

**MINUTES OF THE REGULAR MEETING  
OF THE  
BUFFALO SEWER AUTHORITY  
November 5, 2008**



# BUFFALO SEWER AUTHORITY

November 5, 2008

**REGULAR MEETING**

**9:00 A.M.**

**1038 CITY HALL**

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**CALL OF THE ROLL**

Present:	<u>Herbert L. Bellamy</u>	<u>Chairman</u>
	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>
	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>
	<u>David Comerford</u>	<u>General Manager</u>
	<u>Oluwole McFoy</u>	<u>Secretary to the General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>Jason Shell</u>	<u>Intergovernmental Coordinator</u>
	<u>Franklin DiMascio, P.E.</u>	<u>Principal Engineer</u>
	<u>James Eagan, P.E.</u>	<u>Senior Sanitary Engineering Supervisor</u>
	<u>James Keller</u>	<u>Treatment Plant Superintendent</u>
	<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Administrator</u>
	<u>Angel Rivera</u>	<u>Superintendent of Mechanical Maintenance</u>
	<u>Edward Hennessy</u>	<u>Director of Sewer Maintenance</u>
	<u>_____</u>	<u>_____</u>
Absent:	<u>Eleanor Wilson-DiVincenzo</u>	<u>Secretary</u>

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

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of October 1, 2008

MOTION TO ADOPT  
 MADE BY MR. KENNEDY, SR.  
 2<sup>ND</sup> BY MR. KENNEDY, JR.  
 AYES 4 NOES 0

Board Meeting of November 5, 2008

## ITEM NO. 2

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

October 27, 2008

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>CAPITAL IMPROVEMENT FUND</b>						
15-Apr-02	Money Market		\$500,000.00	Chase	2.00%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	Money Market		\$695,454.84	Chase	2.00%	High Yield
30-Jul-08	28-Oct-08	90	\$9,000,000.00	Citizens	2.60%	\$58,500.00
29-Aug-08	01-Dec-08	94	\$11,825,000.00	HSBC	2.67%	\$82,439.96
29-Sep-08	31-Dec-08	93	\$15,000,000.00	Bank of America	3.38%	\$130,975.00
			\$36,520,454.84			
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	Money Market		\$351,299.50	Chase	2.00%	High Yield
29-Sep-08	29-Oct-08	30	\$708,333.02	Bank of America	3.00%	\$1,770.83
			\$1,059,632.52			
<b>OPERATING FUND</b>						
08-Apr-02	Money Market		\$3,097,100.27	Chase	2.00%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	Money Market		\$36,239.74	Chase	2.00%	High Yield
<b>SURPLUS FUND</b>						
			\$507.43	MTB Funds		
29-Sep-08	31-Dec-08	93	\$5,405,429.86	M&T Securities	3.36%	\$47,323.36
			\$5,405,937.29			
<b>NET REVENUE FUND</b>						
			\$660.46	MTB Funds		
25-Aug-08	25-Nov-08	92	\$4,599,538.49	M&T Securities	2.91%	\$34,461.51
25-Sep-08	31-Dec-08	97	\$8,000,000.00	M&T Securities	3.26%	\$70,885.98
26-Sep-08	31-Dec-08	96	\$2,500,885.98	Bank of America	3.26%	\$22,007.80
27-Oct-08	26-Jan-09	91	\$1,749,340.04	M&T Securities	3.51%	\$16,056.33
			\$16,850,424.97			



ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>DEBT RESERVE FUND</b>						
08-May-08	08-May-09	365	\$1,319,229.56	Series F FHLB	2.00%	
01-Aug-08	06-Sep-13	1862	\$8,245,000.00	Series I FHLB	4.00%	
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 November 5, 2008

## ITEM NO. 3

**INVESTMENT GUIDELINES OF THE BUFFALO SEWER AUTHORITY**

WHEREAS: In accordance with Title 7, Section 2925 of the Public Authorities Law, every public authority and every public benefit corporation, whether or not such corporation is otherwise governed by this chapter, shall by resolution adopt comprehensive investment guidelines which detail the corporation's operative policy and instructions to officers and staff regarding the investing, monitoring, and reporting of funds of the corporation; and

WHEREAS: The guidelines so approved shall be annually reviewed and approved by the corporation.

NOW THEREFORE  
BE IT RESOLVED: That the Buffalo Sewer Authority does adopt the following investment guidelines that reflect the updated Bond Resolution adopted May 3, 1993:

**Investment Guidelines****Section 1. Definitions.**

In this Resolution the following terms shall have the following meanings unless the context otherwise requires:

"Authority" shall mean the Buffalo Sewer Authority, a body corporate and politic constituting a public benefit corporation of the State of New York and any body, board, authority, agency, or political subdivision or instrumentality of the State which shall hereafter succeed to the powers, duties, and functions thereof.

"Investment Securities" shall mean and include any of the following securities, if and to the extent the same are at the time legal investments by the Authority of the funds to be invested therein:

(1) Direct obligations of the United States of America and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, provided, that the full faith and credit of the United States of America must be pledged to any such direct obligation or guarantee ("Direct Obligations");

(2) Direct obligations and fully guaranteed certificates of beneficial interest of the Export-Import Bank of the United States; consolidated debt obligations and letter of credit-backed issues of the Federal Home Loan Banks; participation certificates and senior debt obligations of the Federal Home Loan Mortgage Corporation ("FHLMCS"); debentures of the Federal Housing Administration; mortgage-backed securities (except stripped

mortgage securities which are valued greater than par on the portion of unpaid principal) and senior debt obligations of the Federal National Mortgage Association (“FNMA’s”); participation certificates of the General Services Administration; guaranteed mortgage-backed securities and guaranteed participation certificates of the Government National Mortgage Association (“GNMA’s”); guaranteed participation certificates and guaranteed pool certificates of the Small Business Administration; debt obligations and letter of credit-backed issues of the Student Loan Marketing Association; local authority bonds of the U.S. Department of Housing & Urban Development; guaranteed Title XI financings of the U.S. Maritime Administration; guaranteed transit bonds of the Washington Metropolitan Area Transit Authority; Resolution Funding Corporation securities;

(3) Direct obligations of any state of the United States of America or any subdivision or agency thereof whose unsecured, uninsured, and unguaranteed general obligation debt is rated, at the time of purchase, "A" or better by Moody's Investors Services and "A" or better by Standard & Poor's Corporation, or any obligation fully and unconditionally guaranteed by any state, subdivision, or agency whose unsecured, uninsured, and unguaranteed general obligation debt is rated, at the time of purchase "A" or better by Moody's Investors Service and "A" or better by Standard & Poor's Corporation;

(4) Federal funds, unsecured certificates of deposit, time deposits, or bankers acceptances (in each case having maturities of not more than 365 days) of any domestic bank including a branch office of a foreign bank which branch office is located in the United States, provided legal opinions are received to the effect that fully and timely payment of such deposit or similar obligation is enforceable against the principal office or any branch of such bank, which, at the time of purchase, has a short-term "Bank Deposit" rating of "P-1" by Moody's and a "Short-Term CD" rating of "A-1" or better by S&P;

(5) Deposits of any bank or savings and loan association which has combined capital, surplus, and undivided profits of not less than \$3 million, provided such deposits are continuously and fully insured by the Bank Insurance Fund or the Savings Association Insurance Fund of the Federal Deposit Insurance Corporation;

(6) Investments in money-market funds rated "AAAm" or "AAAm-G" by Standard & Poor's Corporation;

(7) Repurchase agreements collateralized by Direct Obligations, GNMA's, FNMA's, or FHLMCs with any registered broker/dealer subject to the Securities Investors' Protection Corporation jurisdiction or any commercial bank insured by the FDIC, if such broker/dealer or bank has an uninsured, unsecured and unguaranteed obligation rated "P-1" or "A3" or better by Moody's Investors Service, and "A-1" or "A-" or better by Standard & Poor's Corporation, provided:

(a) a master repurchase agreement or specific written repurchase agreement governs the transaction.

“Trustee” shall mean Manufacturers and Traders Trust Company, Buffalo, New York, and its successor or successors and any other person which may at the time be substituted in its place.

## **Section 2. Collateral**

Certificates of Deposit (CD), Time Deposit Accounts (TDA), and Negotiable Order of Withdrawal Accounts (NOW) shall be fully secured by insurance of the Federal Deposit Insurance Corporation, obligations of New York State, obligations of the United States, obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments.

The market value of collateral shall at all times equal or exceed the principal amount of the certificate of deposit, time deposits, or NOW accounts. Market value shall mean the bid or closing price as quoted in the Wall Street Journal or as quoted by another recognized pricing service. The Supervising Accountant shall monitor the collateral no less frequently than monthly.

Securities purchased through a Repurchase Agreement shall be valued to market once during the tenure of the agreement and no less than once a month.

Collateral shall not be required with respect to the direct purchase of obligations of New York State, obligations of the United States, and obligations of federal agencies the principal and interest of which are guaranteed by the United States Government.

## **Section 3. Funds**

In accordance with the Authority's Sewer System Revenue Bond Resolution adopted June 29, 1977, and as amended May 3, 1993, the following special trust funds were established:

1. Construction Fund
2. Net Revenue Fund
3. Debt Reserve Fund
4. Redemption Fund
5. Surplus Fund
6. Rebate Fund

All of said Funds are held by the Trustee.

In addition to the Funds held by the Trustee, the Authority established an Operating Fund and a Capital Improvement Fund held by a Depository designated by and under the supervision of the Authority.

**Section 4. Investments**

Moneys in any Fund held by the Trustee or the Authority shall be continuously invested and reinvested or deposited and redeposited on terms which in the judgment of the Authority provide reasonable liquidity, in the highest yield Investment Securities that may be reasonably known, with a view toward maximizing yield (with proper preservation of principal) and minimizing the instances of uninvested funds. The Authority shall consult with the Trustee from time to time as to the investment of amounts in the Funds. The Authority through an Authorized Officer may direct the Trustee to or, in the absence of direction, the Trustee shall invest and reinvest the moneys in any such Fund held by it in Investment Securities so that the maturity date or dates of redemption at the option of the holder thereof shall coincide as nearly as practicable with the times at which moneys are needed to be so expended. The Trustee shall sell at the best price obtainable, or present for redemption, any Investment Securities purchased by it as an investment whenever it shall be necessary in order to provide moneys to meet any payment or transfer from the Fund for which such investment was made.

Investment Securities purchased as an investment of moneys in any Fund shall be deemed at all times to be a part of such Fund but the income or interest earned and gains realized in excess of losses suffered by a Fund due to the investment thereof shall be deposited in the Operating Fund as Revenues or shall be reinvested and credited to the Operating Fund.

Moneys in any Fund held by the Trustee may be invested in common with the moneys held in any other such Fund.

The Authority may utilize the service of the office of the Comptroller of the City of Buffalo to obtain the highest available investment yield.

**Section 5. Deposits**

In lieu of Investment Securities, the Trustee shall at the written direction of an Authorized Officer of the Authority deposit amounts or cause amounts to be deposited from any Fund held by the Trustee in interest bearing time deposits or certificates of deposit, or shall make other similar banking arrangements with itself or a member bank or banks of the Federal Reserve System or a bank, the deposits of which are insured by the Federal Deposit Insurance Corporation or its successor, or a savings and loan association, the deposits of which are insured by the Federal Savings and Loan Insurance Corporation or its successor. Each such interest bearing time deposit or certificate of deposit or other similar banking arrangement shall permit the moneys so placed to be available at the times at which moneys are needed to be expended, and, except to the extent that any such deposit shall be less than \$5,000 or be insured by the United States of America or the federal corporations enumerated above, all moneys in each such interest bearing time

deposit or certificate of deposit or other similar banking arrangement shall be continuously and fully secured as stated in Section 2.

In order to permit such amounts to be available for use at the time when needed, any amounts held by any Fiduciary, as such, any, if and as directed by an Authorized Officer of the Authority, be deposited in the commercial banking department of such Fiduciary which may honor checks and drafts on such deposit with the same force and effect as if it were not such Fiduciary. Any such Fiduciary shall allow and credit on such amounts at least such interest, if any, as it customarily allows upon similar funds of similar size and under similar conditions or as required by law.

All amounts of more than \$5,000 deposited by any Fiduciary pursuant to the paragraph above shall be continuously and fully secured by lodging with the Trustee as custodian, as collateral security, investment securities having a market value not less than the amount of such deposit plus accrued interest.

All amounts so deposited by any Fiduciary shall be credited to the particular Fund from which such amounts were derived, but any income derived in connection with such deposits shall be credited to, and shall be deposited as received in, the Operating Fund; except that any income derived in connection with deposits in the Debt Reserve Fund shall be credited to and deposited as received in the Debt Reserve Fund. Whenever on any valuation date, as provided in the bond resolution as amended on May 3, 1993, the amount in the Debt Reserve Fund exceeds the Debt Reserve requirement, the Trustee may, if directed by the Certificate of an authorized officer of the Authority, withdraw from the Debt Reserve Fund the amount of any excess therein over the Debt Reserve Requirement as of the date of such withdrawal and deposit the moneys so withdrawn into the Operating Fund.

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

Board Meeting of November 5, 2008

ITEM NO. 4

**CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND**

WHEREAS: On August 9, 2006, Letizia Conrad, 5 New Amsterdam, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for property damage caused by sewer backup on July 28, 2006; 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 and the General Manager negotiated a full settlement for this Claim in the amount of \$2,305.14.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Letizia Conrad, 5 New Amsterdam, Buffalo, New York, in the amount of \$2,305.14 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVED

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of November 5, 2008

## ITEM NO. 5

**CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND**

WHEREAS: On September 11, 2008, Richard J. Allen, General Manager of the Walden Park Associates, 101 Bakos Blvd., Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damages at the Walden Park Senior Apartments. On August 18, 2008, malfunction of the pumps at the Authority's nearby pumping station caused sewer backup; and

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

WHEREAS: The General Manager recommends payment in the amount of \$829.88 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 the Walden Park Associates, 101 Bakos Blvd., Buffalo, New York, in the amount of \$829.88 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

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

Board Meeting of November 5, 2008



ITEM NO. 6

**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 utility was received during a prior fiscal year and charged to the 2008-2009 budget account no. 00800108-480214:

<b>VENDOR</b>	<b>AMOUNT</b>
National Grid for 1345 Niagara Street Metering Station	\$49.36
; and	

WHEREAS: The Treatment Plant Superintendent and staff recommend the above payment from the Judgment and Claims account.

NOW THEREFORE  
BE IT RESOLVED: That 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<sup>ND</sup> BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of November 5, 2008

## ITEM NO. 7

**SCHEDULE OF BOARD MEETINGS FOR CALENDAR YEAR 2009**

WHEREAS: It is suggested that the new schedule for the calendar year 2009 be approved as follows:

**2009**

January 14	July 1 (ANNUAL MEETING) and 22
February 18	September 2
March 18	October 7
April 15	November 4
May 6 and 20	December 2
June 17	

All meetings are scheduled for Wednesdays 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 2009.

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

MADE BY \_\_\_\_\_ MR. KENNEDY, JR. \_\_\_\_\_

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

AYES \_\_\_\_\_ 4 \_\_\_\_\_ NOES \_\_\_\_\_ 0 \_\_\_\_\_

Board Meeting of November 5, 2008

ITEM NO. 8

**AUTHORIZATION TO DISPOSE OF OBSOLETE ELECTRONIC EQUIPMENT**

WHEREAS: The Computer Department is responsible for the updating of computer equipment for Buffalo Sewer Authority staff at the Treatment Plant and City Hall offices; and

WHEREAS: After inspection, the Computer Department now wishes to dispose of a collection of outdated electronic equipment by utilizing the services of Maven Technologies, LLC, a locally owned computer and electronic recycling company headquartered in Rochester, New York. Maven Technologies has been serving the greater New York State area for over ten years and provide secure disposal of electronic equipment at no cost; and

WHEREAS: Maven Technologies' process guarantees the removal of stored information according to DOD and HIPAA standards. They also provide a certificate of destruction as regulated by the New York State Department of Environmental Conservation for destroyed drives and are compliant with all local, state, and federal regulations; and

WHEREAS: The Board must authorize the disposal of this equipment.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to dispose of any obsolete electronic equipment, which serves no purpose nor has any value to the Authority as determined by the Computer Department, by utilizing the no cost services of Maven Technologies, LLC.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 4 NOES 0

Board Meeting of November 5, 2008

## ITEM NO. 9

**AUTHORIZATION FOR STANDARDIZATION OF OIL FOR BLOWERS**

- WHEREAS: The Buffalo Sewer Authority utilizes four (4) Dresser Roots blowers in the secondary treatment process at the Treatment Plant. The reliability of this equipment is essential for treatment and for compliance with the Authority's SPDES permit; and
- WHEREAS: During fiscal year 2004-2005 Blowers No. 3 and No. 4 required complete rebuilding. At that time, Dresser Roots, the original equipment manufacturer, recommended using a synthetic lubricant in place of the mineral oil that was being used. The Authority began utilizing Synfilm® GT 32 multi-purpose synthetic industrial oil. This oil is a long life, high film strength, energy efficient synthetic lubricant that significantly increases bearing life and equipment reliability and helps to minimize repairs; and
- WHEREAS: Synfilm® GT 32 is produced and distributed by Royal Purple, Inc.; and
- WHEREAS: General Municipal Law §103, permits standardization for a particular type or kind of equipment, material, or supply for reasons of efficiency or economy upon the adoption of a resolution by a vote of at least three-fifths of all the members of the governing body of a political subdivision; and
- WHEREAS: In addition, the Buffalo Sewer Authority's Purchasing Guidelines allow for standardization of materials under various circumstances; such as incurring additional expenses due to incompatibility with present equipment. Synthetic oils are not compatible, therefore, topping off oil levels with other brands is not possible and would, therefore, cause undue financial hardship to the Authority to change out all four (4) 350 gallon reservoirs; and
- WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, Secretary to the General Manager, and Purchase Department have supporting documentation for the standardization of Synfilm® GT 32 oil available from Royal Purple, Inc., and/or their authorized local representatives for use in the blowers and recommend approval for this standardization; and
- WHEREAS: Due to notification that a price increase will be effective November 1, 2008, the Board was polled on October 29, 2008, and verbally authorized this standardization for the purchase of this oil; and
- WHEREAS: It is now necessary to formally ratify that authorization.

52522

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority formally declares and approves the standardization of Synfilm® GT 32 available from Royal Purple, Inc., and/or their authorized local representatives for use in the Dresser Roots blowers.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 4 NOES 0

Board Meeting of November 5, 2008

## ITEM NO. 10

**AMENDMENT TO SOLE SOURCE LISTING FOR SELECTED INSTRUMENTATION, MAINTENANCE, LABORATORY, AND OFFICE EQUIPMENT FOR FISCAL YEAR 2008-2009**

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 June 18, 2008, the Board of the Buffalo Sewer Authority approved and designated a list of original equipment manufacturers as sole sources for fiscal year 2008-2009; and

WHEREAS: An amendment is requested to the sole source listing to add the following original equipment manufacturers:

Sperian Protection Instrumentation, LLC (Bacou-Dalloz) formerly Biosystems	Biosystems gas detection units utilized by Safety Department (parts and service)
Royal Purple, Inc. (verbal approval given on October 29, 2008)	Synfilm® GT 32 oil for use in the Dresser Roots blowers

; and

WHEREAS: The Treatment Plant Superintendent, Safety Officer, and Purchasing Department staff have reviewed all supporting documentation and recommend this amendment to the sole source listing for 2008-2009.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby formally approves the addition of the above original equipment manufacturers to the sole source listing for fiscal year 2008-2009.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of November 5, 2008

ITEM NO. 11

**AUTHORIZATION FOR ORIGINAL EQUIPMENT MANUFACTURER PURCHASE OVER \$10,000.00 FOR FISCAL YEAR 2008-2009**

WHEREAS: At this meeting, the Board of the Buffalo Sewer Authority formally authorized the standardization of Synfilm® GT 32 oil for use in the Dresser Roots blowers and designated Royal Purple, Inc., the original equipment manufacturer of this oil, and/or their authorized local representatives, as a sole source for the procurement of this oil; and

WHEREAS: Based upon historical usage, the Superintendent of Mechanical Maintenance requested a quote for six (6) 55 gallon drums for this standardized oil needed for fiscal year 2008-2009; and

WHEREAS: Calkins Technical Products, Inc., the authorized local representative for Royal Purple, Inc., submitted a quote in the amount of \$11,955.00, plus \$550.00 freight for this necessary oil; and

WHEREAS: Calkins Technical Products, Inc., also notified the Authority that as of November 1, 2008, there will be a price increase for this oil; and

WHEREAS: The Superintendent of Mechanical Maintenance requested that the Board be polled in order to place an order before the price increase; and

WHEREAS: The Board was polled on October 29, 2008, and verbally authorized this 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 formally authorizes the General Manager to purchase Synfilm® GT 32 oil for use in the Dresser Roots blowers from Calkins Technical at a cost of \$11,955.00 plus \$550.00 freight for a total purchase cost of \$12,505.00. This purchase will be charged to account no. 00300105-462600.

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

## ITEM NO. 12

**AUTHORIZATION FOR REPAIR SERVICE FOR MULTIPLE HEARTH INCINERATOR  
NO. 1 – STERLING REFRACTORY**

WHEREAS: The Buffalo Sewer Authority operates and maintains three (3) multiple hearth incinerators for thermal processing of the residual solids for the Treatment Plant facility. These incinerators were placed into service over 25 years ago; and

WHEREAS: Incinerator No. 2 will be undergoing a major rehabilitation and upgrade. During this rehabilitation Incinerators No. 1 and No. 3 must be maintained in optimal running condition; and

WHEREAS: In August 2008, informal bids were solicited for various repairs needed on Incinerator No. 3. Sterling Refractory, the low bidder, performed these repairs at a total cost of \$13,250.00; and

WHEREAS: On September 29, 2008, informal bids were solicited for various repairs needed on Incinerator No. 1. Sterling Refractory, the low bidder, has submitted a quote in the amount of \$12,900.00 to perform these necessary repairs; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the quote received and recommend these necessary repairs which would bring the total monies payable to Sterling Refractory for fiscal year 2008-2009 to \$26,150.00; and

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

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to award the service repair of Incinerator No. 1 to Sterling Refractory at a total cost not to exceed \$12,900.00, bringing the total amount payable to Sterling Refractory for fiscal year 2008-2009 to \$26,150.00. Account no. 00380106-443301 will be utilized for these services.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 4 NOES 0

Board Meeting of November 5, 2008



ITEM NO. 13

**AUTHORIZATION TO PURCHASE REPLACEMENT ID FANS**

WHEREAS: On June 18, 2008, the Board of the Buffalo Sewer Authority designated T. C. Clarage, Inc., the original equipment manufacturer, and/or their authorized local service representative as a sole source for replacement parts, supplies, and service for Zurn/Clarage ID fans installed at the Treatment Plant facility; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined a need to replace two (2) ID fans; and

WHEREAS: T. C. Clarage, Inc., has submitted a quote in the amount of \$24,040.00 for these necessary replacements, plus any incurred freight charges; 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 ID fans from T. C. Clarage, Inc., at a cost of \$24,040.00, 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 ID fans from T. C. Clarage, Inc., at a cost of \$24,040.00, plus any incurred freight charges. This purchase will be charged to account no. 00380105-466107.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 4 NOES 0

Board Meeting of November 5, 2008

## ITEM NO. 14

**AUTHORIZATION TO PURCHASE VEHICLES UNDER STATE CONTRACT**

WHEREAS: In 2006-2007 the Buffalo Sewer Authority implemented a vehicle replacement plan in order to update its current fleet and budget responsibly; and

WHEREAS: As part of this plan, the Director of Sewer Maintenance and Head Motor Equipment Mechanic request approval to purchase the following replacement vehicles, with additional options, available under State Contract to add to the existing fleet:

State Contract	Vendor	Vehicle	Cost
PC63652	Van	2009 Ford 450 200" WB 84"	
Group No.	Bortel	CA XL-DRW	\$ 24,262.84
40570	Ford		
Award No.		Additional options:	
20774		6.4L Powerstroke Diesel V-8	\$ 6,217.75
		Electronic5 Speed Auto (Diesel)	\$ 1,415.50
		9'Dump 17" sides 23" tailgate	
		D/A Electric hoist	\$ 8,119.22
		L Pack and all lights as specified	\$ 9,200.62
		Other various options totaling:	\$ 2,085.25
		Delivery Charge	\$ 170.00
		Total Vehicle Cost	\$ 51,471.18
		Quantity needed (2)	x 2
		(replacements for 212-S & 213-S – receiver trucks)	
<b>Total Purchase Price</b>			<b>\$102,942.36</b>

WHEREAS: The Director of Sewer Maintenance and the Head Motor Equipment Mechanic recommend the purchase of the above vehicles at a total cost of \$102,942.36.

52528

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to purchase the above vehicles and additional options indicated from Van Bortel Ford, at a total cost of \$102,942.36. This purchase will be charged to account no. 00690107-474200.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 4 NOES 0

Board Meeting of November 5, 2008



ITEM NO. 16

**AUTHORIZATION FOR PUBLICATION OF INDUSTRIAL USER VIOLATORS LIST**

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

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

WHEREAS: In accordance with this requirement the following violators met the above criteria between July 1, 2007 and June 30, 2008:

American Axle 1001 E. Delavan Avenue Buffalo, NY 14215	Hydro-Air Components 100 Abby Street Buffalo, NY 14220	Key Tech Finishing 2929 Main Street Buffalo, NY 14214
Marlette Plating 25 Rano Street Buffalo, NY 14207	Rosina Food Products, Inc. 775 Industrial Parkway Cheektowaga, NY 14227	Triple Plate Process 103 Manitoba Street Buffalo, NY 14206

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

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

Board Meeting of November 5, 2008

ITEM NO. 17

CONTRACT NO. 84800004

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: Lead Paint Abatement at the Bird Island Sewage Treatment Plant

BID: \$46,800.00

CONTRACTOR: M. C. S Remedial Services, Inc.  
3907 N. Buffalo Road  
Orchard Park, New York 14127

WHEREAS: The Superintendent of Mechanical Maintenance and staff have certified that the Contractor completed the work in accordance with the plans and specifications on January 14, 2008.

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

- a. The work to be performed under the terms of the Contract has been complete and is accepted.
- b. The date of entrance and occupancy be fixed as of January 14, 2008.
- c. The maintenance period commence on January 14, 2008.
- d. Final payment be made to the Contractor in the amount of \$2,340.00, making the final cost of the Contract \$46,800.00.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 4 NOES 0

Board Meeting of November 5, 2008

ITEM NO. 18

**AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN**

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

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

- Two (2) Sr. First Class Stationary Engineers          00380161 411001**
- One (1) Labor Supervisor I                                      00670161 411001**

MOTION TO             APPROVE

MADE BY             MR. ROOSEVELT

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

AYES                   4   NOES                   0  

Board Meeting of November 5, 2008

## ITEM NO. 19

**CONFIRMATION OF APPOINTMENTS**

**LABORER I (PERMANENT)**  
SEWAGE TREATMENT PLANT  
\$15.23 PER HOUR  
EFFECTIVE: OCTOBER 20, 2008

ANDREW HEIDINGER  
172 ALABAMA ST.  
BUFFALO, NY

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**LABORER II (PERMANENT)**  
**CHANGE OF STATUS ONLY**  
SEWAGE TREATMENT PLANT  
\$16.60 PER HOUR  
EFFECTIVE: OCTOBER 20, 2008

JOHN SBRIGLIA  
201 MEADOWBROOK AVE.  
LACKAWANNA, NY

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**SEWER CONSTRUCTION WORKER (PROVISIONAL)**  
SEWER MAINTNENACE DEPT.  
\$17.98 PER HOUR  
EFFECTIVE: OCTOBER 20, 2008

ALFONSO VENTURA  
133 COLONIAL DRIVE EAST  
GRAND ISLAND, NY

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**MILLWRIGHT HELPER (PERMANENT)**  
SEWAGE TREATMENT PLANT  
\$17.98 PER HOUR  
EFFECTIVE: OCTOBER 20, 2008

DANIEL NOTARO  
654 TAUNTON PLACE  
BUFFALO, NY

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**MILLWRIGHT (PERMANENT)**  
SEWAGE TREATMENT PLANT  
\$21.08 PER HOUR  
EFFECTIVE: OCTOBER 20, 2008

DAVID BRAUTLACHT  
172 STEPPING STONE LANE  
ORCHARD PARK, NY

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**SR. FIRST CLASS STATIONARY ENGINEER (PERMANENT)**  
SEWAGE TREATMENT PLANT  
\$21.08 PER HOUR  
EFFECTIVE: OCTOBER 20, 2008

CHARLES MCDONNELL  
4426 CLARK ST.  
HAMBURG, NY

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**SR. FIRST CLASS STATIONARY ENGINEER (PERMANENT)**  
SEWAGE TREATMENT PLANT  
\$18.18 PER HOUR  
EFFECTIVE: NOVEMBER 10, 2008

LUIS CRUZ-RODRIGUEZ  
100 YORK ST.  
BUFFALO, NY

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**SR. FIRST CLASS STATIONARY ENGINEER (PERMANENT)**  
SEWAGE TREATMENT PLANT  
\$18.18 PER HOUR  
EFFECTIVE: NOVEMBER 10, 2008

DAWN-MARIE RAS  
37 O'KELL ST.  
BUFFALO, NY

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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.                    

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

AYES           4           NOES           0          

Board Meeting of November 5, 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>
Ronald Kwarciak	N/A	AAA Driver Improvement Course	100%	\$35.00

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$35.00. This Reimbursement will be charged to account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 4 NOES 0

Board Meeting of November 5, 2008

ITEM NO. 21

**ADJOURNMENT OF MEETING**MOTION TO APPROVEMADE BY MR. ROOSEVELT2<sup>ND</sup> BY MR. KENNEDY, JR.AYES 4 NOES 0

Board Meeting of November 5, 2008