

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
January 11, 2012**

53752.....53777

BUFFALO SEWER AUTHORITY

January 11, 2012

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 December 7, 2011 | 53752 |
| 2 | Temporary Investments (Certificates of Deposit and Treasury Bills) | 53753-54 |
| 3 | Reallocation of Funds | 53755 |
| 4 | Report on the Condition of the Capital Improvement Fund | 53756 |
| 5 | Report on the Condition of the Liability and Casualty Reserve Fund | 53757 |
| 6 | Authorization for Change Order to Blanket Order No. 21200357 | 53758 |
| 7 | Change Order No. 1 – Contract No. 85100029 | 53759-60 |
| 8 | Change Order No. 1 – Contract No. 85100030 | 53761-62 |
| 9 | Change Order No. 1 – Contract No. 85100015 | 53763-64 |
| 10 | Certificate of Acceptance and Occupancy – Contract No. 85100015 | 53765 |
| 11 | Certificate of Acceptance and Occupancy – Contract No. 85100017 | 53766 |
| 12 | Authorization to Enter into an Agreement with Malcolm Pirnie (Water Division of Arcadis) for Engineering Services – Incinerator Heat Recovery and Energy Flow Modeling | 53767-68 |
| 13 | Authorization for Change Order No. 1 to Contract No. 85000012 for Sewer Cleaning and Internal Television Inspections | 53769 |
| 14 | Certificate of Acceptance and Occupancy – Contract No. 85100023 | 53770 |
| 15 | Change Order No. 3 – Contract No. 85000020 | 53771-72 |

| | | |
|----|------------------------------|----------|
| 16 | Confirmation of Appointments | 53773-74 |
| 17 | Tuition Reimbursement | 53775 |
| 18 | Tuition Assistance | 53776 |
| 19 | Adjournment | 53777 |

CALL OF THE ROLL

| | | |
|----------|----------------------------------|--|
| Present: | <u>Herbert L. Bellamy, Jr.</u> | <u>Chairman</u> |
| | <u>John D. Kennedy, Sr.</u> | <u>Vice Chairman</u> |
| | <u>Christopher Roosevelt</u> | <u>Assistant Vice Chairman</u> |
| | <u>John E. Kennedy, Jr.</u> | <u>Assistant Secretary</u> |
| | <u>David Comerford</u> | <u>General Manager</u> |
| | <u>Ronald Brown</u> | <u>Executive Secretary</u> |
| | <u>Scott Steinwald</u> | <u>Intergovernmental Coordinator</u> |
| | <u>James Eagan, P.E</u> | <u>Sr. Sanitary Engineering Supervisor</u> |
| | <u>James Keller</u> | <u>Treatment Plant Superintendent</u> |
| | <u>Roberta Gaiek, P.E.</u> | <u>Treatment Plant Administrator</u> |
| | <u>Thomas Caulfield</u> | <u>Administrator of Capital Improvements & Development</u> |
| | <u>Yusef Myrick</u> | <u>Supt. Mechanical Maintenance</u> |
| | <u>Darryl McPherson, Esq.</u> | <u>City Auditor</u> |
| | <u>Laura Surdej</u> | <u>Erie Co. Dept. of Sewerage</u> |
| | <u></u> | <u></u> |
| | <u></u> | <u></u> |
| | <u></u> | <u></u> |
| Absent: | <u>Eleanor Wilson-DiVincenzo</u> | <u>Secretary</u> |

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 December 7, 2011

MOTION TO ADOPT
MADE BY MR. KENNEDY, JR.
2ND BY MR. KENNEDY, SR.
AYES 4 NOES 0

ITEM NO. 2

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

December 30, 2011

| ISSUE DATE | MATURITY DATE | TOTAL DAYS | AMOUNT | BANK | RATE | INTEREST AMOUNT |
|--|---------------|------------|------------------------|----------------|-------|-----------------|
| CAPITAL IMPROVEMENT FUND | | | | | | |
| 15-Apr-02 | Money Market | | \$500,000.00 | Chase | 0.35% | High Yield |
| CONSTRUCTION FUND | | | | | | |
| 08-Apr-02 | Money Market | | \$40,892,570.17 | Chase | 0.35% | High Yield |
| LIABILITY AND CASUALTY RESERVE FUND | | | | | | |
| 22-Apr-02 | Money Market | | \$989,175.15 | Chase | 0.35% | High Yield |
| OPERATING FUND | | | | | | |
| 08-Apr-02 | Money Market | | \$2,577,077.81 | Chase | 0.35% | High Yield |
| TRUST & AGENCY FUND | | | | | | |
| 06-May-02 | Money Market | | \$36,734.71 | Chase | 0.35% | High Yield |
| SURPLUS FUND | | | | | | |
| | | | \$529.67 | MTB Funds | | |
| 30-Dec-11 | 29-Mar-12 | 90 | \$6,049,308.15 | M&T Securities | 0.31% | \$4,691.85 |
| | | | <u>\$6,049,837.82</u> | | | |
| NET REVENUE FUND | | | | | | |
| | | | \$240.77 | MTB Funds | | |
| 26-Oct-11 | 26-Jan-12 | 92 | \$5,999,778.39 | M&T Securities | 0.21% | \$3,221.61 |
| 30-Nov-11 | 28-Feb-12 | 90 | \$5,500,000.00 | M&T Commercial | 0.22% | \$3,025.00 |
| 30-Dec-11 | 29-Mar-12 | 90 | \$1,599,759.23 | M&T Securities | 0.31% | \$1,240.77 |
| | | | <u>\$13,099,778.39</u> | | | |

| ISSUE DATE | MATURITY DATE | TOTAL DAYS | AMOUNT | BANK | RATE | INTEREST AMOUNT |
|--------------------------|---------------|------------|-----------------------|------------------|-------|-----------------|
| DEBT RESERVE FUND | | | | | | |
| Series F | | | | | | |
| 03-Jun-11 | 03-May-12 | 335 | \$245,000.00 | FDIC Brokered CD | 0.45% | |
| 01-Jun-11 | 01-June-12 | 366 | \$245,000.00 | FDIC Brokered CD | 0.60% | |
| 03-Jun-11 | 01-Jun-12 | 364 | \$245,000.00 | FDIC Brokered CD | 0.45% | |
| 13-Jun-11 | 13-Jun-12 | 366 | \$245,000.00 | FDIC Brokered CD | 0.35% | |
| 15-Jun-11 | 13-Jun-12 | 364 | \$245,000.00 | FDIC Brokered CD | 0.30% | |
| 15-Jun-11 | 15-Jun-12 | 366 | \$132,000.00 | FDIC Brokered CD | 0.30% | |
| | | | \$1,357,000.00 | | | |
| Series I | | | | | | |
| 01-Aug-08 | 06-Sep-13 | 1862 | \$8,240,877.50 | FHLB | 4.00% | |
| Series H | | | | | | |
| 13-Mar-03 | 15-Apr-32 | | \$2,825,593.00 | SLG | 4.35% | |
| Series J | | | | | | |
| 04-Mar-04 | 15-Nov-33 | | \$774,061.00 | SLG | 3.82% | |
| Series K | | | | | | |
| 22-Jul-04 | 15-Feb-33 | | \$498,654.00 | SLG | 4.63% | |
| Series L | | | | | | |
| 27-Jul-06 | 01-Oct-35 | | \$952,666.00 | SLG | 4.52% | |

RECEIVE & FILE

Board Meeting of January 11, 2012

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

| | | | | |
|------------|-------------------------------------|--------------|-----------------------------------|-------------|
| 12/15/2011 | 00110111 Administrative Salaries | -\$97,405.00 | 00800183 Financial Contingency | \$97,405.00 |
|------------|-------------------------------------|--------------|-----------------------------------|-------------|

Wastewater Treatment Plant

| | | | | |
|------------|----------------------------------|--------------|-----------------------------------|-------------|
| 12/02/2011 | 00520105 Maintenance Supplies | -\$2,325.00 | 00290105 Aeration Supplies | \$2,325.00 |
| 12/15/2011 | 00200111 Plant Salaries | -\$81,140.00 | 00800183 Financial Contingency | \$81,140.00 |
| 12/15/2011 | 00250171 Maintenance Salaries | -\$40,934.00 | 00800183 Financial Contingency | \$40,934.00 |
| 12/16/2011 | 00520105 Maintenance Supplies | -\$520.00 | 00290105 Aeration Supplies | \$520.00 |
| 12/16/2011 | 00360106 Dewatering Services | -\$2,500.00 | 00340106 Thickener Services | \$2,500.00 |
| 12/22/2011 | 00520106 Maintenance Services | -\$1,500.00 | 00380106 Incineration Services | \$1,500.00 |

Sewer Maintenance Division

| | | | | |
|------------|-----------------------------------|-------------|---------------------------|------------|
| 11/28/2011 | 00660105 Sewer Repair Supplies | -\$2,000.00 | 00690102 Auto Supplies | \$2,000.00 |
|------------|-----------------------------------|-------------|---------------------------|------------|

General Financial Charges

| | | | | |
|------------|-----------------------------------|---------------|-----------------------------------|--------------|
| 12/15/2011 | 00800183 Financial Contingency | -\$184,635.00 | 00380106 Incineration Services | \$184,635.00 |
|------------|-----------------------------------|---------------|-----------------------------------|--------------|

RECEIVE & FILE

Board Meeting of January 11, 2012

ITEM NO. 4

INFORMATIVE: REPORT ON THE CONDITION OF THE CAPITAL IMPROVEMENT FUND

| | | |
|--|-----------------|---------------------|
| Balance July 1, 2011 (Temporary Investments & Cash) | \$500,164.25 | |
| Interest on Investments | 919.06 | |
| Transfers from Operating Fund | 0 | |
| Transfers to Operating Fund | <u>(939.60)</u> | 500,143.71 |
| Less: Expenditures | 0 | |
| Encumbrances | <u>0</u> | <u>0</u> |
| <u>Unallocated Funds as of December 31, 2011</u> | | <u>\$500,143.71</u> |
| Expenditures: | _____ | |
| <u>Total Expenditures</u> | | <u>0</u> |
| Encumbrances: | _____ | |
| <u>Total Encumbrances</u> | | <u>0</u> |
| <u>ENCUMBRANCES AND EXPENDITURES FOR 7/1/2011-12/31/2011</u> | | <u>\$0</u> |

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Board Meeting of January 11, 2012

ITEM NO. 5

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, 2011 | \$1,005,608.08 |
| Interest Earnings | \$1,833.27 |
| Less: Claims Paid | <u>\$17,981.83</u> |
| Fund Balance as of December 31, 2011 | <u>\$989,459.52</u> |

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

“When the amount of the Liability and Casualty Reserve Fund reaches the sum of \$1,000,000.00, no further additions shall be made thereto until the Fund has been reduced below \$1,000,000.00”.

Because the balance of the Liability and Casualty Reserve Fund is below \$1,000,000.00, a transfer in the amount of \$10,540.48 will be made from account number 00800183-480183.

During the period of July 1, 2011 – December 31, 2011 the B.S.A. settled 23 claims. Four (4) claims were closed by the Law Department. Fifteen (15) claims were denied. Four (4) claims resulted in cash payments from the B.S.A. totaling \$17,981.83.

Total Active Claims Pending

| | |
|-----------------|----------|
| Bodily Injury | 1 |
| Property Damage | 0 |
| Auto B.I. & P.D | 2 |
| Other Liability | <u>0</u> |
| Total | 3 |

RECEIVE & FILE

Board Meeting of January 11, 2012

ITEM NO. 6

AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 21200357

WHEREAS: On September 7, 2011, the Buffalo Sewer Authority authorized the General Manager to retain Randolph C. Oppenheimer, of Damon Morey LLP, for legal services on an as-needed basis for the fiscal year 2011-12; and

WHEREAS: Purchase Order No. 21200357 was established for these services in the amount of \$5,000.00; and

WHEREAS: Due to an ongoing civil action, it is now necessary to increase Blanket Order No. 21200357 by \$15,000.00 for the remainder of fiscal year 2011-12; and

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

NOW THEREFORE
BE IT RESOLVED:

That 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. 21200357 with Damon Morey LLP, from \$5,000.00 to \$20,000.00 through June 30, 2012. Funds from this change order will be charged to account no. 00110106-432003.

| | | | |
|--------------------|-------------------------|------|----------|
| MOTION TO | <u>APPROVE</u> | | |
| MADE BY | <u>MR. KENNEDY, SR.</u> | | |
| 2 ND BY | <u>MR. KENNEDY, JR.</u> | | |
| AYES | <u>4</u> | NOES | <u>0</u> |

Board Meeting of January 11, 2012

ITEM NO. 7

CHANGE ORDER NO. 1 – CONTRACT NO. 85100029

| | | |
|-------------------------------------|------------------------|------------------|
| CONTRACTOR: | ORIGINAL CONTRACT COST | \$175,000.00 |
| Ferguson Electric Constr. Co., Inc. | THIS CHANGE ORDER | <u>50,000.00</u> |
| 333 Ellicott Street | FINAL CONTRACT COST | \$225,000.00 |
| Buffalo, New York 14203 | | |

WORK: Wastewater Treatment Plant Electrical Maintenance Services

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Increase the contract price to accommodate additional work needed to be performed by Ferguson Electric Construction Company, Inc., during the fiscal year.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The work tasks allotted to the contractor exceed the original contract amount for a total increase of \$50,000.00. Additional work needed at various locations throughout the Wastewater Treatment Plant.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$50,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$50,000.00

The total INCREASE to the contract as a result of this Change Order is \$50,000.00

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 designated none 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 described herein and including any and all costs associated with any and all 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. 1 to Contract No. 85100029 as written in the above Agenda Item, increasing the contract cost in the amount of \$50,000.00, making the final contract cost \$225,000.00.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, SR.

AYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 8

CHANGE ORDER NO. 1 – CONTRACT NO. 85100030

| | | |
|---------------------------|------------------------|-------------------|
| CONTRACTOR: | ORIGINAL CONTRACT COST | \$200,000.00 |
| Quackenbush Company, Inc. | THIS CHANGE ORDER | <u>100,000.00</u> |
| 495 Kennedy Road | FINAL CONTRACT COST | \$300,000.00 |
| Buffalo, New York 14227 | | |

WORK: Wastewater Treatment Plant Mechanical Services

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Increase the contract price to accommodate additional work needed to be performed by Quackenbush Company, Inc., during the fiscal year.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The work tasks allotted to the contractor exceed the original contract amount for a total increase of \$100,000.00. Additional work needed at various locations throughout the Wastewater Treatment Plant.

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

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 designated none 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 described herein and including any and all costs associated with any and all 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. 1 to Contract No. 85100030 as written in the above Agenda Item, increasing the contract cost in the amount of \$100,000.00, making the final contract cost \$300,000.00.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 9

CHANGE ORDER NO. 1 – CONTRACT NO. 85100015

| | | |
|---------------------------|------------------------|-------------------|
| CONTRACTOR: | ORIGINAL CONTRACT COST | \$254,816.00 |
| Quackenbush Company, Inc. | THIS CHANGE ORDER | <u>(\$793.98)</u> |
| 495 Kennedy Road | FINAL CONTRACT COST | \$254,022.02 |
| Buffalo, New York 14227 | | |

WORK: Final Clarifier Weir Renovations – Phase V

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Unused project allowance

REASON FOR CHANGE OR EXTRA WORK:

Item #1 A portion of the project allowance for miscellaneous tank repairs was not needed to complete the project.

COST OF CHANGE OR EXTRA WORK:

Item #1 (\$793.98)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK (\$793.98)

The total DECREASE to the contract as a result of this Change Order is (\$793.98)

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 designated none 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 described herein and including any and all costs associated with any and all 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. 1 to Contract No. 85100015 as written in the above Agenda Item, decreasing the contract cost in the amount of \$793.98, making the final contract cost \$254,022.02.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 10

CONTRACT NO. 85100015

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: Final Clarifier Weir Renovations – Phase V

BID: \$254,816.00

CONTRACTOR: Quackenbush Company, Inc.
495 Kennedy Road
Buffalo, New York 14227

WHEREAS: The Administrator of Capital Improvements & Development and staff have certified that the Contractor completed the work in accordance with the plans and specifications on November 4, 2011.

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 4, 2011;
- c. The maintenance period commence on November 4, 2011;
- d. Final payment be made to the Contractor in the amount of \$12,701.10, decreased \$793.98 by change order making the final cost of the contract \$254,022.02.

MOTION TO APPROVEMADE BY MR. KENNEDY, JR.2ND BY MR. KENNEDY, SR.AYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 11

CONTRACT NO. 85100017

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: Pipe Replacement – Phase II

BID: \$253,253.00

CONTRACTOR: Quackenbush Company, Inc.
495 Kennedy Road
Buffalo, New York 14227

WHEREAS: The Administrator of Capital Improvements & Development and staff have certified that the Contractor completed the work in accordance with the plans and specifications on November 18, 2011.

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 18, 2011;
- c. The maintenance period commence on November 18, 2011;
- d. Final payment be made to the Contractor in the amount of \$12,662.65, making the final cost of the contract \$253,253.00.

MOTION TO APPROVEMADE BY MR. KENNEDY, SR.2ND BY MR. ROOSEVELTAYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 12

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH MALCOLM PIRNIE
(WATER DIVISION OF ARCADIS) FOR ENGINEERING SERVICES - INCINERATOR
HEAT RECOVERY AND ENERGY FLOW MODELING**

- WHEREAS: The Buffalo Sewer Authority purchases electric power and natural gas energy to operate the Wastewater Treatment Plant facility and utilizes energy efficient projects to help reduce plant energy consumption and strives to continually implement such projects; and
- WHEREAS: The Authority is currently implementing a project to upgrade its incinerators and regionalize the Treatment Plant's facilities by accepting undigested solids from neighboring communities for disposal; and
- WHEREAS: Currently all the energy from incinerated biosolids is wasted for incinerator flu gas. The accepting of additional solids will have significant energy value to the Authority; and
- WHEREAS: The General Manager, Treatment Plant Superintendent, Treatment Plant Administrator, Principal Chief Stationary Engineer, and staff desire to investigate the feasibility of installing a heat recovery system to capture the incinerator waste heat, converting it into high pressure steam for use in a combined heat and power application to simultaneously generate electricity and meet the plant heating demands; and
- WHEREAS: Malcolm Pirnie (The Water Division of Arcadis) has proposed this project scope of work including review of existing data, feasibility, digester gas utilization, and project report at a total cost not to exceed \$122,000.00, fifty percent (50%) of which should be eligible for grant funding under NYSERDA; and
- WHEREAS: The General Manager, Treatment Plant Superintendent, Treatment Plant Administrator, Principal Chief Stationary Engineer and staff have reviewed the scope of work received and recommend accepting the proposal from Malcolm Pirnie for this service.

NOW THEREFORE
BE IT RESOLVED:

The Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute an agreement with Malcolm Pirnie for engineering services for Incinerator Heat Recovery and Energy Flow Modeling as proposed for a total cost not to exceed \$122,000.00. This service will be charged to account no. 02000331-490740.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 14

CONTRACT NO. 85100023

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: Auburn Avenue CSO #009

BID: \$119,770.80

CONTRACTOR: NOVA Site Company
6 Lena Court
West Seneca, New York 14224

WHEREAS: The Senior Sanitary Engineering Supervisor and staff have certified that the Contractor completed the work in accordance with the plans and specifications on December 16, 2011.

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 December 16, 2011;
- c. The maintenance period commence on December 16, 2011;
- d. Final payment be made to the Contractor in the amount of \$10,186.51, increased \$83,959.36 by change order making the final cost of the contract \$203,730.16.

MOTION TO APPROVEMADE BY MR. ROOSEVELT2ND BY MR. KENNEDY, JR.AYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 15

CHANGE ORDER NO. 3 – CONTRACT NO. 85000020

| | | |
|-------------------------|------------------------|--------------|
| CONTRACTOR: | ORIGINAL CONTRACT COST | \$300,000.00 |
| URS Corporation | PREVIOUS CHANGE ORDER | \$25,000.00 |
| 77 Goodell Street | THIS CHANGE ORDER | \$47,500.00 |
| Buffalo, New York 14203 | ADJUSTED CONTRACT COST | \$372,500.00 |

WORK: CSO Outfall No. 060 Sewer Separation Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional Printing of Bid Sets

Item #2 Shop Drawing Review

Item #3 Assistance During Construction

Item #4 Provide Record Drawings

REASON FOR CHANGE OR EXTRA WORK:

Item #1 10 Additional Sets of Drawings and Project Manuals

Item #2 URS Will Review and Approve all Submittals made by Contractor

Item #3 URS Will Provide Assistance to the Buffalo Sewer Authority on an As Needed Basis

Item #4 Provide The Buffalo Sewer Authority with Record Drawings Upon Completion of the Project

COST OF CHANGE OR EXTRA WORK:

Item #1 \$ 2,500.00

Item #2 \$ 7,000.00

Item #3 \$32,000.00

Item #4 \$ 6,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$47,500.00

The total Increase to the contract as a result of this Change Order is \$47,500.00

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 0 calendar days.
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 described herein and including any and all costs associated with any and all 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. 3 to Contract No. 85000020 as written in the above Agenda Item, increasing the contract cost in the amount of \$47,500.00, making the adjusted contract cost \$372,500.00.

MOTION TO APPROVEMADE BY MR. KENNEDY, SR.2ND BY MR. ROOSEVELTAYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 16

CONFIRMATION OF APPOINTMENTS

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$95.00 PER DAY
EFFECTIVE: JANUARY 3, 2012

MICHAEL CRAPO
273 BARAGA ST.
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$95.00 PER DAY
EFFECTIVE: JANUARY 3, 2012

BRIAN RAY
315 FRENCH
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$95.00 PER DAY
EFFECTIVE: JANUARY 3, 2012

MATTHEW DUNFORD
56 EASTWOOD
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$95.00 PER DAY
EFFECTIVE: JANUARY 9, 2012

BRIAN NAGY
78 KIMBERLY
BUFFALO, NY

**WASTEWATER TREATMENT PLANT OPERATOR I
(PERMANENT)**
SEWAGE TREATMENT PLANT
\$16.89 PER HOUR
EFFECTIVE: JANUARY 9, 2012

MARK LEWANDOWSKI
7 COBURG ST.
BUFFALO, NY

**WASTEWATER TREATMENT PLANT OPERATOR I
(PERMANENT)**
SEWAGE TREATMENT PLANT
\$16.89 PER HOUR
EFFECTIVE: JANUARY 9, 2012

DANIEL O'SULLIVAN
163 HARDING RD.
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. KENNEDY, JR. _____

2ND BY _____ MR. ROOSEVELT _____

AYES _____ 4 _____ NOES _____ 0 _____

Board Meeting of January 11, 2012

ITEM NO. 17

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:

| <u>EMPLOYEE</u> | <u>SCHOOL</u> | <u>COURSE</u> | <u>TUITION%</u> | <u>REIMBURSEMENT TOTAL</u> |
|------------------------|---|--|------------------------|---------------------------------------|
| Michael Cosgrove | California State University, Sacramento | <i>Operation of Wastewater Treatment Plants Vol. 1</i> | 100% | \$ 99.00 |
| Ronald Kwarciak | American Safety Council | <i>Defensive Driving</i> | 100% | \$ 35.00 |
| Edward Hennessy | Buffalo State College | <i>Public Administration & Policy</i> | 90% | \$ 999.00 |

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$1,113.00. These Reimbursements will be charged to account no. 00800108-480214.

MOTION TO APPROVE
MADE BY MR. KENNEDY, SR.
2ND BY MR. ROOSEVELT
AYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 18

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 employee has applied for Tuition Assistance:

| <u>EMPLOYEE</u> | <u>SCHOOL</u> | <u>COURSE</u> | <u>SEMESTER</u> | <u>TUITION</u> |
|------------------------|----------------------|--|------------------------|-----------------------|
| Thomas Caulfield | Walden University | RSCH 8200P <i>Quantitative Reasoning and Analysis</i> | Fall 2011 | \$2,275.00 |

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 application for Tuition Assistance.

MOTION TO APPROVE
MADE BY MR. ROOSEVELT
2ND BY MR. KENNEDY, SR.
AYES 4 NOES 0

Board Meeting of January 11, 2012

ITEM NO. 19

ADJOURNMENT OF MEETINGMOTION TO APPROVEMADE BY MR. KENNEDY, SR.2ND BY MR. KENNEDY, JR.AYES 4 NOES 0

Board Meeting of January 11, 2012