

**MINUTES OF THE REGULAR MEETING**  
**OF THE**  
**BUFFALO SEWER AUTHORITY**  
**November 6, 2013**

54443.....54466



# BUFFALO SEWER AUTHORITY

November 6, 2013

**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>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>David Comerford</u>	<u>General Manager</u>
	<u>Ronald Brown</u>	<u>Secretary to the General Manager</u>
	<u>Scott Steinwald</u>	<u>Intergovernmental Coordinator</u>
	<u>Oluwole McFoy, P.E.</u>	<u>Principal Engineer</u>
	<u>Michael Letina</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 &amp; Development</u>
	<u>Laura Surdej</u>	<u>Superintendent of Mechanical</u>
		<u>Maintenance</u>
		<u>Erie County Department of</u>
		<u>Sewerage</u>
Absent:	<u>none</u>	

The meeting was called to order at 9:05 AM. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of October 9, 2013

MOTION TO ADOPT  
 MADE BY MS. DIVINCENZO  
 2<sup>ND</sup> BY MR. KENNEDY  
 AYES 4 NOES 0

Board Meeting of November 6, 2013

## ITEM NO. 2

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

October 23, 2013

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>CAPITAL IMPROVEMENT FUND</b>						
31-Jul-12	Money Market		\$500,001.00	First Niagara	0.15%	Municipal Premium
<b>CONSTRUCTION FUND</b>						
31-July-12	Money Market		\$41,166,414.68	First Niagara	0.20%	Municipal Premium
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
31-July-12	Money Market		\$1,000,274.94	First Niagara	0.20%	Municipal Premium
<b>OPERATING FUND</b>						
31-July-12	Super NOW		\$7,044,363.90	First Niagara	0.20%	Municipal Premium
<b>TRUST &amp; AGENCY FUND</b>						
31-Jul-12	Money Market		\$32,324.41	First Niagara	0.02%	Municipal Premium
<b>SURPLUS FUND</b>						
26-Sep-13	28-Oct-13	32	\$5,999,532.82	First Niagara	0.06%	\$319.98
<b>NET REVENUE FUND</b>						
26-Sep-13	28-Oct-13	32	\$9,900,000.00	First Niagara	0.06%	\$528.00
29-Jul-13	31-Oct-13	94	\$4,999,694.18	M&T Securities	0.10%	\$1,305.82
28-Aug-13	26-Nov-13	90	\$6,999,074.73	M&T Securities	0.11%	\$1,925.27
			<u>\$21,898,768.91</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>DEBT RESERVE FUND</b>						
<b>Series F</b>						
15-May-13	15-May-14	365	\$245,000.00	FDIC Brokered CD	0.25%	
<b>Series I</b>						
			\$9,934,740.40	Wilmington Fund		
<b>Series J</b>						
04-Mar-04	15-Nov-33	10848	\$774,061.00	SLG	3.82%	
<b>Series K</b>						
22-Jul-04	15-Feb-33	10435	\$498,654.00	SLG	4.63%	
<b>Series L</b>						
27-Jul-06	01-Oct-35	10658	\$952,666.00	SLG	4.52%	
<b>Series N</b>						
15-Nov-12	15-Apr-32	7091	\$2,167,157.00	SLG	2.42%	

**RECEIVE & FILE**

Board Meeting of November 6, 2013

## 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 the Buffalo Sewer Authority's operating budget.

**Wastewater Treatment Plant**

9/30/2013	00210105 RWWP Supplies	-\$11,700.00	00380105 Incinerator Supplies	\$11,700.00
10/1/2013	00240106 PSED Services	-\$8,000.00	00270106 Gas Services	\$8,000.00
10/1/2013	00210105 RWWP Supplies	-\$175.00	00380105 Incinerator Supplies	\$175.00
10/2/2013	00240106 PSED Services	-\$12,200.00	00200106 Plant Services	\$12,200.00
10/2/2013	00210105 RWWP Supplies	-\$410.00	00380105 Incinerator Supplies	\$410.00
10/3/2013	00240106 PSED Services	-\$7,000.00	00650106 Sewer Maintenance Services	\$7,000.00
10/4/2013	00210105 RWWP Supplies	-\$5,200.00	00380105 Incinerator Supplies	\$5,200.00

**General Financial Charges**

10/21/2013	00800183 Financial Contingency	-\$18,397.00	00520107 Maintenance Capital Outlay	\$18,397.00
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**RECEIVE & FILE**

Board Meeting of November 6, 2013











## ITEM NO. 8

**TRAVEL AUTHORIZATION - NEW YORK, NEW YORK**

WHEREAS: The Buffalo Sewer Authority must be up-to-date on current environmental regulations in order to maintain compliance; and

WHEREAS: The 86<sup>th</sup> Annual Meeting of the New York Water Environment Association, Inc., (NYWEA) will be held in New York from February 4, 2014 – February 6, 2014, covering an overview of environmental requirements and aging infrastructures; and

WHEREAS: The General Manager, Chairman of the Board, Principal Sanitary Engineer, and Treatment Plant Administrator need to remain current with regulations affecting their respective programs; and

WHEREAS: The General Manager recommends attendance at the 86<sup>th</sup> Annual Meeting of NYWEA.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager, Chairman of the Board, Principal Sanitary Engineer, and Treatment Plant Administrator to travel to New York City from February 3 – 6, 2014, to attend the 86<sup>th</sup> Annual Meeting of the New York Water Environment Association, Inc., at a total cost not to exceed \$10,000.00. Account nos. 00110104-458010, 00110104-458012, 00100104-458010, 00100104-458012, 00200104-458010, 00200104-458012, 00600104-458010, and 00600104-458012 will be utilized for this travel.

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 4 NOES 0

Board Meeting of November 6, 2013

## ITEM NO. 9

**CHANGE ORDER NO. 1- CONTRACT NO. 81300001**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$44,982.00
URS Corporation – New York	PREVIOUS CHANGE ORDER	\$0.00
77 Goodell Street	THIS CHANGE ORDER	<u>\$ 298,860.00</u>
Buffalo, New York 14203	ADJUSTED CONTRACT COST	\$343,842.00

WORK: Incinerator Ash Handling System Upgrade

- 
- WHEREAS: The Buffalo Sewer Authority operates multiple hearth incinerators to process waste sludge generated during wastewater treatment. Ash generated during incineration is conveyed to ash silos and subsequently off loaded to dump trucks for disposal off site; and
- WHEREAS: The Ash Handling System is 30 years old and is need of replacement of some components. Operational changes in the sludge digestion and dewatering processes have changed the nature of the ash to a finer material that has rendered the dust control system less effective during the out load of ash; and
- WHEREAS: On April 4, 2012, the Board of the Buffalo Sewer Authority authorized the General Manager to execute an agreement with URS Corporation to perform a thorough evaluation of the existing ash handling system equipment, review of existing data, and make recommendations for implementation of a project to upgrade the ash system at a total cost not to exceed \$44,982.00; and
- WHEREAS: URS Corporation has submitted a project report to the Buffalo Sewer Authority that has recommendations for implementation of a project to upgrade; and
- WHEREAS: URS Corporation has submitted a proposal to the Buffalo Sewer Authority for the Design, Bid and Construction Administration for the Incinerator Ash Handling System Upgrades and has agreed to complete these tasks at a cost not to exceed \$298,860.00; and
- WHEREAS: The General Manager and staff have reviewed this scope of work and recommend approval of Change Order No. 1 to Contract No. 81300001.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 81300001 in the amount of \$298,860.00, making the adjusted contract cost not to exceed \$343,842.00. Expenses for this Contract will be funded from account no 02000334-432004.

MOTION TO TABLE

MADE BY MS. WILSON-DIVINCENZO

2<sup>ND</sup> BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of November 6, 2013

## ITEM NO. 10

**CHANGE ORDER NO. 2 – CONTRACT NO. 81300003**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$ 30,000.00
Mollenberg-Betz, Inc.	PREVIOUS CHANGE ORDER	\$ 39,500.00
300 Scott Street	THIS CHANGE ORDER	<u>\$ 30,637.00</u>
Buffalo, NY 14204	ADJUSTED CONTRACT COST	\$100,137.00

WORK: In-Plant Steam Repairs

**DESCRIPTION OF CHANGE OR EXTRA WORK:**

- Item #1 Open aux. boiler #1 for inspection
- Item #2 Open aux. boiler #2 for inspection
- Item #3 Incinerator #1 afterburner combustion check
- Item # 4 Replace forced draft fan motor on #2 aux. boiler
- Item # 5 Replace aux. boiler #2 blow down valves and piping

**REASON FOR CHANGE OR EXTRA WORK:**

- Item #1 Boiler readied for insurance inspection and piping repairs and restart of unit
- Item #2 Boiler readied for insurance inspection, complete replacement of high pressure feed water piping, combustion adjustments and restart of unit
- Item #3 Afterburners on #1 incinerator needed combustion adjust for permit issue
- Item #4 Forced draft fan motor replaced
- Item #5 Blow down valves and piping was upgraded for safety issues

**COST OF CHANGE OR EXTRA WORK:**

- Item #1 Add \$ 8,650.00
- Item #2 Add \$12,902.00
- Item # 3 Add \$ 1,628.00
- Item #4 Add \$ 1,860.00



Item #5 Add \$ 5,597.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$30,637.00

The total INCREASE to the contract as a result of this Change Order is \$30,637.00

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, making the final completion date 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. 2 to Contract No. 81300003 as written in the above Agenda Item, increasing the contract cost in the amount of \$30,637.00, making the adjusted contract cost \$100,137.00.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0



## ITEM NO. 12

**REPORT ON BIDS RECEIVED - SERVICE TO OVERHAUL TWO (2) WORTHINGTON  
MODEL MN3033B PUMPS**

WHEREAS: Formal bids were advertised and solicited for service to overhaul two (2) Worthington Model MN3033B Pumps located at the Buffalo Sewer Authority Treatment Plant; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on October 24, 2013:

<b>Vendor</b>	<b>Grand Total Bid</b>
Mollenberg Betz	\$44,628.20
John W. Danforth	\$69,780.60
Hohl Industrial	\$52,300.00
Fluid Kinetics	No response
Cleveland Pump Repair	No response
Quackenbush	No response
Corrosion Products	Incomplete bid
Industrial Parts Solutions	No response

; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff reviewed the bids received and recommend an award to the low bidder, Mollenberg Betz, at a total cost not to exceed \$44,628.20.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Mollenberg Betz, for the service to overhaul two (2) Worthington Model MN3033B Pumps at a total cost not to exceed \$44,628.20. Funding for this contract will be charged to account no. 00290106-443301.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2<sup>ND</sup> BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of November 6, 2013

## ITEM NO. 13

**BUFFALO SEWER AUTHORITY RESOLUTION CONCERNING SANITARY SEWER EASEMENT AGREEMENT WITH HARBOR DISTRICT ASSOCIATES, LLC FOR DEVELOPMENT OF PROPERTY AT MAIN AND SCOTT STREETS, BUFFALO, NEW YORK**

- WHEREAS: The Buffalo Sewer Authority (the “Authority”) was created by the 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 and the Authority have negotiated agreements with Harbor District Associates, LLC, (“HDA”) for, among other things, HDA’s reconstruction and development of the former Donovan State Office Building located at Main and Scott Streets in the City (the “Property”) for use as an office and hotel facility, and as part of such development HDA has requested that the City and the Authority agree to relocate an approximate twenty (20) foot sanitary sewer easement currently located at the Property; and
- WHEREAS: The current sanitary sewer easement located on the Property was established about 1965 and occupies approximately 5,880 square feet of the Property (the “Prior Easement”), and the relocated sanitary sewer easement will occupy approximately 4,328 square feet of the Property (the “Permanent Easement”); and
- WHEREAS: HDA is willing to pay for the relocation and/or construction of new sewer facilities in the Permanent Easement to replace the sewer facilities in the Prior Easement; and
- WHEREAS: The Authority is willing to release and terminate the Prior Easement and to accept the HDA’s conveyance of the Permanent Easement to facilitate HDA’s development of the Property and to improve the Authority’s sewer system facilities; and



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 6<sup>th</sup> day of November, 2013 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 6th day of November, 2013.

\_\_\_\_\_  
 Eleanor C. Wilson DiVincenzo  
 Secretary of the Board

## ITEM NO. 14

**UTILITY WORK AGREEMENT (HC 140) - NEW YORK STATE DEPARTMENT OF TRANSPORTATION- PIN 5812.29**

WHEREAS: The New York State Department of Transportation desires to perform work on several routes including Broadway (NY 954L), NY 5, and NY 384 under PIN 5812.29; and

WHEREAS: It is a recommendation of the NYSDOT that a Utility Work Agreement be executed by a duly authorized agent of the affected utility to allow the State of New York to perform said work within the Authority's jurisdiction; and

WHEREAS: The plans and specifications for this work have been reviewed by the Engineering Division of the Buffalo Sewer Authority; and

WHEREAS: This work will be done at no cost to the Buffalo Sewer Authority.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes and directs the General Manager to execute, on behalf of the Buffalo Sewer Authority, the above mentioned Agreement with the New York State Department of Transportation.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2<sup>ND</sup> BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of November 6, 2013

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 6<sup>th</sup> day of November, 2013 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 6th day of November, 2013.

\_\_\_\_\_  
 Eleanor C. Wilson DiVincenzo  
 Secretary of the Board



## ITEM NO. 15

**REQUEST FOR EXTENSION OF LEAVE OF ABSENCE**

WHEREAS: Kevin O'Connor, a permanent Electrician, was granted an unpaid personal leave of absence beginning April 29, 2013, for a period of six (6) months to pursue an employment opportunity with the City of Buffalo Department of Permits and Inspections; and

WHEREAS: Kevin O'Connor has requested a six (6) month extension of his unpaid personal leave of absence to continue employment with the City of Buffalo Department of Permits and Inspections; and

WHEREAS: The General Manager has reviewed this request and recommends approval.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby grants Kevin O'Connor an extension of his personal leave of absence without pay beginning October 30, 2013, and extending until April 30, 2014.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2<sup>ND</sup> BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of November 6, 2013

## ITEM NO. 15

**CONFIRMATION OF APPOINTMENTS****ASST. SEWER MAINTENANCE SUPERINTENDENT  
(PROVISIONAL)**

SEWER MAINTENANCE DEPT.

\$61,725 PER ANNUM

EFFECTIVE: OCTOBER 7, 2013

GREGORY CUDNEY  
551 OLD FALLS BLVD.  
NO. TONAWANDA, NY

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**SEWER CONSTRUCTION WORKER (PROVISIONAL)**

SEWER MAINTENANCE DEPT.

\$19.31 PER HOUR

EFFECTIVE: OCTOBER 7, 2013

WILLIAM CONROY  
373 CUMBERLAND  
BUFFALO, NY

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**MILLWRIGHT (PERMANENT)**

SEWAGE TREATMENT PLANT

\$24.88 PER HOUR

EFFECTIVE: OCTOBER 14, 2013

JOSEPH ABRAMO  
20 NORTH PARK AVE.  
BUFFALO, NY

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**SEWER CONSTRUCTION INSPECTOR (TEMPORARY)**

ENGINEERING DEPARTMENT

\$57,397 PER ANNUM

EFFECTIVE: OCTOBER 28, 2013

ANGELO GIANCARLO  
218 CARMEL RD.  
BUFFALO, NY

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

WHEREAS: The General Manager requests confirmation of each appointment.

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

MOTION TO APPROVE

MADE BY MR. KENNEDY

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

AYES 4 NOES 0

Board Meeting of November 6, 2013

ITEM NO. 17

**ADJOURNMENT OF MEETING**MOTION TO                     APPROVE                    MADE BY                     MR. KENNEDY                    2<sup>ND</sup> BY                     MR. ROOSEVELT                    AYES           4           NOES           0          

Board Meeting of November 6, 2013