

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
January 14, 2009**

BUFFALO SEWER AUTHORITY

January 14, 2009

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 2, 2009

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,616.43	Chase	1.00%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$1,205,128.22	Chase	1.00%	High Yield
28-Oct-08	26-Jan-09	90	\$8,000,000.00	HSBC	3.09%	\$61,800.00
01-Dec-08	02-Mar-09	91	\$11,825,000.00	Citizens	1.92%	\$57,390.67
31-Dec-08	03-Apr-09	93	\$15,000,000.00	Citizens	1.22%	\$47,275.00
			<u>\$36,030,128.22</u>			
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$349,498.94	Chase	1.00%	High Yield
01-Dec-08	06-Jan-09	36	\$711,926.45	M&T	1.60%	\$1,139.08
			<u>\$1,061,425.39</u>			
OPERATING FUND						
08-Apr-02	Money Market		\$3,249,129.30	Chase	1.00%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$36,824.31	Chase	1.00%	High Yield
SURPLUS FUND						
31-Dec-08	02-Feb-09	33	\$5,405,184.15	M&T	0.50%	\$2,477.38
NET REVENUE FUND						
27-Oct-08	26-Jan-09	91	\$1,749,340.04	M&T Securities	3.51%	\$15,659.96
25-Nov-08	25-Feb-09	92	\$4,599,657.21	M&T Securities	2.06%	\$24,342.79
31-Dec-08	25-Mar-09	84	\$9,848,215.43	Citizens	1.22%	\$28,034.59
			<u>\$16,197,212.68</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
DEBT RESERVE FUND						
08-May-08	08-May-09	365	\$1,319,229.56	Series F FHLB	2.00%	
01-Aug-08	06-Sep-13	1862	\$8,240,877.50	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 January 14, 2009

ITEM NO. 3

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On February 29, 2008, New York Central Mutual, 1899 Central Plaza East, Edmeston, New York, filed a claim on behalf of their client, Anthony Sarkis; and

WHEREAS: The Claim stated that damages were incurred to a vehicle owned by Anthony Sarkis in the amount of \$5,000.00 on January 18, 2008; 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 \$3,500.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to New York Central Mutual, 1899 Central Plaza East, Edmeston, New York a/s/o Anthony Sarkis, in the amount of \$3,500.00 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of January 14, 2009

ITEM NO. 4

PAYMENT FROM JUDGMENT AND CLAIMS

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

WHEREAS: The following service was received during a prior fiscal year and charged to the 2008-2009 budget account no. 00800108-480214:

VENDOR	AMOUNT
Upper NYS Environmental	\$100.00
; 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. ROOSEVELT	_____
2 ND BY	_____	MR. KENNEDY, JR.	_____
AYES	_____	3	NOES _____ 0

Board Meeting of January 14, 2009

ITEM NO. 5

AUTHORIZATION TO APPLY FOR GRANT FUNDING UNDER THE NEW YORK STATE DEPARTMENT OF STATE SHARED SERVICES AND LOCAL GOVERNMENT EFFICIENCY GRANTS PROGRAM

WHEREAS: The Buffalo Sewer Authority proposes to operate a regional solid waste handling facility to accept waste by-products from other municipalities; and

WHEREAS: The Buffalo Sewer Authority proposes to enter into an inter-governmental cooperative agreement with the Town of Amherst, whereby the Town of Amherst will deliver wastewater sludge, pellets, and other waste by-products generated to the Buffalo Sewer Authority Wastewater Treatment Facility located in the City of Buffalo; and

WHEREAS: The New York State Department of State has recognized the benefit of consolidating services for reduction in local government; and

WHEREAS: The Buffalo Sewer Authority wishes to apply as lead applicant for the New York State Department of State Shared Services and Local Government Efficiency Grants Program for funding toward a regional solid waste handling facility at the Treatment Plant and the affiliated operations changes required for the Town of Amherst Facility; and

WHEREAS: The funding requested for this proposed project will be \$400,000, of which the Shared Services and Local Government Efficiency Grants Program provides 90% of the associated costs **up to a maximum of \$400,000.**

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to apply for grant funding under the New York State Department of State Shared Services and Local Efficiency Grants Program on behalf of the Buffalo Sewer Authority up to a maximum amount of \$400,000. Upon notification of any award, the Board of the Buffalo Sewer Authority further authorizes the General Manager to execute a contract with the Department of State in order to construct and maintain a regional facility for handling solid waste.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of January 14, 2009

MOTION TO **APPROVE AS AMENDED**

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of January 14, 2009

ITEM NO.7

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 81st Annual Meeting of the New York Water Environment Association, Inc., (NYWEA) is being held in New York City from February 1 – 4, 2009, covering an overview of environmental requirements; and

WHEREAS: The General Manager, Treatment Plant Administrator, and the Intergovernmental Coordinator 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 an early registration discount, the Board was polled on January 2, 2009, 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 formally authorizes the General Manager, Treatment Plant Administrator, and the Intergovernmental Coordinator to travel to New York City from February 1 – 4, 2009, to attend the 81st Annual Meeting of the New York Water Environment Association, Inc., at a total cost not to exceed \$7,000.00. Funds are available in account nos. 00110104-458010, 00110104-458012, 00200104-458010, and 00200104-458012.

MOTION TO	_____ APPROVE _____		
MADE BY	_____ MR. ROOSEVELT _____		
2 ND BY	_____ MR. KENNEDY, JR. _____		
AYES	_____ 3 _____	NOES	_____ 0 _____

Board Meeting of January 14, 2009

ITEM NO. 8

**AUTHORIZATION FOR ENGINEERING SERVICES - PRIMARY BYPASS CHAMBER
HYDRAULIC CONSTRAINTS EVALUATION**

WHEREAS: The Buffalo Sewer Authority’s Treatment Plant is responsible for the collection, conveyance, primary and secondary treatment, and disinfection of wastewater generated within the City of Buffalo and contracted suburbs and is capable of handling 360MGD of flow through primary and secondary treatment, and 600MGD when combined with partial treatment bypass; and

WHEREAS: The existing configuration of the primary treatment bypass/control gate chamber limits the plant’s ability to reach a peak secondary design flow of 360MGD during extreme wet weather events; and

WHEREAS: Maximizing the flow to the secondary system during wet weather is identified as a Best Management Practice in the SPDES permit; and

WHEREAS: The Authority conducted a physical inspection of the primary bypass chamber and found no obvious signs of oil, grease, grit, or other solids that could be contributing to the hydraulic interference; and

WHEREAS: Upon request, Malcolm Pirnie, Inc., has submitted a quote to assist the Authority in determining and resolving the hydraulic limitations of the bypass/control gate chamber at a total cost not to exceed \$34,750.00; and

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

WHEREAS: The Treatment Plant Superintendent and staff recommend these engineering services.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to enter into and execute an agreement with Malcolm Pirnie, Inc., for engineering services to assist the Authority in determining and resolving the primary bypass chamber hydraulic constraints at a total cost not to exceed \$34,750.00. This service will be charged to account no. 02000300-432004.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

ITEM NO. 10

AUTHORIZATION FOR ADDITIONAL SERVICE FROM STERLING REFRACTORY

WHEREAS: At this meeting the Board of the Buffalo Sewer Authority formally ratified verbal authorization given on December 11, 2008, authorizing the General Manager to award the service repair of Incinerator No. 3 to Sterling Refractory, the low bidder, at a total cost of \$16,200.00, bringing the total monies payable to Sterling Refractory for fiscal year 2008-2009 to \$42,350.00; and

WHEREAS: Informal bids were solicited and received in January 2009, to remove and replace burner tiles in Incinerator No. 3 (Hearth Nos. 3, 4 & 5) and installation of a lute cap on the center shaft of Hearth No. 5. Sterling Refractory, the low bidder, submitted a quote in the amount of \$17,000.00 to perform these necessary repairs; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the quotes received and recommend these necessary repairs; 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. 3 to Sterling Refractory at a total cost not to exceed \$17,000.00, bringing the total monies payable to Sterling Refractory for fiscal year 2008-2009 to \$59,350.00. Account no. 00380106-443301 will be utilized for these services.

MOTION TO APPROVE _____

MADE BY MR. KENNEDY, JR. _____

2ND BY MR. ROOSEVELT _____

AYES 3 NOES 0

Board Meeting of January 14, 2009

ITEM NO. 11

CHANGE ORDER NO. 1 – CONTRACT NO. 84800019

CONTRACTOR:	ORIGINAL CONTRACT COST	\$41,200.00
EI Team, Inc.	THIS CHANGE ORDER	<u>2,400.00</u>
2060 Sheridan Drive	FINAL CONTRACT COST	\$43,600.00
Buffalo, New York 14223		

WORK: HVAC Evaluation Study

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 The original scope of work was changed to integrate the MAXIMO numbers for associated equipment.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Due to this additional work, a total of 24 extra hours at \$100.00/hour was allocated to this project yielding this increase.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$2,400.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$2,400.00

The total INCREASE to the contract as a result of this Change Order is \$2,400.00
; and

WHEREAS: The Administrator of Capital Improvements and staff reviewed the cost and recommend the increase to the contract.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 84800019 as written in the above Agenda Item, increasing the contract cost in the amount of \$2,400.00, making the final contract cost \$43,600.00.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 3 NOES 0

Board Meeting of January 14, 2009

ITEM NO. 12

CHANGE ORDER NO. 1 – CONTRACT NO. 84800016

CONTRACTOR:	ORIGINAL CONTRACT COST	\$906,480.00
Weaver Metal & Roofing	THIS CHANGE ORDER	(846.80)
40 Appenheimer Avenue	ADJUSTED CONTRACT COST	\$905,633.20
Buffalo, New York 14014		

WORK: Roof Replacement/Repairs and Masonry Repairs – Phase I

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Deduct tapered insulation at louver section of Blower Building.
- Item #2 Deduct thru-wall counter-flashing not replaced on Blower Building (257 lf).
- Item #3 Provide additional walk-pads on Blower Building for high-traffic area.
- Item #4 Additional roof repairs required on Administration Building.
- Item #5 Additional reglet caulking on Maintenance Building.
- Item #6 Flashing modifications at approach stairs-Amherst Pump.
- Item #7 Deduct cost of installing thru-wall flashing at Mix Tank Building (100 lf) and Niagara Metering (132 lf).

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Blower Building: Due to the existing grade of the concrete deck, the tapered insulation was not necessary.
- Item #2 Blower Building: Thru-wall flashing cannot be removed without significant structural demolition. As a result, the BSA representative directed the existing flashing to remain intact.
- Item #3 Blower Building: The high-traffic areas at the blower intake filters need to be protected. Therefore, additional walk-pads were installed at the direction of the BSA representative to safeguard against unnecessary wear.
- Item #4 Administration Building: Additional repairs outside of those areas designated in the specifications were discovered during construction. These extra repairs were completed at the direction of the BSA representative.
- Item #5 Sewer Maintenance Building: Additional repairs outside of those designated in the specifications were discovered during construction. These extra repairs (south side counter-flashing) were completed at the direction of the BSA representative.
- Item #6 Amherst Pump: The area joining the access stairs to the building roof required modification to ensure proper and complete waterproofing. This change was completed at the direction of a BSA representative.
- Item #7 Mix Tank Building (100 lf) and Niagara Metering (132 lf): Thru-wall flashing cannot be removed without significant structural demolition. As a result, the BSA representative directed the existing flashing to remain intact.

COST OF CHANGE OR EXTRA WORK:

Item #1	\$(4,060.49)
Item #2	(938.05)
Item #3	1,383.00
Item #4	2,974.68
Item #5	449.40
Item #6	191.46
Item #7	(846.80)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK (\$846.80)

The total DECREASE to the contract as a result of this Change Order is (\$846.80)
and;

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements remains unchanged.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings and under the provisions of the original contract, including compliance with applicable Equipment Specifications, General Specifications and Project Specifications for the same type of work.
3. This contract supplement, unless otherwise provided herein, does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place, under coverage of his Performance and Payment Bonds and Contractor's Insurance, all work covered by this contract supplement. The Contractor will furnish to the owner evidence of increased coverage of his Performance and Payment Bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

52564

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 84800016 as written in the above Agenda Item, making the adjusted contract cost \$905,633.20.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of January 14, 2009

ITEM NO. 14

AUTHORIZATION FOR CHANGE ORDER NO. 1 TO CONTRACT NO. 84700010 WITH STEARNS & WHELER, LLC, FOR SERVICES DURING CONSTRUCTION OF THE CSO #035 SEWER SEPARATION PROJECT

WHEREAS: The Board of the Buffalo Sewer Authority retained Stearns & Wheler, LLC, to provide professional engineering services for the CSO #035 Sewer Separation Project on March 14, 2007; and

WHEREAS: Additional services above and beyond the original agreement are required to allow for the construction of this project; and

WHEREAS: Stearns & Wheler, LLC, has submitted a proposal for additional services which include survey and stake out of storm sewers and periodic interpretation of the contract documents for a cost not to exceed \$30,000.00; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed this proposal and recommend approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority does hereby approve Change Order No. 1 to Contract No. 84700010 in the amount of \$30,000.00 making the adjusted contract cost \$495,000.00. Funds for this Change Order shall be charged to the Construction Fund account no. 02000280-490720.

MOTION TO APPROVE
MADE BY MR. KENNEDY, JR.
2ND BY MR. ROOSEVELT
AYES 3 NOES 0

Board Meeting of January 14, 2009

ITEM NO. 15

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 deletion of the following positions from the Job Classification Plan:

Two (2) Sr. First Class Stationary Engineers 00380161 411001

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 3 NOES 0

Board Meeting of January 14, 2009

ITEM NO. 16

CONFIRMATION OF APPOINTMENTS

SEWER CONSTRUCTION INSPECTOR (TEMPORARY)
ENGINEERING DEPARTMENT
\$50,981 PER ANNUM
EFFECTIVE: DECEMBER 29, 2008

SALVATORE CASTROGIOVANNI
114 NORTH END
KENMORE, NY

LABORER I (PERMANENT)
SEWER MAINTENANCE DEPARTMENT
\$14.46 PER HOUR
EFFECTIVE: DECEMBER 29, 2008

JOHN KERRUISH II
179 FENTON ST.
BUFFALO, NY

EQUIPMENT OPERATOR (BSA) (PROVISIONAL)
SEWER MAINTENANCE DEPARTMENT
\$18.92 PER HOUR
EFFECTIVE: DECEMBER 29, 2008

JAMES BRUNDO
95 COLDEN CT.
CHEEKTOWAGA, NY

DISPATCHER (PROVISIONAL)
SEWER MAINTENANCE DEPARTMENT
\$19.89 PER HOUR
EFFECTIVE: DECEMBER 29, 2008

THOMAS LOTEMPIO
277 PARAMOUNT PKWY.
TONAWANDA, NY

WHEREAS: The preceding appointments were made by the General Manager since the last Board Meeting; and

WHEREAS: The General Manager requests confirmation of each appointment.

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

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of January 14, 2009

ITEM NO. 17

TUITION REIMBURSEMENT

WHEREAS: In accordance with the Agreements between the Buffalo Sewer Authority and CSEA Local 815 and the Communications Workers of America, the following Buffalo Sewer Authority employees have applied for Tuition Reimbursement:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Charles Riley	Canisius College	Intermediate Financial Planning	90%	\$1,989.90
Jason Shell	SUNY Brockport	Nonprofit Management	90%	\$838.80
Jason Shell	SUNY Brockport	Human Resources Management	90%	\$1,099.97

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$3,928.67. These Reimbursements will be charged to account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 3 NOES 0

Board Meeting of January 14, 2009

ITEM NO. 18

ADJOURNMENT OF MEETINGMOTION TO APPROVE MADE BY MR. KENNEDY, JR. 2ND BY MR. ROOSEVELT AYES 3 NOES 0

Board Meeting of January 14, 2009