

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
November 7, 2007**

52155.....52181

BUFFALO SEWER AUTHORITY

November 7, 2007

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present:	Herbert L. Bellamy, Jr. _____ John D. Kennedy, Sr. _____ Christopher Roosevelt _____ Eleanor Wilson-DiVincenzo _____ John E. Kennedy, Jr. _____ David Comerford _____ Oluwole McFoy _____ Ronald Brown _____ Burt Mirti _____ Franklin DiMascio, P.E. _____ James Keller _____ Edward Hennessy _____ Angel Rivera _____ Nicole Elliott _____ _____ _____ _____	Chairman _____ Vice Chairman _____ Assistant Vice Chairman _____ Secretary _____ Assistant Secretary _____ General Manager _____ Secretary to the General Manager _____ Executive Secretary _____ Intergovernmental Coordinator _____ Principal Engineer _____ Treatment Plant Superintendent _____ Director of Sewer Maintenance _____ Superintendent of Mechanical Maintenance _____ Erie County Environment and Planning _____ _____ _____ _____
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The meeting was called to order at 9:20 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of October 10, 2007

MOTION TO	_____	ADOPT	_____
MADE BY	_____	MR. KENNEDY, SR.	_____
2 ND BY	_____	MR. ROOSEVELT	_____
AYES	_____	5	_____

			0

Board Meeting of November 7, 2007

ITEM NO. 2

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

September 27, 2007

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	4.55%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$1,334,175.44	Chase	4.55%	High Yield
05-Oct-07	05-Nov-07	31	\$15,000,000.00	HSBC	4.80%	\$62,000.00
15-Oct-07	14-Dec-07	60	\$13,400,000.00	Chase	4.80%	\$107,200.00
			<u>\$29,734,175.44</u>			
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$136,397.50	Chase	4.55%	High Yield
28-Sep-07	29-Oct-07	31	\$937,679.45	Chase	4.78%	\$3,859.59
			<u>\$1,074,076.95</u>			
OPERATING FUND						
08-Apr-02	Money Market		\$3,023,164.92	Chase	4.55%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$28,249.80	Chase	4.55%	High Yield
SURPLUS FUND						
			\$1.13	MTB		
27-Sep-07	31-Dec-07	95	\$5,308,732.02	HSBC	4.75%	\$66,543.48
			<u>\$5,308,733.15</u>			
NET REVENUE FUND						
			\$.72	MTB		
27-Aug-07	26-Nov-07	91	\$4,899,971.51	M&T Securities	5.26%	\$66,028.49
25-Sep-07	31-Dec-07	97	\$7,800,259.35	M&T	4.90%	\$102,985.09
25-Oct-07	25-Jan-08	92	\$2,700,000.00	Chase	4.69%	\$32,361.00
			<u>\$15,400,231.58</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
DEBT RESERVE FUND						
15-May-07	15-May-08	366	\$1,255,988.58	Series F FNMA	5.00%	
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						
			\$6,622.55	MTB Funds		
CONSTRUCTION FUND SERIES K						
25-Oct-07	15-Nov-07	21	\$58,594.51	HSBC	4.60%	\$157.23

RECEIVE & FILE

Board Meeting of November 7, 2007

ITEM NO. 3

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On September 23, 2006, George P. Page III, 818 McKinley Parkway, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damages to the basement and contents of his property due to a sewer backup which occurred on June 27, 2006; and

WHEREAS: The City of Buffalo Law Department and the General Manager reviewed this Claim and determined that the Buffalo Sewer Authority has liability in this matter; and

WHEREAS: The City of Buffalo Law Department negotiated a settlement for these damages and recommends payment in the amount of \$42,000.00 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 George P. Page III, 818 McKinley Parkway, Buffalo, New York, in the amount of \$42,000.00 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 4

PAYMENT FROM JUDGMENT AND CLAIMS

WHEREAS: Board approval is required for charges made against the Buffalo Sewer Authority's current budget for services and/or materials received during a prior fiscal year; and

WHEREAS: The following professional legal services were received during a prior fiscal year and charged to the 2007-2008 budget account no. 00800108-480214:

VENDOR	AMOUNT
Damon & Morey, L.L.P.	\$5,324.05
; and	

WHEREAS: The General Manager and Secretary to the General Manager recommend the above payment from the Judgment and Claims account.

NOW THEREFORE
BE IT RESOLVED: The Board of the Buffalo Sewer Authority hereby approves the above payment from the Judgment and Claims account no. 00800108-480214.

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

Board Meeting of November 7, 2007

ITEM NO. 5

AUTHORIZATION TO PROCEED AS LEAD AGENCY FOR IMPLEMENTATION OF STATE ENVIRONMENTAL QUALITY REVIEW REQUIREMENTS FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM WITHIN THE CITY OF BUFFALO

WHEREAS: The Buffalo Sewer Authority has filed a Notice of Intent for coverage under a SPDES general permit for stormwater discharges from small municipal separate storm sewer systems (“MS4”) with the New York State Department of Environmental Conservation (“NYSDEC”); and

WHEREAS: In conjunction with the City of Buffalo, the Buffalo Sewer Authority is developing a program to comply with the State and Federal government requirements for municipal separate storm sewer systems with respect to property located in the City of Buffalo, including but not limited to, the adoption of regulations by the Buffalo Sewer Authority and ordinances by the City of Buffalo with respect to the MS4 requirements; and

WHEREAS: The Buffalo Sewer Authority is willing to serve as the lead agency to carry out and implement the State Environmental Quality Review Act (“SEQRA”) process to review, undertake, fund and/or approve a program to comply with the State and Federal government MS4 requirements.

NOW THEREFORE
BE IT RESOLVED: That the Buffalo Sewer Authority shall serve as the lead agency pursuant to SEQRA to develop, in conjunction with the City of Buffalo, a program of compliance with State and Federal government requirements for municipal separate storm sewer systems for persons and property located in the City of Buffalo, including but not limited to, adoption of regulations by the Buffalo Sewer Authority and ordinances by the City of Buffalo.

BE IT FURTHER
RESOLVED: That the Board of the Buffalo Sewer Authority hereby determines that such action is an Unlisted Action in accordance with applicable SEQRA regulations and authorizes the General Manager, or any other officer of the Buffalo Sewer Authority, as he may designate, to prepare and execute Part 1 of SEQRA Short Environmental Assessment Form and the New York State Coastal Assessment Form and to distribute same to all involved and interested agencies. This Resolution shall take effect immediately.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. KENNEDY, SR.

AYES 5 NOES 0

ITEM NO. 6

AUTHORIZATION OF PAYMENT TO THE CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS, PARKS & STREETS FOR THE GRIDER STREET SEWER IMPROVEMENTS

WHEREAS: The City of Buffalo Department of Public Works, Parks & Streets is presently under contract with Accadia Site Contracting, Inc., the responsible low bidder, for the reconstruction of Grider Street between East Delevan and Leroy Avenues; and

WHEREAS: The existing combined sewer in Grider Street between East Delevan Avenue and Sussex Street is in need of reconstruction. As a betterment to the project, the Buffalo Sewer Authority negotiated with Accadia Site Contracting, Inc., a fair and equitable basis upon which the Grider Street Sewer Improvements should proceed; and

WHEREAS: The cost for the reconstruction of the Grider Street Sewer Improvements shall not exceed \$200,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the payment of \$200,000.00 from account no. 02000291-490720 to the City of Buffalo Department of Public Works, Parks & Streets for the Grider Street Sewer Improvements.

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

Board Meeting of November 7, 2007

ITEM NO. 7

SCHEDULE OF BOARD MEETINGS FOR CALENDAR YEAR 2008

WHEREAS: It is suggested that the new schedule for the calendar year 2008 be approved as follows:

2008

January 16	July 1 (ANNUAL MEETING) and 16
February 20	September 3
March 19	October 1
April 16	November 5
May 7 and 21	December 3
June 18	

All meetings are scheduled for Wednesdays at 9 AM except the Annual Meeting scheduled for Tuesday, July 1, 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 2008.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 8

REPORT ON BIDS RECEIVED - PURCHASE OF ONE NEW AND UNUSED ALUMINUM TRENCH SHIELD

WHEREAS: Formal bids were advertised and solicited for the purchase of one (1) new and unused aluminum trench shield to be used by the emergency repair crews to secure construction trenches in compliance with OSHA safety regulations; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on October 25, 2007:

American Shoring	\$10,727.00
Vellano Bros., Inc.	\$13,540.00
North East Shoring	\$20,560.00
Lovejoy Metals	No Response

; and

WHEREAS: The Director of Sewer Maintenance and staff reviewed the quotes received and recommend that this purchase be awarded to the lowest bidder, American Shoring, at a total cost of \$10,727.00.

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 aluminum trench shield from the lowest bidder, American Shoring, at a total cost of \$10,727.00. This purchase will be charged to account no. 00660107-474100.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 10

REPORT ON BIDS RECEIVED - PURCHASE OF VARIOUS STEEL PRODUCTS

WHEREAS: Formal bids were advertised and solicited for the purchase of the following various steel products:

1. (150) 23" x 9" steel curb box 7" reveal
 2. (50) 23" x 10" steel curb box 8" reveal
 3. (50) 23" x 8" steel curb box 6" reveal
 4. (100) 2' x 2' McConnell steel frame
- ; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on October 19, 2007:

Neenah Foundry	NO BID
Emcom Industries	\$ 42,447.00
Syracuse Castings	\$ 50,050.00
Buffalo Metal Forming	\$ 51,310.00
Western New York Manufacturing	\$ 54,250.00
Lakeshore Metals	\$105,900.00

; and

WHEREAS: The Director of Sewer Maintenance and staff carefully reviewed the quotes received for each item needed and recommend the following awards, to the low bidder for each item:

Vendor	Items to award	Total Cost
Emcom Industries	# 1,2 & 3	\$20,928.00
Syracuse Castings	# 4	\$18,800.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above listed various steel products from the low bidders for the items listed: Emcom Industries for item nos. 1, 2 & 3 at a total cost of \$20,928.00 and Syracuse Castings for item no. 4 at a total cost of \$18,800.00. These purchases will be charged to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 11

REPORT ON BIDS RECEIVED - INSPECTION AND PREVENTATIVE MAINTENANCE OF OVERHEAD DOORS

WHEREAS: The Buffalo Sewer Authority has a total of 58 overhead doors at the Treatment Plant and Outlying Stations; and

WHEREAS: Formal bids were advertised and solicited for an annual contract for the Inspection and Preventative Maintenance of Overhead Doors. The following bid was received and opened by the Purchasing Department on October 24, 2007, from the sole bidder, National Overhead Door:

Item	Description	Cost
Quarterly Inspection	\$745.00/quarter	\$2,980.00
Preventative Maintenance	\$5,863.00/quarter	\$23,452.00
Hourly rate	Based on team rate of \$149/hr. – estimated at 320 hours	\$47,680.00
Parts mark-up	15% - Based on estimate of \$20,000 in parts needed	\$23,000.00
Total bid		\$97,112.00

; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the bid received and recommend an award to the sole bidder, National Overhead Door, at a total cost not to exceed \$97,112.00, with an option to renew for three (3) one-year periods through June 30, 2011.

NOW THEREFORE
BE IT RESOLVED: The Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with National Overhead Door for Inspection and Preventative Maintenance of Overhead Doors at a total cost not to exceed \$97,112.00 for the period of this award through June 30, 2008, with an option to renew for three (3) one-year periods through June 30, 2011. Funding for this contract will be charged to account nos. 00520106-443421 and 00650106-443421.

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

ITEM NO. 12

REPORT ON BIDS RECEIVED - ELEVATOR MAINTENANCE

WHEREAS: The Buffalo Sewer Authority has a total of four (4) passenger elevators and one (1) freight elevator in various buildings located at the Treatment Plant; and

WHEREAS: The New York State Office of General Services currently has a contract in place for elevator maintenance. In accordance with the guidelines of this contract other government entities may utilize this contract award by completing a streamlined mini-bid utilizing eligible vendors; and

WHEREAS: Formal bids were solicited and obtained for Elevator Maintenance for these five (5) elevators for the period commencing the date of signed agreement through June 30, 2008. The Authority, as part of this mini bid, estimated hours needed to complete various tasks. The Authority also specified needed repairs for the Megastructure passenger elevator, which is currently out of service. The following bids were received and opened by the Buffalo Sewer Authority Purchasing Department on October 23, 2007, with no bid from Otis Elevator:

	D.C. B. Elevator	Thyssenkrupp Elevator	Schindler Elevator
Maintenance	\$17,400.00	\$11,376.00	\$ 14,064.00
Team Rate (based on estimate of 400 hours)	\$88,000.00 (\$220/hr.)	\$97,200.00 (\$243/hr.)	\$119,200.00 (\$298/hr.)
Parts mark-up (based on \$20,000 estimate)	\$25,000.00 (25%)	\$26,000.00 (30%)	\$ 24,000.00 (20%)
TOTAL BIDS	\$130,400.00	\$134,576.00	\$157,264.00

;and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the bids received and recommend that a contract be awarded to the low bidder, D.C.B. Elevator, at a total cost not to exceed \$130,440.00, with an option to renew for three (3) one-year periods through June 30, 2011.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to enter into and execute a contract for Elevator Maintenance with D.C.B. Elevator at a total cost not to exceed \$130,440.00 for the period of this award through June 30, 2008, with an option to renew for three (3) one-year periods through June 30, 2011. Expenses for this contract will be charged to account nos. 00380106-443421, 00520106-443421, and 00650106-443421.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 13

**ADDITION TO SOLE SOURCE LISTING FOR SELECTED INSTRUMENTATION,
MAINTENANCE, LABORATORY, AND OFFICE EQUIPMENT FOR FISCAL YEAR
2007-2008**

WHEREAS: A Sole Source procurement, in accordance with New York State Procurement Guidelines, is one in which an item is only available from one source due to patents, exclusive franchises, etc., and there is no possibility of competition for the item; and

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority approved and designated a list of original equipment manufacturers as sole sources for fiscal year 2007-2008; and

WHEREAS: The Buffalo Sewer Authority Purchasing Department has supporting documentation to classify the following original equipment manufacturer, and/or their local representative on record, as a sole source for the specifically indicated commodities, technology, and/or service as follows:

Smith and Loveless, Inc.	For all Smith and Loveless, Inc., brand parts including the Pista® grit concentrators
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NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority approves the addition of the above original equipment manufacturer, and/or their local representative on record, as a sole source for the equipment indicated for fiscal year 2007-2008.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 14

AUTHORIZATION TO PURCHASE REPLACEMENT PARTS FOR GRIT SYSTEM

WHEREAS: At this meeting, the Board of the Buffalo Sewer Authority approved the addition of Smith and Loveless, Inc., the original equipment manufacturer, and/or their authorized local representative, as a sole source for Smith and Loveless, Inc., brand parts including the Pista® grit concentrators located at the Treatment Plant; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined a need to purchase three (3) Pista® grit concentrators for the grit system at the Treatment Plant; and

WHEREAS: Upon request, Koester Associates, Inc., the authorized local representative, submitted a quote in the amount of \$14,200.50 plus freight for the three (3) Pista® grit concentrators needed; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the quote received and recommend this purchase from Koester Associates, Inc., in the amount of \$14,200.50, plus any incurred freight charges estimated not to exceed \$450.00; and

WHEREAS: Board approval is required for purchases over \$10,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase three (3) Pista® grit concentrators from Koester Associates, Inc., at a cost of \$14,200.50, plus any incurred freight charges. This purchase will be charged to account no. 00230105-466107.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 15

AUTHORIZATION FOR PURCHASE OF RESTOCK PARTS FOR CENTRIFUGE

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated Westfalia Separators, Inc., the original equipment manufacturer, as a sole source for Westfalia Separator brand centrifuge parts, supplies, and service needed at the Treatment Plant; and

WHEREAS: The annual rebuild for the centrifuge is scheduled for January 2008; and

WHEREAS: Due to parts that will be needed for this rebuild and additional restock, the Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff request Board approval for a total cost not to exceed \$25,000.00 for purchases from Westfalia Separator, Inc., for fiscal year 2007-2008.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase needed parts from Westfalia Separator for fiscal year 2007-2008 at a total cost not to exceed \$25,000.00. Purchases will be charged to account no. 00370105-466107.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 16

AUTHORIZATION FOR PURCHASE OF REPLACEMENT PROCESSOR BOARDS FOR FINAL CLARIFIERS

- WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated Royce Technologies, the original equipment manufacturer, as a sole source for Royce Technologies depth analyzers and dissolved oxygen analyzers on equipment located at the Treatment Plant; and
- WHEREAS: On the evening of October 6, 2007, a lightning strike short-circuited four (4) Royce processor boards on the sludge blanket probes utilized for the Final Clarifiers 5B through 8B. These blanket levels are essential for the operation of the secondary system during wet weather events; and
- WHEREAS: The Treatment Plant Superintendent and Superintendent of Mechanical Maintenance requested that a quote be obtained for six (6) Royce processor boards; four (4) required for the damaged boards, and due to the lead time needed by Royce to assemble these boards, an additional two (2) boards for restock; and
- WHEREAS: Royce Technologies submitted a quote in the amount of \$1,666.50 for each of these six (6) processor boards, for a total amount of \$9,999.00; and
- WHEREAS: This purchase brings the total amount of monies payable to Royce Technologies to over \$10,000.00 for fiscal year 2007-2008; and
- WHEREAS: Board approval is required on purchases over \$10,000.00; and
- WHEREAS: Due to the immediate need for replacement of these processor boards the Board was polled on October 11, 2007, and verbally approved this emergency purchase; and
- WHEREAS: It is now necessary to formally ratify that authorization.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby formally authorizes the General Manager to purchase six (6) Royce processor boards for the sludge blanket probes in the Final Clarifiers from Royce Technologies at a total cost of \$9,999.00. This purchase will be charged to account no. 00290105-466107.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 17

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH EI TEAM FOR HVAC EVALUATION STUDY

WHEREAS: The Buffalo Sewer Authority has a significant number of heating, ventilating, and air cooling (HVAC) systems in various states of operability and functionality located throughout the Treatment Plant and outlying stations; and

WHEREAS: In order to identify and prioritize restoration needs and to develop a preventative maintenance program for the HVAC systems, the General Manager, Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff have determined that an evaluation study is needed; and

WHEREAS: Due to their expertise in this area, the following firms were contacted to tour the Treatment Plant facility, discuss the scope of work needed, and submit proposals:

Consulting Firm	HVAC cost proposal
EI Team	\$41,200.00
Johnson Controls	\$45,750.00
Wendel Duchscherer	\$52,500.00

; and

WHEREAS: The General Manager, Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff reviewed all proposals received and recommend acceptance of the proposal from EI Team at a total cost of \$41,200.00 to perform the HVAC evaluation study.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute an agreement with EI Team for the HVAC evaluation study in the amount of \$41,200.00 which will be charged to account no. 02000263-432004.

MOTION TO _____ APPROVE _____

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, SR.

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 18

AUTHORIZATION FOR EMERGENCY PURCHASE FROM NIBSCO AUTOMATION

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated EIM Controls, the original equipment manufacturer, and/or their authorized local service representative, Nibscos Automation, as a sole source for replacement parts, supplies, and service for the EIM valve actuators and controls located at the Treatment Plant; and

WHEREAS: The primary sedimentation process is dependent upon the proper operation of Gate No. 17. The valve on Gate No. 17 failed in October 2007 and, due to permit requirements, an exigency condition was declared by the Superintendent of Mechanical Maintenance and an emergency confirming order was placed with Nibscos Automation, the authorized local representative, for the needed EIM replacement parts at a total cost of \$1,888.00; and

WHEREAS: The emergency confirming order results in cumulative purchases for the fiscal year in excess of \$10,000.00 from Nibscos Automation; and

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase EIM replacement parts needed for Gate No. 17 from Nibscos Automation, at a cost not to exceed \$1,888.00. This expenditure will be charged to account no. 00240105-466107.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 19

AUTHORIZATION FOR SERVICE FROM INGERSOLL-RAND ON THE DIGESTER GAS COMPRESSORS

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated Ingersoll-Rand, the parent company for the original equipment manufacturer, Dresser Rand, as a sole source for equipment repairs and supplies for the digester gas compressors located at the Treatment Plant; and

WHEREAS: During the first quarter preventative maintenance work, a leak was discovered on the aftercooler of air compressor No. 10. A quote was received from Ingersoll-Rand in the amount of \$18,400.00 for the scope of work needed for this repair; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the quote received and recommend the repair of air compressor No. 10 in the amount of \$18,400.00; and

WHEREAS: The repair of air compressor No. 10, combined with the quarterly preventative maintenance work, brings the total monies that will be payable to Ingersoll-Rand for this fiscal year to approximately \$30,400.00; and

WHEREAS: Board approval is required on services over \$20,000.00; and

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to utilize the services of Ingersoll-Rand, for the repair of air compressor No. 10 in the amount of \$18,400.00 under account nos. 00230106-443301 and 00270106-443301.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVENCENZO

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 20

AUTHORIZATION FOR PREVENTATIVE MAINTENANCE FROM INGERSOLL-RAND ON THE DIGESTER GAS COMPRESSORS

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated Ingersoll-Rand, the parent company for the original equipment manufacturer, Dresser Rand, as a sole source for equipment repairs and supplies for the digester gas compressors located at the Treatment Plant; and

WHEREAS: Quarterly preventative maintenance has revealed repairs for air compressor No. 10 in the amount of \$18,400.00. The repair of air compressor No. 10, combined with the first quarter preventative maintenance work, brings the total monies that are payable to Ingersoll-Rand for this fiscal year to approximately \$30,400.00; and

WHEREAS: Upon request, preventative maintenance is scheduled and performed quarterly by Ingersoll-Rand on the four digester gas compressors; and

WHEREAS: Board approval is required on services over \$20,000.00; and

WHEREAS: Due to the vital part these compressors provide in the process of the Treatment Plant facility, the Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff request approval for an amount not to exceed \$4,000.00 for any unforeseen repairs that may be needed from Ingersoll-Rand for the remainder of the fiscal year through June 30, 2008.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to utilize the services of Ingersoll-Rand, for the quarterly preventative maintenance on the four air compressors, for an amount not to exceed \$4,000.00 for any unforeseen repairs under account nos. 00230106-443301 and 00270106-443301.

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

Board Meeting of November 7, 2007

ITEM NO. 21

AMENDMENT NO. 4 TO AGREEMENT WITH MALCOLM PIRNIE, INC. - CONTRACT NO. 83900014

WHEREAS: On February 9, 2000, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Malcolm Pirnie, Inc., to provide Engineering Services for the development of a Combined Sewer Overflow Long Term Abatement Plan (CSOLTAP) at a cost of \$2,738,674.00; and

WHEREAS: On March 21, 2001, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute Amendment No. 1 with Malcolm Pirnie, Inc., at a cost of \$945,000.00; and

WHEREAS: On March 19, 2003, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute Amendment No. 2 with Malcolm Pirnie, Inc., at a cost of \$779,343.00; and

WHEREAS: On July 19, 2006, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute Amendment No. 3 with Malcolm Pirnie, Inc., at a cost of \$28,900.00; and

WHEREAS: In order to address comments by the United States Environmental Protection Agency, the New York State Department of Environmental Conservation, and provide additional engineering services in the amount of \$38,760.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute Amendment No. 4 to Contract No. 83900014 with Malcolm Pirnie, Inc., for additional engineering services at a cost of \$38,760.00, making the total cost of this Contract \$4,530,677.00. The cost of this Contract will be charged to account no. 02000160-432004.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 22

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: We have received notification that Wayne Gorski, a permanent Wastewater Treatment Plant Operator II, has applied for a New York State Disability Retirement. While awaiting approval of his Disability Retirement, Mr. Gorski has requested an unpaid medical leave of absence, effective December 1, 2007; 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 Wayne Gorski a medical leave of absence without pay beginning December 1, 2007, and extending until May 31, 2008.

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

Board Meeting of November 7, 2007

CONFIRMATION OF APPOINTMENTS

**SHIFT SUPERINTENDENT (SEWAGE TREATMENT)
(PROVISIONAL)
SEWAGE TREATMENT PLANT
\$61,033 PER ANNUM
EFFECTIVE: OCTOBER 22, 2007**

DAVID ROSSNEY
33 GARNER AVE.
BUFFALO, NY

**SEWER CONSTRUCTIONWORKER (PROVISIONAL)
SEWER MAINTENANCE DEPARTMENT
\$17.98 PER HOUR
EFFECTIVE: OCTOBER 22, 2007**

ROBERT STORY
1855 PARKER BLVD.
TONAWANDA, NY

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. KENNEDY, SR.

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of November 7, 2007

ITEM NO. 24

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of November 7, 2007