

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
January 16, 2008**

52204.....52226

BUFFALO SEWER AUTHORITY

January 16, 2008

REGULAR MEETING

9:00 A.M.

1038 City Hall

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ITEM NO. 2

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

January 4, 2008

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$501,766.24	Chase	4.10%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$770,608.05	Chase	4.10%	High Yield
14-Dec-07	12-Feb-08	60	\$13,400,000.00	HSBC	4.55%	\$100,946.67
04-Jan-08	04-Mar-08	60	\$15,000,000.00	Citizens	4.36%	\$109,000.00
			<u>\$29,170,608.05</u>			
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$95,854.16	Chase	4.10%	High Yield
04-Jan-08	04-Feb-08	31	\$949,461.31	Citizens	4.32%	\$3,352.00
			<u>\$1,045,315.47</u>			
OPERATING FUND						
08-Apr-02	Money Market		\$3,436,802.53	Chase	4.10%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$33,247.71	Chase	4.10%	High Yield
SURPLUS FUND						
			\$1.13	MTB		
02-Jan-08	30-Jan-08	28	\$5,308,732.02	HSBC	4.46%	\$18,415.40
			<u>\$5,308,733.15</u>			
NET REVENUE FUND						
			\$1.42	MTB		
25-Oct-07	25-Jan-08	92	\$2,700,000.00	Chase	4.69%	\$32,361.00
26-Nov-07	25-Jan-08	60	\$5,699,484.00	M&T	4.65%	\$44,516.00
02-Jan-08	25-Jan-08	23	\$10,438,921.51	Citizens	4.46%	\$29,745.13
			<u>\$18,838,406.93</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						
			\$7,069.87	MTB Funds		
CONSTRUCTION FUND SERIES K						
03-Jan-08	17-Jan-08	14	\$59,096.83	HSBC	4.10%	\$92.63

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Board Meeting of January 16, 2008

ITEM NO. 3

INFORMATIVE: REPORT ON THE CONDITION OF THE CAPITAL IMPROVEMENT FUND

Balance July 1, 2007 (Temporary Investments & Cash)	\$501,997.82	
Interest on Investments	11,571.57	
Transfers from Operating Fund	0	
Transfers to Operating Fund	<u>(11,803.15)</u>	501,766.24
Less: Expenditures	0	
Encumbrances	<u>0</u>	<u>0</u>
Unallocated Funds as of December 31, 2007		<u>\$501,766.24</u>
Expenditures:	_____	
Total Expenditures		<u>0</u>
Encumbrances:	_____	
Total Encumbrances		<u>0</u>
ENCUMBRANCES AND EXPENDITURES FOR 7/1/07-12/31/07		<u>\$0</u>

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Board Meeting of January 16, 2008

ITEM NO. 4

INFORMATIVE: REPORT ON THE CONDITION OF THE LIABILITY AND CASUALTY RESERVE FUND

The Resolution that created the Liability and Casual Reserve Fund provides that:

“The General Manager shall regularly and not less than semi-annually render to the Board a detailed report of the operation and condition of the Liability and Casualty Reserve Fund.”

Fund Balance as of June 30, 2007	\$1,062,864.01
Interest Earnings	
Less: Claims Paid	(44,580.20)
Fund Balance as of December 31, 2007	<u>\$1,041,033.81</u>

During the period of July 1, 2007 – December 31, 2007, the B.S.A. settled 10 claims. Six (6) claims were denied. Four (4) claims resulted in cash payments from the B.S.A. totaling \$44,580.20.

Total Active Claims Pending

Bodily Injury	11
Property Damage	27
Auto B.I. & P.D	5
Other Liability	<u>1</u>
	44

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Board Meeting of January 16, 2008

ITEM NO. 5

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On September 20, 2007, Elvira Brinson, 72 Taunton Place, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damages to her basement and contents due to a sewer backup which occurred on August 24, 2007, August 31, 2007, and September 4, 2007; and

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

WHEREAS: The City of Buffalo Law Department recommends payment in amount of \$303.36 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 Elvira Brinson, 72 Taunton Place, Buffalo, New York, in the amount of \$303.36 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 6

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On October 19, 2007, Rickie Weatherly, 86 Sussex Street, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for the replacement of two (2) hot water heaters that were damaged due to sewer backups on June 5, 2007, and again on July 19, 2007; and

WHEREAS: The City of Buffalo Law Department, the General Manager, and Director of Sewer Maintenance reviewed this Claim and determined that the Buffalo Sewer Authority is liable in this matter; and

WHEREAS: The City of Buffalo Law Department recommends payment in the amount of \$1,340.16 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 Rickie Weatherly, 86 Sussex Street, Buffalo, New York, in the amount of \$1,340.16 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. KENNEDY, SR.

AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 7

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On November 5, 2007, David J. Trent, 100 Basswood Drive, Cheektowaga, New York, filed a Claim with the Buffalo Sewer Authority for damages to his vehicle. It was struck by a Buffalo Sewer Authority truck while he was stopped at a red light at Emslie and William Streets on October 26, 2007; and

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

WHEREAS: The City of Buffalo Law Department recommends payment in the amount of \$1,919.34 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 David J. Trent, 100 Basswood Drive, Cheektowaga, New York, in the amount of \$1,919.34 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of January 16, 2008

ITEM NO. 8

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On November 16, 2007, Paula Nurse, 74 Taunton Place, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damages to her basement and contents due to a sewer backup which occurred on August 31, 2007; and

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

WHEREAS: The City of Buffalo Law Department negotiated settlement for these damages and recommends payment in the amount of \$1,075.68 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 Paula Nurse, 74 Taunton Place, Buffalo, New York, in the amount of \$1,075.68 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 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 9

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On November 24, 2007, Mary Brennan, 25 Garfield Street, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damages to her house caused by a Buffalo Sewer Authority truck on November 15, 2007. The truck became entangled in the telephone lines causing those lines, wood trim, and molding to tear from the house; and

WHEREAS: The City of Buffalo Law Department, the General Manager, and the Director of Sewer Maintenance reviewed this Claim and determined that the Buffalo Sewer Authority is liable in this matter; and

WHEREAS: The City of Buffalo Law Department recommends payment in the amount of \$200.00 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 Mary Brennan, 25 Garfield Street, Buffalo, New York, in the amount of \$200.00 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, SR.

AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 10

TRAVEL AUTHORIZATION - NEW YORK CITY

WHEREAS: The Buffalo Sewer Authority must be up to date on current environmental regulations in order to maintain compliance; and

WHEREAS: The 80th Annual Meeting of the New York Water Environment Association, Inc., (NYWEA) is being held in New York City from February 3 – 6, 2008, covering an overview of environmental requirements; and

WHEREAS: The General Manager, Principal Sanitary Engineer, and Treatment Plant Administrator need to remain current with regulations affecting their respective programs; and

WHEREAS: Due to the necessity to expedite the request for a check in order to qualify for the early registration discount, the Board was polled on January 3, 2008, and verbally authorized the above employees to attend this annual event; 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 authorizes the General Manager, Principal Sanitary Engineer, and Treatment Plant Administrator to travel to New York City from February 3 – 6, 2008, to attend the 80th Annual Meeting of the New York Water Environment Association, Inc., at a total cost not to exceed \$6,000.00. Funds are available in account nos. 00110104-458010, 00110104-458012, 00600104-458010, 00600104-458012, 00200104-458010, and 00200104-458012.

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MR. KENNEDY, SR.</u>		
2 ND BY	<u>MR. ROOSEVELT</u>		
AYES	<u>4</u>	NOES	<u>0</u>

Board Meeting of January 16, 2008

ITEM NO. 11

TRAVEL AUTHORIZATION - CINCINNATI, OHIO, AND LOUISVILLE, KENTUCKY

WHEREAS: The Buffalo Sewer Authority is interested in exploring several new technologies that would provide considerable cost-savings to the Authority; and

WHEREAS: The City of Cincinnati, Ohio, is currently using Actiflo Clarifiers during heavy rainfall events that allow for more effective treatment of wastewater; and

WHEREAS: In addition, the City of Cincinnati utilizes a “predictive maintenance” technology that tests large equipment on a regular basis to determine the necessity of maintenance, thereby preventing equipment downtime; and

WHEREAS: The City of Louisville, Kentucky, utilizes “real time control” strategy to reduce combined sewer overflows in the region, saving over \$117 million on their overflow abatement program; and

WHEREAS: The General Manager, Principal Sanitary Engineer, Treatment Plant Superintendent, and Superintendent of Mechanical Maintenance desire to make site visits from January 29-30, 2008, to Cincinnati, Ohio and Louisville, Kentucky, to observe and evaluate these programs for potential cost-saving opportunities for the Buffalo Sewer Authority.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes travel for the General Manager, Principal Sanitary Engineer, Treatment Plant Superintendent, and Superintendent of Mechanical Maintenance to travel to Cincinnati, Ohio, and Louisville, Kentucky, from January 29-30, 2008 at a total cost not to exceed \$2,000.00. Funds are available in account nos. 00110104-458010, 00600104-458010, and 00200104-458010.

MOTION TO	<u>TABLE</u>
MADE BY	<u>MR. ROOSEVELT</u>
2 ND BY	<u>MR. KENNEDY, SR.</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of January 16, 2008

ITEM NO. 12

AUTHORIZATION TO PURCHASE REPLACEMENT PARTS FOR MOYNO PROGRESSIVE CAVITY PUMPS

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated Moyno, Inc., the original equipment manufacturer, and/or their authorized local representative as a sole source for replacement parts, supplies, and service for the Moyno brand pumps located at the Treatment Plant; and

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

WHEREAS: Shrier Martin, the authorized local representative for Moyno, Inc., has submitted a quote in the amount of \$29,048.54, plus freight charges of \$1,800.00 for these necessary replacement parts; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend the purchase of these necessary replacement parts for the Moyno brand pumps from Shrier Martin at a cost of \$29,048.54, plus freight charges of \$1,800.00; and

WHEREAS: The total monies payable to Shrier Martin for fiscal year 2007-2008 is over \$10,000.00; 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 the necessary replacement parts for the Moyno brand pumps from Shrier Martin at a cost of \$29,048.54, plus freight charges of \$1,800.00. This purchase will be charged to account nos. 00240105-466107, 00340105-466107 and 00350105-466107.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

ITEM NO. 13

REPORT ON BIDS RECEIVED - PURCHASE OF TWO (2) 2008 FORD SUPER DUTY F-550 DRW 4WD SUPERCAB TRUCKS

WHEREAS: Formal bids were advertised and solicited for the purchase of two (2) new and unused Ford Super Duty F-550 DRW 4WD trucks with service bodies for the Sewer Maintenance Department emergency repair crew; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on October 29, 2007:

Vendor	Unit cost	Total Cost
Van Bortel Ford	\$46,575.00	\$93,150.00
DeLacy Ford	\$48,978.00	\$97,956.00

; and

WHEREAS: The Director of Sewer Maintenance and staff carefully reviewed the quotes received and noted that an oversight was made in the original specifications for a master locking system; and

WHEREAS: The Buffalo Sewer Authority Purchasing Department obtained quotes from the above vendors to include the cost of the master locking system as follows:

Vendor	Unit cost	Master locking system	Total Cost
Van Bortel Ford	\$46,575.00	No additional cost	\$93,150.00
DeLacy Ford	\$48,978.00	\$339.25 each/\$678.50 total	\$98,634.50

; and

WHEREAS: The Director of Sewer Maintenance and staff recommend purchasing these vehicles from the low bidder, Van Bortel Ford at a total cost of \$93,150.00; and

WHEREAS: Due to the lead time needed, the Board was polled on December 20, 2007, and verbally authorized purchase of these vehicles; and

WHEREAS: It is now necessary to formally ratify that authorization.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority formally authorizes the General Manager to purchase two (2) new and unused Ford Super Duty F-550 DRW 4WD trucks with service bodies from Van Bortel Ford at a total cost of \$93,150.00. This purchase will be charged to account no. 00660107-474100.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 14

CONFIRMATION OF APPOINTMENT

LABORER I (PERMANENT)
SEWAGE TREATMENT PLANT
\$14.46 PER HOUR
EFFECTIVE: DECEMBER 10, 2007

JAMEL HARDIN
 79 MARINE DRIVE
 BUFFALO, NY

WHEREAS: The preceding appointment was made by the General Manager since the last Board Meeting; and

WHEREAS: The General Manager requests confirmation of each appointment.

NOW THEREFORE
 BE IT RESOLVED: That the preceding appointment is hereby confirmed by the Board of the Buffalo Sewer Authority.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, SR.

AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 15

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: We have received a request from Michelle Morgan, a permanent Typist, for a six (6) month unpaid medical leave of absence; and

WHEREAS: The General Manager has reviewed this request and recommends approving this leave of absence request for a period not to exceed six (6) months.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants Michelle Morgan a medical leave of absence not to exceed six (6) months, without pay, beginning January 4, 2008, and not to exceed July 3, 2008.

MOTION TO TABLE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 16

**AGREEMENT BETWEEN BUFFALO SEWER AUTHORITY AND CIVIL SERVICE
EMPLOYEES ASSOCIATION, AFSCME, BSA UNIT LOCAL NO. 815**

WHEREAS: Negotiations have concluded and an Agreement has been reached for a three (3) year contract retroactive to July 1, 2006, and ending June 30, 2009; and

WHEREAS: Changes from the expired contract include the following increases in wages:

Effective 7/1/06 – 2%
 Effective 7/1/07 – 2.5%
 Effective 7/1/08 – 2.25%; and

WHEREAS: Other changes are detailed in a Tentative Agreement, including those relating to single health insurance carrier conversion, City of Buffalo residency for all new hires, and safety shoe allowance. The cost savings incurred from conversion to a single health insurance carrier will offset the increases in wages.

NOW THEREFORE
 BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute, on behalf of the Buffalo Sewer Authority, this Agreement with the Civil Service Employees Association, AFSCME, BSA Local 815, for the three (3) year period ending June 30, 2009.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 17

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, 2006 to June 30, 2009, are hereby directed to also apply to the Exempt positions.

MOTION TO APPROVE
MADE BY MR. KENNEDY, SR.
2ND BY MR. ROOSEVELT
AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 18

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, 2006 to June 30, 2009, are hereby directed to also apply to those positions which are designated Managerial or Confidential.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 19

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	MBA G30	Spring 2008	\$1,953.00

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 MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 20

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>
Charles Riley	Canisius College	MBA 507	90%	\$1,890.68
Charles Riley	Canisius College	MBA 570	90%	\$1,012.01

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$2,902.69. This Reimbursement will be charged to account no. 00800108-480214.

MOTION TO APPROVE
 MADE BY MR. KENNEDY, SR.
 2ND BY MS. WILSON-DIVINCENZO
 AYES 4 NOES 0

Board Meeting of January 16, 2008

ITEM NO. 21

ADJOURNMENT OF MEETING

MOTION TO APPROVE
MADE BY MS. WILSON-DIVINCENZO
2ND BY MR. KENNEDY, SR.
AYES 4 NOES 0

Board Meeting of January 16, 2008