

**MINUTES OF THE REGULAR MEETING  
OF THE  
BUFFALO SEWER AUTHORITY  
July 22, 2009**

52825.....52858



# BUFFALO SEWER AUTHORITY

July 22, 2009

**REGULAR MEETING**

**9:00 A.M.**

**1038 CITY HALL**

<u>ITEM NO.</u>	<u>CONTENTS</u>	<u>PAGE NO.</u>
	Roll Call	
1	Motion to Adopt the Minutes of the Meeting of July 1, 2009	52825
2	Temporary Investments (Certificates of Deposit and Treasury Bills)	52826-27
3	Reallocation of Funds	52828
4	Report on the Condition of the Liability and Casualty Reserve Fund	52829
5	Report on the Condition of the Capital Improvement Fund	52830
6	Adjustment of Sewer Rent	52831
7	Payment from Judgment and Claims	52832
8	Resolution of the Buffalo Sewer Authority Concerning the Closure of Goodrich Street, Buffalo, New York	52833-35
9	Single Source Listing for Selected Instrumentation, Maintenance, Laboratory, and Office Equipment for Fiscal Year 2009-2010	52836-37
10	Sole Source Listing for Selected Instrumentation, Maintenance, Laboratory, and Office Equipment for Fiscal Year 2009-2010	52838-41
11	Report on Bids Received – Ferric Chloride	52842
12	Change Order No. 5 – Contract No. 84500006	52843-44
13	Certificate of Acceptance and Occupancy – Contract No. 84500006	52845
14	Change Order No. 6 – Contract No. 84500011	52846-47



15	Certificate of Acceptance and Occupancy - 84500011	52848
16	Authorization for Original Equipment Manufacturer Purchases over \$10,000 for Fiscal Year 2009-2010	52849-50
17	Authorization to Enter into an Engineering Services Agreement with Stearns & Wheler, LLC	52851
18	Report on Bids Received – Washington Street Sanitary Sewer Improvements	52852
19	Report on Bids Received – Sewer Cleaning and Internal Television Inspection	52853
20	Confirmation of Appointments	52854-55
21	Tuition Assistance	52856
22	Tuition Reimbursement	52857
23	Adjournment of Meeting	52858





## ITEM NO. 2

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

**July 7, 2009**

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>CAPITAL IMPROVEMENT FUND</b>						
15-Apr-02	Money Market		\$500,240.96	Chase	0.55%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	Money Market		\$30,322,449.79	Chase	0.55%	High Yield
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	Money Market		\$1,054,670.06	Chase	0.55%	High Yield
<b>OPERATING FUND</b>						
08-Apr-02	Money Market		\$3,459,932.21	Chase	0.55%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	Money Market		\$35,488.19	Chase	0.55%	High Yield
<b>SURPLUS FUND</b>						
30-Jun-09	28-Sep-09	90	\$789.90	MTB Funds		
			\$6,309,394.25	M&T Securities	1.05%	\$16,605.75
			<u>\$6,310,184.15</u>			
<b>NET REVENUE FUND</b>						
30-Jun-09	27-Jul-09	27	\$631.92	MTB Funds		
			\$8,915,651.50	M&T Securities	0.65%	\$4,348.50
07-Jul-09	27-Jul-09	20	\$1,498,500.33	M&T Securities	0.60%	\$499.67
07-Jul-09	25-Aug-09	49	\$6,499,914.60	M&T Securities	0.80%	\$7,085.40
			<u>\$16,914,698.35</u>			



ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>DEBT RESERVE FUND</b>						
30-Apr-09	30-Apr-10	365	\$1,345,225.21	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 July 22, 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>
6/9/2009	00220106 Screen Services	-3,000.00	00270106 Gas Services	3,000.00
6/10/2009	00200105 Plant Supplies	-7.48	00380105 Incinerator Supplies	7.48
6/10/2009	00200105 Plant Supplies	-299.00	00290105 Aeration Supplies	299.00
6/11/2009	00200105 Plant Supplies	-876.82	00520105 Maintenance Supplies	876.82
6/11/2009	00520105 Maintenance Supplies	-384.64	00330105 Final Effluent Supplies	384.64
6/15/2009	00430105 Babcock Supplies	-1,288.00	00260105 Primary Control Supplies	1,288.00
6/17/2009	00200105 Plant Supplies	-48.04	00320105 Chemical Supplies	48.04
6/29/2009	00520106 Maintenance Services	-2,000.00	00380106 Incinerator Services	2,000.00

**Sewer Maintenance Division**

<u>Date</u>	<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
6/11/2009	00660105 Sewer Repair Supplies	-400.00	00650105 Sewer Maintenance Supplies	400.00

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Board Meeting of July 22, 2009

## ITEM NO. 4

**INFORMATIVE: REPORT ON THE CONDITION OF THE LIABILITY AND CASUALTY RESERVE FUND**

The Resolution that created the Liability and Casual Reserve Fund provides that:

“The General Manager shall regularly and not less than semi-annually render to the Board a detailed report of the operation and condition of the Liability and Casualty Reserve Fund.”

Fund Balance as of June 30, 2008	\$1,053,711.22
Interest Earnings	\$15,315.89
Less: Claims Paid	\$14,357.05
Fund Balance as of June 30, 2009	\$1,054,670.06

During the period of July 1, 2008 – June 30, 2009, the B.S.A. settled 29 claims. Sixteen (16) claims were denied. Corporation Counsel closed five (5) claims, and eight (8) claims resulted in cash payments from the B.S.A. totaling \$14,357.05.

**Total Active Claims Pending**

Bodily Injury	9
Property Damage	15
Auto B.I. & P.D	3
Other Liability	<u>0</u>
	27

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Board Meeting of July 22, 2009

## ITEM NO. 5

**INFORMATIVE: REPORT ON THE CONDITION OF THE CAPITAL IMPROVEMENT FUND**

Balance July 1, 2008 (Temporary Investments & Cash)	\$500,870.66	
Interest on Investments	6,186.27	
Transfers from Operating Fund	0	
Transfers to Operating Fund	<u>(6,815.97)</u>	500,240.96
Less: Expenditures	0	
Encumbrances	<u>0</u>	<u>0</u>
<b>Unallocated Funds as of June 30, 2009</b>		<u><u>\$500,240.96</u></u>
<b>Expenditures:</b>	<u>                    </u>	
<b>Total Expenditures</b>		<u>0</u>
<b>Encumbrances:</b>	<u>                    </u>	
<b>Total Encumbrances</b>		<u>0</u>
<b>ENCUMBRANCES AND EXPENDITURES FOR 7/1/08-6/30/2009</b>		<u>\$0</u>

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Board Meeting of July 22, 2009

## ITEM NO. 6

**ADJUSTMENT OF SEWER RENT**

WHEREAS: On July 1, 2009, the City of Buffalo Department of Assessment billed the Buffalo Municipal Housing Authority sewer rent based upon total assessed valuation; and

WHEREAS: In accordance with a Consolidated Loan and Subsidy Contract among the Buffalo Municipal Housing Authority, the City of Buffalo, Buffalo Sewer Authority, and the State of New York, sewer rent billing for the Marine Drive property (100 Erie) is based on the assessed valuation of \$15,000,000.00. The sewer rent is calculated on only one-third of the exempt value; and

WHEREAS: Sewer rent bills were issued totaling \$26,323.47 for the above named property, and the contractual obligation is actually \$8,423.51.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the cancellation of sewer rent totaling \$17,899.96 for the Marine Drive property and that this cancellation be paid out of Sewer Rent account no. 00800108-480090.

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>

Board Meeting of July 22, 2009

## ITEM NO. 7

**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 services were received during a prior fiscal year and charged to the 2009-2010 budget account no. 00800108-480214:

<b>VENDOR</b>	<b>AMOUNT</b>
Buffalo News	\$ 340.17
Buffalo News	\$ 626.16
Colgate Heating Corporation	\$16,300.00
; and	

WHEREAS: The General Manager and staff recommend the above payments from the Judgment and Claims account.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above payments from the Judgment and Claims account no. 00800108-480214.

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

Board Meeting of July 22, 2009

## ITEM NO. 8

**RESOLUTION OF THE BUFFALO SEWER AUTHORITY CONCERNING THE CLOSURE OF GOODRICH STREET, BUFFALO, NEW YORK**

- WHEREAS: The Buffalo Sewer Authority (the “Authority”) was created by New York Public Authorities Law (the “Public Authorities Law”) Section 1177 (the “Authority Act”) and is authorized and empowered by the Public Authorities Law Article 5, Title 8 to provide for the jurisdiction, control, possession, supervision, and use of the “facilities”, as defined in Section 1176(10) of the Authority Act, including but not limited to the sewage treatment system, storm water, and sewage collection system constituting the City of Buffalo’s sewer system (the “Sewer System”); and
- WHEREAS: Pursuant to Section 1179 of the Authority Act, the City of Buffalo (the “City”) assigned, transferred, and dedicated to the Authority the jurisdiction, control, supervision, possession, and use of the Sewer System; and
- WHEREAS: The City has entered into negotiations with Kaleida Health (“Kaleida”), a not-for-profit corporation organized and existing under the laws of New York State, for, among other things, Kaleida’s acquisition of a portion of Goodrich Street between Michigan Avenue and Ellicott Street in the City; and
- WHEREAS: By resolution adopted July 7, 2009, the Common Council of the City of Buffalo authorized the Mayor to enter into an agreement with Kaleida for, among other things, the conveyance of a portion of Goodrich Street to Kaleida; and
- WHEREAS: The Authority owns and operates certain sewer lines, conduits, valves, and appurtenances within such portion of Goodrich Street that will be conveyed to Kaleida (collectively, the “Sewer Facilities”); and
- WHEREAS: Kaleida is willing to pay for the relocation and/or construction of new sewer facilities to replace the Sewer Facilities that the Authority will close and/or abandon within Goodrich Street; and
- WHEREAS: The Authority is willing to abandon the Sewer Facilities in Goodrich Street and convey its title and interest in Goodrich Street to the City of Buffalo to facilitate Kaleida’s development of its Global Vascular Institute and other related improvements (the “Kaleida Project”).

NOW THEREFORE  
BE IT RESOLVED:

That the Authority determines that the disposal of its title and interest in Goodrich Street to the City is made to facilitate the Kaleida Project and to further the public health, safety, welfare, and economic development of the City and the State of New York, including but not limited to the creation and/or retention of a substantial number of job opportunities.

BE IT FURTHER  
RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to undertake any and all actions that are necessary or appropriate to enable the Authority to dispose and convey its interest and title in Goodrich Street and the Sewer Facilities located therein, to the City and to facilitate the Kaleida Project, including but not limited to the negotiation of any terms and conditions of agreements for the such disposal and conveyance, the execution, delivery and/or acceptance of any deeds, bills of sale, easements, rights of way, and any other agreements or instruments, the preparation of any reports to the City and/or the State of New York; and to negotiate and establish any modifications, extensions, or additional terms of such instruments and agreements by and between the Authority, the City, Kaleida, and any other person or entity, including any determinations of compliance or default, upon such terms and conditions reasonably acceptable to the General Manager in consultation with legal counsel to effectuate the purposes of this resolution. All actions of the General Manager and any other representative or agent of the Authority in the preparation and negotiation of the instruments and agreements with Kaleida and/or the City to facilitate the Kaleida Project are hereby ratified, approved, and confirmed.

BE IT FINALLY  
RESOLVED:

That this resolution shall take effect immediately.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 5 NOES 0

Board Meeting of July 22, 2009



STATE OF NEW YORK     )  
   ) SS.:  
 COUNTY OF ERIE         )

I, the undersigned Secretary of the Buffalo Sewer Authority (the "Authority"), DO HEREBY CERTIFY that I have compared the annexed extract of the minutes of the meeting of the Authority, including the resolution contained therein, held the 22<sup>nd</sup> day of July, 2009, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Authority and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Authority Board had due notice of said meeting, said meeting was duly held, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was duly given in accordance with such Article 7, and there was a quorum of the members of the Authority Board present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 22<sup>nd</sup> day of July, 2009.

---

Eleanor C. Wilson DiVincenzo  
 Secretary of the Board



<b>MANUFACTURER</b>	<b>DETAIL</b>
Comtel	For the purchase of upgrades, replacement parts and service for the existing phone system installed at the BSA facilities. The original purchase of this system was awarded to Comtel after competitive bids.
Control System Laboratories	Repair service for Eastech Air Flow Meters and EIM Actuator Boards.
E. D. Farrell	For the replacements parts, supplies and service to BSA owned Yale forklift equipment.
ERA Resource Associates	For the purchase of chemical standards and state and EPA mandated proficiency test studies.
Industrial Fabrics	For the purchase of Durotex brand fabric dewatering belts. Manufacturer of Durotex brand fabric dewatering belts used on belt presses installed at the BSA facilities.
Kinequip	For replacement parts, supplies and service to BSA owned Zander air dryer.
King Wholesale/Suburban Lock & Key	For the purchase of new equipment, replacement parts and keys, supplies and service for the Kaba Peak key system at BSA facilities.



MANUFACTURER	DETAIL
<b>GAS DETECTION EQUIPMENT</b>	
Scott Health & Safety	Scott Instruments gas detection equipment
Sperian Protection	Biosystems gas detection equipment
<b>INSTRUMENTS &amp; CONTROLS</b>	
ABB Inc.	Support of the Distribution Control System (DCS) a proprietary system primarily using hardware and software manufactured by ABB
ABB Inc. (Instrumentation Division)	ABB Instrumentation, analytical parts, supplies, and service.
Ametek Thermox	Ametek products (oxygen analyzers & pressure gauges) installed throughout the BSA facilities
Bently-Nevada	Bently-Nevada parts, supplies and service for all Bently-Nevada brand vibration analyzers
Coastal Environmental Systems	Weatherpak & Zeno brands equipment installed at BSA facilities
Eaton Corporation	Powerware Uninterruptible Power Supply (UPS) equipment and installation services used for the Supervisory Control and Data Acquisition (SCADA) System installed at the BSA facilities
Emerson Process Management, Rosemount Analytical Inc.	Rosemount Products & Fisher Controls valves and actuators
Fincor Automation	Fincor Drives and Controls products
Fireye	Fireye brand combustion control systems and products
Fluid Components	FCI brand Therma Mass Flow meters parts and supplies.
Hays Cleveland	Hays Cleveland Controls brand boiler control products purchase of new equipment, supplies, replacement parts, service and repair
Invensys Systems, Inc., Measurement & Instrument Division (Foxboro)	Foxboro branded Invensys Systems, Inc. measurement and instrument control products
Johnson Controls	For all Johnson Controls manufacture products including York Brand Chillers
Krohne Inc.	Krohne brand ultrasonic flow meters
Rockwell Automation	Allen-Bradley programmable logic controllers
Royce Technologies	Royce Technologies brand depth analyzers and dissolved oxygen analyzers
Siemens Building Technologies, Inc.	Siemens brand pneumatic control system
Siemens Energy & Automation	Robicon/Ansaldo Ross Hill products
Siemens Energy & Automation	Milltronics brand ultrasonic level analyzers & instrumentation equipment
Square D	Square D Automation products
Thermo Environmental Instruments Inc.	TEI Model 51 series Total Hydrocarbon Analyzers for the Continuous Emissions Monitoring System (CEMS) at Incinerator Control
Thermo Process Instruments, L.P.	Thermo Brandt STD 5000 & STD 6000 Series current to pressure transducers
Time Trak	Time Trak Badge Reader/Time Data Terminals
Westfalia Separator, Inc.	For all Westfalia brand Centrifuge parts, supplies and service.
YSI Environmental	YSI Dissolved Oxygen Probes, cables & meters
<b>LAB EQUIPMENT &amp; SERVICES</b>	
Horizon Technology	Manufacturer of the Speedex 1000XL or 3000XL Automated Extractor System and DryVap Concentrator/Drying System to work with HEM 4790.
Siemen's Water Technologies Corporation	Mixed bed deionizing cartridges installed in lab are property of U. S. Filter and serviced monthly

MANUFACTURER	DETAIL
<b>PROCESS EQUIPMENT</b>	
AAF McQuay Inc. dba AAF International	Manufacturer of the filtration system in the Dresser Roots blowers and air-handling units installed at the BSA
BDP Industries	2.0M BDP Model E Belt Presses installed throughout the BSA facilities
BSP Thermal Systems, Inc.	BSP 22 -3 O.D. x 12 hearth sludge incinerators installed at BSA facilities
Cameron Compression Systems	Cooper Turbo air and C-8 series compressors and Engineer (TA-MSG) compressed air
Diamond Power International, Inc.	Beaumont Birch ash handling systems & products support of the proprietary Ash System parts (original Beaumont Birch contract number CR-44284 and CR-95138)
Dresser Roots	Owner of proprietary drawings for Dresser Roots brand equipment (blowers, exhausters & compressors)
EIMCO Water Technologies	Eimco and Baker Process skimmer and drive components for all 4 primary sedimentation tanks
Greenheck Fan Corporation	Greenheck Fan products
Hauck Mfg.	Hauck combustion equipment (incinerator burners and afterburners, valves, blowers, control panels)
Hyundai Ideal Electric	Hyundai Ideal Electric Company and Electric Machinery motors
Infilco Degremont Incorporated	Infilco Climber Screens & Helico Presses which are a trademark of Ondeo Degremont, Inc. ( <i>former name</i> ) and were designed specifically for BSA's treatment and application
Ingersoll-Rand	(Parent company for Dresser Rand) the OEM for digester gas compressors and parts
JDV Equipment Corporation	JDV parts, supplies and service for all JDV brand screw conveyors
JWC Environmental	Muffin Monster brand grinder products
New York Blower Company	Purchase of parts and supplies for New York Blowers
Royal Purple, Inc.	Purchase of Synfilm GT 32 Oil for use in the Dresser Roots blowers
ITT Sanitaire Corp	Purchase of various Sanitaire parts for diffuser and diffuser elements for Aeration Tanks
SFC-Adams, Inc. (d.b.a. R. P. Adams)	R. P. Adams automatic water strainers (self-flushing strainers)
Siemens Water Technologies Corp.	Davco Pump and pump parts used at the Waterfront Village Station, US Filter/Envirex, Link-Belt and FMC Corporation brand equipment including sludge thickeners and final clarifier sludge withdrawal equipment installed at the BSA facilities
Smith and Loveless, Inc.	Smith & Loveless brand parts including the Pista Grit concentrators
Twin City Clarage, Inc	Zurn/Clarage ID fans installed throughout BSA's facilities
Teledyne Isco, Inc.	ISCO samplers
Trane Service of Western New York	Owner of proprietary drawings for Trane brand air handling units installed at the BSA facilities
Varec Biogas	Anderson Greenwood & Varec equip.
W.S.G. & Solutions	US Filter/Envirex, Link-Belt and FMC Corporation brand equipment including grit collectors and bar screen equipment installed at the BSA facilities

MANUFACTURER	DETAIL
<b>PUMPS</b>	
Allis Chalmers/ITT	Allis Chalmers brand Wastewater, Process Water and Sump pumps installed throughout the BSA facilities
Bell and Gossett/ITT	Bell and Gossett brand Heating and Hot Water pumps installed throughout the BSA facilities
Edwards Vacuum Inc	BOC Edwards vacuum pumps installed throughout the Treatment Plant
Fairbanks Morse/Pentair Water	Fairbanks pumps and components
Flowserve Pump Co.	Flowserve (formerly Ingersoll-Dresser Pump Co.) brand waste activated sludge pumps. Purchase of parts, supplies and service for Worthington brand pumps.
Gorman-Rupp Company	Gorman Rupp brand pumps installed at BSA's facilities
Goulds/ITT IP Division	Goulds brand pumps installed at BSA facilities
ITT Water & Wastewater USA Inc. Flygt Products	ITT Flygt brand pumps installed throughout the BSA facilities
Moyno, Inc.	Moyno brand pumps and parts
Pulsafeeder Incorporated	Pulsafeeder brand chemical feed pumps
Vaughan Co., Inc.	Vaughan Chopper Pumps installed at the Treatment Plant
Vogelsang	Vogelsang Rotary Lobe Sludge Feed Pumps and the Vogelsang Rota-Cut 5000E Macerator Equipment located in the north digester control building
Watson-Marlow	Watson-Marlow brand chemical feed pumps.
WEMCO Pump	WEMCO brand products
<b>VALVES</b>	
AUMA Actuators	Auma control products (valve positioners) installed throughout the BSA facilities
EIM Controls	EIM valve actuators and controls
Fisher Controls International, LLC	Fisher control valves and actuators
Hydro Gate	Hydro Gate brand sluice gate and related equipment installed at the BSA facilities
Limatorque (A Div. of Flowserve)	Limatorque brand valve actuators
Rodney Hunt	Parts and components for Rodney Hunt Brand Sluice Gates and Valves
Val-Matic Valve	Val-matic Valves and components
<b>VEHICLES, HEAVY EQUIPMENT &amp; PERIPHERALS</b>	
Aries Industries, Inc.	Aries Industries Sewer Televising equipment and associated hardware and software
CUES Inc.	Cues TV camera and associated hardware and software





ITEM NO. 12

**CHANGE ORDER NO. 5 – CONTRACT NO. 84500006**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$4,747,000.00
Kranick Environmental	PREVIOUS CHANGE ORDERS	181,576.33
537 Lincoln Highway	THIS CHANGE ORDER	<u>(10,000.00)</u>
East McKeesport, Pa. 15035	FINAL CONTRACT COST	\$4,918,576.33

WORK:             Digester Numbers 3 and 4 Upgrade

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**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1    After several months of negotiations between the Buffalo Sewer Authority and Kranick Environmental, an agreement was made between both parties for the Authority to retain \$10,000.00 of the retention funds for outstanding expenses incurred by the Owner and other contractual obligations that were not completed as per contract specifications.

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1    Negotiated between the Buffalo Sewer Authority and Kranick Environmental.

**COST OF CHANGE OR EXTRA WORK:**

Item #1       (\$10,000.00)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK   (\$10,000.00)

The total DECREASE to the contract as a result of this Change Order is   (\$10,000.00)  
 ; and

**CONTRACT SUPPLEMENT CONDITIONS:**

1. The contract completion date established in the original contract or as modified by previous contract supplements remains unchanged.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings and under the provisions of the original contract, including compliance with applicable Equipment Specifications, General Specifications and Project Specifications for the same type of work.



ITEM NO. 13

CONTRACT NO. 84500006

**CERTIFICATE OF ACCEPTANCE AND OCCUPANCY**

WORK: Digester Numbers 3 and 4 Upgrade

BID: \$4,747,000.00

CONTRACTOR: Kranick Environmental  
537 Lincoln Highway  
East McKeesport, Pa. 15035

WHEREAS: The Treatment Plant Administrator and staff have certified that the Contractor completed the work in accordance with the plans and specifications on November 1, 2006.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the Contract has been complete and is accepted.
- b. The date of entrance and occupancy be fixed as of November 1, 2006.
- c. The maintenance period commence on November 1, 2006.
- d. Final payment be made to the Contractor in the amount of \$14,642.88 increased \$171,576.33 by change orders, making the final cost of the Contract \$4,918,576.33.

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

Board Meeting of July 22, 2009

## ITEM NO. 14

**CHANGE ORDER NO. 6 – CONTRACT NO. 84500011**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$4,963,000.00
Kranick Environmental	PREVIOUS CHANGE ORDERS	387,297.50
537 Lincoln Highway	THIS CHANGE ORDER	<u>(20,000.00)</u>
East McKeesport, Pa. 15035	FINAL CONTRACT COST	\$5,330,297.50

WORK:           Digester Numbers 1 and 2 Upgrade

**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1    After several months of negotiations between the Buffalo Sewer Authority and Kranick Environmental, an agreement was made between both parties for the Authority to retain \$20,000.00 of the retention funds for outstanding expenses incurred by the Owner and other contractual obligations that were not completed as per contract specifications.

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1    Negotiated between the Buffalo Sewer Authority and Kranick Environmental.

**COST OF CHANGE OR EXTRA WORK:**

Item #1       (\$20,000.00)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK                               (\$20,000.00)

The total DECREASE to the contract as a result of this Change Order is                               (\$20,000.00)  
; and

**CONTRACT SUPPLEMENT CONDITIONS:**

1. The contract completion date established in the original contract or as modified by previous contract supplements remains unchanged.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings and under the provisions of the original contract, including compliance with applicable Equipment Specifications, General Specifications and Project Specifications for the same type of work.

3. This contract supplement, unless otherwise provided herein, does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place, under coverage of his Performance and Payment Bonds and Contractor's Insurance, all work covered by this contract supplement. The Contractor will furnish to the owner evidence of increased coverage of his Performance and Payment Bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 6 to Contract No. 84500011 as written in the above Agenda Item, making the final contract cost \$5,330,297.50.

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

Board Meeting of July 22, 2009

ITEM NO. 15

CONTRACT NO. 84500011

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: Digester Numbers 1 and 2 Upgrade

BID: \$4,963,000.00

CONTRACTOR: Kranick Environmental  
537 Lincoln Highway  
East McKeesport, Pa. 15035

WHEREAS: The Treatment Plant Administrator and staff have certified that the Contractor completed the work in accordance with the plans and specifications on January 1, 2007.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the Contract has been complete and is accepted.
- b. The date of entrance and occupancy be fixed as of January 1, 2007.
- c. The maintenance period commence on January 1, 2007.
- d. Final payment be made to the Contractor in the amount of \$33,502.98 increased \$367,297.50 by change orders, making the final cost of the Contract \$5,330,297.50.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 5 NOES 0

Board Meeting of July 22, 2009

## ITEM NO. 16

**AUTHORIZATION FOR ORIGINAL EQUIPMENT MANUFACTURER PURCHASES OVER \$10,000 FOR FISCAL YEAR 2009-2010**

WHEREAS: At this meeting, the Board of the Buffalo Sewer Authority has designated various original equipment manufacturers, and/or their local representatives as sole sources for the purchase of various commodities, technology, and/or services for fiscal year 2009-2010; and

WHEREAS: Based upon historical usage, the Principal Chief Stationary Engineer anticipates the following not to exceed purchase costs for fiscal year 2009-2010:

<b>Original Equipment Manufacturer</b>	<b>Estimated Purchases</b>
ABB, Inc.	\$50,000
BSP Thermal Systems	\$40,000
Diamond Power International, Inc.	\$40,000
Eaton Electrical Inc.	\$40,000
EIM Controls	\$50,000
Fairbanks Morse/Pentair Water	\$20,000
Gorman-Rupp Company	\$20,000
ITT Flygt	\$30,000
JWC Environmental	\$20,000
Limitorque (A Div. Of Flowserve)	\$15,000
Moyno, Inc.	\$120,000
Royal Purple	\$20,000
Royce Technologies	\$30,000
Siemens Water Technologies Corp.	\$40,000
Smith & Loveless, Inc.	\$15,000
Varec Biogas	\$15,000
Vaughan Company, Inc.	\$50,000
Vogelsang	\$15,000

; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend approval for the estimated amounts listed for the various original equipment manufacturers for purchases anticipated for fiscal year 2009-2010; and

WHEREAS: Board approval is required on purchases made over \$10,000.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase original equipment commodities, as needed, from the original equipment manufacturers, or their designated local representatives, at a total cost not to exceed the listed amounts for fiscal year 2009-2010 and to charge them to the appropriate departmental accounts.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 5 NOES 0

Board Meeting of July 22, 2009



## ITEM NO. 17

**AUTHORIZATION TO ENTER INTO AN ENGINEERING SERVICES AGREEMENT WITH STEARNS & WHELER, LLC, FOR DESIGN OF THE COMBINED SEWER OVERFLOW LONG TERM CONTROL PLAN RECOMMENDATIONS WITHIN THE SWAN TRUNK SEWER SYSTEM**

WHEREAS: The Buffalo Sewer Authority was required under permit to develop and submit a Combined Sewer Overflow Long Term Control Plan; and

WHEREAS: The plan was submitted to the New York State Department of Environmental Conservation (NYSDEC) in July 2004; and

WHEREAS: During the course of negotiating a Consent Decree with the United States Environmental Protection Agency (USEPA) and the NYSDEC, the Buffalo Sewer Authority has agreed to construct \$30 million in system wide improvements over a five (5) year period; and

WHEREAS: The Swan Trunk Sewer System is included in the committed to system wide improvements; and

WHEREAS: An engineering services proposal has been submitted by Stearns & Wheler, LLC, which would address the necessary engineering to allow for construction of the Swan Trunk Sewer System Improvements; and

WHEREAS: The Combined Sewer Overflow Committee recommends accepting the Stearns & Wheler, LLC, proposal.

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 Stearns & Wheler, LLC, pursuant to their proposal to design the recommended sewer improvements within the Swan Trunk Sewer System at a cost not to exceed \$305,500.00. Funds for this contract shall be charged to the Construction Fund account no. 02000304-432004.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

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

AYES 5 NOES 0

Board Meeting of July 22, 2009

## ITEM NO. 18

**REPORT ON BIDS RECEIVED - WASHINGTON STREET SANITARY SEWER IMPROVEMENTS**

WHEREAS: Formal bids were advertised and solicited for Washington Street Sanitary Sewer Improvements. The following bids were received and opened by the Buffalo Sewer Authority on June 29, 2009:

C. Destro Development	\$179,700.00
Kandey Company	\$193,220.00
Visone Construction	\$330,700.00
Accadia Site Contracting	\$661,750.00
; and	

WHEREAS: The bids were received, and the contract will be awarded on the basis of a combined unit and lump sum bid. The bids do not reflect the true amount of the contract, but rather are subject to some variance. These variances are due to the actual amount of the quantities used as they appear in the estimate column multiplied by the unit price as bid; and

WHEREAS: The Principal Sanitary Engineer and staff reviewed the bids and recommend awarding the contract to the lowest bidder, C. Destro Development at a cost not to exceed \$179,700.00.

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 C. Destro Development at a cost not to exceed \$179,700.00. Expenses for this contract will be charged to account no. 02000303-490740.

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

Board Meeting of July 22, 2009

## ITEM NO. 19

**REPORT ON BIDS RECEIVED - SEWER CLEANING AND INTERNAL TELEVISION INSPECTION**

WHEREAS: Formal bids were advertised and solicited for Sewer Cleaning and Internal Television Inspection. The following bids were received and opened by the Buffalo Sewer Authority on July 20, 2009:

J. A. Brundage/The Drain Doctor	\$507,975.00
National Vacuum	\$572,371.00
; and	

WHEREAS: The bids were received, and the contract will be awarded on the basis of a combined unit and lump sum bid. The bids do not reflect the true amount of the contract, but rather are subject to some variance. These variances are due to the actual amount of the quantities used as they appear in the estimate column multiplied by the unit price as bid; and

WHEREAS: The Principal Sanitary Engineer and staff reviewed the bids and recommend awarding the contract to the lowest bidder, J. A. Brundage/The Drain Doctor at a cost not to exceed \$507,975.00.

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 J. A. Brundage/The Drain Doctor at a cost not to exceed \$507,975.00. Expenses for this contract will be charged to account no. 02000241-490740.

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

Board Meeting of July 22, 2009

ITEM NO. 20

**CONFIRMATION OF APPOINTMENTS**

**LABORER II (TEMPORARY)**  
SEWER MAINTENANCE DEPT.  
\$17.40 PER HOUR  
EFFECTIVE: JUNE 22, 2009

DAVID BROTHERS  
36 JOANNE LANE  
CHEEKTOWAGA, NY

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**LABORER I (SEASONAL)**  
SEWAGE TREATMENT PLANT  
\$90.00 PER DAY  
EFFECTIVE: JUNE 22, 2009

CONOR MORRISON  
88 CUSHING  
BUFFALO, NY

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**LABORER I (SEASONAL)**  
SEWAGE TREATMENT PLANT  
\$90.00 PER DAY  
EFFECTIVE: JULY 13, 2009

THOMAS BARNES  
57 TUSCARORA  
BUFFALO, NY

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**LABORER I (TEMPORARY)**  
**CHANGE OF STATUS ONLY**  
SEWAGE TREATMENT PLANT  
\$15.60 PER HOUR  
EFFECTIVE: JULY 13, 2009

ROGER STATES  
16 RACE ST.  
BUFFALO, NY

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

WHEREAS: The General Manager requests confirmation of each appointment.

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

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

Board Meeting of July 22, 2009

## ITEM NO. 21

**TUITION ASSISTANCE**

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

<b><u>EMPLOYEE</u></b>	<b><u>SCHOOL</u></b>	<b><u>COURSE</u></b>	<b><u>SEMESTER</u></b>	<b><u>TUITION</u></b>
Charles Riley	Canisius College	Basic Taxation	Fall 2009	\$2,001.00
Jason Shell	SUNY Brockport	Stats for Managers	Fall 2009	\$ 984.00
Jason Shell	SUNY Brockport	Research Methods & Program Evaluations	Fall 2009	\$ 984.00

WHEREAS: No Funds will be expended at this time.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Assistance.

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

Board Meeting of July 22, 2009

## ITEM NO. 22

**TUITION REIMBURSEMENT**

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

<b><u>EMPLOYEE</u></b>	<b><u>SCHOOL</u></b>	<b><u>COURSE</u></b>	<b><u>TUITION%</u></b>	<b><u>REIMBURSEMENT TOTAL</u></b>
Frank Rafferty	California State University	Treatment of Metal Wastestreams	100%	\$ 79.00
Jason Shell	SUNY Brockport	Financial Management	90%	\$ 1,051.00

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$1,130.00. These Reimbursements will be charged to account no. 00800108-480214.

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

Board Meeting of July 22, 2009

ITEM NO. 23

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

Board Meeting of July 22, 2009