

MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
October 7, 2009

52904.....52928

BUFFALO SEWER AUTHORITY

October 7, 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 September 2, 2009	52904
2	Temporary Investments (Certificates of Deposit and Treasury Bills)	52905-06
3	Reallocation of Funds	52907
4	Claim Against Liability and Casualty Reserve Fund	52908
5	Revision to Buffalo Sewer Authority Policy – Capital Assets	52909
6	Contract Approval – Legal Services	52910
7	Travel Authorization – Chicago, Illinois	52911
8	Authorization to Pursue and Acquire Permanent Easement Rights for Construction of Hamburg Drain Facility	52912-14
9	Authorization to Enter Into an Engineering Services Agreement with Malcolm Pirnie, Inc.	529015-16
10	Report on Bids Received – Purchase and Installation of One (1) New and Unused Fully Automated Extraction System	52917
11	Report on Bids Received – Bird Island Wastewater Treatment Plant Exterior Railing Repair – Phase I	52918
12	Authorization for Service from Ingersoll-Rand on the Digester Gas Compressors for Fiscal Year 2009-2010	52919-20
13	Report on Bids for the Rental of a Combination Sewer Cleaning Machine	52921
14	Authorization to Purchase Vehicle Under State Contract	52922

15	Purchase of One (1) New and Unused Combination Sewer Cleaning Machine	52923
16	Authorization to Enter into a Three (3) Year Engineering Services Agreement with DiDonato Associates, P.E., P.C.	52924
17	Confirmation of Appointments	52925-26
18	Tuition Reimbursement	52927
19	Adjournment of Meeting	52928

ITEM NO. 2

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

September 28, 2009

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	0.55%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$38,648,817.52	Chase	0.55%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,054,486.34	Chase	0.55%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$4,965,866.30	Chase	0.55%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$36,335.67	Chase	0.55%	High Yield
SURPLUS FUND						
28-Sep-09	30-Dec-09	93	\$143.41	MTB Funds		
			\$6,310,040.74	M&T Securities	0.61%	\$9,959.26
			<u>\$6,310,184.15</u>			
NET REVENUE FUND						
06-Aug-09	26-Oct-09	81	\$350.95	MTB Funds		
			\$2,999,101.23	M&T Securities	1.02%	\$6,898.77
25-Aug-09	25-Nov-09	92	\$6,500,005.33	M&T Securities	1.20%	\$19,994.67
28-Sep-09	31-Dec-09	94	\$3,099,649.05	M&T Securities	0.66%	\$5,350.95
			<u>\$12,599,106.56</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
DEBT RESERVE FUND						
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%	

RECEIVE & FILE

Board Meeting of October 7, 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>
8/26/2009	00550106 IWS Services	-7,000.00	00510106 Lab Services	7,000.00
8/27/2009	00520105 Maintenance Supplies	-2,586.25	00470105 Water Supplies	2,586.25
8/27/2009	00520105 Maintenance Supplies	-2,445.00	00470105 Water Supplies	2,445.00
8/31/2009	00520105 Maintenance Supplies	-28.74	00510105 Lab Supplies	28.74
9/9/2009	00520105 Maintenance Supplies	-400.00	00280105 SWWP Supplies	400.00
9/9/2009	00520105 Maintenance Supplies	-142.85	00440105 Kelly S Supplies	142.85
9/15/2009	00200107 Plant Capital Outlay	-155.00	00510107 Lab Capital Outlay	155.00
9/15/2009	00520105 Maintenance Supplies	-3,824.30	00440105 Kelly S Supplies	3,824.30
9/22/2009	00520105 Maintenance Supplies	-3,654.10	00400105 South Supplies	3,654.10

Sewer Maintenance Division

<u>Date</u>	<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
9/23/2009	00690107 Auto Capital Outlay	-46,000.00	00690106 Auto Services	46,000.00

RECEIVE & FILE

Board Meeting of October 7, 2009

ITEM NO. 4

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On June 30, 2009, Angela Reynolds & David Joseph of 206 Thompson Street, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damages incurred due to sewer back-ups on 6/10/09 and 6/15/09; and

WHEREAS: The General Manager determined that the Buffalo Sewer Authority is liable in this matter.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Angela Reynolds & David Joseph, 206 Thompson Street, Buffalo, New York, in the amount of \$457.58 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, SR.

AYES 5 NOES 0

Board Meeting of October 7, 2009

ITEM NO. 5

REVISION TO BUFFALO SEWER AUTHORITY POLICY – CAPITAL ASSETS

WHEREAS: The Buffalo Sewer Authority has a Capital Asset Guide that establishes the basis for inventory, values of capital and infrastructure assets, and depreciation calculations; and

WHEREAS: The Capital Asset Guide needed to be revised to increase the capitalization threshold of assets from \$5,000 to \$10,000; and

WHEREAS: The following sentences were added to clarify procedures for the sale or disposal of capital assets: “Approval of the Board of the Buffalo Sewer Authority is required prior to the sale or disposal of any capital asset. For accounting purposes, the date the Board approves a sale or disposal shall be deemed the event date for removing a capital asset from fixed asset inventory”; and

WHEREAS: The following sentences were added to clarify procedures related to construction in progress: “The Board shall approve the Certificate of Occupancy, or an informational item indicating that the project is complete. The date the Certificate of Occupancy, or informational item is approved by the Board shall be the date that a project is moved from construction in progress to fixed asset infrastructure inventory for accounting purposes.”

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the revised “Capital Asset Guide for Buffalo Sewer Authority” (Attachment A), which establishes the basis for inventory, values of capital and infrastructure, and depreciation calculations.

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

Board Meeting of October 7, 2009

ITEM NO. 6

CONTRACT APPROVAL - LEGAL SERVICES

WHEREAS: The Buffalo Sewer Authority has many complex regulatory, enforcement, and environmental matters that require the skills of a specialized attorney; and

WHEREAS: F. Paul Calamita, of AquaLaw PLC, from Richmond, VA, has extensive expertise in these matters; and

WHEREAS: The Buffalo Sewer Authority wishes to utilize his expertise for negotiations with the Environmental Protection Agency (EPA) in connection with environmental matters associated with combined sewer overflows (CSO's); and

WHEREAS: The General Manager and the members of his committee recommend approval to retain F. Paul Calamita, of AquaLaw PLC, for professional legal services as stated above on an as-needed basis through June 30, 2010.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain F. Paul Calamita, of AquaLaw PLC, for professional legal services in connection with environmental matters associated with CSO's on an as-needed basis through June 30, 2010. Mr. Calamita shall be compensated at the rate of \$275.00 per hour, to a maximum of \$65,000.00. Expenses for these services will be charged to account no. 00110106-432003.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of October 7, 2009

ITEM NO. 8

AUTHORIZATION TO PURSUE AND ACQUIRE PERMANENT EASEMENT RIGHTS FOR CONSTRUCTION OF HAMBURG DRAIN FACILITY

- WHEREAS: The Buffalo Sewer Authority, as part of the Inner Harbor Development Project, has entered into a Memorandum of Understanding with the Empire State Development Corporation, the lead agency pursuant to the State Environmental Quality Review Act (SEQRA) as part of the Buffalo Inner Harbor Development Project Master Plan; and
- WHEREAS: The Buffalo Sewer Authority has committed to the construction of the Hamburg Drain Screening Facility (the “Project”) in order to remove floatable material from the Hamburg Drain; and
- WHEREAS: The location for construction of this facility is land in an area bounded by Michigan Avenue, Scott, Washington and Exchange Streets (the “Property”); and
- WHEREAS: Based on examination of public records for this area, ownership of the Property is held by the People of the State of New York, under the present administrative jurisdiction of the New York State Thruway Authority; and
- WHEREAS: In order to implement the Project, it is necessary for the Buffalo Sewer Authority to acquire easement rights for the Property from said owner; and
- WHEREAS: The New York State Public Authorities Law Sections 1178(7) and 1182 authorizes the Buffalo Sewer Authority to acquire lands, or any right, title, interest, or easement therein in the name of the City of Buffalo, and upon such acquisition, any such fee, right, title, interest, or easement shall become dedicated to the uses and purposes of the Buffalo Sewer Authority; and
- WHEREAS: The Buffalo Sewer Authority has submitted applications to the New York State Thruway Authority for issuance of an occupancy permit and conveyance of a permanent easement to implement the Project; and
- WHEREAS: The New York State Thruway Authority has proposed an Easement Agreement by and among the New York State Thruway Authority, the People of the State of New York acting by and through the New York State Thruway Authority, the Buffalo Sewer Authority and the City of Buffalo, hereinafter referred to as the “Easement Agreement,” a draft copy of said Easement Agreement is attached for reference.

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 7th day of October, 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 7th day of October, 2009.

Eleanor C. Wilson DiVincenzo
Secretary of the Board

(SEAL)

ITEM NO. 9

AUTHORIZATION TO ENTER INTO AN ENGINEERING SERVICES AGREEMENT WITH MALCOLM PIRNIE, INC.

- WHEREAS: The Buffalo Sewer Authority (the Authority) processes waste sludge at the Bird Island Wastewater Treatment Plant (WWTP) by dewatering, digesting, and incinerating the materials prior to disposal of the resulting ash to landfill; and
- WHEREAS: The Authority has made significant improvements in its dewatering and digestion processes that have reduced the volume of sludge transferred to incineration; and
- WHEREAS: The Authority recognizes that sufficient capacity is available to provide receiving and processing of residual solids to municipal and private entities; and
- WHEREAS: The Buffalo Sewer Authority, together with the Town of Amherst, applied for and received a grant through the New York State Department of State, Local Government Efficiency Grant Program for Shared Services to process residual solids from the Town of Amherst; and
- WHEREAS: Upon the Buffalo Sewer Authority's request, Malcolm Pirnie, Inc., has submitted a proposal to perform engineering evaluation and design for the construction of a residual solids receiving facility at the Bird Island WWTP at a total cost not to exceed \$39,500.00; and
- WHEREAS: Board authorization is required on services over \$20,000.00; and
- WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend accepting the proposal from Malcolm Pirnie, Inc.

ITEM NO. 10

REPORT ON BIDS RECEIVED - PURCHASE AND INSTALLATION OF ONE (1) NEW AND UNUSED FULLY AUTOMATED EXTRACTION SYSTEM

WHEREAS: Formal bids were advertised and solicited for the purchase and installation of one (1) new and unused Fully Automated Extraction System to replace the existing unit purchased in 2001 which has reached its life expectancy. This system is used to analyze waste grease and oil samples; and

WHEREAS: The following bid was received and opened by the Buffalo Sewer Authority Purchase Department on September 10, 2009:

Horizon Technology, Inc.	\$25,247.00
; and	

WHEREAS: The Treatment Plant Superintendent, Associate Chemist in charge of the Laboratory and staff reviewed the bid and recommend awarding the purchase and installation of the Fully Automated Extraction System to the bidder, Horizon Technology, at a total cost of \$25,247.00; and

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

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase one (1) new and unused Fully Automated Extraction System with installation from Horizon Technology, Inc., at a total cost not to exceed \$25,247.00. Expenses for this purchase will be charged to account no. 00510107-474100.

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

Board Meeting of October 7, 2009

ITEM NO. 11

INFORMATIVE: REPORT ON BIDS RECEIVED - BIRD ISLAND WASTEWATER TREATMENT PLANT EXTERIOR RAILING REPAIR - PHASE I

Formal bids were advertised and solicited for the Bird Island Wastewater Treatment Plant Exterior Railing Repair – Phase I. The following bids were received and opened by the Buffalo Sewer Authority on September 29, 2009:

Quackenbush Company	\$13,650.00
Hohl Industrial	\$62,650.00
; and	

The proposals were received and the lowest bid, submitted by Quackenbush Company, was lower than expected.

Quackenbush Company is currently under contract with the Buffalo Sewer Authority to perform in-plant mechanical maintenance and has agreed to perform phase I of the exterior railing repair under this contract.

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

RECEIVE AND FILE

Board Meeting of October, 7, 2009

ITEM NO. 12

AUTHORIZATION FOR SERVICE FROM INGERSOLL-RAND ON THE DIGESTER GAS COMPRESSORS FOR FISCAL YEAR 2009-2010

WHEREAS: On July 22, 2009, the Board of the Buffalo Sewer Authority designated Ingersoll Rand, the parent company for the original equipment manufacturer, Dresser Rand, as a sole source for equipment repairs and supplies for the digester gas compressors located at the Treatment Plant; and

WHEREAS: The Principal Chief Stationary Engineer requested and received quotes from Ingersoll Rand for various services needed as follows:

Service needed	Total Quote
Quarterly Maintenance Inspections on 2 ESH Digester Compressors @ \$1,750 per quarter	\$7,000.00
PackageCare (one-year maintenance contract for UP6-25'S, OL5 Compressors and accessories) @ \$1,704.78 per quarter	\$6,819.12
ESH Digester Compressors valve rebuild on ESH No. 9 and No. 10	\$55,488.00
ESH Digester Compressor cooler (remove, inspect and reinstall)	\$9,400.00
Grand total	\$78,707.12

; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer and staff request approval for a total amount not to exceed \$100,000.00 for the above services needed plus any unforeseen equipment repairs and/or supplies that may be needed through the remainder of fiscal year 2009-2010; and

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

ITEM NO. 15

REPORT ON BIDS RECEIVED - PURCHASE OF ONE (1) NEW AND UNUSED COMBINATION SEWER CLEANING MACHINE

WHEREAS: Formal bids were advertised and solicited for the purchase of one (1) new and unused combination sewer cleaning machine. The following bids were received and opened by the Buffalo Sewer Authority on September 10, 2009:

BIDDER	MACHINE MFG., MODEL & YEAR	TOTAL COST
Vantage Equipment	Vacall, Model AJV 1515, 2009	\$276,295.00
Foster's Equipment, Inc.	Vac-Con, Model VPD4216HN/1300, 2009	\$287,885.00
Cyncon Equipment, Inc.	Super Products Corp., Camel 200-16, 2009	\$298,813.00
Joe Johnson Equipment	Vactor 2115, 2009 (Sterling Cab & Chassis)	\$301,701.00
Joe Johnson Equipment	Vactor 2115, 2009 (International Cab & Chassis)	\$314,938.00

;and

WHEREAS: Upon review of the bids it was determined that there were significant deviations from the specifications within the proposals submitted by Vantage Equipment, Foster's Equipment, Inc., and Cyncon Equipment, Inc.; and

WHEREAS: The low responsible proposal was submitted by Joe Johnson Equipment at a total cost of \$301,701.00; and

WHEREAS: The Director of Sewer Maintenance recommends accepting the proposal of Joe Johnson Equipment at a total cost of \$301,701.00.

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 Joe Johnson Equipment at a cost not to exceed \$301,701.00. Expenses for this contract will be charged to account no. 00690107-474200.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of October 7, 2009

ITEM NO. 17

CONFIRMATION OF APPOINTMENTS

**EQUIPMENT OPERATOR (BSA) (PERMANENT)
CHANGE OF STATUS ONLY
SEWER MAINTENANCE DEPT.
\$20.42 PER HOUR
EFFECTIVE: AUGUST 26, 2009**

FRANK FIORELLA, JR.
282 HOYT ST.
BUFFALO, NY

**ASSISTANT SANITARY ENGINEER (PERMANENT)
CHANGE OF STATUS ONLY
ENGINEERING DEPARTMENT
\$53,479 PER ANNUM
EFFECTIVE: SEPTEMBER 23, 2009**

JAMES ZGODA
117 EDEN ST.
BUFFALO, NY

**EQUIPMENT OPERATOR (BSA) (PERMANENT)
SEWER MAINTENANCE DEPT.
\$20.42 PER HOUR
EFFECTIVE: OCTOBER 5, 2009**

ALFONSO VENTURA
1307 RANSOM ROAD, APT. 2A
GRAND ISLAND, 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.

ITEM NO. 18

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>
Salvatore Falzone	Buffalo State College	Basic Laboratory	100%	\$600.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$600.00. This Reimbursement will be charged to account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of October 7, 2009

ITEM NO. 19

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of October 7, 2009