

**MINUTES OF THE REGULAR MEETING  
OF THE  
BUFFALO SEWER AUTHORITY  
May 20, 2009**



# BUFFALO SEWER AUTHORITY

May 20, 2009

**REGULAR MEETING**

**9:00 A.M.**

**1038 CITY HALL**

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**CALL OF THE ROLL**

Present: Herbert L. Bellamy, Jr.  
John D. Kennedy, Sr.  
Christopher Roosevelt  
Eleanor C. Wilson-DiVincenzo  
David Comerford  
Oluwole McFoy  
Ronald Brown  
Jason Shell  
Franklin DiMascio, P.E.  
James Eagan, P.E.  
Roberta Gaiek, P.E.  
James Barrett  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Absent: John E. Kennedy, Jr.

Chairman  
Vice Chairman  
Assistant Vice Chairman  
Secretary  
General Manager  
Secretary to the General Manager  
Executive Secretary  
Intergovernmental Coordinator  
Principal Engineer  
Senior Sanitary Engineering  
Supervisor  
Treatment Plant Administrator  
Principal Accountant – City of  
Buffalo  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Assistant Secretary

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 May 6, 2009

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

Board Meeting of May 20, 2009

## ITEM NO. 2

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

**May 11, 2009**

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	0.55%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	Money Market		\$5,065,283.24	Chase	0.55%	High Yield
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
			<u>\$31,890,283.24</u>			
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	Money Market		\$1,054,169.29	Chase	0.55%	High Yield
<b>OPERATING FUND</b>						
08-Apr-02	Money Market		\$2,545,741.91	Chase	0.55%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	Money Market		\$36,925.27	Chase	0.55%	High Yield
<b>SURPLUS FUND</b>						
02-Feb-09	30-Jun-09	148	\$6,310,184.15	Citizens	1.36%	\$35,280.94
<b>NET REVENUE FUND</b>						
			\$770.94	MTB Funds		
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
27-Apr-09	30-Jun-09	64	\$1,799,597.33	M&T Securities	0.75%	\$2,402.67
			<u>\$16,648,583.70</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>DEBT RESERVE FUND</b>						
30-Apr-09	30-Apr-10	365	\$1,345,463.43	Series F FHLB	0.40%	
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 May 20, 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>
4/30/2009	00440105 Kelly S Supplies	-100.00	00520105 Maintenance Supplies	100.00
4/30/2009	00440105 Kelly S Supplies	-100.00	00320105 Chemical Supplies	100.00
4/30/2009	00520106 Maintenance Services	-500.00	00380106 Incinerator Service	500.00
4/30/2009	00240105 Gas Supplies	-3,785.19	00330105 Final Effluent Supplies	3,785.19
4/30/2009	00410106 Hamburg Services	-272.90	00210106 Raw Wastewater Pumps Services	272.90
5/1/2009	00400106 South Services	-500.00	00340106 Thickener Services	500.00
5/6/2009	00230105 Grit Supplies	-335.44	00290105 Aeration Supplies	335.44
5/7/2009	00520106 Maintenance Services	-1,000.00	00380106 Incinerator Service	1,000.00
5/7/2009	00520106 Maintenance Services	-2,500.00	00380106 Incinerator Service	2,500.00

**Sewer Maintenance Division**

<u>Date</u>	<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
5/1/2009	00660105 Sewer Repair Supplies	-1,000.00	00670105 Sewer Cleaning Supplies	1,000.00

**RECEIVE & FILE**

Board Meeting of May 20, 2009



ITEM NO. 4

**ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2009-2010"**

WHEREAS: The Buffalo Sewer Authority, in the meeting of April 15, 2009, adopted a proposed "Schedule of Sewer Rents and Other Charges for 2009-2010" and authorized the publication of this notice, commencing April 20, 2009, once a week for three (3) consecutive weeks, in the Buffalo News; and

WHEREAS: The thirty-day period for inspection of the Schedule, and the filing of, has now expired; and

WHEREAS: No protests were filed; and

WHEREAS: It is now in order to adopt the "Final Schedule of Sewer Rents and Other Charges for 2009-2010"; and

WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2009-2010" includes no increases to sewer rents based on the assessed value of property, the levy of sewer rents based on assessed value remains unchanged from the previous year at \$12,050,000; and

WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2009-2010" also includes no increases to sewer rents based on the use of water. Metered accounts will continue to be charged \$11.09 per thousand cubic feet of water used, and there will be no increases to the charges on flat rate accounts.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby adopts the "Final Schedule of Sewer Rents and Other Charges for 2009-2010".

MOTION TO	<u>APPROVE</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 May 20, 2009

**FINAL 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. 5

**AMENDMENT NO. 1 TO MBBA AGENCY TAX LIEN SECURITIZATION**

WHEREAS: At the February 26, 2003 Buffalo Sewer Authority Board Meeting, pursuant to the provisions of the State of New York Municipal Bond Bank Agency Act, an agreement between the Municipal Members (the City of Binghamton, City of Buffalo, City of Plattsburgh, City of Syracuse, and the Buffalo Sewer Authority) and the Special Member (the State of New York Municipal Bond Bank Agency), forming the MBBA Tax Lien Finance Company 2003-A, LLC was approved; and

WHEREAS: The MBBA Tax Lien Finance Company 2003-A, LLC is now a defunct entity; and

WHEREAS: In accordance with Article IX, Section 9.01 of the Amended and Restated Limited Liability Company Agreement of MBBA Tax Lien Finance Company 2003-A, LLC, written consent is required for dissolution; and

WHEREAS: Charles C. Martorana of Hiscock & Barclay, LLP, Legal Counsel to the Buffalo Sewer Authority, has reviewed Amendment No. 1 to the MBBA Tax Lien Finance Company 2003-A, LLC Agreement and recommends approval.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute and deliver Amendment No. 1 to the MBBA Tax Lien Finance Company 2003-A, LLC Agreement.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of May 20, 2009

## ITEM NO. 6

**AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 20900144**

WHEREAS: On May 7, 2008, the Board of the Buffalo Sewer Authority authorized the General Manager to retain Charles C. Martorana, of Hiscock & Barclay, LLP, for professional legal services on an as-needed basis for the fiscal year July 1, 2008 through June 30, 2009; and

WHEREAS: Purchase Order No. 20900144 was established for these services in the amount of \$60,000.00; and

WHEREAS: Due to the increase of complex regulatory, enforcement, and environmental matters, it is now necessary to increase Blanket Order No. 20900144 by \$15,000.00, from \$60,000.00 to \$75,000.00 through June 30, 2009; and

WHEREAS: The Secretary to the General Manager and staff recommend the above increase.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to approve a change order in the amount of \$15,000.00, increasing Blanket Order No. 20900144 with Hiscock & Barclay, LLP from \$60,000.00 to \$75,000.00 through June 30, 2009. Funds for this change order will be charged to account 00550106-432003.

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

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

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

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

Board Meeting of May 20, 2009

ITEM NO. 7

**REPORT ON BIDS RECEIVED - FINAL CLARIFIER WEIR RENOVATIONS PHASE III**

WHEREAS: Formal bids were advertised and solicited for the Final Clarifier Weir Renovations Phase III. The following bids were received and opened by the Buffalo Sewer Authority on May 11, 2009:

Quackenbush Company, Inc.	\$441,532.00
Hohl Industrial Services	\$475,000.00
Niagara Frontier Custom Fabrication	\$497,392.00
; 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, Quackenbush Company, Inc., at a cost not to exceed \$441,532.00.

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 Quackenbush Company, Inc., at a cost not to exceed \$441,532.00. Expenses for this contract will be charged to account no. 02000292-490740.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. ROOSEVELT</u>
2 <sup>ND</sup> BY	<u>MS. WILSON-DIVINCENZO</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of May 20, 2009

## ITEM NO. 8

**AUTHORIZATION FOR CHANGE ORDER TO PURCHASE ORDER NO. 20901288**

WHEREAS: On April 15, 2009, the Board of the Buffalo Sewer Authority formally authorized the General Manager to award the service repair for combined services 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; and

WHEREAS: During the above service it was discovered that an additional area of the center shaft had refractory missing. Additional work was needed in this area to remove loose refractory, weld anchors and replace with new refractory; and

WHEREAS: Due to exigency, the repair work was completed with an additional cost owed to Sterling Refractory; and

WHEREAS: A change order is requested to Purchase Order No. 20901288 in the amount of \$2,500.00, increasing this purchase order from \$39,000.00 to \$41,500.00; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend this change order and payment to Sterling Refractory, bringing the total monies payable to Sterling Refractory for services rendered for fiscal year 2008-2009 to \$118,200.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes a change order to Purchase Order No. 20901288 with Sterling Refractory in the amount of \$2,500.00, increasing this purchase order from \$39,000.00 to \$41,500.00, for the exigency repair work needed on Incinerator No. 1. Funds for this service will be charged to account no. 00380106-443301.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MS. WILSON-DIVINCENZO</u>
2 <sup>ND</sup> BY	<u>MR. ROOSEVELT</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of May 20, 2009

ITEM NO. 9

**CHANGE ORDER NO. 2 – CONTRACT NO. 84900005**

CONTRACTOR:	PREVIOUS CONTRACT COST	\$135,000.00
Quackenbush Company, Inc.	THIS CHANGE ORDER	<u>100,000.00</u>
495 Kennedy Road	ADJUSTED CONTRACT COST	\$235,000.00
Cheektowaga, New York 14227		

WORK: Mechanical Maintenance Contract

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Emergency Digester Gas Piping Repairs

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The buried digester gas piping was corroded and leaking methane gas in the vicinity of the gas compressor building requiring repairs and replacements.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$100,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$100,000.00

The total increase to the contract as a result of this Change Order is \$100,000.00  
; and

WHEREAS: The Treatment Plant Superintendent, Administrator of Capital Improvements and Development, and staff reviewed the cost and recommend this increase to the contract.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 84900005 as written in the above Agenda Item, increasing the contract in the amount of \$100,000.00, making the adjusted contract cost \$235,000.00.

MOTION TO	<u>APPROVE</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>

## ITEM NO. 10

**EXTENSION OF CONTRACT FOR IN-PLANT ELECTRICAL MAINTENANCE SERVICE**

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Ferguson Electric Service Co. Inc., for in-plant electrical maintenance service at the Treatment Plant through June 30, 2008. This contract provides for two (2) one-year renewals; and

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

WHEREAS: The Treatment Plant Superintendent and Principal Chief Stationery Engineer recommend this extension, up to a maximum amount of \$100,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Ferguson Electric Service, Co. Inc., for in-plant electrical maintenance service at the Treatment Plant for a one-year period beginning July 1, 2009, up to a maximum amount of \$100,000.00. Expenses for this contract will be charged to account no. 00520106-443421.

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

Board Meeting of May 20, 2009



ITEM NO. 11

**EXTENSION OF CONTRACT FOR IN-PLANT MECHANICAL MAINTENANCE SERVICE**

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Quackenbush Company for in-plant mechanical maintenance service at the Treatment Plant through June 30, 2008. This contract provides for two (2) one-year renewals; and

WHEREAS: Quackenbush Company has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent and Principal Chief Stationery Engineer recommend this extension, up to a maximum amount of \$100,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Quackenbush Company for in-plant mechanical maintenance service at the Treatment Plant for a one-year period beginning July 1, 2009, up to a maximum amount of \$100,000.00. Expenses for this contract will be charged to account no. 00520106-443421.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of May 20, 2009

## ITEM NO. 12

**EXTENSION OF CONTRACT FOR IN-PLANT STEAM SYSTEM REPAIR SERVICES**

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

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

WHEREAS: The Treatment Plant Superintendent and Principal Chief Stationery Engineer recommend this extension, up to a maximum amount of \$30,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Nicholson and Hall Corp., for in-plant steam system repair services at the Treatment Plant for a one-year period beginning July 1, 2009, up to a maximum amount of \$30,000.00. Expenses for this contract will be charged to account no. 00380106-443421.

MOTION TO	<u>APPROVE</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 May 20, 2009

## ITEM NO. 13

**REPORT ON BIDS RECEIVED - PURCHASE OF VARIOUS STEEL PRODUCTS**

WHEREAS: Formal bids were advertised and solicited for the purchase of the following various steel products:

1. (20) Dark Steel Receiver Bottom Section with Slide
  2. (15) Dark 24" Steel Receiver Top Section
  3. (10) Dark 16" Steel Receiver Top Section
  4. (10) Dark 12" Steel Receiver Top Section
  5. (10) Dark 6" Steel Receiver Top Section
  6. (25) Dark 4" Steel Curb Box
  7. (25) Dark 5" Steel Curb Box
  8. (25) Dark 6" Steel Curb Box
  9. (50) 2'x2' Steel Frame
- ; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on May 7, 2009:

Neenah Foundry	NO BID
Syracuse Castings	\$ 28,475.00 (no quote on line #1)
Emcom Industries	\$ 20,567.95 (no quote on line #1)
Buffalo Metal Forming	\$ 40,695.50
Goergen-Mackwirth	\$ 64,660.00
Western New York Mfg.	Late Bid – Unopened

; and

WHEREAS: The Director of Sewer Maintenance and staff carefully reviewed the quotes received for each item needed and recommend the following awards, to the low bidder for each item:

Vendor	Items to award	Cost
Goergen-Mackwirth	# 1	\$ 15,920.00
Emcom Industries	# 9	\$ 8,749.50
Buffalo Metal Forming	# 2,3,4,5,6,7, & 8	\$ 10,345.50
Total Cost		\$ 35,015.00

; and

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above listed various steel products from the low bidders for the items listed: Goergen-Mackwirth for item no. 1, Emcom Industries for item no. 9, and Buffalo Metal Forming for item nos. 2 – 8 at a total cost of \$35,015.00. These purchases will be charged to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 4 NOES 0

Board Meeting of May 20, 2009

ITEM NO. 14

**CONFIRMATION OF APPOINTMENTS**

**INVESTIGATOR (BSA) (PERMANENT)  
CHANGE OF STATUS ONLY  
SEWAGE TREATMENT PLANT  
\$45,675 PER ANNUM  
EFFECTIVE: MAY 11, 2009**

DENNIS SMITH, JR.  
63 BETTY LOU  
CHEEKTOWAGA, NY

**CLERK (SEASONAL)  
ADMINISTRATIVE OFFICES  
\$90.00 PER DAY  
EFFECTIVE: MAY 18, 2009**

EVELYN VIERA  
722 PLYMOUTH AVE.  
BUFFALO, 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	<u>APPROVE</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 May 20, 2009

## ITEM NO. 15

**TUITION REIMBURSEMENT**

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

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Charles Riley	Canisius College	Intermediate Financial Reporting – MBA 712	90%	\$1,800.90

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$1,800.90. This Reimbursement will be charged to account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of May 20, 2009

ITEM NO. 16

**ADJOURNMENT OF MEETING**

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of May 20, 2009