

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
May 21, 2008**

BUFFALO SEWER AUTHORITY

May 21, 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)

May 8, 2008

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	2.05%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$3,884,849.95	Chase	2.05%	High Yield
05-Mar-08	03-Jun-08	90	\$15,000,000.00	Citizens	2.86%	\$107,250.00
01-Apr-08	30-Jun-08	90	\$9,000,000.00	Citizens	2.53%	\$56,925.00
29-Apr-08	30-Jun-08	62	\$11,825,000.00	Key	2.66%	\$54,171.63
			<u>\$39,709,849.95</u>			
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$348,316.02	Chase	2.05%	High Yield
02-Apr-08	02-Jun-08	61	\$700,000.00	HSBC	2.50%	\$2,965.68
			<u>\$1,048,316.02</u>			
OPERATING FUND						
08-Apr-02	Money Market		\$3,491,822.51	Chase	2.05%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$34,956.91	Chase	2.05%	High Yield
SURPLUS FUND						
			\$818.78	MTB Funds		
29-Apr-08	30-Jun-08	62	\$5,404,189.40	M&T Securities	2.76%	\$25,810.60
			<u>\$5,405,008.18</u>			
NET REVENUE FUND						
			0.45	MTB Funds		
25-Apr-08	27-May-08	32	\$1,500,000.00	Key	2.62%	\$3,493.33
25-Apr-08	30-Jun-08	66	\$5,313,523.97	Key	2.75%	\$26,789.01
			<u>\$6,813,524.42</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%	

RECEIVE & FILE

Board Meeting of May 21, 2008

ITEM NO. 3

ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2008-2009"

- WHEREAS: The Buffalo Sewer Authority, in the meeting of April 16, 2008, adopted a proposed "Schedule of Sewer Rents and Other Charges for 2008-2009" and authorized the publication of this notice, commencing April 21, 2008, once a week for three (3) consecutive weeks, in the Buffalo News; and
- WHEREAS: The thirty-day period for inspection of the Schedule, and the filing of, has now expired; and
- WHEREAS: No protests were filed; and
- WHEREAS: It is now in order to adopt the "Final Schedule of Sewer Rents and Other Charges for 2008-2009"; and
- WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2008-2009" includes no increases to sewer rents based on the assessed value of property and the levy of sewer rents based on assessed value remains unchanged from the previous year at \$12,050,000; and
- WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2008-2009" also includes no increases to sewer rents based on the use of water. Metered accounts will continue to be charged \$11.09 per thousand cubic feet of water used, and there will be no increases to the charges on flat rate accounts.
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby adopts the "Final Schedule of Sewer Rents and Other Charges for 2008-2009".

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of May 21, 2008

FINAL SCHEDULE OF SEWER RENTS
AND OTHER CHARGES
FOR 2008-2009

TO PROVIDE FUNDS FOR THE FIXED CHARGES AND FOR THE OPERATION AND MAINTENANCE OF THE ENTIRE SEWER SYSTEM IN THE CITY OF BUFFALO AND ALL OF THE BUFFALO SEWER AUTHORITY FACILITIES FOR THE CONVEYANCE, TREATMENT AND DISPOSAL OF SEWAGE AND STORM WATER OPERATED BY THE BUFFALO SEWER AUTHORITY.

I. **SEWER RENTS FOR PREMISES SITUATED WITHIN THE LIMITS OF THE CITY OF BUFFALO**

(a) \$12,050,000 shall be collected from all real property in the City of Buffalo (the "City") by apportioning the said amount upon such property within the City as the same is set down on the last completed annual assessment roll of the City, except that no ad valorem sewer rent shall be assessed against real property exempt from real property taxes pursuant to subdivision one of section four hundred, sections four hundred four, four hundred six, four hundred twelve, four hundred eighteen, subdivision one section four hundred twenty, section four hundred forty-six, four hundred fifty-two, four hundred sixty-two and four hundred seventy-seven of the New York Real Property Tax Law.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated within the limits of the City, discharging sewage, water or other liquids into the Buffalo Sewer Authority (the "Authority") sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

II. SEWER RENTS FOR PREMISES SITUATED OUTSIDE THE LIMITS OF THE CITY OF BUFFALO

(a) An annual service charge for the privilege of connecting with the facilities of the Authority shall be due for any premises situated outside the limits of the City for each \$1,000 of assessed valuation as determined on the last completed annual assessment, the same rate of \$2.71239 per \$1,000 of assessed valuation for 2008-2009.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated outside the limits of the City, discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

III. GENERAL PROVISIONS

(a) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board, and the quantity of water used is not measured by a water meter acceptable to the Authority, then the sewer charge or rental for all such accounts shall be in the respective amounts (expressed in dollars) set forth in Exhibit A, attached hereto and made a part hereof, as the Authority determines applicable to such person, lot, parcel of land, building or premises.

(b) In addition to all other rentals and charges provided herein, a monthly drainage connection service charge shall be due for any and all persons, lots, parcels of land, building or premises, other than a City department, that discharge sewage, water or other liquids into the Authority sewer system, either directly or indirectly, as follows:

1. A monthly charge of \$6.00 shall be due for all lots, parcels, land, buildings or premises where the quantity of water used is not measured by a meter acceptable to the Authority.
2. A monthly charge in the amounts set forth below shall be due for all lots, parcels, land, building or premises where the quantity of water used is measured by a meter acceptable to the Authority in accordance with the following meter size:

Residential Users		Non-Residential Users	
<u>Meter Size</u>	<u>Charge (\$)</u>	<u>Meter Size</u>	<u>Charge (\$)</u>
5/8 inch	6.00	5/8 inch	6.00
3/4 inch	6.00	3/4 inch	6.00
1 inch	6.00	1 inch	6.00

Residential Users		Non-Residential Users	
<u>Meter Size</u>	<u>Charge (\$)</u>	<u>Meter Size</u>	<u>Charge (\$)</u>
1 1/2 inch	6.00	1 1/2 inch	55.00
2 inch	6.00	2 inch	55.00
3 inch	55.00	3 inch	55.00
4 inch or larger	55.00	4 inch or larger	55.00

(c) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, which directly or indirectly, uses water obtained from a source other than the Buffalo Water Board, and the water so obtained is not measured by a water meter acceptable to the Authority, then, in each such case, the owner, user or other interested party shall, at his own expense, furnish, install, and maintain a water meter or other water or sewage measuring device acceptable to the Authority and the quantity of water used, as measured by said meter, or as otherwise determined, shall be used to determine the sewer charge or rental and there shall be charged an amount determined as set forth in paragraphs II(a), III(a) and III(b) as the case may be.

(d) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, uses water in excess of 4,000 cubic feet per quarter year and it can be shown to the satisfaction of the Authority, that a portion of the water as measured by the water meter does not and cannot enter the Authority sewer system, then the Authority may determine in such manner as may be found practicable the percentage of metered water entering the Authority sewer system and the quantity of water used to determine the sewer charge or rental shall be that percentage, so determined, of the quantity of water measured by the water meter, or the Authority may require or permit the installation of additional meters or measuring devices in such a manner as to determine the quantity of water or sewage actually entering the Authority sewer system, in which case the quantity of water used to determine the sewer charge or rental shall be the quantity of water actually entering the Authority sewer system and so determined.

(e) In the event a person, lot, parcel of land, building or premises discharges sewage or other wastes into the Authority sewer system which, in the opinion of the Authority, contain unduly high concentrations or any substances which add to the operating costs of the Authority facilities, then the Authority may elect to establish and collect special rates of charge, based on the quantity of these substances, which rate of charge may be established and collected in such manner as the Authority may elect and such charge shall be paid to the Authority, or it may elect to exclude such sewage or other wastes from its facilities.

(f) As a condition of a Buffalo Discharge Elimination System Permit (BPDES), a user may be required to pay an industrial waste surcharge for discharging sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. The Industrial Waste Surcharge Formula reflecting the Treatment Plant unit costs for treatment of Biochemical Oxygen Demand (BOD₅) Total Suspended Solids (TSS) and Total Phosphate (TPO₄) is as follows:

Surcharge = 8.34 QMGY (0.1370 (BOD₅-250) + 0.1582 (TSS-250) + 0.0257 (TPO₄-15.35))

\$0.1370 Cost/lb. for treatment of BOD₅

\$0.1582 Cost/lb. for treatment of TSS

\$0.0257 Cost/lb. for treatment of TPO₄

QMGY shall mean the annual total industrial and sanitary discharge - water retention.

BOD₅ shall mean the average concentration of BOD₅ in sewage or waste discharged to the Authority facilities.

TSS shall mean the average concentration of TSS in sewage or waste discharged to the Authority facilities.

TPO₄ shall mean the average concentration of TPO₄ in sewage or waste discharged to the Authority facilities.

Surchargeable concentrations are as follows:

BOD₅ - Over 250 mg/L; TSS - Over 250 mg/L; TPO₄ - Over 15.35 mg/L

This formula shall be applied in computing the Buffalo Industrial Waste Surcharge subsequent to July 1, 2007 and ending June 30, 2008 for all users that discharge sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. In addition, this formula with the above rates will be used to calculate all monthly, quarterly, semiannual, and annual accounts subsequent to July 1, 2008.

(g) Any user who violates the Sewer Regulations of the Authority or the conditions of the permits issued thereunder shall be subject to fines as specified in said regulations.

(h) Whenever sewage or other wastes result in conditions in the Authority sewer system as to cause blockage or a substantial reduction in the flow, charges for the work necessary to eliminate such blockage or reduction in flow may be made, based upon costs incurred by the Authority for labor, materials, equipment hire, insurances, and other overhead, against the owner of the property or premises that caused the discharge of such sewage or other wastes into the Authority sewer system.

(i) Where sewer facilities have been installed to serve improved and unimproved property and have been paid for in whole or in part by the Authority, a charge shall be made based on a proportionate share of the original cost, determined by the foot frontage of the parcel served, or by the area of such parcels, or by such other method the Authority determines to be equitable, as a condition to a permit for a connection to the Authority's facilities.

(j) An application and inspection fee of \$100.00 for a residential sewer permit, a \$200.00 fee for a commercial sewer permit, and a \$500.00 fee for an industrial sewer permit shall be paid at the time said application is filed with the Authority.

(k) An application fee of \$200.00 for review of stormwater pollution prevention plan and erosion and sediment control plans shall be paid at the time said application is filed with the Authority.

(l) All persons owning or operating a pump truck or other transport vehicle and desiring to discharge wastes, directly or indirectly, into the Authority's facilities shall first secure a valid Truckers Discharge Permit after paying an annual permit fee of \$100.00. In addition to said permit fee, a separate charge shall be billed based upon the quantity and character of the waste discharged and, if applicable, the point of discharge.

The following surcharge rates are hereby charged for such wastehaulers who are located outside the City:

DISCHARGE LOCATION	TOTAL SUSPENDED SOLIDS	BOD ₅	TOTAL PHOSPHATE
Inlet/South Buffalo Pump	\$0.1636/lb	\$1327/lb.	\$0.0266/lb.
Mixing Tank	\$0.1496/lb	\$0.0743/lb.	\$0.0266/lb.
Thickener/Digester	\$0.1689/lb	\$0.0810/lb.	\$0.0266/lb.

The above surcharge rates, along with costs incurred by the Authority when handling, testing, conveying, and administrating each wastehauler, will be used to determine the cost per gallon of each wastestream. The wastehauler user charges for various wastestreams are as follows:

1. Septage and portable toilet wastes - The rate of \$0.045 per gallon discharged will be assigned to all permitted septage and portable toilet wastehaulers.
2. Grease trap wastes - The rate of \$0.10 per gallon discharged will be assigned to all permitted grease trap wastehaulers.
3. Sludge wastes - This rate will vary dependent on strength and volume. Sludge rates will be calculated using the parameter costs for the mixing tank location.
4. Miscellaneous Wastes - This rate will vary dependent on strength of waste, volume and discharge location.

These rates will be used for all permits effective July 1, 2008.

(m) In the event a person, lot, parcel of land, building or premises threatens to discharge or discharges sewage or waste into or near the Authority's publicly owned treatment works, either directly or indirectly, which in the opinion of the Authority will or is likely to bypass, upset, harm or endanger the facilities of the Authority, then such person or the owner or operator of such lot, parcel of land, building or premises shall pay to the Authority charges for any and all clean up, removal and remediation costs actually incurred by the Authority, including but not limited to labor, materials, equipment, insurances or laboratory services for the (i) containment or attempted containment of such discharge or threatened discharge, (ii) sampling and analysis of such discharge or threatened discharge, (iii) removal or attempted removal of such discharge or threatened discharge, (iv) taking of reasonable measures to prevent or mitigate damage to property, public health, safety or welfare, or (v) remediation, treatment, storage or disposal of such discharge or threatened discharge and all soils, water or structures affected by such discharge.

(n) All industrial users shall pay to the Authority a charge for the actual costs of analysis incurred by the Authority for the annual or other monitoring of any an all discharges of such industrial users.

(o) Any person who is granted a temporary permit to discharge into the facilities of the Authority shall pay a permit fee of \$500.00 to the Authority as a condition of the issuance of such permit.

(p) Except as otherwise defined herein, all terms and phrases used or contained in this schedule of sewer rents shall bear the same meaning and definition as set forth in the Authority's Sewer Use Regulations 21 N.Y.C.R.R. Part 10075 and New York Public Authorities Law Section 1175 et seq.

(q) Sewer rents and charges as herein provided shall be payable at the office of the Director of the Treasury for the City at Room 117, City Hall, Buffalo, New York 14202, or at such other location or address as may be set forth on the Authority's invoice, and shall become due as follows:

1. So much of the sewer rents and charges as are based upon water use and the drainage connection service charge covering the respective premises, or such other charges as provided herein shall be due and payable, except as otherwise stated in this schedule or in such invoice, on the same day, one month following the month of the invoice billing date, and such invoice may be billed monthly, quarterly or as otherwise determined by the Authority; and
2. So much of the sewer rents and charges as are based upon the assessed valuation of chargeable real estate shall become due and payable from the first day of July 1938, and each year thereafter, and may be paid without interest on or before September 30th next succeeding.
3. Such sewer rents and charges that remain unpaid after their respective due dates shall be charged interest. Interest, at the rate of one and one-half percent (1.5%), shall be added to amounts unpaid from the first day after the due date and shall be added to all amounts that remain unpaid for each succeeding month thereafter.

(r) All users shall be subject to paying reasonable costs and expenses, including attorney fees incurred in the collection of sewer rents and charges that remain unpaid, as may be determined by the Board of the Authority. In addition to any other remedy or provision hereof, the Authority reserves the right to engage in such collection activities, as it deems appropriate, for all accounts that remain unpaid after the due date. In consideration of such collection activities and to defray the cost thereof, the user shall pay an additional charge of twenty-one percent (21%) of the amount of each such delinquent account, together with interest as provided herein, that remains unpaid for more than (i) one hundred twenty (120) days from the due date for metered accounts, and (ii) two hundred ten (210) days from the due date for non-metered flat rate accounts. Due date, as used herein, means the date that the Authority's sewer rent and other charges are due and payable pursuant to III (p) (1) and III (p) (2), herein, respectively.

(s) Invoice statements shall be mailed or delivered to the address of the owner or user, as the case may be, as such address appears on the Authority's records. Such mailing or delivery is a matter of convenience. Failure of an owner or user to receive an invoice statement shall not release such owner or user from the obligation to pay such invoice statement, together with any other charges and interest which may accrue on unpaid amounts.

(t) All invoices shall be paid in United States dollars and may be paid by cash, check or MasterCard and Visa at Room 117, City Hall, Buffalo, New York or such other location or address as may be provided on such invoice, or by telephone as set forth on the invoice. All persons who pay by such charge cards shall pay the Authority a two-dollar (\$2.00) charge for each credit card payment transaction as a handling fee.

IV. LIEN OF SEWER RENT

From and after the due date thereof, such sewer rents and charges, together with any interest and collection costs shall constitute a lien upon the real property served by the facilities. Such lien shall have the same priority and superiority as the lien of the general tax of the City.

V. EFFECTIVE DATE OF THIS SCHEDULE

This schedule of sewer rents and other charges shall become effective July 1, 2008; provided, however, that the sewer rents and other charges herein set forth, applicable to water use, shall become effective on all billings on and after August 1, 2008, excepting only monthly metered accounts for July 2008, and Section "W" of the quarterly metered accounts for the period May, June, and July 2008, which shall be billed at the rents in effect prior to July 1, 2008.

Exhibit A

Stories High:	1	1 ½	2	2 ½	3	4	5
Under 25 ft	21.65	24.38	29.76	35.17	37.84	40.57	45.97
From 25 ft to 30 ft	24.38	29.76	35.17	37.84	40.57	45.97	51.35
From 31 ft to 35 ft	29.76	35.17	37.84	40.57	45.97	51.35	56.74
From 36 ft to 40 ft	35.17	37.84	40.57	45.97	51.35	56.74	59.44
From 41 ft to 45 ft	37.84	40.57	45.97	51.35	56.74	59.44	62.12
From 46 ft to 50 ft	40.57	45.97	51.35	56.74	59.44	62.12	67.56

The Following Rates Apply To More Than One Family Homes or Housekeeping:

1 Family	21.65
2 Families	43.29
3 Families	64.94
4 Families	86.58
5 Families	108.03
6 Families	129.87

Bathtubs & Showers *Bathtubs with attached showers are charged for only bathtubs

1 Bathtub	5.45
2 Bathtubs	10.91
3 Bathtubs	16.36
4 Bathtubs	21.81
5 Bathtubs	27.27
6 Bathtubs	32.72
7 Bathtubs	38.17
8 Bathtubs	43.63
9 Bathtubs	49.08

Toilets:	1 Family	2 Family	3 Family	4 Family	5 Family	6 Family
1 Toilet	10.86					
2 Toilets	19.15	21.73				
3 Toilets	27.43	30.01	32.59			
4 Toilets	35.72	38.30	40.88	43.46		
5 Toilets	44.00	46.58	49.16	51.74	54.32	
6 Toilets	52.29	54.87	57.45	60.03	62.61	65.19
7 Toilets	60.57	63.15	65.73	68.31	70.89	73.47
8 Toilets	68.86	71.44	74.02	76.60	79.18	81.76
9 Toilets	77.14	79.72	82.30	84.88	87.46	90.04
Each Additional Toilet	8.28					

52364

Border or Roomer

1	4.13
2	8.26
3	12.38
4	16.51

Office with Water: 21.65

Office without Water: 10.86

Hot Water Heating Billed in November & February:

1	10.84
2	21.67
3	32.51
4	43.35
5	54.18
6	65.02
7	75.86
8	86.69

Car in Garage:

- 1 Car
- 2 Cars
- 3 Cars
- 4 Cars
- 5 Cars
- 6 Cars
- 7 Cars
- 8 Cars

Garage w/out Water

- 10.84
- 21.67
- 32.51
- 43.35
- 54.18
- 65.02
- 75.86
- 86.69

Garage w/Water

- 21.66
- 43.32
- 64.98
- 86.69
- 108.30
- 129.96
- 151.62
- 173.28

ITEM NO. 4

**AUTHORIZATION FOR PURCHASE OF REPLACEMENT PARTS FOR THE
INCINERATION ASH ROTARY VANE FEEDER**

- WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated Diamond Power International, Inc., the parent company of Beaumont Birch, as a sole source for all replacement parts, supplies, and service for the proprietary ash handling system located at the Treatment Plant; and
- WHEREAS: The Superintendent of Mechanical Maintenance and Principal Chief Stationary Engineer have determined that there is a need for replacement parts for the incineration ash rotary vane feeder; and
- WHEREAS: Diamond Power International, Inc., has submitted a quote in the amount of \$5,416.90, plus estimated freight charges not to exceed \$215.00, for these necessary replacement parts; and
- WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, Principal Chief Stationary Engineer, and staff recommend the purchase of these necessary replacement parts from Diamond Power International, Inc., at a cost of \$5,416.90, plus freight charges; and
- WHEREAS: The total monies payable to Diamond Power International, Inc., 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 incineration ash rotary vane feeder from Diamond Power International, Inc., at a cost of \$5,416.90, plus estimated freight charges not to exceed \$215.00. This purchase will be charged to account no. 00380105-466107.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY, SR.</u>
2 ND BY	<u>MR. KENNEDY, JR.</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of May 21, 2008

ITEM NO. 5

AUTHORIZATION FOR PURCHASE OF ITT FLYGT REPLACEMENT SUMP PUMPS

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated ITT Flygt, the original equipment manufacturer, as a sole source for replacement parts, supplies, and service for the ITT Flygt brand pumps located at the Treatment Plant; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined that ITT Flygt brand replacement sump pumps are needed for the Megastructure Building; and

WHEREAS: ITT Flygt has submitted a quote in the amount of \$10,712.00 for these replacement sump pumps; and

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

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend the purchase of these necessary replacement sump pumps for the Megastructure Building from ITT Flygt at a cost of \$10,712.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the necessary replacement sump pumps for the Megastructure Building from ITT Flygt at a cost of \$10,712.00. This purchase will be charged to account no. 00380105-466107.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 21, 2008

ITEM NO. 6

AUTHORIZATION FOR PURCHASE OF VOGELSANG REPLACEMENT PARTS

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated Vogelsang, the original equipment manufacturer and/or their authorized local representative, as a sole source for all replacement parts, supplies, and service for the Vogelsang rotary lobe sludge feed pumps; and

WHEREAS: On March 19, 2008, the Board of the Buffalo Sewer Authority amended the sole source listing to include the Vogelsang Rota-Cut 5000E Macerator equipment; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined that there is a need for replacement parts for the Vogelsang Rota-Cut 5000E Macerator equipment; and

WHEREAS: Koester Associates, Inc., the authorized local representative, has submitted a quote in the amount of \$5,880.60, plus freight charges not to exceed \$200.00, 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 from Koester Associates, Inc., at a cost of \$5,880.60, plus freight charges; and

WHEREAS: The total monies payable to Koester Associates, Inc., 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 Vogelsang Rota-Cut 5000E Macerator equipment from Koester Associates, Inc., at a cost of \$5,880.60, plus estimated freight charges not to exceed \$200.00. This purchase will be charged to account nos. 00360105-466107 and 00250105-466107.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY, SR.</u>
2 ND BY	<u>MR. KENNEDY, JR.</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of May 21, 2008

ITEM NO. 7

AUTHORIZATION TO PURCHASE RESTOCK PARTS FOR THICKENERS

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority designated Siemens Water Technologies, the original equipment manufacturer, and/or their authorized local service representative as a sole source for replacement parts, supplies, and service for the sludge thickeners located at the Treatment Plant; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined a need for restock of pillow block bearings for these thickeners; and

WHEREAS: Siemens Water Technologies has submitted quote in the amount of \$1,555.00, plus estimated freight charges of \$65.00, for these necessary replacement parts; and

WHEREAS: The total monies payable to Siemens Water Technologies for fiscal year 2007-2008 is over \$10,000.00; and

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

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend the purchase of these necessary replacement parts from Siemens Water Technologies at a cost of \$1,555.00, plus freight charges.

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 sludge thickeners from Siemens Water Technologies at a cost of \$1,555.00, plus estimated freight charges not to exceed \$65.00. This purchase will be charged to account no. 00340105-466107.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 21, 2008

ITEM NO. 8

EXTENSION OF CONTRACT FOR IN-PLANT ELECTRICAL MAINTENANCE SERVICE

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Ferguson Electric Service Co. Inc., for in-plant electrical maintenance service at the Treatment Plant through June 20, 2008. This contract provides for two (2) one-year renewals; and

WHEREAS: Ferguson Electric Service Co. Inc., has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent and Superintendent of Mechanical Maintenance recommend this extension, up to a maximum amount of \$100,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Ferguson Electric Service, Co. Inc., for in-plant electrical maintenance service at the Treatment Plant for a one-year period beginning July 1, 2008, up to a maximum amount of \$100,000.00. Expenses for this contract will be charged to account no. 00520106-443421.

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

Board Meeting of May 21, 2008

ITEM NO. 9

EXTENSION OF CONTRACT FOR IN-PLANT STEAM SYSTEM REPAIR SERVICES

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Nicholson & Hall Corp., for in-plant steam system repair services at the Treatment Plant through June 30, 2008. This contract provides for two (2) one-year renewals; and

WHEREAS: Nicholson & Hall Corp., has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent and Superintendent of Mechanical Maintenance recommend this extension, up to a maximum amount of \$30,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Nicholson and Hall Corp., for in-plant steam system repair services at the Treatment Plant for a one-year period beginning July 1, 2008, up to a maximum amount of \$30,000.00. Expenses for this contract will be charged to account no. 00520106-443421.

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

Board Meeting of May 21, 2008

ITEM NO. 11

REPORT ON BIDS RECEIVED - PURCHASE OF BOOM TRUCK

WHEREAS: The Buffalo Sewer Authority has one 1996 boom truck that is in need of extensive uneconomical repairs; and

WHEREAS: Formal bids were advertised and solicited for the purchase of one (1) new and unused boom truck. The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on May 7, 2008:

Dueco, Inc.	\$47,998.00
Fleet Maintenance	\$59,971.00
Emerling Ford Mercury/Valley Fab	Cost not submitted with bid package, therefore, deemed unresponsive

; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend this purchase be awarded to the low bidder, Dueco, Inc., at a total cost of \$47,998.00.

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 boom truck from the low bidder, Dueco, Inc., at a total cost of \$47,998.00. This purchase will be charged to account no. 00520107-474200.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 21, 2008

ITEM NO. 12

AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 20800255

WHEREAS: On July 18, 2007, the Board of the Buffalo Sewer Authority authorized the General Manager to purchase gasoline utilized by the Authority's vehicles from Kurk Fuel Company under State Contract PC61914 in an amount not to exceed \$68,000.00 for the fiscal year 2007-2008; and

WHEREAS: The State has approved a new contract, PC63212, for this commodity with Kurk Fuel Company through July 23, 2009; and

WHEREAS: Due to the addition of vehicles to the Authority's fleet and the current market conditions which continually increases the cost of this commodity, it is now necessary to increase Blanket Order No. 20800255, by \$15,700.00 from \$68,000.00 to \$83,700.00 through June 30, 2008; and

WHEREAS: The Treatment Plant Superintendent, 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 \$15,700.00, increasing Blanket Order No. 20800255 with Kurk Fuel Company, from \$68,000.00 to \$83,700.00 through June 30, 2008, under State Contract PC63212. Funds for this change order will be charged to account nos. 00520105-462600 and 00690105-462600.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of May 21, 2008

ITEM NO. 13

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MALCOLM PIRNIE, INC., TO COMPLETE LONG-TERM CONTROL PLAN WATER QUALITY AND SEWER SYSTEM MODELING AND MONITORING PROFESSIONAL SERVICES

- WHEREAS: The Buffalo Sewer Authority is negotiating with the United States Environmental Protection Agency, the United States Department of Justice, and the New York State Department of Environmental Conservation to address sewer system improvements to comply with the Federal Clean Water Act; and
- WHEREAS: The Buffalo Sewer Authority, in good faith, has initiated certain capital improvement projects in advance of these negotiations; and
- WHEREAS: Elements of the engineering required for evaluation of the most appropriate combined sewer overflow control methods include water quality and sewer system monitoring and modeling; and
- WHEREAS: The Buffalo Sewer Authority retained Malcolm Pirnie, Inc., pursuant to the Resolution authorizing Amendment No. 4 of Contract No. 83900014, to assist with negotiations and to complete work planning efforts to define the extent of the water quality and sewer system monitoring and modeling per negotiations with the United States Environmental Protection Agency, United States Department of Justice, and the New York State Department of Environmental Conservation; and
- WHEREAS: The work plans for water quality and sewer system modeling and monitoring have been completed by Malcolm Pirnie, Inc., in accordance with the scopes of work developed in concert with the regulatory agencies; and
- WHEREAS: The scopes of work defined in the work plans must be initiated prior to June 1, 2008, to comply with anticipated schedules; and
- WHEREAS: Malcolm Pirnie, Inc., has compiled a team of experts in the disciplines of water quality and sewer system modeling and monitoring; and
- WHEREAS: Malcolm Pirnie, Inc., has submitted an engineering proposal dated May 2, 2008, to complete elements of the work related to the Long-Term Control Plan, said proposal having been reviewed by the General Manager, Principal Sanitary Engineer, and staff and having been found to be acceptable in the final submitted form.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manger to execute an agreement with Malcolm Pirnie, Inc., at a cost not-to-exceed \$1,175,000.00 to complete the engineering services defined in the proposal dated May 2, 2008. The cost of this contract will be funded from account no. 02000293-432004.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, SR.

AYES 5 NOES 0

Board Meeting of May 21, 2008

ITEM NO. 14

CONFIRMATION OF APPOINTMENT

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$90.00 PER DAY
EFFECTIVE: MAY 19, 2008

ANDREW SHEA
203 MCKINLEY PKWY.
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, JR.
AYES 5 NOES 0

Board Meeting of May 21, 2008

ITEM NO. 15

REQUEST FOR EXTENSION OF LEAVE OF ABSENCE

WHEREAS: Wayne Gorski, a permanent Wastewater Treatment Plant Operator II, was granted an unpaid medical leave of absence for the period December 1, 2007 through May 31, 2008, while awaiting approval of his application for Disability Retirement. Due to extenuating circumstances, Mr. Gorski continues to await approval of his Disability Retirement and has requested an extension of his unpaid medical leave of absence, effective June 1, 2008; 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 an extension of his medical leave of absence without pay beginning June 1, 2008, and extending until November 30, 2008.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 21, 2008

ITEM NO. 16

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of May 21, 2008