

**MINUTES OF THE REGULAR MEETING**  
**OF THE**  
**BUFFALO SEWER AUTHORITY**  
**April 15, 2009**

**52685.....52726**



# BUFFALO SEWER AUTHORITY

April 15, 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)

**April 3, 2009**

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>CAPITAL IMPROVEMENT FUND</b>						
15-Apr-02	<b>Money Market</b>		<b>\$500,000.00</b>	Chase	0.55%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	<b>Money Market</b>		\$1,921,102.27	Chase	0.55%	High Yield
26-Jan-09	01-May-09	95	\$4,000,000.00	Citizens	0.91%	\$9,605.56
02-Mar-09	01-Jun-09	91	\$11,825,000.00	Citizens	0.92%	\$27,499.69
03-Apr-09	30-Jun-09	88	\$15,000,000.00	Citizens	0.85%	\$31,166.67
			<b>\$32,746,102.27</b>			
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	<b>Money Market</b>		<b>\$1,054,491.98</b>	Chase	0.55%	High Yield
<b>OPERATING FUND</b>						
08-Apr-02	<b>Money Market</b>		<b>\$3,709,589.39</b>	Chase	0.55%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	<b>Money Market</b>		<b>\$37,508.66</b>	Chase	0.55%	High Yield
<b>SURPLUS FUND</b>						
02-Feb-09	30-Jun-09	148	<b>\$6,310,184.15</b>	Citizens	1.36%	\$35,280.94
<b>NET REVENUE FUND</b>						
			\$368.27	MTB Funds		
26-Jan-09	27-Apr-09	91	\$1,200,000.00	M&T	1.00%	\$3,033.33
25-Feb-09	26-May-09	90	\$3,999,979.75	M&T Securities	0.90%	\$9,020.25
25-Mar-09	30-Jun-09	97	\$10,848,235.68	M&T Securities	0.96%	\$28,132.59
			<b>\$16,048,583.70</b>			



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	\$8,240,877.50	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%	

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Board Meeting of April 15, 2009

## ITEM NO. 3

## INFORMATIVE: REALLOCATION OF FUNDS

The following budgetary transfers have been made to cover unforeseen shortages. These transfers do not change the total amount of Buffalo Sewer Authority's operating budget.

**Wastewater Treatment Plant**

<u>Date</u>	<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
3/2/2009	00520106 Maintenance Services	-900.00	00280106 Settled Wastewater Pumps	900.00
3/2/2009	00340105 Thickener Area Supplies	-18,702.48	00240105 Primary Sedimentation Supplies	18,702.48
3/2/2009	00520106 Maintenance Services	-44,977.96	00360106 Sludge Dewatering Services	44,977.96
3/5/2009	00520105 Maintenance Supplies	-15,620.00	00380105 Incinerator Supplies	15,620.00
3/5/2009	00520105 Maintenance Supplies	-1,000.00	00290105 Aeration Supplies	1,000.00
3/5/2009	00520105 Maintenance Supplies	-1,922.26	00300105 Blower Supplies	1,922.26
3/5/2009	00520105 Maintenance Supplies	-1,341.90	00220105 Screen Supplies	1,341.90
3/9/2009	00520105 Maintenance Supplies	-4,500.76	00380105 Incinerator Supplies	4,500.76
3/10/2009	00420106 Amherst Services	-2,500.00	00290106 Aeration Services	2,500.00
3/11/2009	00210105 Raw Wastewater Pumps Supplies	-9,000.00	00520105 Maintenance Supplies	9,000.00
3/11/2009	00320105 Chemical Supplies	-6,000.00	00520105 Maintenance Supplies	6,000.00
3/11/2009	00340105 Thickener Supplies	-7,000.00	00520105 Maintenance Supplies	7,000.00
3/11/2009	00230105 Grit Supplies	-16,400.00	00290105 Aeration Supplies	16,400.00
3/11/2009	00210105 Raw Wastewater Pumps Supplies	-2,500.00	00380105 Incinerator Supplies	2,500.00
3/12/2009	00340105 Thickener Supplies	-245.00	00360105 Dewatering Supplies	245.00
3/19/2009	00510104 Lab Travel	-750.00	00550104 Plant Travel	750.00
3/20/2009	00530105 Yard Supplies	-900.00	00510105 Lab Supplies	900.00
3/20/2009	00380105 Incinerator Supplies	-400.00	00510105 Lab Supplies	400.00
3/24/2009	00250105 Secondary Control Supplies	-16,000.00	00380105 Incinerator Supplies	16,000.00
3/24/2009	00530105 Yard Supplies	-114.80	00520105 Maintenance Supplies	114.80
3/27/2009	00300106 Blower Services	-17,350.00	00380106 Incinerator Services	17,350.00
3/27/2009	00360105 Dewatering Supplies	-1,146.03	00200105 Plant Supplies	1,146.03

**Industrial Waste Division**

<u>Date</u>	<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
3/16/2009	00550104 IWS Travel	-1,000.00	00550104 Plant Travel	1,000.00

**Engineering Division**

<u>Date</u>	<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
3/9/2009	00600104 Engineering Travel Expenses	-311.18	00600107 Engineering Capital Outlay	311.18

**Sewer Maintenance Division**

<u>Date</u>	<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
3/12/2009	00660105 Sewer Repair Supplies	-5,000.00	00690105 Automotive Supplies	5,000.00

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Board Meeting of April 15, 2009

ITEM NO. 4

**INFORMATIVE: PUBLIC NOTICE - STORMWATER ANNUAL REPORT (APRIL 2008 - MARCH 2009)**

New York State's MS4 SPDES Permit, Section 2e: Public Involvement/Participation requires that the Buffalo Sewer Authority present the draft annual report at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report.

The Buffalo Sewer Authority will have the Annual Stormwater Report available on the Internet, [http://www.city-buffalo.com/files/1\\_2\\_1/BSA/IntranetFiles/stormwater/SWAR2009.pdf](http://www.city-buffalo.com/files/1_2_1/BSA/IntranetFiles/stormwater/SWAR2009.pdf) from May 1-15, 2009 and at their City Hall Office, Room 1038, Buffalo, New York, from 9:00 a.m. to 12:00 p.m. on Friday, May 1, 2009.

The Stormwater Annual Report for April 2008– March 2009 will be completed and submitted after the public review and comment period.

This item is presented to the Board for their information to be acknowledged and received and filed.

**RECEIVE & FILE**

Board Meeting of April 15, 2009

## ITEM NO. 5

**CONSIDERATION OF THE OPERATING FUND BUDGET FOR FISCAL YEAR 2009-2010**

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority does hereby adopt the attached Operating Fund Budget and Five-Year Capital Plan for the fiscal year commencing July 1, 2009.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of April 15, 2009

ITEM NO. 6

**PROPOSED AMENDED "SCHEDULE OF SEWER RENTS AND OTHER CHARGES"**

WHEREAS: The Buffalo Sewer Authority has hereto adopted a "Schedule of Sewer Rents and Other Charges" pursuant to Section 1180 of Title 8, Article 5 of Chapter 870 of the Laws of 1939 of the State of New York; and

WHEREAS: Such "Schedule of Sewer Rents and Other Charges" now requires adjustments to provide the required revenue to finance our Operating Fund Budget for the fiscal year July 1, 2009 to June 30, 2010.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority does hereby adopt the attached proposed amended "Schedule of Sewer Rents and Other Charges".

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 5 NOES 0

Board Meeting of April 15, 2009

**PROPOSED SCHEDULE OF SEWER RENTS**  
**AND OTHER CHARGES**  
**FOR 2009-2010**

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 2009-2010.

(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:



<b>Residential Users</b>		<b>Non-Residential Users</b>	
<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
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 (BOD<sub>5</sub>) Total Suspended Solids (TSS) and Total Phosphate (TPO<sub>4</sub>) is as follows:

$$\text{Surcharge} = 8.34 \text{ QMGY} (0.1370 (\text{BOD}_5\text{-250}) + 0.1582 (\text{TSS-250}) + 0.0257 (\text{TPO}_4\text{-15.35}))$$

\$0.1370 Cost/lb. for treatment of BOD<sub>5</sub>  
 \$0.1582 Cost/lb. for treatment of TSS  
 \$0.0257 Cost/lb. for treatment of TPO<sub>4</sub>

QMGY shall mean the annual total industrial and sanitary discharge - water retention.  
 BOD<sub>5</sub> shall mean the average concentration of BOD<sub>5</sub> 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.

TPO<sub>4</sub> shall mean the average concentration of TPO<sub>4</sub> in sewage or waste discharged to the Authority facilities.

Surchargeable concentrations are as follows:

BOD<sub>5</sub> - Over 250 mg/L; TSS - Over 250 mg/L; TPO<sub>4</sub> - Over 15.35 mg/L

This formula shall be applied in computing the Buffalo Industrial Waste Surcharge subsequent to July 1, 2008 and ending June 30, 2009 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, 2009.

(g) Any person 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 <sub>5</sub>	TOTAL PHOSPHATE
Inlet/South Buffalo Pump	\$0.1636/lb	\$0.1327/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 administering 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, 2009.

(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 and 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 and payable 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.

(r) Such sewer rents and charges that remain unpaid after their respective due dates shall be charged interest, and such interest shall continue to be charged until such sewer rents and charges are paid in full, as follows: (i) sewer rents based upon assessed valuation of chargeable real estate that remain unpaid on October 1 of each year shall be charged interest at the rate of one and one-half percent (1.5%), and such sewer rents that remain unpaid shall be charged one and one-half percent (1.5%) for each month thereafter until paid; (ii) sewer rents based upon water use and drainage connection service charges shall be charged interest at the same rate as unpaid City taxes, to wit: four and one-half percent (4.5%) interest shall be added to amounts unpaid from the first through the thirtieth day after the due date, and thereafter one and one-half percent (1.5%) shall be added to all amounts that remain unpaid for each succeeding month; and (iii) all other sewer rents and charges of the Authority shall be charged interest at the rate of one and one-half percent (1.5%) per month if not paid by the due date stated on the invoice issued by the Authority.

(s) All persons and property served by the Authority 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 with respect to accounts based on water use and drainage connection service, the person or property served by the Authority 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 (q) (1) and III (q) (2), herein, respectively.

(t) 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.

(u) 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, by internet, or by telephone as set forth on the invoice. All persons who pay by such charge cards shall pay the Authority a charge of the greater of two percent (2%) of the amount paid, or two dollars (\$2.00) for each credit card payment transaction as a handling charge. Also, all persons who pay by debit or check cards shall pay the Authority a two-dollar (\$2.00) charge for each such transaction as a handling charge. Multiple payments in the same transaction will be charged the handling charge only once. The handling charge will be added automatically to each transaction.

#### 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, 2009; 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, 2009, excepting only monthly metered accounts for July 2009, and Section "W" of the quarterly metered accounts for the period May, June, and July 2009, which shall be billed according to the schedule of rents in effect prior to July 1, 2009.

## 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					

## 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 &amp; 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. 7

**AUTHORIZATION TO PUBLISH NOTICE OF PROPOSED AMENDED "SCHEDULE OF SEWER RENTS AND OTHER CHARGES"**

WHEREAS: The Buffalo Sewer Authority requires an amendment to the "Schedule of Sewer Rents and Other Charges."

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes and directs that the proposed amended "Schedule of Sewer Rents and Other Charges" be published as a notice once a week for three (3) successive weeks, in *The Buffalo News* and the City Record on Monday, April 20, April 27, and May 4, 2009. This notice shall state that the proposed amended "Schedule of Sewer Rents and Other Charges" will remain open for inspection in the office of the Authority for thirty (30) days from the date of said notice, and that objections thereto may be filed during said period with said Authority by any person conceiving himself or herself aggrieved thereby, and that the Authority shall hear and examine such complaints and may modify the proposed Schedule and shall adopt the final amended "Schedule of Sewer Rents and Other Charges" within sixty (60) days of such notice.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of April 15, 2009



## ITEM NO. 8

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

<b>VENDOR</b>	<b>AMOUNT</b>
O'Connell Electric	\$143.86
; 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, JR. _____
2 <sup>ND</sup> BY	_____ MR. ROOSEVELT _____
AYES	_____ 5 _____ NOES _____ 0 _____

Board Meeting of April 15, 2009

ITEM NO. 9

**CONTRACT APPROVAL - PROPERTY AND CRIME INSURANCE**

WHEREAS: The Buffalo Sewer Authority has received the following proposals for property and crime insurance coverage:

<u>PROPERTY</u>		<u>CRIME</u>	
Liberty Mutual	\$192,430.00	Great American	\$ 5,181.00
One Beacon Insurance	\$199,377.00	Travelers	\$ 4,840.00
Fireman’s Fund	\$199,084.00	Hartford Fire	\$ 3,923.00
; and			

WHEREAS: The Insurance Consultants for the Buffalo Sewer Authority, Aldrich & Cox, have carefully reviewed these proposals. They have prepared an analysis comparing the various components of the coverage to be provided and the associated cost of the premiums. They have recommended acceptance of the proposal from Liberty Mutual to provide property insurance coverage, and Great American to provide crime insurance coverage; and

WHEREAS: The proposed policies from Liberty Mutual and Great American include coverages comparable to the Buffalo Sewer Authority’s previous year; and

WHEREAS: The cost of the policies from Liberty Mutual and Great American is \$197,611.00, which is \$24,899.00 less than the cost of insurance coverages for the previous year.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves property insurance coverage with Liberty Mutual at a cost not to exceed \$192,430.00, and crime insurance coverage with Great American at a cost not to exceed \$5,181.00, effective April 15, 2009, and that these costs be charged to the following accounts on a pro-rata basis: 00200108-452000 and 00650108-452000.

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

## ITEM NO. 10

**AUTHORIZATION FOR CHANGE ORDER TO PURCHASE ORDER NO. 20900147 FOR PROFESSIONAL LEGAL SERVICES FOR FISCAL YEAR 2008-2009**

WHEREAS: The Buffalo Sewer Authority utilizes the law firm of Damon and Morey, LLP, for professional legal services on an as-needed basis; and

WHEREAS: Purchase Order No. 20900147 was established for these various professional legal services in the amount of \$12,000.00 for fiscal year 2008-2009; and

WHEREAS: Due to ongoing labor relations matters, the Board of the Buffalo Sewer Authority authorized a \$38,000.00 change order at the February 18, 2009, Board Meeting to cover these professional legal services for the remainder of fiscal year 2008-2009, bringing the total amount of this Purchase Order to \$50,000.00; and

WHEREAS: As these labor relations matters are still ongoing, the Secretary to the General Manager estimates that an additional \$70,000.00 will be needed for these anticipated professional legal services for the remainder of fiscal year 2008-2009, bringing the total amount of this Purchase Order to \$120,000.00; 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 hereby authorizes the General Manager to approve a change order in the amount of \$70,000.00, increasing Blanket Order No. 20900147 with Damon and Morey, LLP, from \$50,000.00 to \$120,000.00 for professional legal services for fiscal year 2008-2009. Funds for this change order will be charged to account no. 00110106-432003.

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

Board Meeting of April 15, 2009

ITEM NO. 11

**AUTHORIZATION TO ENTER INTO AGREEMENT WITH KOESTER ASSOCIATES, INC.**

WHEREAS: The Buffalo Sewer Authority installed a fine bubble diffusion system on 16 aeration tanks at the Treatment Plant in 1995. Sanitaire, the original equipment manufacturer of the diffusers and the holder of the patent on the gas cleaning procedure, recommends annual gas cleaning of the diffuser elements. Lack of cleaning results in severe bio-fouling and loss of oxygen-transfer efficiency; and

WHEREAS: Performance reports have proven that the continued cleaning and maintenance of these diffusers lowers electrical usage and improves oxygen-transfer efficiency; and

WHEREAS: The annual cleaning was last performed in the fall of 2008. Plant staff recommend that annual cleaning of all 16 aeration tank diffusers be performed at this time; and

WHEREAS: Koester Associates, Inc., a representative for Sanitaire, has submitted a quote in the amount of \$42,562.68 for labor only. Due to the daily price fluctuation of chemicals needed for this cleaning (17 tanks of nitrogen and 97 tanks of hydrogen chloride) the cost for chemicals is undetermined until scheduling of this cleaning is set; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend accepting the quote from Koester Associates, Inc., for labor costs of \$42,562.68 and estimated chemicals at a total cost not to exceed \$135,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute an agreement with Koester Associates, Inc., for the annual cleaning of all 16 aeration tank diffusers at a total cost not to exceed \$135,000.00. Expenses for this agreement will be charged to account no. 02000239-490740.

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

## ITEM NO. 12

**AUTHORIZATION FOR EMERGENCY SERVICES NEEDED ON INCINERATOR NO. 1**

WHEREAS: During the major rehabilitation and upgrade of Incinerator No 2, Incinerators No. 1 and No. 3 must be maintained in running condition; and

WHEREAS: An emergency service request was sent to the Purchasing Department on February 13, 2009, for the combined total services indicated below. Quote requests were sent and received as follows:

Sterling Refractory        \$39,000.00  
 Nicholson & Hall        \$49,750.00  
 ; and

WHEREAS: In view of the fact that the total quote costs received exceeded the informal quote limitations and due to the urgency of the work needed, the Purchasing Department was directed to solicit informal bids from more vendors for each job separately and received the following quotes:

SERVICES NEEDED	Sterling Refractory Quotes	Nicholson & Hall Quotes
Remove/repour burner tiles: Hearth No. 3 (Burners 1, 2, 3 & 4) Hearth No. 4 (Burners 5, 6, 7 & 8) Hearth No. 5 (Burners 10 & 12)	\$19,750.00	\$21,972.00
Remove/replace two rabble arms in Hearth No. 7	\$17,500.00	\$19,682.00
Repair six door jams and arches for Hearth Inspection Doors	\$10,700.00	\$13,246.00
Total for all services needed	\$47,950.00	\$54,900.00

\*Plibrico (no response), J.W. Danforth (no response), D.V. Brown & Associates (no response), Hohl Industrial (no bid) and Industrial Furnace (no bid)  
 ; and

WHEREAS: Sterling Refractory and Nicholson & Hall were the only two vendors to submit bids each time. The Purchasing Department contacted both Sterling Refractory and Nicholson & Hall to inquire as to whether the first bid for the combined services was still valid. Both vendors concurred; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff reviewed the bids and recommend awarding the service repair to the low bidder, Sterling Refractory, at a cost not to exceed \$39,000.00; and

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WHEREAS: This combined service will bring the total monies payable to Sterling Refractory for services rendered for fiscal year 2008-2009 to \$115,700.00; and

WHEREAS: Due to the urgency of these services needed, the Board was polled on March 26, 2009, and verbally authorized these services; 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 award the service repair for the combined services indicated on Incinerator No. 1 to Sterling Refractory at a total cost not to exceed \$39,000.00, bringing the total monies payable to Sterling Refractory for fiscal year 2008-2009 to \$115,700.00. Account no. 00380106-443301 will be utilized for these services.

MOTION TO                     APPROVE                    

MADE BY           MS. WILSON-DIVINCENZO          

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

AYES           5           NOES           0          

Board Meeting of April 15, 2009

## ITEM NO. 13

**EXTENSION OF THE CONTRACT FOR SECURITY GUARD SERVICES**

- WHEREAS: On July 2, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Morris Protective Services for security guard services at the Treatment Plant at a cost of \$12.77 per hour, up to maximum annual amount of \$224,343.46, for the period July 1, 2007 to June 30, 2008; and
- WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period of July 1, 2008 to June 30, 2009; and
- WHEREAS: Morris Protective Services has agreed to extend this contract for one (1) additional year under the same terms and conditions as long as the current prevailing wage rate, currently \$9.60, does not substantially increase.
- WHEREAS: The specifications for this contract state the following:  
*“On the renewal date of the awarded contract, the Contractor, or Authority may request a rate change (increase or decrease) based upon fluctuations in the latest published copy of the Department of Labor Prevailing Wage Schedule. The contractor or Authority shall be allowed to increase (or decrease) contract rates by the exact change in the prevailing wage schedule. The Authority shall not be responsible for any increased costs incurred by the Contractor except for that of the prevailing wage adjustment. The increase or decrease shall be applied to the next year, effective on the renewal date of the contract”*
- WHEREAS: The New York State Department of Labor prevailing wage requirement will be determined before the beginning of the fiscal year, July 1, 2009; and
- WHEREAS: In order to facilitate the processing of the necessary paperwork for the beginning of the 2009-2010 fiscal year, the Treatment Plant Superintendent and staff recommend extension of this contract at a cost of \$12.77 per hour, up to maximum annual amount of \$223,730.40. The Treatment Plant Superintendent and staff further recommend that any increase or decrease in the prevailing wage rate for the period of this one-year extension, as determined by the New York State Department of Labor, be approved by the Board. This information will be kept on file with the Authority’s Purchasing Department.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Morris Protective Services, for security guard services at the Treatment Plant at a cost of \$12.77 per hour, up to maximum annual amount of \$223,730.40. The Board further authorizes the General Manager that this contract amount may be adjusted only in accordance with the prevailing wage rate as determined by the New York State Department of Labor for fiscal year 2009-2010. Expenses for this contract will be charged to account no. 00200106-434000.

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

Board Meeting of April 15, 2009



## ITEM NO. 14

**EXTENSION OF THE CONTRACT FOR THE RENTAL AND SERVICE OF COVERALL GARMENTS AND LAB COATS**

WHEREAS: On May 24, 2006, the Board of the Buffalo Sewer Authority awarded a contract to Coyne Textile Services for the rental and service of coverall garments and lab coats at the Treatment Plant at an estimated cost of \$17,857.88, and an actual cost not to exceed \$20,000.00, for the period July 1, 2006 to June 30, 2007, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 11, 2007, the Board authorized the extension of this contract for the period July 1, 2007 to June 30, 2008; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period July 1, 2008 to June 30, 2009; and

WHEREAS: Coyne Textile Services has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$20,000.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with Coyne Textile Services for the rental and service of coverall garments and lab coats at the Treatment Plant, up to a maximum amount of \$20,000.00 for a one-year period, July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account nos. 00200106-442330, 00520106-442330, and 00650106-442330.

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

Board Meeting of April 15, 2009

ITEM NO. 15

**REPORT ON BIDS RECEIVED - ANALYTICAL SERVICES**

WHEREAS: Formal bids were advertised and solicited for analytical services; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on March 30, 2009:

VENDOR	TOTAL BID
IsleChem, LLC	\$46,452.00
Microbac Laboratories	\$46,653.50
Life Science Laboratories	\$48,606.50
TestAmerica Laboratories	\$58,975.00

; and

WHEREAS: The Treatment Plant Superintendent, Industrial Waste Administrator, Associate Chemist, and staff reviewed the bids and recommend awarding a contract to the low bidder, IsleChem, LLC, at a total cost not to exceed \$46,452.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with IsleChem, LLC, to provide analytical services for the period July 1, 2009 to June 30, 2010, with an option to renew for three (3) one-year periods, at an estimated annual cost not to exceed \$46,452.00. Expenses for this contract will be charged to account no. 00550106-432004.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of April 15, 2009

## ITEM NO. 16

**EXTENSION OF THE CONTRACT FOR THE REMOVAL AND DISPOSAL OF TRASH**

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Modern Disposal Services for the removal and disposal of trash at the Treatment Plant at a cost of \$85.48 per ton, up to a maximum annual amount of \$21,370.00, for the period July 1, 2007 to June 30, 2008, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period of July 1, 2008 to June 30, 2009; and

WHEREAS: Modern Disposal Services has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$21,370.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Modern Disposal Services for the removal and disposal of trash at the Treatment Plant at a cost of \$85.48 per ton, up to a maximum amount of \$21,370.00 for a one-year period July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account no. 00380106-442100.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of April 15, 2009

ITEM NO. 17

**EXTENSION OF THE CONTRACT FOR THE REMOVAL AND DISPOSAL OF AERATION GRIT**

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Modern Disposal Services, Inc., for the removal and disposal of aeration grit at the Treatment Plant at a cost of \$65.09 per ton, up to a maximum amount of \$130,180.00, for the period July 1, 2007 to June 30, 2008, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period of July 1, 2008 to June 30, 2009; and

WHEREAS: Modern Disposal Services has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$130,180.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Modern Disposal Services, Inc., for the removal and disposal of aeration grit at the Treatment Plant at a cost of \$65.09 per ton, up to a maximum amount of \$130,180.00 for a one-year period, July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account no. 02000270-474080.

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

Board Meeting of April 15, 2009

## ITEM NO. 18

**EXTENSION OF THE CONTRACT FOR THE REMOVAL AND DISPOSAL OF GRIT AND SCREENINGS**

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Allied Waste Services of North America, LLC, for the removal and disposal of grit and screenings at the Treatment Plant at a cost of \$59.00 per ton for screenings and at a cost of \$64.95 per ton for grit (utilizing 15-yard lugger containers - with the option to utilize 20-yard refuse containers at a cost of \$57.65 per ton for grit), up to a maximum annual amount of \$54,885.00 for the period July 1, 2007 to June 30, 2008, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period July 1, 2008 to June 30, 2009; and

WHEREAS: Allied Waste Services of North America, LLC, has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$54,885.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Allied Waste Services of North America, LLC, for the removal and disposal of grit and screenings at the Treatment Plant at a cost of \$59.00 per ton for screenings, and at a cost of \$64.95 per ton for grit (utilizing 15-yard lugger containers - with the option to utilize 20-yard refuse containers at a cost of \$57.65 per ton for grit), up to a maximum amount of \$54,885.00 for a one-year period, July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account nos. 00230106-442100 and 00690106-442100.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MS. WILSON-DIVINCENZO</u>
2 <sup>ND</sup> BY	<u>MR. ROOSEVELT</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of April 15, 2009

ITEM NO. 19

**EXTENSION OF THE CONTRACT FOR THE COLLECTION, REMOVAL, AND DISPOSAL OF INCINERATOR ASH AND ASH CLINKERS**

WHEREAS: On May 3, 2006, the Board of the Buffalo Sewer Authority awarded a contract to Allied Waste Services of North America, LLC, for the collection, removal and disposal of incinerator ash and incinerator ash clinkers at the Treatment Plant at a cost of \$41.00 per ton and \$42.95 per ton, respectively, with a total cost not to exceed \$291,295.00 for the period July 1, 2006 to June 30, 2007, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 11, 2007, the Board authorized the extension of this contract for the period July 1, 2007 to June 30, 2008; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period of July 1, 2008 to June 30, 2009; and

WHEREAS: Allied Waste Services of North America, LLC, has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$291,295.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Allied Waste Services of North America, LLC, for the collection, removal, and disposal of incinerator ash and incinerator ash clinkers at the Treatment Plant at a cost of \$41.00 per ton and \$42.95 per ton, respectively, up to a maximum amount of \$291,295.00 for a one-year period, July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account no. 00380106-442100.

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

ITEM NO. 20

**EXTENSION OF THE CONTRACT FOR THE PURCHASE OF POLYMER**

WHEREAS: On October 12, 2005, the Board of the Buffalo Sewer Authority awarded a contract to Polydyne, Inc., for a 20-month period beginning November 1, 2005 through June 30, 2007, for the purchase of dewatering polymer at a cost of \$0.92/lb. and thickening polymer at a cost of \$0.115/lb. with a total cost not to exceed \$1,760,000.00 (\$700,000.00 for the eight months remaining for fiscal year 05-06 and \$1,060,000 for fiscal year 06-07), with an option to renew for three (3) one-year periods; and

WHEREAS: On April 11, 2007, the Board authorized the extension of this contract for the period July 1, 2007 to June 30, 2008; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period July 1, 2008 to June 30, 2009; and

WHEREAS: Polydyne, Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$1,060,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Polydyne, Inc., for the purchase of dewatering polymer at a cost of \$0.92/lb. and thickening polymer at a cost of \$0.115/lb., up to a maximum amount of \$1,060,000.00 for a one-year period July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account nos. 00340105-467044 and 00360105-467044.

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

Board Meeting of April 15, 2009

ITEM NO. 21

**EXTENSION OF THE CONTRACT FOR INSPECTION AND PREVENTIVE MAINTENANCE OF OVERHEAD DOORS**

WHEREAS: On November 7, 2007, the Board of the Buffalo Sewer Authority awarded a contract to National Overhead Door, Inc., for inspection and preventive maintenance of overhead doors at the Treatment Plant and Outlying Stations for 58 overhead doors at a total cost not to exceed \$97,112.00 for the period through June 30, 2008, with an option to renew for three (3) one-year periods; and

WHEREAS: On May 7, 2008, the Board authorized the extension of this contract for the period July 1, 2008 to June 30, 2009; and

WHEREAS: National Overhead Door, Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The annual cost for fiscal year 2009-2010 for the continuance of preventive maintenance is \$23,452.00 and the annual cost for quarterly inspections is \$2,980.00 for these overhead doors, with an estimated \$48,568.00 for labor and parts for any repairs that may be needed; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend this extension at a total cost not to exceed \$75,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with National Overhead Door, Inc., for inspection and preventive maintenance of Overhead Doors at the Treatment Plant and Outlying Stations at a team rate of \$149.00 per hour, parts mark-up of fifteen (15%) percent, annual quarterly inspections of \$2,980.00, and annual preventive maintenance of \$23,452.00 for 58 overhead doors at a total cost not to exceed \$75,000.00 for a one-year period, July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account nos. 00520106-443421 and 00650106-443421.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0



## ITEM NO. 22

**EXTENSION OF THE CONTRACT FOR CRANE INSPECTION, PREVENTIVE MAINTENANCE, AND CORRECTIVE REPAIR SERVICES**

WHEREAS: On August 14, 2008, the Board of the Buffalo Sewer Authority verbally authorized and awarded a contract to Volland Electric Equipment for the inspection, preventive maintenance, and corrective repair services on the Buffalo Sewer Authority's 29 cranes for the period through June 30, 2009, at an estimated annual cost not to exceed \$20,870.00, with an option to renew for three (3) one-year periods through June 30, 2012.

WHEREAS: This verbal authorization was formally ratified on September 10, 2008; and

WHEREAS: Volland Electric Equipment has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend this extension at a total cost not to exceed \$20,870.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Volland Electric Equipment for the inspection, preventive maintenance, and corrective repair services on the Buffalo Sewer Authority's 29 cranes, at an estimated annual cost not to exceed \$20,870.00, for a one-year period July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account no. 00520106-443421.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 5 NOES 0

Board Meeting of April 15, 2009

ITEM NO. 23

**EXTENSION OF THE CONTRACT FOR GAS BURNER SYSTEM INSPECTION, PREVENTIVE MAINTENANCE, AND REPAIR SERVICES**

WHEREAS: On July 16, 2008, the Board of the Buffalo Sewer Authority awarded a contract to Mollenberg-Betz for inspection, preventive maintenance, corrective, and emergency repair services of gas burners located in various Buffalo Sewer Authority buildings throughout the Treatment Plant and outlying pumping stations at a total cost not to exceed \$153,830.00 for the period of the award through June 30, 2009, with an option to renew for three (3) one-year periods; and

WHEREAS: Mollenberg-Betz has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineers, and staff recommend this extension at a total cost not to exceed \$36,230.00. This reduction in contract cost is due to the first year of the contract taking care of most of the repair services.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Mollenberg-Betz for inspection, preventive maintenance, corrective, and emergency repair services of gas burners located in various Buffalo Sewer Authority buildings throughout the Treatment Plant and outlying pumping stations, up to a maximum amount of \$36,230.00 for a one-year period, July 1, 2009 to June 30, 2010. Expenses for this contract will be charged account no. 00380106-443421.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of April 15, 2009

## ITEM NO. 24

**EXTENSION OF THE CONTRACT FOR ELEVATOR INSPECTION, PREVENTIVE MAINTENANCE, AND REPAIRS**

WHEREAS: On November 7, 2007, the Board of the Buffalo Sewer Authority awarded a contract to D.C.B. Elevator Co., Inc., for elevator inspection, preventive maintenance, and repairs at the Treatment Plant for a total cost not to exceed \$130,400.00 for the period through June 30, 2008, with an option to renew for three (3) one-year periods; and

WHEREAS: On May 7, 2008, the Board authorized the extension of this contract for the period July 1, 2008 to June 30, 2009 for a total cost not to exceed \$87,000.00; and

WHEREAS: D.C.B. Elevator Co., Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend this extension at a total cost not to exceed \$87,000.00. This reduction in contract cost is due to the first year of the contract taking care of most of the repair services.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with D.C.B. Elevator Co., Inc., for elevator inspection, preventive maintenance, and repairs at the Treatment Plant, up to a maximum amount of \$87,000.00 for a one-year period, July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account nos. 00380106-443421, 00520106-443421, and 00650106-443421

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. ROOSEVELT	_____
2 <sup>ND</sup> BY	_____	MR. KENNEDY, SR.	_____
AYES	_____	5	NOES _____ 0

Board Meeting of April 15, 2009

ITEM NO. 25

**AUTHORIZATION FOR STANDARDIZATION OF HACH POCKET COLORIMETER**

WHEREAS: The Buffalo Sewer Authority has been utilizing Hach pocket colorimeters to test total chlorine as required in accordance with the SPDES permit. The Hach pocket colorimeters have proven to be reliable and accurate for the Authority; and

WHEREAS: Hach is the original equipment manufacturer for this pocket colorimeter; 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. The Standard Operating Procedures (SOP) and training provided to Buffalo Sewer Authority employees are based upon the Hach pocket colorimeters. Changing the brand of the colorimeter would require changing the SOP and additional employee training involving additional man hours; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and Associate Chemist in charge of the Laboratory recommend approval for this standardization.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority declares and approves the standardization of Hach pocket colorimeters available from Hach and/or their authorized local representatives.

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

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

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO \_\_\_\_\_

AYES 5 NOES 0 \_\_\_\_\_

Board Meeting of April 15, 2009

## ITEM NO. 26

**EXTENSION OF THE CONTRACT FOR THE REMOVAL AND DISPOSAL OF MISCELLANEOUS CONSTRUCTION DEBRIS**

WHEREAS: On May 24, 2006, the Board of the Buffalo Sewer Authority awarded a contract to Modern Landfill, Inc., for the removal and disposal of miscellaneous construction debris at a cost of \$43.50 per ton with a total cost not to exceed \$87,000.00 for the period July 1, 2006 to June 30, 2007, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 11, 2007, the Board authorized the extension of this contract for the period July 1, 2007 to June 30, 2008; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period July 1, 2008 to June 30, 2009; and

WHEREAS: Modern Landfill, Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2009-2010; and

WHEREAS: The Director of Sewer Maintenance and staff recommend this extension at a total cost not to exceed \$87,000.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with Modern Landfill, Inc., for the removal and disposal of miscellaneous construction debris at a cost of \$43.50 per ton, up to a maximum amount of \$87,000.00 for a one-year period, July 1, 2009 to June 30, 2010. Expenses for this contract will be charged to account no. 00690106-442100.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. KENNEDY, SR.	_____
2 <sup>ND</sup> BY	_____	MR. ROOSEVELT	_____
AYES	_____	5	NOES _____ 0

Board Meeting of April 15, 2009

ITEM NO. 27

REPORT ON BIDS RECEIVED - PUMP STATION DRYWELL REHABILITATION

WHEREAS: Formal bids were advertised and solicited for the Pump Station Drywell Rehabilitation Project. The following bids were received and opened by the Buffalo Sewer Authority on April 2, 2009:

John W. Danforth Company \$127,495.36  
Amstar of Western New York \$214,744.00  
; and

WHEREAS: The proposals were received, and the contract will be awarded on the basis of unit bid and lump sum prices. The bids reflect the true amount of the contract; and

WHEREAS: The Administrator of Capital Improvements and Development and staff reviewed the bids and recommend awarding the contract to the lowest bidder, John W. Danforth Company, at a cost not to exceed \$127,495.36.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with John W. Danforth Company for the Pump Station Drywell Rehabilitation Project at a cost not to exceed \$127,495.36. Expenses for this contract will be charged to account no. 02000302-490740.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of April 15, 2009

## ITEM NO. 28

**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>
Paul Cieslak	N/A	Solids Handling & Aerobic Digestion	100%	\$30.00

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$30.00. This Reimbursement will be charged to account no. 00800108-480214.

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

Board Meeting of April 15, 2009

ITEM NO. 29

**ADJOURNMENT OF MEETING**

MOTION TO                     APPROVE                    

MADE BY                     MR. KENNEDY, JR.                    

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

AYES           5           NOES           0          

Board Meeting of April 15, 2009