

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
December 2, 2009**

BUFFALO SEWER AUTHORITY

December 2, 2009

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present:	<u>Herbert Bellamy</u>	<u>Chairman</u>
	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>
	<u>Eleanor Wilson-DiVincenzo</u>	<u>Secretary</u>
	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>
	<u>David Comerford</u>	<u>General Manager</u>
	<u>Oluwole McFoy</u>	<u>Secretary to the General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>Jason Shell</u>	<u>Intergovernmental Coordinator</u>
	<u>Franklin DiMascio, P.E.</u>	<u>Principal Sanitary Engineer</u>
	<u>James Eagan, P.E.</u>	<u>Senior Sanitary Engineering</u>
	<u>James Keller</u>	<u>Supervisor</u>
	<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Superintendent</u>
	<u>Darryl McPherson</u>	<u>Treatment Plant Administrator</u>
	<u></u>	<u>City Auditor</u>
	<u></u>	<u></u>
Absent:	<u>none</u>	<u></u>
	<u></u>	<u></u>

The meeting was called to order at 9:04 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of November 4, 2009

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

Board Meeting of December 2, 2009

ITEM NO. 2

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

November 18, 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		\$36,800,939.24	Chase	0.55%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,054,982.05	Chase	0.55%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$2,782,740.30	Chase	0.55%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$36,340.21	Chase	0.55%	High Yield
SURPLUS FUND						
			\$143.41	MTB Funds		
28-Sep-09	30-Dec-09	93	\$6,310,040.74	M&T Securities	0.61%	\$9,959.26
			<u>\$6,310,184.15</u>			
NET REVENUE FUND						
			\$756.70			
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
01-Oct-09	31-Dec-09	91	\$2,999,823.61	M&T Securities	0.55%	\$4,176.39
27-Oct-09	25-Jan-10	90	\$2,998,345.35	M&T Securities	0.62%	\$4,654.65
			<u>\$15,598,580.04</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%	

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Board Meeting of December 2, 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.

Administrative Division

<u>Date</u>	<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
11/18/2009	00110106 Administrative Services	-20,000.00	00550106 IWS Services	20,000.00

Wastewater Treatment Plant

<u>Date</u>	<u>From Account</u>	<u>Amount</u>	<u>To Account</u>	<u>Amount</u>
11/5/2009	00200108 Plant Insurance	-160.00	00650108 Sewer Maintenance Insurance	160.00
11/12/2009	00520105 Maintenance Supplies	-36,335.50	00210105 RWWP Supplies	36,335.50
11/17/2009	00230106 Grit Services	-4,000.00	00270106 Gas Services	4,000.00
11/17/2009	00240106 Primary Sedimentation Services	-10,000.00	00270106 Gas Services	10,000.00
11/17/2009	00280106 Settled Wastewater Pumps	-1,000.00	00270106 Gas Services	1,000.00
11/17/2009	00300106 Blower Services	-10,000.00	00270106 Gas Services	10,000.00
11/17/2009	00360106 Dewatering Services	-4,500.00	00270106 Gas Services	4,500.00
11/17/2009	00370106 Dryer Services	-2,000.00	00270106 Gas Services	2,000.00
11/17/2009	00410106 Hamburg Services	-5,500.00	00270106 Gas Services	5,500.00
11/17/2009	00420106 Amherst Services	-5,000.00	00270106 Gas Services	5,000.00
11/17/2009	00520106 Maintenance Services	-10,000.00	00270106 Gas Services	10,000.00

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Board Meeting of December 2, 2009

ITEM NO. 4

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On November 12, 2009, William Carr, 48 Inwood Place, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority in the amount of \$150.00 for property damage caused by a sewer collapse that occurred from March 9 – 12, 2009; and

WHEREAS: The General Manager reviewed this Claim and negotiated a full settlement in the amount of \$75.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to William Carr, 48 Inwood Place, Buffalo, New York, in the amount of \$75.00 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO _____ APPROVE _____

MADE BY _____ MR. KENNEDY, SR. _____

2ND BY _____ MR. KENNEDY, JR. _____

AYES _____ 5 _____ NOES _____ 0 _____

Board Meeting of December 2, 2009

ITEM NO. 5

AMEND BOARD RESOLUTION ITEM NO. 9 OF THE BOARD MEETING OF JUNE 17, 2009

WHEREAS: At the June 17, 2009 meeting, the Board of the Buffalo Sewer Authority authorized the General Manager to retain J. Chester Johnson, of Government Finance Associates, Inc., for financial advisory services in connection with obtaining funding from the New York State Environmental Facilities Corporation (“EFC”) through the American Recovery and Reinvestment Act (“ARRA”) for the Hamburg Drain Floatables Control Facility; and

WHEREAS: Expenses for these financial advisory services were approved to be charged to account no. 02000207-431001; and

WHEREAS: It is necessary to amend the account no. to 02000306-431001 for these financial advisory services.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes Resolution Item No. 9 of the Board Meeting of June 17, 2009, be amended to read as follows:

“That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain J. Chester Johnson, of Government Finance Associates, Inc., for financial advisory services in connection with obtaining funding from the EFC, through the ARRA for the Hamburg Drain Floatables Control Facility. Expenses for the proposed short-term note transaction with EFC, up to a maximum of \$10,000.00, and expenses for the proposed bond issue with EFC, up to a maximum of \$15,000.000, for a total not to exceed \$25,000.00, will be charged to **account no. 02000306-431001.**”

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

Board Meeting of December 2, 2009

ITEM NO. 6

AMEND BOARD RESOLUTION ITEM NO. 10 OF THE BOARD MEETING OF JUNE 17, 2009

WHEREAS: At the June 17, 2009 meeting, the Board of the Buffalo Sewer Authority authorized the General Manager to retain Timothy C. Cashmore, of Damon and Morey, LLP, as bond counsel with respect to obtaining funds from the New York State Environmental Facilities Corporation (“EFC”) through the American Recovery & Reinvestment Act (“ARRA”) for the Hamburg Drain Floatables Control Facility; and

WHEREAS: Expenses for these legal services, to a maximum of \$25,000.00, were approved to be charged to account no. 02000207-432003; and

WHEREAS: It is necessary to amend the account no. to 02000306-432003 for these legal services.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes Resolution Item No. 10 of the Board Meeting of June 17, 2009, be amended to read as follows:

“That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain Timothy C. Cashmore, of Damon and Morey, LLP, as bond counsel, with respect to obtaining funds from EFC through ARRA for the Hamburg Drain Floatables Control Facility. Expenses for the proposed short-term note transaction with EFC, up to a maximum of \$10,000.00, and for the proposed bond issue with EFC, up to a maximum of \$15,000.00, for a total not to exceed \$25,000.00, will be charged to **account no. 02000306-432003.**”

MOTION TO	APPROVE		
MADE BY	MR. KENNEDY, JR.		
2 ND BY	MR. ROOSEVELT		
AYES	5	NOES	0

Board Meeting of December 2, 2009

ITEM NO. 7

CONTRACT APPROVAL - CONSULTING SERVICES

WHEREAS: The American Recovery and Reinvestment Act (ARRA) of 2009, an economic stimulus package, was enacted by the Federal Government to encourage corporate and private individual spending within the economy; and

WHEREAS: The ARRA is aimed at improving the nation's infrastructure through funding of ready-to-go road, bridge, water, and wastewater projects; and

WHEREAS: The Buffalo Sewer Authority (Authority) has two major projects that meet this criterion, including the Lackawanna Wastewater Treatment Plant Elimination and the Cornelius Creek Overflow Abatement; and

WHEREAS: At the Meeting of December 3, 2008, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into a consulting agreement with American Group, LLC to represent and advise the Authority in acquiring financial assistance for major environmental projects for the period January 1, 2009 through December 31, 2009 for a cost of \$3,750.00 per month plus actual out-of-pocket expenses pre-approved by the Authority; and

WHEREAS: The General Manager and staff recommend renewing the agreement with American Continental Group, LLC for consulting services for the subsequent round of funding from the Federal Government.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into a consulting agreement with American Continental Group, LLC to represent and advise the Authority in developing funding for major projects. The cost of these services shall be \$3,750.00 per month for professional services, with a total amount not to exceed \$45,000.00, plus actual costs for pre-approved out-of-pocket expenses for the period January 1, 2010 through December 31, 2010. Expenses for this contract shall be charged to account no. 00110106-432004.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, SR.

AYES 5 NOES 0

Board Meeting of December 2, 2009

ITEM NO. 9

AUTHORIZATION FOR SERVICE FROM JWC ENVIRONMENTAL ON THE PRIMARY SEDIMENTATION AND FILTER FEED GRINDERS AND AUTHORIZATION FOR TOTAL NOT TO EXCEED COSTS FOR FISCAL YEAR 2009-2010

WHEREAS: On July 22, 2009, the Board of the Buffalo Sewer Authority designated JWC Environmental, the original equipment manufacturer, as a sole source for equipment repairs and supplies for the Muffin Monster brand grinders located at the Treatment Plant; and

WHEREAS: A quote was requested and received from JWC Environmental for the rebuilding of two grinders located in the primary sedimentation and filter feed areas in the total amount of \$15,780.00, plus estimated freight charges of \$553.40; and

WHEREAS: This service will bring the total monies payable to JWC Environmental for services in fiscal year 2009-2010 to \$31,095.18; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff reviewed the quote received and recommend these repairs and further recommend approval for a total cost not to exceed \$40,000.00 through June 30, 2010; and

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to utilize the services of JWC Environmental for the above repairs for a total amount not to exceed \$15,780.00, plus any incurred freight charges not to exceed \$700.00, and further authorizes a total not to exceed cost for services for fiscal year 2009-2010 up to \$40,000.00. These repairs will be charged to account nos. 00240106-443301 and 00350106-443301.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of December 2, 2009

ITEM NO. 10

AUTHORIZATION TO PURCHASE PARTS FOR CENTRIFUGES

WHEREAS: On July 22, 2009, the Board of the Buffalo Sewer Authority designated Westfalia Separator, Inc., the original equipment manufacturer, as a sole source for all Westfalia brand centrifuge parts, supplies, and service for the two centrifuges located at the Treatment Plant; and

WHEREAS: The Principal Chief Stationary Engineer has determined a need for restock of replacement parts for these centrifuges; and

WHEREAS: Under Contract No. 84500009 with Westfalia Separator, Inc., the total cost for the necessary restock parts is as follows:

Quantity	Description	Unit Price	Total Cost
1	Scroll	\$130,000.00	\$130,000.00
1	Set of pillow block bearings	\$9,800.00	\$9,800.00
1	Set of new conveyor bearings	\$3,800.00	\$3,800.00
1	Set of bearing seals	\$14,300.00	\$14,300.00
1	Set of thrust bearings	\$6,400.00	\$6,400.00
3	Sets of centrifuge feed tube insert and solids discharge port inserts	\$12,700.00	\$38,100.00
3	Full set of centrifuge scraper bars	\$1,000.00	\$3,000.00
Total			\$205,400.00

; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, Principal Chief Stationary and staff recommend this necessary purchase; and

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

ITEM NO. 11

CHANGE ORDER NO. 1 – CONTRACT NO 85000004

CONTRACTOR:	ORIGINAL CONTRACT COST	\$189,333.00
WeCare Organics, LLC	THIS CHANGE ORDER	<u>75,000.00</u>
9289 Bonta Bridge Road	ADJUSTED CONTRACT COST	\$264,333.00
Jordan, New York 13080		

WORK: South Mix Tank and Digester # 6 Cleaning

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Remove, Process and Dispose of the contents of the North Mixing Tank.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 As a result of the build up of grit, rags and other debris in the tank, the Buffalo Sewer Authority is unable to withdraw efficiently from the North Mixing Tank. This condition inhibits the sludge de-watering process.

The Contractor will not charge the Owner for mobilization since equipment and personnel are already staged on Bird Island for the base contract which includes Cleaning the South Mixing Tank and Digester #6.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$75,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$75,000.00

The total INCREASE to the contract as a result of this Change Order is \$75,000.00
; 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. 12

REQUEST FOR REDUCTION IN RETENTION CONTRACT NO. 84900009 - MAN O' TREES, INC.

WHEREAS: The Board of the Buffalo Sewer Authority awarded a contract to Man O' Trees, Inc., on July 16, 2008, for the CSO #035 Sewer Separation Project; and

WHEREAS: Construction of the CSO # 035 Sewer Separation Project is now substantially completed; and

WHEREAS: The contractor, Man O' Trees, Inc., has requested that the amount of monies retained on the contract be reduced from 5% to 1%; and

WHEREAS: The Principal Sanitary Engineer recommends reduction of the retention to 1%.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the retention of monies for contract no. 84900009 with Man O' Trees, Inc., be reduced from 5% to 1%.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of December 2, 2009

ITEM NO. 13

CONFIRMATION OF APPOINTMENTS

**LABORER I (PERMANENT)
CHANGE OF STATUS ONLY
SEWAGE TREATMENT PLANT
\$15.60 PER HOUR
EFFECTIVE: NOVEMBER 16, 2009**

ROGER STATES
16 RACE ST.
BUFFALO, NY

**LABORER II (TEMPORARY)
SEWER MAINTENANCE DEPT.
\$17.92 PER HOUR
EFFECTIVE: NOVEMBER 23, 2009**

JOSEPH PARADISI
44 ARUNDEL
BUFFALO, NY

**INSTRUMENT TECHNICIAN (PROVISIONAL)
SEWAGE TREATMENT PLANT
\$19.62 PER HOUR
EFFECTIVE: NOVEMBER 30, 2009**

RICHARD BONNER
48 PAUL PLACE
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 APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of December 2, 2009

ITEM NO. 14

ADJOURNMENT OF MEETINGMOTION TO APPROVE MADE BY MS. WILSON-DIVINCENZO 2ND BY MR. KENNEDY, JR. AYES 5 NOES 0

Board Meeting of December 2, 2009