

**MINUTES OF THE REGULAR MEETING  
OF THE  
BUFFALO SEWER AUTHORITY  
March 3, 2010**

53022.....53050



# **BUFFALO SEWER AUTHORITY**

**March 3, 2010**

**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 C. Wilson-DiVincenzo</u>	<u>Secretary</u>
	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>
	<u>David Comerford</u>	<u>General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>Jason Shell</u>	<u>Intergovernmental Coordinator</u>
	<u>Franklin DiMascio, P.E.</u>	<u>Principal Engineer</u>
	<u>James Eagan, P.E.</u>	<u>Sr. Sanitary Engineering Supervisor</u>
	<u>James Keller</u>	<u>Treatment Plant Superintendent</u>
	<u>Roberta Gaeik, P.E.</u>	<u>Treatment Plant Administrator</u>
	<u>Thomas Caulfield</u>	<u>Administrator of Capital</u>
	<u>Edward Hennessy</u>	<u>Improvements &amp; Development</u>
	<u>Darryl McPherson</u>	<u>Director of Sewer Maintenance</u>
	<u>Brian Meyer</u>	<u>City Auditor</u>
		<u>Buffalo News Reporter</u>
Absent:	<u>none</u>	

The meeting was called to order at 9:01 A.M. A quorum was present.

## ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of February 10, 2010

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

Board Meeting of March 3, 2010

## ITEM NO. 2

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

February 22, 2010

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>CAPITAL IMPROVEMENT FUND</b>						
15-Apr-02	Money Market		\$500,000.00	Chase	0.50%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	Money Market		\$35,071,281.36	Chase	0.50%	High Yield
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	Money Market		\$1,056,066.74	Chase	0.50%	High Yield
<b>OPERATING FUND</b>						
08-Apr-02	Money Market		\$3,615,949.96	Chase	0.50%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	Money Market		\$36,113.55	Chase	0.50%	High Yield
<b>SURPLUS FUND</b>						
30-Dec-09	29-Apr-10	120	\$52.15	MTB Funds		
			\$4,395,132.00	M&T Securities	0.40%	\$5,868.00
			<u>\$4,395,184.15</u>			
<b>NET REVENUE FUND</b>						
30-Nov-09	25-Feb-10	87	\$5,899,291.83	M&T Securities	0.40%	\$5,708.17
31-Dec-09	25-Mar-10	84	\$5,567,798.54	M&T Securities	0.40%	\$5,201.46
25-Jan-10	26-Apr-10	91	\$4,600,000.00	M&T	0.25%	\$2,906.94
			<u>\$16,067,090.37</u>			



ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>DEBT RESERVE FUND</b>						
30-Apr-09	30-Apr-10	365	\$1,345,225.21	Series F FHLB	0.40%	
01-Aug-08	06-Sep-13	1862	\$8,240,877.50	Series I FHLB	4.00%	
13-Mar-03	15-Apr-32		\$2,825,593.00	Series H SLG	4.35%	
04-Mar-04	15-Nov-33		\$774,061.00	Series J SLG	3.82%	
22-Jul-04	15-Feb-33		\$498,654.00	Series K SLG	4.63%	
27-Jul-06	01-Oct-35		\$952,666.00	Series L SLG	4.52%	

**RECEIVE & FILE**

Board Meeting of March 3, 2010

## 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**

2/3/2010	00520105 Maintenance Supplies	-2,250.00	00240105 Primary Sedimentation Supplies	2,250.00
2/9/2010	00520106 Maintenance Services	-5,000.00	00240106 Primary Sedimentation Services	5,000.00
2/9/2010	00520105 Maintenance Supplies	-200.00	00200105 Plant Supplies	200.00
2/10/2010	00520106 Maintenance Services	-800.00	00380106 Incinerator Services	800.00
2/10/2010	00520107 Maintenance Capital Outlay	-1,292.01	00510107 Lab Capital Outlay	1,292.01
2/17/2010	00300106 Blower Services	-11,000.00	00270106 Gas Services	11,000.00
2/19/2010	00380104 Incinerator Travel	-336.40	00200104 Plant Travel	336.40

**Industrial Waste Division**

2/29/2010	00550104 IWS Travel	-750.00	00200102 Plant Travel	750.00
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**Sewer Maintenance Division**

2/4/2010	00660107 Sewer Repair Capital Outlay	-3,000.00	00690107 Auto Capital Outlay	3,000.00
2/17/2010	00690106 Auto Services	-2,000.00	00670106 Sewer Cleaning Services	2,000.00
2/17/2010	00660105 Sewer Repair Supplies	-500.00	00650105 Sewer Maintenance Supplies	500.00

**RECEIVE & FILE**

Board Meeting of March 3, 2010

## ITEM NO. 4

**PRELIMINARY OUTLINE OF OPERATING BUDGET FOR THE FISCAL YEAR  
COMMENCING JULY 1, 2010**

A proposed Operating Budget, with full details, for the fiscal year beginning July 1, 2010, will be presented for formal consideration by your Honorable Body at the next scheduled meeting on April 7, 2010. This proposed budget will be in an amount not to exceed \$52,699,599, which is a \$703,774 decrease over the current budget of \$53,403,373

At this time, an outline of the proposed budget is submitted for your tentative approval. Once approved, we will proceed in the preparation of a formal budget document complete with comparison charts and exhibits. Attached to this outline are the following exhibits:

A comparison of Appropriation by Division for the years 2007-08 to 2010-11 Proposed;

A revenue estimate and comparison for the years 2007-08 to 2010-11 Proposed;

Capital Budget Projects for 2010-2011.

Sewer rents based on assessed valuation will not be increased to fund this proposed budget. The final rate for sewer rent will be dependent upon the final City assessed valuation. Sewer rents based upon water usage will not be increased. The estimate of sewer rents based on water use and the final budget appropriation estimates will be detailed at the scheduled meeting of April 7, 2010.

WHEREAS: The preliminary budget presented herein reflects a balanced plan to fund the necessary operations of the Buffalo Sewer Authority for the fiscal year beginning July 1, 2010.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to proceed in preparing a detailed budget not to exceed \$52,699,599 to be submitted to this Body at the meeting of April 7, 2010.

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

Board Meeting of March 3, 2010

**BUFFALO SEWER AUTHORITY  
REVENUE ESTIMATE  
2010-2011 PRELIMINARY BUDGET**

<b>Revenue</b>	<b>2007-2008 Actual</b>	<b>2008-2009 Actual</b>	<b>2009-2010 Budget</b>	<b>2010-2011 Budget</b>
Assessment Sewer Rents	\$12,042,687	\$12,043,868	\$11,982,600	\$12,057,600
Water Use Sewer Rents	28,254,493	27,369,921	27,970,673	26,395,999
Outside City-Sewer Connection	9,246,051	10,239,645	9,708,000	10,000,000
Industrial Waste	1,346,429	1,930,133	1,304,600	1,814,500
Interest Income	3,187,922	2,101,716	1,480,000	1,468,000
Miscellaneous	1,091,021	1,049,212	957,500	963,500
<b>Total Revenues</b>	<b><u>\$55,168,603</u></b>	<b><u>\$54,734,495</u></b>	<b><u>\$53,403,373</u></b>	<b><u>\$52,699,599</u></b>

**BUFFALO SEWER AUTHORITY  
APPROPRIATIONS BY DIVISION  
2010-2011 PRELIMINARY BUDGET**

<b>Division</b>	<b>2007-2008 Actual</b>	<b>2008-2009 Actual</b>	<b>2009-2010 Budget</b>	<b>2010-2011 Budget</b>
General Offices	\$1,061,521	\$1,188,235	\$1,396,862	\$1,406,733
Wastewater Treatment Facility	19,293,261	19,958,447	21,985,234	22,020,111
Industrial Waste	520,684	579,950	571,176	594,583
Engineering	594,109	728,026	758,711	813,050
Sewer Maintenance	2,651,214	2,658,698	3,429,918	3,109,687
Miscellaneous Financial Chgs	3,364,532	3,161,446	2,914,690	2,914,690
Fringe Benefits	5,753,945	5,355,330	6,629,352	6,877,845
Debt Service & Reserve	11,704,745	11,688,193	15,717,430	14,962,900
<b>Total Appropriations</b>	<b><u>\$44,944,011</u></b>	<b><u>\$45,318,325</u></b>	<b><u>\$53,403,373</u></b>	<b><u>\$52,699,599</u></b>

**BUFFALO SEWER AUTHORITY  
CAPITAL PROJECTS  
2010 - 2011 PRELIMINARY BUDGET**

<b><u>PROJECT TITLE:</u></b>	<b>ESTIMATED COST</b>
<b><u>TREATMENT PLANT:</u></b>	
ANNUAL CENTRIFUGE MAINTENANCE	50,000
GAS CLEAN AERATION DIFFUSER STONES	100,000
FINAL CLARIFIER BUILDINGS REHAB	200,000
CHILLER REPLACEMENT & HVAC IMPROVEMENTS	500,000
POWER DISTRIBUTION SYSTEM SURVEY AND IMPLEMENTATION	100,000
MISCELLANEOUS PIPE REPLACEMENT	200,000
ANNUAL DIGESTER CLEANING (TWO PER YEAR)	200,000
REPAIR RAILINGS AROUND AERATION BASINS	150,000
THICKENER REHABILITATION	400,000
DOOR AND WINDOW REPLACEMENT	300,000
STEAM PLANT MODIFICATIONS	200,000
FINAL CLARIFIER SCREENS	100,000
SECONDARY SYSTEM CONTROL VALVE/MAGMETER REPLACEMENT	500,000
SLUDGE PUMP MIXERS	50,000
SECONDARY CLARIFIER WEIR REFURBISHMENT (TWO TANKS)	225,000
SCADA DCU REPLACEMENT	3,000,000
REPLACE THICKENER SLUDGE PUMPS AND CONTROLS	150,000
OUTDOOR ROAD LIGHTING	150,000
SOUTH BUFFALO PUMP STATION REHAB PHASE II	1,750,000
ROOF REPLACEMENT & STRUCTURAL REPAIRS	750,000
DIGESTER AND MIXING IMPROVEMENT	1,000,000
REMOVE #6 FUEL OIL TANKS (TWO TANKS)	100,000
PRIMARY CLARIFIER MODIFICATION AND IMPROVEMENTS	70,000
INCINERATOR REFACTORY REHABILITATION	200,000
RAS/WAS/PLANT WATER PUMP EVALUATION	50,000
OVERHAUL INCINERATOR ASH SYSTEM	100,000

STOP-LOG SET FOR FINAL CLARIFIER CONTROL BUILDINGS AND FINAL EFFLUENT BUILDING	80,000
ELECTRICAL SUB-METERING	350,000
ENGINEERING TERM CONTRACTS	250,000
<b><u>COLLECTION SYSTEM:</u></b>	
SEWER CLEANING/TV INSPECTION	300,000
UNANTICIPATED SEWER REPLACEMENTS	400,000
OUTSIDE DISTRICT FLOW VERIFICATION	30,000
CSO SYSTEM IMPROVEMENTS - HAMBURG DRAIN	12,000,000
CSO PHASE II STUDY	600,000
SPP 123 A MODIFICATIONS (HOPKINS)	2,400,000
CSO 060 SEWER SEPARATION	1,000,000
CSO 053 SEWER SEPARATION	700,000
CSO 005 FLOW REDIRECTION	400,000
SOUTH BUFFALO WEIR MODIFICATIONS	300,000
CSO 059 SEWER SEPARATION	900,000
BSA/LACKAWANNA MERGER	400,000
<b><u>GRAND TOTAL</u></b>	<b><u>\$30,705,000</u></b>

ITEM NO. 5

**AUTHORIZATION FOR BANKING TRANSACTIONS**

WHEREAS: The Buffalo Sewer Authority currently maintains banking relationships with M&T Bank, JP Morgan Chase Bank, M&T Securities, HSBC Bank, Citizen's Bank, and Bank of America; and

WHEREAS: Regulations require corporate resolutions to designate individuals to complete banking transactions.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager, David P. Comerford, to execute banking agreements. In addition to Mr. Comerford, the Buffalo Sewer Authority designates Ronald Brown, Executive Secretary; Thomas J. Peltz, Supervising Accountant; Ronald N. Lughino, Senior Accountant; Thomas Cicutello, Senior Accountant; and Charles T. Riley, Senior Accountant; as authorized persons in connection with all accounts hereafter maintained by the aforementioned banking Institutions.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 5 NOES 0

Board Meeting of March 3, 2010

## ITEM NO. 6

**TRAVEL AUTHORIZATION - WASHINGTON, DC**

WHEREAS: The Buffalo Sewer Authority is currently seeking financial assistance for funding of combined sewer overflow projects; and

WHEREAS: The Federal Government is considering a substantial stimulus package aimed at improving the nation's infrastructure; and

WHEREAS: American Continental Group, LLC, the Buffalo Sewer Authority's advocates for government project funding, has facilitated a meeting between the Authority and the offices of Senator Charles Schumer, Senator Kirsten Gillibrand, and Congressman Brian Higgins on March 15, 2010, in Washington, DC, to discuss the Federal Government's proposed stimulus package; and

WHEREAS: The General Manager of the Buffalo Sewer Authority will attend these meetings in Washington, DC.

NOW THEREFORE  
BE IT RESOLVED:

The Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to Washington, DC, on March 15, 2010, to meet with the offices of Senator Charles Schumer, Senator Kirsten Gillibrand, and Congressman Brian Higgins to discuss the Federal Government's proposed stimulus package for a total cost not to exceed \$300.00. The cost of this trip will be charged to account no. 00110104-458010.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. ROOSEVELT</u>
2 <sup>ND</sup> BY	<u>MR. KENNEDY, JR.</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of March 3, 2010



## ITEM NO. 7

**TRAVEL AUTHORIZATION - SYRACUSE, NEW YORK**

WHEREAS: The Buffalo Sewer Authority Laboratory must be up to date on current approved laboratory methods; and

WHEREAS: The New York State Association of Approved Environmental Laboratories (NYAAEL) is holding their annual seminar and quarterly meeting in Syracuse, New York, on March 15-16, 2010, covering "The New TNI Lab Accreditation Standard," as well as National Environmental Laboratory Accreditation Conference (NELAC) requirements, changes in technology for sampling media, and taking readings in the field; and

WHEREAS: The Treatment Plant Superintendent recommends that the Director of Laboratory be authorized to attend this seminar and quarterly meeting.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Director of Laboratory to travel to Syracuse, New York, from March 15-16, 2010, to attend this seminar and quarterly meeting at a total cost not to exceed \$500.00. Funds are available in account no. 00510104-458010 and 00510104-458012.

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

Board Meeting of March 3, 2010

## ITEM NO. 8

**AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER 21000066 FOR LEGAL SERVICES**

WHEREAS: On June 17, 2009, the Board of the Buffalo Sewer Authority authorized the General Manager to retain Charles C. Martorana, of Hiscock & Barclay, LLP, for professional legal services with respect to regulatory, enforcement, and environmental matters on an as-needed basis for the fiscal year July 1, 2009 through June 30, 2010, for a maximum cost not to exceed \$80,000.00; and

WHEREAS: Blanket Order No. 21000066 was established for these legal services; and

WHEREAS: Due to the increase of complex regulatory, enforcement, and environmental issues, it is necessary to increase the maximum cost for these specialized legal services for the remainder of fiscal year 2009-2010; and

WHEREAS: The Secretary to the General Manager and staff recommend approval to increase the maximum cost by \$50,000.00, for a total cost not to exceed \$130,000.00 for fiscal year 2009-2010.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to approve a change order in the amount of \$50,000.00, thereby increasing Blanket Order No. 21000066 for legal services provided by Hiscock & Barclay, LLP from \$80,000.00 to \$130,000.00 for fiscal year 2009-2010. Funds for this change order shall be charged to account no. 00550106-432003.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MR. KENNEDY, JR.</u>	
2 <sup>ND</sup> BY	<u>MR. ROOSEVELT</u>	
AYES	<u>5</u>	NOES <u>0</u>

Board Meeting of March 3, 2010

## ITEM NO. 9

**CHANGE ORDER NO. 2 – CONTRACT NO. 85000004**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$189,333.00
WeCare Organics, LLC	PREVIOUS CHANGE ORDER	75,000.00
9289 Bonta Bridge Road	THIS CHANGE ORDER	<u>8,943.20</u>
Jordan, New York 13080	FINAL CONTRACT COST	\$273,276.20

WORK: South Mix Tank and Digester # 6 Cleaning

**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1 Reimburse contractor for additional cost of waste haulage and disposal.

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1 The original contract addressed the cleaning of the South Mix Tank & Digester #6. Change Order No. 1 added the cleaning of the North Mix Tank. Each component of work includes a unit cost to haul the dewatered sludge to a landfill. The original contract and Change Order No. 1 accounted for 1,411 wet tons of waste; however, the actual quantities verified by weight tickets from the disposal site totaled 1,610. As such, the contractually agreed unit price (\$45.00) will be applied to the additional tonnage (198.74 tons) increasing the contract by \$8,943.20.

**COST OF CHANGE OR EXTRA WORK:**

Item #1 \$8,943.20

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$8,943.20

The total INCREASE to the contract as a result of this Change Order is \$8,943.20  
; and

**CONTRACT SUPPLEMENT CONDITIONS:**

1. The contract completion date established in the original contract or as modified by previous contract supplements remains unchanged.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings and under the provisions of the original contract, including compliance with applicable Equipment Specifications, General Specifications and Project Specifications for the same type of work.

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 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. 85000004 as written in the above Agenda Item, making the final contract cost \$273,276.20.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2<sup>ND</sup> BY MR. KENNEDY, SR.

AYES 5 NOES 0

Board Meeting of March 3, 2010

## ITEM NO. 10

CONTRACT NO. 85000004

**CERTIFICATE OF ACCEPTANCE AND OCCUPANCY**

WORK: Cleaning South Mix Tank and Digester #6

BID: \$189,333.00

CONTRACTOR: WeCare Organics, LLC.  
9289 Bonta Bridge Road  
Jordan, New York 13080

WHEREAS: The Administrator of Capital Improvements &amp; Development and staff have certified that the Contractor completed the work in accordance with the plans and specifications on February 5, 2010.

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 February 5, 2010.
- c. The maintenance period commence on February 5, 2010.
- d. Final payment be made to the Contractor in the amount of \$13,663.81 increased \$83,943.20 by change orders, making the final cost of the Contract \$273,276.20.

MOTION TO APPROVEMADE BY MR. KENNEDY, JR.2<sup>ND</sup> BY MS. WILSON-DIVINCENZOAYES 5 NOES 0

Board Meeting of March 3, 2010

## ITEM NO. 11

**REPORT ON BIDS RECEIVED - PURCHASE OF SODIUM HYPOCHLORITE**

WHEREAS: Formal bids were advertised and solicited for the Purchase of Sodium Hypochlorite for use at the Treatment Plant for a one-year period, July 1, 2010 through June 30, 2011, with an option to renew for three (3) one-year periods; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on February 18, 2010:

Vendor	Unit cost per gallon	Total Annual Cost (estimated at 1,000,000 gallons)
Bison Laboratories, Inc.	\$0.53	\$530,000.00
JCI Jones Chemicals, Inc.	\$0.597	\$597,000.00

; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff reviewed the quotes received and recommended that the award for the Purchase of Sodium Hypochlorite be awarded to the low bidder, Bison Laboratories, Inc., at a cost of \$0.53/gallon, for a total cost not to exceed \$530,000.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract for the Purchase of Sodium Hypochlorite with the low bidder, Bison Laboratories, Inc., at a cost of \$0.53/gallon, for a total cost not to exceed \$530,000.00 for a one-year period, July 1, 2010 to June 30, 2011, with an option to renew for three (3) one-year periods. Expenses for this contract will be charged to account no. 00330105-467044.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2<sup>ND</sup> BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of March 3, 2010

## ITEM NO. 12

**REPORT ON BIDS RECEIVED -CRANE INSPECTION, PREVENTATIVE MAINTENANCE, AND CORRECTIVE REPAIR SERVICES**

WHEREAS: Formal bids were advertised and solicited for Crane Inspection, Preventative Maintenance, and Corrective Repair Services for a one-year period, July 1, 2010 through June 30, 2011, with an option to renew for three (3) one-year periods; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on February 17, 2010:

Vendor	Total Annual Inspection Cost for Cranes (performed semi-annual)	Total Annual Preventative Maintenance Cost for Cranes (performed semi-annual)	Hourly Team Rate for Mechanic & Helper (estimated 40 team hrs.)	Percentage markup for parts/materials not included under inspection/pm services (estimated at \$4,000 parts)	GRAND TOTAL
Simmers Crane Design & Services	\$4,400.00	\$4,400.00	(\$75 & \$70) \$145 x 40 = \$5,800	20% or total of \$4,800	\$19,400.00
Volland Electric Equipment Corporation	\$7,700.00	\$2,750.00	(\$65 & \$65) \$130 x 40 = \$5,200	18% or total of \$4,720	\$20,370.00
Konecranes, Inc.	\$4,726.00	\$4,726.00	(\$77 & \$77) \$154 x 40 = \$6,160	20% or total of \$4,800	\$20,412.00
Total Crane Systems, Inc.	\$7,616.00	\$7,616.00	(\$68 & \$55) \$123 x 40 = \$4,920	25% or total of \$5,000	\$25,152.00

; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff reviewed the quotes received and recommended that the award for Crane Inspection, Preventative Maintenance and Corrective Repair Services be awarded to the low bidder, Simmers Crane Design & Services for the rates indicated above at a total cost not to exceed \$19,400.00.

NOW THEREFORE  
 BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract for Crane Inspection, Preventative Maintenance, and Corrective Repair Services with the low bidder, Simmers Crane Design & Services for the rates indicated above at a total cost not to exceed \$19,400.00 for a one-year period, July 1, 2010 to June 30, 2011, with an option to renew for three (3) one-year periods. Expenses for this contract will be charged to account no. 00520106-443421.

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

Board Meeting of March 3, 2010



## ITEM NO. 13

**REPORT ON BIDS RECEIVED - COLLECTION, REMOVAL, AND DISPOSAL OF INCINERATOR ASH AND ASH CLINKERS**

WHEREAS: Formal bids were advertised and solicited for the Collection, Removal, and Disposal of Incinerator Ash and Ash Clinkers for a one-year period, July 1, 2010 through June 30, 2011, with an option to renew for three (3) one-year periods; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on January 28, 2010:

<b>Vendor</b>	<b>Disposal of Ash Unit cost per ton</b>	<b>Total estimated annual cost (based on 7,000 tons)</b>
Casella Waste Management of N.Y. Inc.	\$40.00 (Bid based on 22-ton minimum loads)	\$280,000.00
Modern Disposal Services, Inc.	\$41.61	\$291,270.00
Geiter Done of WNY, Inc.	\$42.94	\$300,580.00
Allied Waste Niagara Falls Landfill, LLC	\$45.34	\$317,280.00

; and

<b>Vendor</b>	<b>Disposal of Ash Clinkers Unit cost per ton</b>	<b>Total estimated annual cost (based on 100 tons)</b>
Geiter Done of WNY, Inc.	\$42.94	\$4,294.00
Modern Disposal Services, Inc.	\$45.00	\$4,500.00
Allied Waste Niagara Falls Landfill, LLC	\$50.35	\$5,035.00
Casella Waste Management of N.Y. Inc.	\$57.00	\$5,700.00

; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff reviewed the quotes received. The low bidder for the ash disposal, Casella Waste Management of N.Y., Inc., stipulated their bid was based on 22-ton minimum loads. Loads for the Authority are presently and historically under 20-tons; and

WHEREAS: The General Manager requested and received a legal opinion from the City of Buffalo Law Department to enter into post-bid negotiations in accordance with General Municipal Law §103 with Casella Waste Management of N.Y., Inc., to request their consideration of the removal of the 22-ton minimum load requirement; and

WHEREAS: The Law Department opinion stated that “we (the Authority) may negotiate matters that benefit the City” and the contract can be awarded to the low bidder if the minimum load requirement is removed; and

WHEREAS: Casella Waste Management of N.Y. Inc., was contacted and has provided documentation that they have removed the stipulation of the 22-ton minimum load requirement; and

WHEREAS: The Authority reserves the right to award bids in whole or in part to the lowest price vendor; therefore, it is recommended that contract for the disposal of ash be awarded to the low bidder, Casella Waste Management of N.Y. Inc., and it is further recommended that the contract for the disposal of ash clinkers, be awarded to the low bidder, Geiter Done of WNY, Inc.

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 for the **Collection, Removal, and Disposal of Incinerator Ash** with the low bidder, Casella Waste Management of N.Y., Inc. (minimum 22-ton stipulation removed) at a cost of \$40.00/ton, up to a maximum amount of \$280,000.00 for a one-year period, July 1, 2010 to June 30, 2011.

That the Board further authorizes the General Manager to enter into and execute a contract for the **Collection, Removal, and Disposal of Incinerator Ash Clinkers** with the low bidder, Geiter Done of WNY, Inc., at a cost of \$42.94/ton, up to a maximum amount of \$4,294.00 for a one-year period, July 1, 2010 to June 30, 2011.

Both contracts have an option to renew for three (3) one-year periods. Expenses for these contracts will be charged to account no. 00380106-442100.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. KENNEDY, SR.	_____
2 <sup>ND</sup> BY	_____	MR. ROOSEVELT	_____
AYES	_____	5	NOES _____ 0

Board Meeting of March 3, 2010

## ITEM NO. 14

**WAIVER OF PERFORMANCE BOND**

WHEREAS: On this date, March 3, 2010, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Geiter Done of WNY, Inc., the low bidder, for the Collection, Removal and Disposal of Incinerator Ash Clinkers at the Treatment Plant for a one-year period, July 1, 2010 to June 30, 2011, at the quoted costs up to a maximum of \$4,294.00. This contract has the option to renew for three (3) one-year periods; and

WHEREAS: The total cost of the contract is under \$10,000.00 and in accordance with the Buffalo Sewer Authority "Regulations for Entering Formal Proposals for Materials, Supplies, Equipment and Services" Section 3 C, the Authority may legally waive the requirement for a Performance Bond; and

WHEREAS: The General Manager recommends that the requirement of a Performance Bond be waived.

NOW THEREFORE  
BE IT RESOLVED: That the Buffalo Sewer Authority hereby waives the requirement of a Performance Bond for the contract with Geiter Done of WNY, Inc., for the Collection, Removal and Disposal of Incinerator Ash Clinkers at the Treatment Plant.

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

Board Meeting of March 3, 2010

## ITEM NO. 15

**AUTHORIZATION FOR PURCHASE OF UTILITY VEHICLES UNDER NYS CONTRACT  
PC63061, GROUP 45001, AWARD 20882**

WHEREAS: The Treatment Plant Superintendent and Principal Chief Stationary Engineer have determined a need to purchase three (3) new and unused electric powered utility vehicles for use at the Treatment Plant; and

WHEREAS: The 2010 Club Car Carryall 1-Electric utility vehicle is available under the above State Contract, Item 10, from Club Car, Inc., at a cost of \$5,174.00. This utility vehicle meets the Authority's requirements; and

WHEREAS: A quote was requested and received from Club Car, Inc., for the above vehicle. Club Car, Inc., has reduced the price of this vehicle from \$5,174.00 to \$4,220.88 delivered; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff reviewed the quote received and recommend purchase of three (3) 2010 Club Car Carryall 1-Electric utility vehicles from Club Car, Inc., at a cost of \$4,220.88 each and a total delivered cost of \$12,662.64.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above utility vehicles from Club Car, Inc., available under the above State Contract at a cost of \$4,220.88 each and a total delivered cost of \$12,662.64. This purchase will be charged to account no. 00520107-474200.

MOTION TO \_\_\_\_\_ APPROVE \_\_\_\_\_

MADE BY \_\_\_\_\_ MS. WILSON-DIVINCENZO \_\_\_\_\_

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

AYES \_\_\_\_\_ 5 \_\_\_\_\_ NOES \_\_\_\_\_ 0 \_\_\_\_\_

Board Meeting of March 3, 2010

## ITEM NO 16

**AMENDMENT TO SOLE SOURCE LISTING FOR SELECTED INSTRUMENTATION, MAINTENANCE, LABORATORY, AND OFFICE EQUIPMENT FOR FISCAL YEAR 2009-2010**

WHEREAS: A Sole Source procurement, in accordance with New York State Procurement Guidelines, is one in which an item is only available from one source due to patents, exclusive franchises, etc., and there is no possibility of competition for the item; and

WHEREAS: On July 22, 2009, the Board of the Buffalo Sewer Authority approved and designated a list of original equipment manufacturers as sole sources for fiscal year 2009-2010; and

WHEREAS: An amendment is requested to the sole source listing to add the following original equipment manufacturer for Sewer Maintenance repair jobs:

Source One Environmental, LLC	Various PipePatch® parts and kits
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; and

WHEREAS: The Director of Sewer Maintenance and Purchasing Department staff have reviewed all supporting documentation and recommend this amendment to the sole source listing for 2009-2010.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the addition of Source One Environmental, LLC, to the sole source listing for the equipment indicated for fiscal year 2009-2010.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2<sup>ND</sup> BY MR. KENNEDY, SR.

AYES 5 NOES 0

Board Meeting of March 3, 2010

ITEM NO. 17

**AUTHORIZATION FOR PURCHASE OF PIPE PATCH®**

WHEREAS: On this date, March 3, 2010, the Board of the Buffalo Sewer Authority approved the addition of Source One Environmental, LLC, the original equipment manufacturer, to the sole source listing for various PipePatch® parts and kits; and

WHEREAS: Source One Environmental, LLC, has provided documentation which is on file with the Authority’s Purchase Department which designates their representatives for Upstate New York; and

WHEREAS: The Buffalo Sewer Authority Sewer Maintenance Department has purchased PipePatch® parts and kits in the amount of \$8,202.50 to date for fiscal year 2009-2010; and

WHEREAS: The Director of Sewer Maintenance has determined a need for additional PipePatch® parts and kits and requests authorization for a total not to exceed \$20,000.00 for fiscal year 2009-2010; and

WHEREAS: Board approval is needed for purchases over \$10,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase PipePatch® parts and kits, as needed, from Source One Environmental, LLC, or their designated local representatives, at a total cost not to exceed \$20,000.00 for fiscal year 2009-2010 under account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 5 NOES 0

Board Meeting of March 3, 2010

## ITEM NO. 18

**AMEND ITEM NO. 12 OF THE BUFFALO SEWER AUTHORITY BOARD MEETING OF JANUARY 6, 2010**

WHEREAS: The Board of the Buffalo Sewer Authority approved Item No. 12 at its Board Meeting of January 6, 2010; and

WHEREAS: The action taken under **Item No. 12** at the January 6, 2010 meeting awarded a contract to Man O' Trees, Inc., for the Hopkins Street Sanitary Sewer Replacement Project at a cost of **\$2,348,000.00**; and

WHEREAS: The true cost of Man O' Trees, Inc., bid should have read **\$2,358,000.00**; and

WHEREAS: It is now necessary to amend Item No. 12 of the January 6, 2010 Board Meeting to reflect the true cost of Man O' Trees, Inc., proposal.

NOW THEREFORE  
BE IT RESOLVED:

That Item No. 12 of the Buffalo Sewer Authority Board Meeting of January 6, 2010 is hereby amended to reflect the true cost of the Man O' Trees, Inc., proposal for the Hopkins Street Sanitary Sewer Replacement Project, the true cost being \$2,358,000.00.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MR. KENNEDY, JR.</u>	
2 <sup>ND</sup> BY	<u>MR. ROOSEVELT</u>	
AYES	<u>5</u>	NOES <u>0</u>

Board Meeting of March 3, 2010

ITEM NO. 19

**AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN**

WHEREAS:                    There is a need to modify the Job Classification Plan.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority approves the deletion of the following positions from the Job Classification Plan:

- One (1) Sewer Construction Inspector                    00600161 411001**
- One (1) Sewer Maintenance Supervisor I                00660131 411001**

MOTION TO                                      APPROVE                 

MADE BY                             MS. WILSON-DIVINCENZO                 

2<sup>ND</sup> BY                             MR. KENNEDY, JR.                 

AYES                             5                     NOES                             0                 

Board Meeting of March 3, 2010



## ITEM NO. 20

**CONFIRMATION OF APPOINTMENT**

**LABORER I (SEASONAL)**  
**SEWAGE TREATMENT PLANT**  
**\$90.00 PER DAY**  
**EFFECTIVE: FEBRUARY 22, 2010**

WILLIAM LARUSCH  
 24 TAMARACK ST.  
 BUFFALO, NY

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WHEREAS: The preceding appointment was 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 appointment is hereby confirmed by the Board of the Buffalo Sewer Authority.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 5 NOES 0

Board Meeting of March 3, 2010

## ITEM NO. 21

**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:

<b><u>EMPLOYEE</u></b>	<b><u>SCHOOL</u></b>	<b><u>COURSE</u></b>	<b><u>TUITION%</u></b>	<b><u>REIMBURSEMENT TOTAL</u></b>
Michael Curran	Sacramento State University - Office of Water Programs	Operation of Wastewater Treatment Plants I	100%	\$99.00
Frank Misso	Sacramento State University – Office of Water Programs	Treatment of Metal Wastestreams	100%	\$79.00

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$178.00. These Reimbursements will be charged to account no. 00800108-480214.

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

Board Meeting of March 3, 2010

ITEM NO. 22

**ADJOURNMENT OF MEETING**MOTION TO                     APPROVE                    MADE BY                     MR. ROOSEVELT                    2<sup>ND</sup> BY                     MS. WILSON-DIVINCENZO                    AYES           5           NOES           0          

Board Meeting of March 3, 2010