET REVENUE FUND						
25-Sep-06	27-Nov-06	63	\$3,502,642.84	HSBC	5.22%	\$31,996.64
25-Oct-06	29-Dec-06	65	\$17,280,799.81	HSBC	5.28%	\$164,743.62
			<u>\$20,783,442.65</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
DEBT RESERVE FUND						
15-May-06	15-May-07	365	\$1,192,697.00	Series F FHLB	3.50%	
23-Sep-03	15-Aug-08	1788	\$7,350,000.00	Series I 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	4.63%	
27-Jul-06	01-Oct-35		\$952,666.00	Series L SLG	4.52%	
CONSTRUCTION FUND SERIES H						
19-Oct-06	02-Nov-06	14	\$264,469.26	M&T Securities	5.15%	\$530.74
19-Oct-06	02-Nov-06	14	\$20,182.46	M&T Securities	5.12%	\$40.19
			\$284,651.72			
CONSTRUCTION FUND SERIES K						
19-Oct-06	02-Nov-06	14	\$55,575.75	Citizens	5.12%	\$110.66

RECEIVE & FILE

Board Meeting of November 8, 2006

ITEM NO. 3

SCHEDULE OF BOARD MEETINGS FOR CALENDAR YEAR 2007

WHEREAS: It is suggested that the new schedule for the calendar year 2007 be approved as follows:

2007

January 10	July 2 (ANNUAL MEETING) and 18
February 7	September 5
March 14	October 10
April 11	November 7
May 2 and 23	December 5
June 13	

All meetings are scheduled for Wednesdays at 9 AM except the Annual Meeting scheduled for Monday, July 2, at 9 AM.

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above Schedule of Board Meetings for the calendar year 2007.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of November 8, 2006

ITEM NO. 4

AUTHORIZATION TO PURCHASE READY MIX CONCRETE UTILIZING CITY CONTRACT PRICING FOR FISCAL YEAR 2006-2007

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

WHEREAS: Sewer Maintenance purchases the following commodity available through City Contract:

Product	Vendor	City Contract	Amount	Account No.
Ready Mix Concrete	Lafarge NA	Formal #7278 (through 6/30/07)	\$32,000.00	00660105-466269

; and

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

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 commodity at a cost not to exceed \$32,000.00 and to charge this item to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. NAPLES

AYES 5 NOES 0

Board Meeting of November 8, 2006

ITEM NO. 5

AUTHORIZATION FOR PUBLICATION OF INDUSTRIAL USER VIOLATORS LIST

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

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

; and

WHEREAS: In accordance with this requirement the following violator met the above criteria between July 1, 2005 and June 30, 2006:

Rosina Food Products, Inc.
775 Industrial Parkway
Cheektowaga, NY 14227

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

MOTION TO APPROVE

MADE BY MR. NAPLES

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of November 8, 2006

ITEM NO. 6

REQUEST FOR REDUCTION OF RETENTION

WHEREAS: The Buffalo Sewer Authority awarded Contract No. 84500013 to C. Destro Development Co., Inc., on May 25, 2005, for Storm Sewer Improvements in Kaisertown South of Clinton Street; and

WHEREAS: The contract has been completed and the Buffalo Sewer Authority will be Accepting and Occupying as of October 2, 2006; and

WHEREAS: The contractor, C. Destro Development Co., Inc., has requested a reduction of retention from 1% to 0% in order for an outstanding bill to be paid in a timely manner; and

WHEREAS: The Principal Sanitary Engineer of the Buffalo Sewer Authority recommends this reduction of retention from 1% to 0%.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes reducing the retention for Contract No. 84500013 with C. Destro Development Co., Inc., from 1% to 0%.

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

Board Meeting of November 8, 2006

ITEM NO. 7

CHANGE ORDER NO. 1 – CONTRACT NO. 84500013

CONTRACTOR:	ORIGINAL CONTRACT COST	\$787,605.00
C. Destro Development Co., Inc.	PREVIOUS CHANGE ORDER	0.00
2255 Bailey Avenue	THIS CHANGE ORDER	<u>8,298.10</u>
Buffalo, New York 14211	ADJUSTED CONTRACT COST	\$795,903.10

WORK: Storm Sewer Improvements in Kaisertown South of Clinton Street

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Furnish and install approximately 82 linear feet of 15" storm sewer. Furnish and install one (1) 5' manhole approximately 8' deep. Pour concrete on side banks of outfall structure. Remove and replace guard rail. Fill existing 10" with flowable fill. Complete restoration.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 To provide a new outfall for the elimination of combined sewer overflow outfall 041.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$8,298.10

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$8,298.10

The total INCREASE to the contract as a result of this Change Order is \$8,298.10

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. 84500013 as written in the above Agenda Item, increasing the contract cost in the amount of \$8,298.10, making the adjusted contract cost \$795,903.10.

MOTION TO _____ APPROVE _____

MADE BY _____ MR. NAPLES _____

2ND BY _____ MR. KENNEDY _____

AYES _____ 5 _____ NOES _____ 0 _____

Board Meeting of November 8, 2006

ITEM NO. 8

CONTRACT NO. 84500013

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: Storm Sewer Improvements in Kaisertown South of Clinton Street

BID: \$787,605.00

CONTRACTOR: C. Destro Development Co., Inc.
2255 Bailey Avenue
Buffalo, New York 14211

WHEREAS: The Principal Sanitary Engineer and staff have certified that the Contractor completed the work in accordance with the plans and specifications on October 2, 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 October 2, 2006;
- c. The maintenance period commence on October 2, 2006;
- d. Final payment be made to the Contractor in the amount of \$39,000.00, an increase of \$8,298.10 by Change Order, making the final cost of the contract \$795,903.10.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. NAPLES

AYES 5 NOES 0

Board Meeting of November 8, 2006

ITEM NO. 9

CONFIRMATION OF APPOINTMENT

**MAINTENANCE ASSISTANT (SEWER CLEANING)
(PROVISIONAL)
SEWER MAINTENANCE DEPARTMENT
\$17.22 PER HOUR
EFFECTIVE: OCTOBER 16, 2006**

DAVID BROTHERS
36 JOANNE LANE
CHEEKTOWAGA, 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. NAPLES

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of November 8, 2006

ITEM NO. 10

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: We have received a request from Ronald Carloni, a permanent Maintenance Assistant (S.C.), has applied for a New York State Disability Retirement. While awaiting approval of his Disability Retirement, Mr. Carloni has requested an unpaid medical leave of absence, effective November 1, 2006; and

WHEREAS: The General Manager has reviewed this request and recommends approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants Ronald Carloni a medical leave of absence without pay beginning November 1, 2006, and extending until December 31, 2006.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of November 8, 2006

ITEM NO. 11

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: We have received a request from Kenneth Sawyer, a permanent Senior First Class Stationary Engineer, for an unpaid leave of absence. Mr. Sawyer has accepted a permanent position as Chief Engineer Custodian with the City of Buffalo Board of Education beginning November 13, 2006, and he has requested this unpaid leave of absence for the duration of his probationary period; and

WHEREAS: The General Manager has reviewed this request and recommends approval of Mr. Sawyer's request for an unpaid leave of absence for his six (6) month probationary period.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants Kenneth Sawyer a six (6) month leave of absence without pay beginning November 13, 2006, and extending until May 12, 2007.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. NAPLES

AYES 5 NOES 0

Board Meeting of November 8, 2006

ITEM NO. 12

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>
George Giambrone	New York Water Environment Association	<i>Flow Measurement</i>	100%	\$30.00
Michael Letina	New York Water Environment Association	<i>Flow Measurement</i>	100%	\$30.00

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$60.00. These Reimbursements will be charged to account no. 00800108-480214.

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

Board Meeting of November 8, 2006

ITEM NO. 13

ADJOURNMENT OF MEETINGMOTION TO APPROVE MADE BY MR. NAPLES 2ND BY MR. KENNEDY AYES 5 NOES 0

Board Meeting of November 8, 2006