

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
May 9, 2012**

53883.....53927

BUFFALO SEWER AUTHORITY

May 9, 2012

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present:	<u>Herbert L. Bellamy, Jr.</u>	<u>Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>
	<u>Eleanor C. Wilson-DiVincenzo</u>	<u>Secretary</u>
	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>
	<u>David P. Comerford</u>	<u>General Manager</u>
	<u>Oluwole A. McFoy, P.E.</u>	<u>Secretary to the General Manager</u>
	<u>Ron Brown</u>	<u>Executive Secretary</u>
	<u>Scott Steinwald</u>	<u>Intergovernmental Coordinator</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</u>
	<u>Yusef Myrick</u>	<u>Improvements & Development</u>
	<u>Darryl McPherson</u>	<u>Superintendent of Mechanical</u>
		<u>Maintenance</u>
		<u>City Auditor</u>
Absent:	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>

The meeting was called to order at 9:08 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of April 4, 2012

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

Board Meeting of May 9, 2012

ITEM NO. 2

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

April 27, 2012

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	0.25%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$36,981,756.55	Chase	0.25%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,000,750.63	Chase	0.25%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$3,562,970.30	Chase	0.25%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$33,243.40	Chase	0.25%	High Yield
SURPLUS FUND						
			\$310.82	MTB Funds		
29-Mar-12	29-Jun-12	92	\$6,143,915.00	M&T Securities	0.31%	\$4,085.00
			<u>\$6,144,225.82</u>			
NET REVENUE FUND						
			\$13.69	MTB Funds		
28-Feb-12	31-May-12	93	\$6,599,564.31	M&T Securities	0.26%	\$4,435.69
29-Mar-12	29-Jun-12	92	\$1,599,936.23	M&T Securities	0.26%	\$1,063.77
26-Apr-12	29-Jun-12	64	\$3,799,986.40	M&T Securities	0.15%	\$1,013.60
			<u>\$11,999,500.63</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%	

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Board Meeting of May 9, 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.

Wastewater Treatment Plant

3/22/2012	00420107 Amherst Capital Outlay	-\$6,000.00	00380107 Incinerator Capital Outlay	\$6,000.00
3/22/2012	00440107 KellyS Capital Outlay	-\$11,000.00	00380107 Incinerator Capital Outlay	\$11,000.00
3/22/2012	00460107 KellyX Capital Outlay	-\$5,500.00	00380107 Incinerator Capital Outlay	\$5,500.00
3/22/2012	00470107 Water Capital Outlay	-\$5,000.00	00380107 Incinerator Capital Outlay	\$5,000.00
3/22/2012	00220105 Screen Supplies	-\$1,286.00	00520105 Maintenance Supplies	\$1,286.00
3/26/2012	00260105 Primary Supplies	-\$35.37	00200105 Plant Supplies	\$35.37
3/26/2012	00330105 Final Supplies	-\$10.63	00200106 Plant Services	\$10.63
3/29/2012	00220105 Screen Supplies	-\$1,375.00	00520105 Maintenance Supplies	\$1,375.00
3/29/2012	00520107 Maintenance Capital Outlay	-\$36,400.00	00380107 Incinerator Capital Outlay	\$36,400.00
3/29/2012	00520106 Maintenance Services	-\$231.44	00200106 Plant Services	-\$231.44
3/30/2012	00220105 Screen Supplies	-\$192.00	00520105 Maintenance Supplies	\$192.00
4/4/2012	00340105 Thickener Supplies	-\$1,047.00	00290105 Aeration Supplies	\$1,047.00
4/4/2012	00340105 Thickener Supplies	-\$640.00	00520105 Maintenance Supplies	\$640.00
4/4/2012	00340105 Thickener Supplies	-\$3,104.00	00520105 Maintenance Supplies	\$3,104.00
4/5/2012	00340105 Thickener Supplies	-\$180.00	00210105 RWWP Supplies	\$180.00
4/12/2012	00340105 Thickener Supplies	-\$625.00	00520105 Maintenance Supplies	\$625.00
4/16/2012	00520105 Maintenance Supplies	-\$138.00	00200105 Plant Supplies	\$138.00
4/16/2012	00380103 Incinerator Utilities	-\$800.00	00490103 Niagara Utilities	\$800.00
4/16/2012	00380103 Incinerator Utilities	-\$1,500.00	00400103 South Utilities	\$1,500.00
4/16/2012	00380103 Incinerator Utilities	-\$1,000.00	00410103 Hamburg Utilities	\$1,000.00
4/16/2012	00340105 Thickener Supplies	-\$190.00	00210105 RWWP Supplies	\$190.00
4/16/2012	00340105 Thickener Supplies	-\$3,655.00	00220105 Screen Supplies	\$3,655.00

4/17/2012	00520106 Maintenance Services	-\$1,000.00	00380106 Incineration Services	\$1,000.00
4/17/2012	00340105 Thickener Supplies	-\$2,000.00	00520105 Maintenance Supplies	\$2,000.00
4/18/2012	00280105 SWWP Supplies	-\$15,400.00	00290105 Aeration Supplies	\$15,400.00
4/18/2012	00260105 Primary Supplies	-\$1,761.03	00200105 Plant Supplies	\$1,760.03
4/18/2012	00340105 Thickener Supplies	-\$505.00	00520105 Maintenance Supplies	\$505.00
4/19/2012	00260105 Primary Supplies	-\$0.27	00200105 Plant Supplies	\$0.27
4/19/2012	00260105 Primary Supplies	-\$4,279.19	00210105 RWWP Supplies	\$4,279.19
4/19/2012	00200106 Plant Services	-\$2,557.39	00210106 RWWP Services	\$2,557.39
4/23/2012	00260105 Primary Supplies	-\$3,204.41	00200105 Plant Supplies	\$3,204.41
4/23/2012	00340105 Thickener Supplies	-\$16,745.00	00300105 Blower Supplies	\$16,745.00
4/23/2012	00340105 Thickener Supplies	-\$2,565.00	00290105 Aeration Supplies	\$2,565.00
4/24/2012	00340105 Thickener Supplies	-\$5,495.00	00520105 Maintenance Supplies	\$5,495.00
4/24/2012	00340105 Thickener Supplies	-\$11,460.00	00520105 Maintenance Supplies	\$11,460.00
4/24/2012	00330105 Final Supplies	-\$1,033.00	00520105 Maintenance Supplies	\$1,033.00
4/24/2012	00330105 Final Supplies	-\$600.00	00530105 Yards Supplies	\$600.00
4/25/2012	00280105 SWWP	-\$500.00	00200105 Plant Supplies	\$500.00
4/26/2012	00200106 Plant Services	-\$8,112.00	00510106 Laboratory Services	\$8,112.00
4/26/2012	00200108 Plant Insurance	-\$42.46	00650108 Sewer Maintenance Insurance	\$42.46
4/27/2012	00380106 Incineration Services	-\$20,000.0	00270106 Gas Services	\$20,000.00
4/27/2012	00300106 Blower Services	-\$40,000.00	00270106 Gas Services	\$40,000.00
4/30/2012	00280105 SWWP Supplies	-\$5,588.00	00250105 Secondary Supplies	\$5,588.00
4/30/2012	00300105 Blow Supplies	-\$371.00	00520105 Maintenance Supplies	\$371.00

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Board Meeting of May 9, 2012

ITEM NO. 4

INFORMATIVE: PUBLIC NOTICE - STORMWATER ANNUAL REPORT (APRIL 2011 - MARCH 2012)

New York State's MS4 SPDES Permit, Section 2e: Public Involvement/Participation requires that the Buffalo Sewer Authority present the draft annual report at a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the report.

The Buffalo Sewer Authority will have the Annual Stormwater Report at their City Hall Office, Room 1038, Buffalo, New York, from 9:00 a.m. to 12:00 p.m. on Friday, May 11, 2012.

The Stormwater Annual Report for April 2011– March 2012 will be completed and submitted after the public review and comment period.

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

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Board Meeting of May 9, 2012

ITEM NO. 5

ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2012-2013"

WHEREAS: The Buffalo Sewer Authority, in the meeting of April 4, 2012, adopted a proposed "Schedule of Sewer Rents and Other Charges for 2012-2013" and authorized the publication of this notice, commencing April 9, 2012, once a week for three (3) consecutive weeks, in the Buffalo News; and

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

WHEREAS: No protests were filed; and

WHEREAS: It is now in order to adopt the "Final Schedule of Sewer Rents and Other Charges for 2012-2013"; and

WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2012-2013" includes no increases to sewer rents based on the assessed value of property, the levy of sewer rents based on assessed value remains unchanged from the previous year at \$12,050,000; and

WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2012-2013" also includes no increases to sewer rents based on the use of water. Metered accounts will continue to be charged \$11.09 per thousand cubic feet of water used, and there will be no increases to the charges on flat rate accounts.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby adopts the "Final Schedule of Sewer Rents and Other Charges for 2012-2013".

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

Board Meeting of May 9, 2012

FINAL SCHEDULE OF SEWER RENTS
AND OTHER CHARGES
FOR 2012 - 2013

TO PROVIDE FUNDS FOR THE FIXED CHARGES AND FOR THE OPERATION AND MAINTENANCE OF THE ENTIRE SEWER SYSTEM IN THE CITY OF BUFFALO AND ALL OF THE BUFFALO SEWER AUTHORITY FACILITIES FOR THE CONVEYANCE, TREATMENT AND DISPOSAL OF SEWAGE AND STORM WATER OPERATED BY THE BUFFALO SEWER AUTHORITY.

I. SEWER RENTS FOR PREMISES SITUATED WITHIN THE LIMITS OF THE CITY OF BUFFALO

(a) \$12,050,000 shall be collected from all real property in the City of Buffalo (the "City") by apportioning the said amount upon such property within the City as the same is set down on the last completed annual assessment roll of the City, except that no *ad valorem* sewer rent shall be assessed against real property exempt from real property taxes pursuant to subdivision one of section four hundred, sections four hundred four, four hundred six, four hundred twelve, four hundred eighteen, subdivision one section four hundred twenty, section four hundred forty-six, four hundred fifty-two, four hundred sixty-two and four hundred seventy-seven of the New York Real Property Tax Law.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated within the limits of the City, discharging sewage, water or other liquids into the Buffalo Sewer Authority (the "Authority") sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

II. SEWER RENTS FOR PREMISES SITUATED OUTSIDE THE LIMITS OF THE CITY OF BUFFALO

(a) An annual service charge for the privilege of connecting with the facilities of the Authority shall be due for any premises situated outside the limits of the City for each \$1,000 of assessed valuation as determined on the last completed annual assessment, the same rate of \$2.71239 per \$1,000 of assessed valuation for 2012-2013.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated outside the limits of the City, discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows: the first four thousand (4,000) cubic feet of water used per quarter year shall bear a sewer charge or rental of \$48.30, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot);

Provided that the minimum charge shall be \$16.10 per month if the meter is read monthly and \$48.30 per quarter year if the meter is read quarterly.

III. GENERAL PROVISIONS

(a) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board, and the quantity of water used is not measured by a water meter acceptable to the Authority, then the sewer charge or rental for all such accounts shall be in the respective amounts (expressed in dollars) set forth in Exhibit A, attached hereto and made a part hereof, as the Authority determines applicable to such person, lot, parcel of land, building or premises.

(b) In addition to all other rentals and charges provided herein, a monthly drainage connection service charge shall be due for any and all persons, lots, parcels of land, building or premises, other than a City department, that discharge sewage, water or other liquids into the Authority sewer system, either directly or indirectly, as follows:

1. A monthly charge of \$6.00 shall be due for all lots, parcels, land, buildings or premises where the quantity of water used is not measured by a meter acceptable to the Authority.
2. A monthly charge in the amounts set forth below shall be due for all lots, parcels, land, building or premises where the quantity of water used is measured by a meter acceptable to the Authority in accordance with the following meter size:

Residential Users		Non-Residential Users	
<u>Meter Size</u>	<u>Charge (\$)</u>	<u>Meter Size</u>	<u>Charge (\$)</u>
5/8 inch	6.00	5/8 inch	6.00
3/4 inch	6.00	3/4 inch	6.00
1 inch	6.00	1 inch	6.00
1 1/2 inch	6.00	1 1/2 inch	55.00
2 inch	6.00	2 inch	55.00
3 inch	55.00	3 inch	55.00
4 inch or larger	55.00	4 inch or larger	55.00

(c) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, which directly or indirectly, uses water obtained from a source other than the Buffalo Water Board, and the water so obtained is not measured by a water meter acceptable to the Authority, then, in each such case, the owner, user or other interested party shall, at his own expense, furnish, install, and maintain a water meter or other water or sewage measuring device acceptable to the Authority and the quantity of water used, as measured by said meter, or as otherwise determined, shall be used to determine the sewer charge or rental and there shall be charged an amount determined as set forth in paragraphs II(a), III(a) and III(b) as the case may be.

(d) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, uses water in excess of 4,000 cubic feet per quarter year and it can be shown to the satisfaction of the Authority, that a portion of the water as measured by the water meter does not and cannot enter the Authority sewer system, then the Authority may determine in such manner as may be found practicable the percentage of metered water entering the Authority sewer system and the quantity of water used to determine the sewer charge or rental shall be that percentage, so determined, of the quantity of water measured by the water meter, or the Authority may require or permit the installation of additional meters or measuring devices in such a manner as to determine the quantity of water or sewage actually entering the Authority sewer system, in which case the quantity of water used to determine the sewer charge or rental shall be the quantity of water actually entering the Authority sewer system and so determined.

(e) In the event a person, lot, parcel of land, building or premises discharges sewage or other wastes into the Authority sewer system which, in the opinion of the Authority, contain unduly high concentrations or any substances which add to the operating costs of the Authority facilities, then the Authority may elect to establish and collect special rates of charge, based on the quantity of these substances, which rate of charge may be established and collected in such manner as the Authority may elect and such charge shall be paid to the Authority, or it may elect to exclude such sewage or other wastes from its facilities.

(f) As a condition of a Buffalo Discharge Elimination System Permit (BPDES), a user may be required to pay an industrial waste surcharge for discharging sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. The Industrial Waste Surcharge Formula reflecting the Treatment Plant unit costs for treatment of Biochemical Oxygen Demand (BOD₅) Total Suspended Solids (TSS) and Total Phosphate (TPO₄) is as follows:

Surcharge = 8.34 QMGY (0.1226 (BOD₅-250) + 0.1666 (TSS-250) + 0.0203 (TPO₄-15.35))

\$0.1226 Cost/lb. for treatment of BOD₅

\$0.1666 Cost/lb. for treatment of TSS

\$0.0203 Cost/lb. for treatment of TPO₄

QMGY shall mean the annual total industrial and sanitary discharge - water retention.

BOD₅ shall mean the average concentration of BOD₅ in sewage or waste discharged to the Authority facilities.

TSS shall mean the average concentration of TSS in sewage or waste discharged to the Authority facilities.

TPO₄ shall mean the average concentration of TPO₄ in sewage or waste discharged to the Authority facilities.

Surchargeable concentrations are as follows:

BOD₅ - Over 250 mg/L; TSS - Over 250 mg/L; TPO₄ - Over 15.35 mg/L

This formula shall be applied in computing the Buffalo Industrial Waste Surcharge subsequent to July 1, 2011 and ending June 30, 2012 for all users that discharge sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. In addition, this formula with the above rates will be used to calculate all monthly, quarterly, semiannual, and annual accounts subsequent to July 1, 2012.

(g) Any person who violates the Sewer Regulations of the Authority or the conditions of the permits issued thereunder shall be subject to fines as specified in said regulations.

(h) Whenever sewage or other wastes result in conditions in the Authority sewer system as to cause blockage or a substantial reduction in the flow, charges for the work necessary to eliminate such blockage or reduction in flow may be made, based upon costs incurred by the Authority for labor, materials, equipment hire, insurances, and other overhead, against the owner of the property or premises that caused the discharge of such sewage or other wastes into the Authority sewer system.

(i) Where sewer facilities have been installed to serve improved and unimproved property and have been paid for in whole or in part by the Authority, a charge shall be made based on a proportionate share of the original cost, determined by the foot frontage of the parcel served, or by the area of such parcels, or by such other method the Authority determines to be equitable, as a condition to a permit for a connection to the Authority's facilities.

(j) An application and inspection fee of \$100.00 for a residential sewer permit, a \$200.00 fee for a commercial sewer permit, and a \$500.00 fee for an industrial sewer permit shall be paid at the time said application is filed with the Authority.

(k) An application fee of \$800.00 for review of stormwater pollution prevention plan and erosion and sediment control plans shall be paid at the time said application is filed with the Authority.

(l) All persons owning or operating a pump truck or other transport vehicle and desiring to discharge wastes, directly or indirectly, into the Authority's facilities shall first secure a valid Truckers Discharge Permit after paying an annual permit fee of \$120.00. In addition to said permit fee, a separate charge shall be billed based upon the quantity and character of the waste discharged and, if applicable, the point of discharge.

The following surcharge rates are hereby charged for such wastehaulers who are located outside the City:

DISCHARGE LOCATION	TOTAL SUSPENDED SOLIDS	BOD ₅	TOTAL PHOSPHATE
Inlet/South Buffalo Pump	\$0.1672/lb	\$0.1232/lb.	\$0.0203/lb.
Mixing Tank	\$0.1429/lb	\$0.0694/lb.	\$0.0203/lb.
Thickener/Digester	\$0.1567/lb	\$0.0759/lb.	\$0.0203/lb.

The above surcharge rates, along with costs incurred by the Authority when handling, testing, conveying, and administering each wastehauler, will be used to determine the cost per gallon of each wastestream. The wastehauler user charges for various wastestreams are as follows:

1. Septage and portable toilet wastes - The rate of \$0.052 per gallon discharged will be assigned to all permitted septage and portable toilet wastehaulers.
2. Grease trap wastes - The rate of \$0.10 per gallon discharged will be assigned to all permitted grease trap wastehaulers.
3. Sludge wastes - This rate will vary dependent on strength and volume. Sludge rates will be calculated using the parameter costs for the mixing tank location.
4. Miscellaneous Wastes - This rate will vary dependent on strength of waste, volume and discharge location.

These rates will be used for all permits effective July 1, 2012.

(m) In the event a person, lot, parcel of land, building or premises threatens to discharge or discharges sewage or waste into or near the Authority's publicly owned treatment works, either directly or indirectly, which in the opinion of the Authority will or is likely to bypass, upset, harm or endanger the facilities of the Authority, then such person or the owner or operator of such lot, parcel of land, building or premises shall pay to the Authority charges for any and all clean up, removal and remediation costs actually incurred by the Authority, including but not limited to labor, materials, equipment, insurances or laboratory services for the (i) containment or attempted containment of such discharge or threatened discharge, (ii) sampling and analysis of such discharge or threatened discharge, (iii) removal or attempted removal of such discharge or threatened discharge, (iv) taking of reasonable measures to prevent or mitigate damage to property, public health, safety or welfare, or (v) remediation, treatment, storage or disposal of such discharge or threatened discharge and all soils, water or structures affected by such discharge.

(n) All industrial users shall pay to the Authority a charge for the actual costs of analysis incurred by the Authority for the annual or other monitoring of any and all discharges of such industrial users.

(o) Any person who is granted a temporary permit to discharge into the facilities of the Authority shall pay a permit fee of \$500.00 to the Authority as a condition of the issuance of such permit.

(p) Except as otherwise defined herein, all terms and phrases used or contained in this schedule of sewer rents shall bear the same meaning and definition as set forth in the Authority's Sewer Use Regulations 21 N.Y.C.R.R. Part 10075 and New York Public Authorities Law Section 1175 *et seq.*

(q) Sewer rents and charges as herein provided shall be payable at the office of the Director of the Treasury for the City at Room 117, City Hall, Buffalo, New York 14202, or at such other location or address as may be set forth on the Authority's invoice, and shall become due and payable as follows:

1. So much of the sewer rents and charges as are based upon water use and the drainage connection service charge covering the respective premises, or such other charges as provided herein shall be due and payable, except as otherwise stated in this schedule or in such invoice, on the same day, one month following the month of the invoice billing date, and such invoice may be billed monthly, quarterly or as otherwise determined by the Authority; and
2. So much of the sewer rents and charges as are based upon the assessed valuation of chargeable real estate shall become due and payable from the first day of July 1938, and each year thereafter, and may be paid without interest on or before September 30th next succeeding.

(r) Such sewer rents and charges that remain unpaid after their respective due dates shall be charged interest, and such interest shall continue to be charged until such sewer rents and charges are paid in full, as follows:

1. Sewer rents based upon water use and drainage connection service charges shall be charged interest at the same rate as unpaid City taxes, to wit: four and one-half percent (4.5%) interest shall be added to amounts unpaid from the first through the thirtieth day after the due date, and thereafter one and one-half percent (1.5%) shall be added to all amounts that remain unpaid for each succeeding month;
2. Sewer rents based upon assessed valuation of chargeable real estate that remain unpaid on October 1 of each year shall be charged interest at the rate of two percent (2%), and such sewer rents that remain unpaid shall be charged two percent (2%) for each month thereafter until paid; and
3. All other sewer rents and charges of the Authority shall be charged interest at the rate of one and one-half percent (1.5%) per month if not paid by the due date stated on the invoice issued by the Authority.

(s) All persons and property served by the Authority shall be subject to paying reasonable costs and expenses, including attorney fees incurred in the collection of sewer rents and charges that remain unpaid, as may be determined by the Board of the Authority. In addition to any other remedy or provision hereof, the Authority reserves the right to engage in such collection activities, as it deems appropriate, for all accounts that remain unpaid after the due date. In

consideration of such collection activities and to defray the cost thereof with respect to accounts based on water use and drainage connection service, the person or property served by the Authority may pay an additional charge of twenty-one percent (21%) of the amount of each such delinquent account, together with interest as provided herein, that remains unpaid for more than (i) one hundred twenty (120) days from the due date for metered accounts, and (ii) two hundred ten (210) days from the due date for non-metered flat rate accounts. Due date, as used herein, means the date that the Authority's sewer rent and other charges are due and payable pursuant to III (q) (1) and III (q) (2), herein, respectively.

(t) Invoice statements shall be mailed or delivered to the address of the owner or user, as the case may be, as such address appears on the Authority's records. Such mailing or delivery is a matter of convenience. Failure of an owner or user to receive an invoice statement shall not release such owner or user from the obligation to pay such invoice statement, together with any other charges and interest which may accrue on unpaid amounts.

(u) All invoices shall be paid in United States dollars and may be paid by cash, check or MasterCard and Visa at Room 117, City Hall, Buffalo, New York or such other location or address as may be provided on such invoice, by internet, or by telephone as set forth on the invoice. All persons who pay by credit or debit card made through the City of Buffalo Website shall pay the Authority a charge of the greater of two percent (2%) of the amount paid, or two dollars (\$2.00) for each credit card payment transaction as a handling charge. Also, all persons who pay by debit or check cards shall pay the Authority a two dollar (\$2.00) charge for each such transaction as a convenience fee. Multiple payments in the same transaction will be charged the convenience fee only once. The convenience fee will be added automatically to each transaction.

IV. LIEN OF SEWER RENT

From and after the due date thereof, such sewer rents and charges, together with any interest and collection costs shall constitute a lien upon the real property served by the facilities. Such lien shall have the same priority and superiority as the lien of the general tax of the City.

V. EFFECTIVE DATE OF THIS SCHEDULE

This schedule of sewer rents and other charges shall become effective July 1, 2012; provided, however, that the sewer rents and other charges herein set forth, applicable to water use, shall become effective on all billings on and after August 1, 2012, excepting only monthly metered accounts for July 2012, and Section "W" of the quarterly metered accounts for the period May, June, and July 2012, which shall be billed according to the schedule of rents in effect prior to July 1, 2012.

Exhibit A

Stories High:	1	1 ½	2	2 ½	3	4	5
Under 25 ft	21.65	24.38	29.76	35.17	37.84	40.57	45.97
From 25 ft to 30 ft	24.38	29.76	35.17	37.84	40.57	45.97	51.35
From 31 ft to 35 ft	29.76	35.17	37.84	40.57	45.97	51.35	56.74
From 36 ft to 40 ft	35.17	37.84	40.57	45.97	51.35	56.74	59.44
From 41 ft to 45 ft	37.84	40.57	45.97	51.35	56.74	59.44	62.12
From 46 ft to 50 ft	40.57	45.97	51.35	56.74	59.44	62.12	67.56

The Following Rates Apply To More Than One Family Homes or Housekeeping:

1 Family	21.65
2 Families	43.29
3 Families	64.94
4 Families	86.58
5 Families	108.03
6 Families	129.87

Bathtubs & Showers *Bathtubs with attached showers are charged for only bathtubs

1 Bathtub	5.45
2 Bathtubs	10.91
3 Bathtubs	16.36
4 Bathtubs	21.81
5 Bathtubs	27.27
6 Bathtubs	32.72
7 Bathtubs	38.17
8 Bathtubs	43.63
9 Bathtubs	49.08

Toilets:	1 Family	2 Family	3 Family	4 Family	5 Family	6 Family
1 Toilet	10.86					
2 Toilets	19.15	21.73				
3 Toilets	27.43	30.01	32.59			
4 Toilets	35.72	38.30	40.88	43.46		
5 Toilets	44.00	46.58	49.16	51.74	54.32	
6 Toilets	52.29	54.87	57.45	60.03	62.61	65.19
7 Toilets	60.57	63.15	65.73	68.31	70.89	73.47
8 Toilets	68.86	71.44	74.02	76.60	79.18	81.76
9 Toilets	77.14	79.72	82.30	84.88	87.46	90.04
Each Additional Toilet	8.28					

Border or Roomer

1	4.13
2	8.26
3	12.38
4	16.51

Office with Water: 21.65

Office without Water: 10.86

Hot Water Heating Billed in November & February:

1	10.84
2	21.67
3	32.51
4	43.35
5	54.18
6	65.02
7	75.86
8	86.69

Car in Garage:

1 Car
2 Cars
3 Cars
4 Cars
5 Cars
6 Cars
7 Cars
8 Cars

Garage w/out Water

10.84
21.67
32.51
43.35
54.18
65.02
75.86
86.69

Garage w/Water

21.66
43.32
64.98
86.69
108.30
129.96
151.62
173.28

ITEM NO. 6

BUFFALO SEWER AUTHORITY WORKPLACE VIOLENCE PREVENTION POLICY & INCIDENT REPORTING

WHEREAS: The General Manager recommends the following Policy on Workplace Violence Prevention & Incident Reporting to the Board of the Buffalo Sewer Authority for their review and approval:

**WORKPLACE VIOLENCE PREVENTION POLICY
& INCIDENT REPORTING****PURPOSE OF POLICY**

The Buffalo Sewer Authority is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff and visitors. Threats, threatening behavior or acts of violence against employees, visitors, guests or other individuals by anyone on Buffalo Sewer Authority property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b. The policy highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law will include a workplace valuation designed to identify the workplace violence hazards our employees could be exposed to. Other tools which will be utilized during the process includes establishing a committee comprised of Management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program, as required by Labor Law 27b.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Buffalo Sewer Authority will identify response personnel which include the General Manager, Intergovernmental Coordinator and an employee representative. If appropriate, the Buffalo Sewer Authority will provide counseling services or referrals for employees.

PROCEDURES

All Buffalo Sewer Authority personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received or have been told that another person has witnessed or received.

DESIGNATED CONTACT PERSON FOR BUFFALO SEWER AUTHORITY:

Name: Scott Steinwald Title: Intergovernmental Coordinator

Phone: 851-4664 ext. 4207 Buffalo Sewer Authority email: ssteinwald@sa.ci.buffalo.ny.us

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby adopts the Policy on Workplace Violence Prevention & Incident Reporting. The Board further authorizes this Policy to be distributed to all current employees and to be included in the Buffalo Sewer Authority Employee Handbook.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of May 9, 2012

ITEM NO. 7

TRAVEL AUTHORIZATION - ALBANY, NEW YORK

WHEREAS: The New York Water Environmental Association is holding the 2012 Spring Legislative and Regulatory Dialogue in Albany, New York, on May 8, 2012; and

WHEREAS: Legislative and Regulatory topics being covered on May 8th are of special interest to the Buffalo Sewer Authority; and

WHEREAS: The General Manager requests attendance at this conference on May 8th for himself to represent the Authority; and

WHEREAS: Due to early registration deadlines and pressing legislative items, the Board was polled and verbally authorized this travel on May 7, 2012; and

WHEREAS: It is now necessary to formally ratify that authorization.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority formally authorizes the General Manager to travel to Albany, New York, to attend the 2012 Spring Legislative and Regulatory Dialogue in Albany, New York, on May 8, 2012 at a total cost not to exceed \$300.00. Account nos. 00110104-458012 and 00110104-458010 will be charged for this travel.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of May 9, 2012

ITEM NO. 8

RESOLUTION OF THE BUFFALO SEWER AUTHORITY CONCERNING THE EFFECTUATION OF BUFFALO SEWER AUTHORITY'S CONDITIONS TO THE SALE BY THE CITY OF BUFFALO OF 858 EAST FERRY IN 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 to sell certain portions of real property commonly known as 858 East Ferry to Belmont Housing Resources of WNY ("Belmont") and or to True Bethel Townhomes, LP ("True Bethel"); and
- WHEREAS: By resolutions adopted April 3, 2012 (Item Number 7, C.C.P. 4/03/12) and May 1, 2012 (Item Number 7, C.C.P. 5/01/12) the Common Council of the City authorized the Mayor and other City-related personnel to enter into arrangements and execute documents formally conveying portions of 858 East Ferry to Belmont and True Bethel subject however to the proviso that the Authority's conditions be met to the effect that no permanent structures be placed over the Scjacuada Drain, that the Authority be granted access to the drain to maintain the facility and that any easements/restrictions referencing the Scjacuada Drain be maintained in full force and effect; and
- WHEREAS: Certain Scjacuada Drain related easement rights created in favor of the City of Buffalo in the 1920's pre-date the Authority and therefore to properly update the easement rights and effectuate the Authority's conditions as set forth in the Common Council of the City of Buffalo's Resolutions as described above it may be necessary for the Authority to accept certain easement rights and or to participate in the updating the easement conditions. Further, as the City's sale of 858 East Ferry approaches it will possibly be determined that other interests of the Authority may need to be taken into account to effectuate the Authority's sale conditions.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby determines that the easement rights regarding the Scjacuada Drain as described in the above recitals and the Authority's concerns with respect thereto and with respect to the City's sale of portions of 858 East Ferry as described in the above recitals may necessitate acceptance by the Authority of certain easement rights and or may necessitate participation by the Authority in updating the easement rights to include and effectuate the conditions of sale and the objectives of the Authority.

BE IT FURTHER
RESOLVED:

That the Board of the Buffalo Sewer Authority does hereby authorize the General Manager of the Authority to undertake any and all actions that are necessary or appropriate to enable the Authority to properly address all concerns of the Authority as described above and to participate in updating of the easement and access rights and if deemed necessary or desirable by the General Manager to accept easement rights (and or modify easement or access rights) in order to facilitate the objectives of the Authority as set forth in the Authority's conditions in the above described City resolutions regarding the sale of 858 East Ferry. Further, the General Manager in his discretion as he may deem advisable is authorized to negotiate and establish any modifications, updates to and or additional terms of such easement instruments and agreements by and between the City and others as may be necessary to effectuate the objectives and conditions of the Authority as set forth in the City's resolutions as described above, upon such terms and conditions reasonably acceptable to the General Manager in consultation with legal counsel all 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 respect to the effectuation of the Authority's conditions and the facilitation of the orderly sale of the 858 East Ferry property in a manner which facilitates the objectives of the Authority are hereby ratified, approved and confirmed.

BE IT FINALLY
RESOLVED:

That this resolution shall take effect immediately.

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

Board Meeting of May 9, 2012

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 9th day of May, 2012, 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 9th day of May, 2012.

Eleanor Wilson-DiVincenzo
 Secretary of the Board

ITEM NO. 11

CHANGE ORDER NO. 1 – CONTRACT NO. 85100028

CONTRACTOR:	ORIGINAL CONTRACT COST	\$146,669.00
John W. Danforth Company	THIS CHANGE ORDER	<u>6,461.95</u>
300 Colvin Woods Parkway	FINAL CONTRACT COST	\$153,130.95
Tonawanda, NY 14150		

WORK: Air Handling Unit #15 Replacement

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Install ethernet communications raceway and conduit from DCC panel to the Boiler Room Control room.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 This will provide central control for new unit which did not exist previously.

COST OF CHANGE OR EXTRA WORK:

Item #1 Add \$6,461.95

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$6,461.95

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%).

ITEM NO. 14

AUTHORIZATION TO INCREASE BLANKET ORDER NO. 21200113 FOR THE PURCHASE OF SODIUM HYPOCHLORITE

WHEREAS: On March 3, 2010, the Board of the Buffalo Sewer Authority awarded a contract to Bison Laboratories for the purchase of sodium hypochlorite at a total cost not to exceed \$530,000.00, for a one-year period, July 1, 2010 to June 30, 2011; and

WHEREAS: On April 6, 2011, the Board authorized the extension of this contract for the period July 1, 2011 to June 30, 2012. Blanket Purchase Order No. 21200113 was established for fiscal year 2011-2012 in the amount of \$530,000.00; and

WHEREAS: Additional sodium hypochlorite is needed in order to meet Treatment Plant operations through the end of June 2012, necessitating an increase to this year's blanket order in the amount of \$30,000.00; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend an increase to Blanket Purchase Order No. 21200113, from \$530,000.00 to \$560,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to increase Blanket Purchase Order No. 21200113 by \$30,000.00, from \$530,000.00 to \$560,000.00. Funds for this change order will be charged to account no. 00330105-467044.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of May 9, 2012

ITEM NO. 15

REPORT ON BIDS RECEIVED FOR THE PURCHASE OF POLYMER DEWATERING AID FOR WASTEWATER SLUDGE THICKENING AND CONDITIONING

WHEREAS: Formal bids were advertised and solicited for the Purchase of Polymer Dewatering Aid For Wastewater Sludge Thickening and Conditioning for a two-year initial term from July 1, 2012 through June 30, 2014, with an option to renew for three (3) one-year periods; and

WHEREAS: The following sole bid was received and opened by the Buffalo Sewer Authority Purchase Department on April 24, 2012:

VENDOR	DEWATERING PRODUCT UNIT COST AND ESTIMATED ANNUAL FOR 900,000 LBS	THICKENING PRODUCT UNIT COST AND ESTIMATED ANNUAL FOR 2,000,000 LBS	TOTAL ANNUAL DEWATERING AND THICKENING PRODUCT COSTS AND TOTAL FOR INITIAL TWO-YEAR TERM
Polydyne, Inc.	Clarifloc NE-1741 \$0.950/lb. <u>\$855,000.00</u>	Clarifloc C-331W \$0.114/lb. <u>\$228,000.00</u>	\$1,083,000.00 x 2 YEAR TERM = \$2,166,000.00
Kemira Water Solutions, Inc.	Submitted "no bid"		
Ashland, Inc./ Hercules, Inc.	No response		

; and

WHEREAS: The above polymers were performance tested. Values were established for the sludge cake dryness of dewatered sludge to determine the number of pounds of polymer needed per dry ton. Annual fuel cost adjustment factors were also assigned to the dewatering polymer products tested, based upon the cake dryness obtained during the testing period, to represent the expected annual cost to the Authority to evaporate a yearly volume of water in excess of an established baseline. The bid price for the thickening polymer is based upon jar testing performed during the test period. The results of these calculations are as follows:

Vendor	COST VALUES FOR DEWATERING POLYMER		COST VALUES FOR THICKENING POLYMER	
	Product	Total cost per dry ton	Product	Total cost per dry ton
Polydyne, Inc.	Clarifloc NE-1741	\$76.50	Clarifloc C-331W	\$6.84

; and

ITEM NO. 16

AUTHORIZATION FOR SERVICE FROM INGERSOLL-RAND AND AUTHORIZATION FOR TOTAL EXPENDITURES FOR FISCAL YEAR 2011-2012

- WHEREAS: On June 16, 2010, 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 and for compressors in the Grit Building located at the Treatment Plant; and
- WHEREAS: The compressors are a vital part in the process of the Treatment Plant facility; and
- WHEREAS: To date three (3) quarterly maintenance inspections have been completed in addition to repairs for a total expended to date in the amount of \$15,270.02; and
- WHEREAS: The foundation of digester gas compressor no. 9 is in need of repairs. Expertise is required to repair the compressor foundation due to the unbalanced inertial forces imposed by the machine; and
- WHEREAS: The Superintendent of Mechanical Maintenance requested and received a quote in the estimated amount of \$118,350.00 from Ingersoll-Rand to repair the foundation to digester gas compressor no. 9; and
- WHEREAS: This service will bring the total monies payable to Ingersoll-Rand for fiscal year 2011-2012 to \$133,620.02; and
- WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend authorization to repair the foundation to digester gas compressor no. 9 at an estimated cost of \$118,350.00 and further request an additional \$15,000.00 to cover the fourth quarterly maintenance and any unanticipated additional repairs or parts that may be needed through June 30, 2012; and
- WHEREAS: Board approval is required on services over \$35,000.00; and

ITEM NO. 17

AUTHORIZATION FOR PURCHASE OF REPLACEMENT PARTS FOR TOW BRO NO. 5A AND INCREASE IN TOTAL PURCHASES FOR FISCAL YEAR 2011-2012

WHEREAS: On May 25, 2011, the Board of the Buffalo Sewer Authority amended the sole source listing of June 16, 2010, and designated Siemens Industry, Inc., the original equipment manufacturer, and/or their authorized local service representative as a sole source for replacement parts, supplies, and services for Siemens brand pneumatic control systems, Robicon/Ansaldo Ross Hill products; Milltronics brand ultrasonic level analyzers & instrumentation equipment; and

WHEREAS: On July 28, 2010, based upon historical usage the Board authorized estimated purchases for Siemens Industry, Inc., in an amount not to exceed \$40,000.00 for fiscal year 2011-2012; and

WHEREAS: Monies payable to date to Siemens Industry, Inc., for fiscal year 2011-2012 are \$39,621.12; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined a need for Siemens restock parts for Tow Brow No. 5A. Upon request G. P. Jager and Associates, the authorized local representative, submitted a quote in the amount of \$2,562.82 for the needed restock parts. This purchase will bring the total monies payable for this commodity to \$42,183.94; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the quote received and recommend this purchase; and

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the needed restock for Tow Bow No. 5A from G. P. Jager and Associates at a total cost of \$2,562.82, bringing the total monies for purchases for this commodity for fiscal year 2011-2012 to \$42,183.94. This purchase will be charged to account no. 00290105-466107.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of May 9, 2012

ITEM NO. 19

AUTHORIZATION TO PURCHASE RESTOCK PARTS FOR CLIMBER SCREENS

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated Infilco Degremont, Inc., the original equipment manufacturer, as a sole source for Infilco Climber Screens & Helico Presses which were designed specifically for the Buffalo Sewer Authority; and

WHEREAS: On February 15, 2012, the Board approved the purchase of restock parts for the climber screens from Infilco Degremont, Inc., at a total cost of \$24,243.54; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined a need for additional restock parts for the climber screens. Upon request, Infilco Degremont, Inc., submitted a quote in the amount of \$3,653.58 for the needed restock parts; bringing the total monies payable for this commodity to \$27,897.12 for fiscal year 2011-2012; and

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

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the additional needed restock parts for the climber screens from Infilco Degremont, Inc., at a total cost of \$3,653.58, bringing the total monies payable for this commodity to \$27,897.12 for fiscal year 2011-2012. This purchase will be charged to account no. 00220105-466107.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of May 9, 2012

ITEM NO. 21

**ADOPTION OF NEGATIVE DECLARATION OF STATE ENVIRONMENTAL QUALITY
REVIEW FOR CSO OUTFALL NO. 060 GREEN INFRASTRUCTURE PROJECT**

WHEREAS: The Buffalo Sewer Authority (“BSA”) proposes to construct new storm sewers within the existing street rights-of-way in the City of Buffalo to redirect storm water runoff to Scajaquada Creek through the existing CSO Outfall No. 060 (the “Project”); and

WHEREAS: The Project watershed area is generally bounded by Forest Avenue between Delaware Avenue and Grant Street and Bird Avenue; and

WHEREAS: The Project will reduce discharges of combined sanitary and storm water to Scajaquada Creek which occurs during significant storm events; and

WHEREAS: The Project incorporates “Green Infrastructure” design to enhance storm water quality and reduce water quantity discharged into Scajaquada Creek; and

WHEREAS: The Project constitutes an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations; and

WHEREAS: A full Environmental Assessment Form (“EAF”), which can be used to evaluate Unlisted Actions, has been prepared to evaluate the Project; and

WHEREAS: The BSA and its Consultants, URS Corporation, have considered the Project and reviewed Part 1 and Part 2 of the EAF and the criteria set forth in SEQRA in order to determine whether the Project will have a significant adverse impact on the environment.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority, based upon review of the appropriate provisions of the SEQRA, finds no significant environmental impacts will occur through construction of the CSO Outfall No. 060 Green Infrastructure Project and hereby adopts a Negative Declaration.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of May 9, 2012

ITEM NO. 23

CONFIRMATION OF APPOINTMENTS

LABORER I (SEASONAL)
 SEWAGE TREATMENT PLANT
 \$95.00 PER DAY
 EFFECTIVE: APRIL 16, 2012

STEVEN EUBANKS
 342 E. FERRY
 BUFFALO, NY

LABORER I (SEASONAL)
 SEWAGE TREATMENT PLANT
 \$95.00 PER DAY
 EFFECTIVE: APRIL 30, 2012

WILLIAM SNYDER
 335 BRYANT ST.
 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 MS. WILSON-DIVINCENZO
 2ND BY MR. KENNEDY, JR.
 AYES 4 NOES 0

Board Meeting of May 9, 2012

ITEM NO. 25

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 E. Caulfield	Walden University	PPPA 8115 Quality Prospectus for Public Admin.	Spring 2012	\$2,162.70

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. KENNEDY, JR.

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of May 9, 2012

ITEM NO. 26

ADJOURNMENT OF MEETINGMOTION TO APPROVE MADE BY MS. WILSON-DIVINCENZO 2ND BY MR. KENNEDY, JR. AYES 4 NOES 0

Board Meeting of May 9, 2012