

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
April 7, 2010**

53051.....53099

BUFFALO SEWER AUTHORITY

April 7, 2010

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

<u>ITEM NO.</u>	<u>CONTENTS</u>	<u>PAGE NO.</u>
	Roll Call	
1	Motion to Adopt the Minutes of the Meeting of March 3, 2010	53051
2	Temporary Investments (Certificates of Deposit and Treasury Bills)	53052-53
3	Reallocation of Funds	53054
4	Consideration of the Operating Fund Budget for Fiscal Year 2010-2011	53055
5	Proposed Amended "Schedule of Sewer Rents and Other Charges"	53056-66
6	Authorization to Publish Notice of Proposed Amended "Schedule Of Sewer Rents and Other Charges"	53067
7	Claim Against Liability and Casualty Reserve Fund	53068
8	Contract Approval for Property and Crime Insurance	53069
9	Contract Approval for Energy Consulting Services	53070
10	Extension of the Contract for Security Guard Services	53071-72
11	Extension of the Contract for Analytical Services	53073
12	Extension of the Contract for the Removal and Disposal of Aeration Grit	53074

13	Extension of the Contract for the Removal and Disposal of Grit and Screenings	53075
14	Extension of the Contract for the Removal and Disposal of Trash	53076
15	Extension of the Contract for the Purchase of Ferrous Chloride (FeCl ₂)	53077
16	Extension of the Contract for Elevator Maintenance	53078
17	Extension of the Contract for Inspection and Preventative Maintenance of Overhead Doors	53079-80
18	Extension of the Contract for Gas Burner System Inspection, Preventative Maintenance, and Repair Services	53081
19	Amendment to Sole Source Listing for Selected Instrumentation, Maintenance, Laboratory, and Office Equipment for Fiscal Year 2009-2010	53082
20	Total Authorized Expenditures for Westfalia Separator, Inc., for Fiscal Year 2009-2010	53083
21	Authorization to Purchase Smith and Loveless, Inc., Restock Parts for Pista Grit Concentrators for Fiscal Year 2009-2010	53084
22	Authorization to Purchase Blackmer Vortex Pump	53085
23	Authorization for Service from Johnson Controls on Chiller No. 3	53086
24	Report on Bids Received – Door Replacement – Phase I	53087
25	Report on Bids Received – Final Clarifier Weir Renovations Phase IV at the Bird Island Sewage Treatment Plant	53088
26	Change Order No. 1 – Contract No. 85000001	53089-90
27	Change Order No. 1 - Contract No. 85000003	53091-92

28	Amendment to Schedule of Job Classification Plan	53093
29	Confirmation of Appointment	53094
30	Agreement Between Buffalo Sewer Authority and Civil Service Employees Association, AFSME, BSA Unit Local No. 815	53095
31	Compensation: Confidential and Managerial Employees	53096
32	Compensation: Exempt Employees	53097
33	Tuition Reimbursement	53098
34	Adjournment of Meeting	53099

CALL OF THE ROLL

Present:	<u>Herbert 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>Oluwole McFoy</u>	<u>Secretary to the General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>Jason Shell</u>	<u>Intergovernmental Coordinator</u>
	<u>Franklin DiMascio, P.E.</u>	<u>Principal Sanitary Engineer</u>
	<u>James Eagan, P.E.</u>	<u>Senior Sanitary Engineering</u>
	<u>James Keller</u>	<u>Supervisor</u>
	<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Superintendent</u>
	<u>Thomas Caulfield</u>	<u>Treatment Plant Administrator</u>
	<u>Darryl McPherson</u>	<u>Administrator of Capital</u>
		<u>Improvements & Development</u>
		<u>City Auditor</u>
Absent:	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>

The meeting was called to order at 9:13 A.M. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of March 3, 2010

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

Board Meeting of April 7, 2010

ITEM NO. 2

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

March 26, 2010

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	0.50%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$34,631,022.24	Chase	0.50%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,056,471.56	Chase	0.50%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$2,373,934.95	Chase	0.50%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$36,005.12	Chase	0.50%	High Yield
SURPLUS FUND						
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>			
NET REVENUE FUND						
			\$509.44	MTB Funds		
25-Jan-10	26-Apr-10	91	\$4,600,000.00	M&T	0.25%	\$2,906.94
25-Feb-10	25-May-10	89	\$6,499,623.86	M&T Securities	0.21%	\$3,376.14
26-Mar-10	30-Jun-10	96	\$6,499,490.56	M&T Securities	0.26%	\$4,509.44
			<u>\$17,599,623.86</u>			

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

RECEIVE & FILE

Board Meeting of April 7, 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

2/23/2010	00520105 Maintenance Supplies	\$-517.51	00470105 Water Supplies	\$517.51
2/25/2010	00520105 Maintenance Supplies	\$-6,402.00	00260105 Primary Control Supplies	\$6,402.00
3/4/2010	00300106 Blower Services	\$-1,550.00	00380106 Incinerator Services	\$1,550.00
3/4/2010	00520105 Maintenance Supplies	\$-500.00	00200105 Plant Supplies	\$500.00
3/15/2010	00800183 Financial Contingency	\$-12,000.00	00550106 IWS Services	\$12,000.00
3/15/2010	00110106 Administrative Services	\$-38,000.00	00550106 IWS Services	\$38,000.00
3/19/2010	00520105 Maintenance Supplies	\$-2,300.00	00260105 Primary Control Supplies	\$2,300.00
3/19/2010	00240107 Primary Sedimentation Capital Outlay	\$-19,813.00	00360107 Dewatering Capital Outlay	\$19,813.00
3/19/2010	00520107 Maintenance Capital Outlay	\$-1,337.36	00360107 Dewatering Capital Outlay	\$1,337.36
3/19/2010	SWWP Capital Outlay	\$-5,000.00	00360107 Dewatering Capital Outlay	\$5,000.00
3/22/2010	00200106 Plant Services	\$-20,000.00	00380106 Incinerator Services	\$20,000.00
3/22/2010	00380105 Incinerator Supplies	\$-53.94	00520105 Maintenance Supplies	\$53.94
3/22/2010	00520105 Maintenance Supplies	\$-2,272.19	00260105 Primary Control Supplies	\$2,272.19
3/23/2010	00320106 Chemical Services	\$-1,000.00	00340106 Thickener Services	\$1,000.00

RECEIVE & FILE

Board Meeting of April 7, 2010

ITEM NO. 4

CONSIDERATION OF THE OPERATING FUND BUDGET FOR FISCAL YEAR 2010-2011

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority does hereby adopt the attached Operating Fund Budget and Five-Year Capital Plan for the fiscal year commencing July 1, 2010.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 5

PROPOSED AMENDED "SCHEDULE OF SEWER RENTS AND OTHER CHARGES"

WHEREAS: The Buffalo Sewer Authority has hereto adopted a "Schedule of Sewer Rents and Other Charges" pursuant to Section 1180 of Title 8, Article 5 of Chapter 870 of the Laws of 1939 of the State of New York; and

WHEREAS: Such "Schedule of Sewer Rents and Other Charges" now requires adjustments to provide the required revenue to finance our Operating Fund Budget for the fiscal year July 1, 2010 to June 30, 2011.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority does hereby adopt the attached proposed amended "Schedule of Sewer Rents and Other Charges".

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of April 7, 2010

PROPOSED SCHEDULE OF SEWER RENTS
AND OTHER CHARGES
FOR 2010-2011

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 2010-2011.

(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 (0.1370 (BOD₅-250) + 0.1582 (TSS-250) + 0.0257 (TPO₄-15.35))

\$0.1370 Cost/lb. for treatment of BOD₅

\$0.1582 Cost/lb. for treatment of TSS

\$0.0257 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, 2009 and ending June 30, 2010 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, 2010.

(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 \$200.00 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 \$100.00. 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	\$0.1636/lb	\$0.1327/lb.	\$0.0266/lb.
Mixing Tank	\$0.1496/lb	\$0.0743/lb.	\$0.0266/lb.
Thickener/Digester	\$0.1689/lb	\$0.0810/lb.	\$0.0266/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 \$0.045 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, 2010.

(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: (i) 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 one and one-half percent (1.5%), and such sewer rents that remain unpaid shall be charged one and one-half percent (1.5%) for each month thereafter until paid; (ii) 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; and (iii) 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 assessed 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, 2010; 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, 2010, excepting only monthly metered accounts for July 2010, and Section "W" of the quarterly metered accounts for the period May, June, and July 2010, which shall be billed according to the schedule of rents in effect prior to July 1, 2010.

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:

	Garage w/out Water	Garage w/Water
1 Car	10.84	21.66
2 Cars	21.67	43.32
3 Cars	32.51	64.98
4 Cars	43.35	86.69
5 Cars	54.18	108.30
6 Cars	65.02	129.96
7 Cars	75.86	151.62
8 Cars	86.69	173.28

ITEM NO. 6

AUTHORIZATION TO PUBLISH NOTICE OF PROPOSED AMENDED "SCHEDULE OF SEWER RENTS AND OTHER CHARGES"

WHEREAS: The Buffalo Sewer Authority requires an amendment to the "Schedule of Sewer Rents and Other Charges."

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes and directs that the proposed amended "Schedule of Sewer Rents and Other Charges" be published as a notice once a week for three (3) successive weeks, in *The Buffalo News* and the City Record on Monday, April 12, April 19, and April 26, 2010. This notice shall state that the proposed amended "Schedule of Sewer Rents and Other Charges" will remain open for inspection in the office of the Authority for thirty (30) days from the date of said notice, and that objections thereto may be filed during said period with said Authority by any person conceiving himself or herself aggrieved thereby, and that the Authority shall hear and examine such complaints and may modify the proposed Schedule and shall adopt the final amended "Schedule of Sewer Rents and Other Charges" within sixty (60) days of such notice.

MOTION TO APPROVE
 MADE BY MR. ROOSEVELT
 2ND BY MS. WILSON-DIVINCENZO
 AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 8

CONTRACT APPROVAL FOR PROPERTY AND CRIME INSURANCE

WHEREAS: The Buffalo Sewer Authority currently receives property insurance coverage through Liberty Mutual/USI Insurance, and crime insurance coverage through Great American; and

WHEREAS: Liberty Mutual/USI Insurance and Great American have proposed contract extensions; and

WHEREAS: Liberty Mutual/USI has proposed a one-year extension of the Buffalo Sewer Authority's property insurance coverage at a cost not to exceed \$187,249.00. The insurer is not seeking an increase for fiscal year 2010-2011; and

WHEREAS: Great American has proposed a one-year extension of the Buffalo Sewer Authority's crime insurance coverage with a 5% increase to the premium rates, at a cost not to exceed \$5,442.00; and

WHEREAS: The Insurance Consultants for the Buffalo Sewer Authority, Aldrich & Cox, Inc. have carefully reviewed the policies and recommend acceptance of these proposals; and

WHEREAS: It is now necessary to formally ratify these authorizations.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves property insurance coverage with Liberty Mutual/USI Insurance at a cost not to exceed \$187,249.00, and crime insurance coverage with Great American at cost not to exceed \$5,442.00 effective April 15, 2010, for a one-year period, at a total cost not to exceed \$192,691.00, and that this cost be charged to the following accounts on a pro-rata basis: 00200108-452000 and 00650108-452000.

MOTION TO APPROVE
MADE BY MS. WILSON-DIVINCENZO
2ND BY MR. ROOSEVELT
AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 9

CONTRACT APPROVAL FOR ENERGY CONSULTING SERVICES

WHEREAS: The Buffalo Sewer Authority requires the services of an energy commodities procurement geared to minimize financial risk and maximize savings; and

WHEREAS: United Energy has extensive experience in this area and has proposed to perform energy consulting services for the period July 1, 2010 through June 30, 2011, with an option to renew for two (2) one-year periods; and

WHEREAS: The proposal submitted for Professional Services of Energy Procurement will be \$36,000.00 annually, plus a cost of 20% of savings realized (for a cumulative total equal to or less than \$150,000.00) and a cost of 25% of savings realized (for a cumulative total greater than \$150,000.00) due to repositioning of natural gas purchases; and

WHEREAS: The General Manager and his committee recommend approval to execute an agreement with United Energy for Professional Services of Energy Procurement for the period July 1, 2010 through June 30, 2011, with an option to renew for two (2) one-year periods.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute a Professional Services Agreement with United Energy for Energy Procurement for the period July 1, 2010 through June 30, 2011 at an annual base fee of \$36,000.00, plus a cost of 20% of savings realized (for a cumulative total equal to or less than \$150,000.00) and a cost of 25% of savings realized (for a cumulative total greater than \$150,000.00), with an option to renew for two (2) one-year periods. Expenses for the cost will be charged to account nos. 00380103-441001 and 00380106-432004.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MS. WILSON-DIVINCENZO</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of April 7, 2010

ITEM NO. 10

EXTENSION OF THE CONTRACT FOR SECURITY GUARD SERVICES

WHEREAS: On July 2, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Morris Protective Services for security guard services at the Treatment Plant at a cost of \$12.77 per hour, up to maximum annual amount of \$224,343.46, for the period July 1, 2007 to June 30, 2008; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period of July 1, 2008 to June 30, 2009; and

WHEREAS: On April 15, 2009, the Board authorized the extension of this contract for the period of July 1, 2009 to June 30, 2010; and

WHEREAS: Morris Protective Services has agreed to extend this contract for one (1) additional year under the same terms and conditions as long as the current prevailing wage rate, currently \$9.60, does not substantially increase.

WHEREAS: The specifications for this contract state the following:

"On the renewal date of the awarded contract, the Contractor, or Authority may request a rate change (increase or decrease) based upon fluctuations in the latest published copy of the Department of Labor Prevailing Wage Schedule. The contractor or Authority shall be allowed to increase (or decrease) contract rates by the exact change in the prevailing wage schedule. The Authority shall not be responsible for any increased costs incurred by the Contractor except for that of the prevailing wage adjustment. The increase or decrease shall be applied to the next year, effective on the renewal date of the contract"

WHEREAS: The New York State Department of Labor prevailing wage requirement will be determined before the beginning of the fiscal year, July 1, 2010; and

WHEREAS: In order to facilitate the processing of the necessary paperwork for the beginning of the 2010-2011 fiscal year, the Treatment Plant Superintendent and staff recommend extension of this contract at a cost of \$12.77 per hour, up to maximum annual amount of \$223,730.40. The Treatment Plant Superintendent and staff further recommend that any increase or decrease in the prevailing wage rate for the period of this one-year extension, as determined by the New York State Department of Labor, be approved by the Board. This information will be kept on file with the Authority's Purchasing Department.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Morris Protective Services, for security guard services at the Treatment Plant at a cost of \$12.77 per hour, up to maximum annual amount of \$223,730.40. The Board further authorized the General Manager that this contract amount may be adjusted only in accordance with the prevailing wage rate as determined by the New York State Department of Labor for fiscal year 2010-2011. Expenses for this contract will be charged to account no. 00200106-434000.

MOTION TO APPROVE
MADE BY MR. KENNEDY, SR.
2ND BY MS. WILSON-DIVINCENZO
AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 11

EXTENSION OF THE CONTRACT FOR ANALYTICAL SERVICES

WHEREAS: On April 15, 2009, the Board of the Buffalo Sewer Authority awarded a contract to IsleChem, LLC, to provide analytical services for the period July 1, 2009 to June 30, 2010, with an option to renew for three (3) one-year periods, at an estimated annual cost not to exceed \$46,452.00; and

WHEREAS: IsleChem, LLC, has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2010-2011; and

WHEREAS: The Treatment Plant Superintendent, Industrial Waste Administrator, Laboratory Director, and staff recommend this extension at a total cost not to exceed \$46,452.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with IsleChem, LLC, to provide analytical services for the period July 1, 2010 to June 30, 2011. Expenses for this contract will be charged to account no. 00550106-432004.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 12

EXTENSION OF THE CONTRACT FOR THE REMOVAL AND DISPOSAL OF AERATION GRIT

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Modern Disposal Services, Inc., for the removal and disposal of aeration grit at the Treatment Plant at a cost of \$65.09 per ton, up to a maximum amount of \$130,180.00, for the period July 1, 2007 to June 30, 2008, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period of July 1, 2008 to June 30, 2009; and

WHEREAS: On April 15, 2009, the Board authorized the extension of this contract for the period of July 1, 2009 to June 30, 2010; and

WHEREAS: Modern Disposal Services has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2010-2011; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$130,180.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Modern Disposal Services, Inc., for the removal and disposal of aeration grit at the Treatment Plant at a cost of \$65.09 per ton, up to a maximum amount of \$130,180.00 for a one-year period, July 1, 2010 to June 30, 2011. Expenses for this contract will be charged to account no. 02000270-474080.

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

Board Meeting of April 7, 2010

ITEM NO. 13

EXTENSION OF THE CONTRACT FOR THE REMOVAL AND DISPOSAL OF GRIT AND SCREENINGS

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Allied Waste Services of North America, LLC, for the removal and disposal of grit and screenings at the Treatment Plant at a cost of \$59.00 per ton for screenings and at a cost of \$64.95 per ton for grit (utilizing 15-yard lugger containers - with the option to utilize 20-yard refuse containers at a cost of \$57.65 per ton for grit), up to a maximum annual amount of \$54,885.00 for the period July 1, 2007 to June 30, 2008, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period July 1, 2008 to June 30, 2009; and

WHEREAS: On April 15, 2009, the Board authorized the extension of this contract for the period July 1, 2009 to June 30, 2010; and

WHEREAS: Allied Waste Services of North America, LLC, has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2010-2011; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$54,885.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Allied Waste Services of North America, LLC, for the removal and disposal of grit and screenings at the Treatment Plant at a cost of \$59.00 per ton for screenings, and at a cost of \$64.95 per ton for grit (utilizing 15-yard lugger containers - with the option to utilize 20-yard refuse containers at a cost of \$57.65 per ton for grit), up to a maximum amount of \$54,885.00 for a one-year period, July 1, 2010 to June 30, 2011. Expenses for this contract will be charged to account nos. 00230106-442100 and 00690106-442100.

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

Board Meeting of April 7, 2010

ITEM NO. 14

EXTENSION OF THE CONTRACT FOR THE REMOVAL AND DISPOSAL OF TRASH

WHEREAS: On May 23, 2007, the Board of the Buffalo Sewer Authority awarded a contract to Modern Disposal Services for the removal and disposal of trash at the Treatment Plant at a cost of \$85.48 per ton up to a maximum annual amount of \$21,370.00, for the period July 1, 2007 to June 30, 2008, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 16, 2008, the Board authorized the extension of this contract for the period of July 1, 2008 to June 30, 2009; and

WHEREAS: On April 15, 2009, the Board authorized the extension of this contract for the period July 1, 2009 to June 30, 2010; and

WHEREAS: Modern Disposal Services has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2010-2011; and

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$21,370.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Modern Disposal Services for the removal and disposal of trash at the Treatment Plant at a cost of \$85.48 per ton, up to a maximum amount of \$21,370.00 for a one-year period July 1, 2010 to June 30, 2011. Expenses for this contract will be charged to account no. 00380106-442100.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 15

EXTENSION OF THE CONTRACT FOR THE PURCHASE OF FERROUS CHLORIDE (FeCl₂)

WHEREAS: On May 6, 2009, the Board of the Buffalo Sewer Authority awarded a contract to Kemira Water Solutions, Inc., for the purchase of ferrous chloride for use at the Treatment Plant at a cost of \$0.845 per gallon, up to a maximum amount of \$270,400.00, for the period July 1, 2009 to June 30, 2010, with an option to renew for three (3) one-year periods; and

WHEREAS: Kemira Water Solutions, Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2010-2011; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend this extension at a total cost not to exceed \$270,400.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with Kemira Water Solutions, Inc., for the purchase of ferrous chloride for use at the Treatment Plant for the period July 1, 2010 to June 30, 2011. Expenses for this contract will be charged to account no. 00360105-467044.

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

Board Meeting of April 7, 2010

ITEM NO. 16

EXTENSION OF THE CONTRACT FOR ELEVATOR MAINTENANCE

WHEREAS: On November 7, 2007, the Board of the Buffalo Sewer Authority awarded a contract to D.C.B. Elevator Co., Inc., for Elevator Maintenance at the Treatment Plant for a total cost not to exceed \$130,400.00 for the period through June 30, 2008, with an option to renew for three (3) one-year periods; and

WHEREAS: On May 7, 2008, the Board authorized the extension of this contract for the period July 1, 2008 to June 30, 2009 for a total cost not to exceed \$87,000.00; and

WHEREAS: On April 15, 2009, the Board authorized the extension of this contract for the period July 1, 2009 to June 30, 2010 for a total cost not to exceed \$87,000.00; and

WHEREAS: D.C.B. Elevator Co., Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2010-2011; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend this extension at a total cost not to exceed \$87,000.00. The reduction in the original contract cost is due to the first year of the contract taking care of most of the repair services.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with D.C.B. Elevator Co., Inc., for Elevator Maintenance at the Treatment Plant, up to a maximum amount of \$87,000.00 for a one-year period, July 1, 2010 to June 30, 2011. Expenses for this contract will be charged to account nos. 00380106-443421, 00520106-443421 and 00650106-443421.

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

Board Meeting of April 7, 2010

ITEM NO. 17

EXTENSION OF THE CONTRACT FOR INSPECTION AND PREVENTATIVE MAINTENANCE OF OVERHEAD DOORS

- WHEREAS: On November 7, 2007, the Board of the Buffalo Sewer Authority awarded a contract to National Overhead Door, Inc., for Inspection and Preventative Maintenance of Overhead Doors at the Treatment Plant and Outlying Stations for 58 overhead doors at a total cost not to exceed \$97,112.00 for the period through June 30, 2008, with an option to renew for three (3) one-year periods; and
- WHEREAS: On May 7, 2008, the Board authorized the extension of this contract for the period July 1, 2008 to June 30, 2009; and
- WHEREAS: On April 15, 2009, the Board authorized the extension of this contract for the period July 1, 2009 to June 30, 2010; and
- WHEREAS: National Overhead Door, Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2010-2011; and
- WHEREAS: The annual cost for fiscal year 2010-2011 for the continuance of preventative maintenance is \$23,452.00 and the annual cost for quarterly inspections is \$2,980.00 for these overhead doors, with an estimated \$48,568.00 for labor and parts for any repairs that may be needed; and
- WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend this extension at a total cost not to exceed \$75,000.00. The reduction in the original contract cost is due to the first year of the contract taking care of most of the repair services.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to renew the contract with National Overhead Door, Inc., for Inspection and Preventative Maintenance of Overhead Doors at the Treatment Plant and Outlying Stations at a team rate of \$149.00 per hour, parts mark-up of fifteen (15%) percent, annual quarterly inspections of \$2,980.00, and annual preventative maintenance of \$23,452.00 for 58 overhead doors at a total cost not to exceed \$75,000.00 for a one-year period, July 1, 2010 to June 30, 2011. Expenses for this contract will be charged to account nos. 00520106-443421 and 00650106-443421.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 18

EXTENSION OF THE CONTRACT FOR GAS BURNER SYSTEM INSPECTION, PREVENTATIVE MAINTENANCE, AND REPAIR SERVICES

WHEREAS: On July 16, 2008, the Board of the Buffalo Sewer Authority awarded a contract to Mollenberg-Betz for inspection, preventative maintenance, corrective, and emergency repair services of gas burners located in various Buffalo Sewer Authority buildings throughout the Treatment Plant and outlying pumping stations at a total cost not to exceed \$153,830.00 for the period of the award through June 30, 2009, with an option to renew for three (3) one-year periods; and

WHEREAS: On April 15, 2009, the Board authorized the extension of this contract for the period of July 1, 2009 to June 30, 2010; and

WHEREAS: Mollenberg-Betz has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2010-2011; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend this extension at a total cost not to exceed \$36,230.00. The reduction in the original contract cost is due to the first year of the contract taking care of most of the repair services.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with Mollenberg-Betz for inspection, preventative maintenance, corrective, and emergency repair services of gas burners located in various Buffalo Sewer Authority buildings throughout the Treatment Plant and outlying pumping stations, up to a maximum amount of \$36,230.00 for a one-year period, July 1, 2010 to June 30, 2011. Funding for this contract will be charged to account no. 00380106-443421.

MOTION TO APPROVE
MADE BY MR. ROOSEVELT
2ND BY MS. WILSON-DIVINCENZO
AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 19

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 modify the current listing for Ingersoll-Rand and add Grit Building compressors as indicated:

Ingersoll-Rand	(Parent company for Dresser Rand) the OEM for digester gas compressors, <i>Grit Building Compressors</i> , and parts
----------------	--

; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and 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 modification to the current listing for Ingersoll-Rand to the sole source listing for the equipment indicated for fiscal year 2009-2010.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 20

INFORMATIVE: TOTAL AUTHORIZED EXPENDITURES FOR WESTFALIA SEPARATOR, INC., FOR FISCAL YEAR 2009-2010

On September 2, 2009, and November 4, 2009, the Board of the Buffalo Sewer Authority approved purchases Westfalia Separator, Inc., in the amounts of \$10,592.67, plus freight and \$942.64, plus freight respectively. The Board further authorized a total not to exceed cost of \$20,000 for total purchases from Westfalia Separator, Inc., for fiscal year 2009-2010.

On December 2, 2009, the Board of the Buffalo Sewer Authority approved Item No. 10 for the purchase of necessary restock parts from Westfalia Separator, Inc., at a total cost of \$205,400.00.

The action taken under Item No. 10 at the December 2, 2009, meeting omitted the total annual authorized expenditures to date.

Total monies authorized to Westfalia Separator, Inc., for fiscal year 2009-2010 are \$225,400.00.

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

RECEIVE AND FILE

Board Meeting of April 7, 2010

ITEM NO. 21

AUTHORIZATION TO PURCHASE SMITH AND LOVELESS, INC., RESTOCK PARTS FOR PISTA GRIT CONCENTRATORS FOR FISCAL YEAR 2009-2010

WHEREAS: On July 22, 2009, the Board of the Buffalo Sewer Authority designated Smith and Loveless, Inc., the original equipment manufacturer, and/or their authorized local representative, as a sole source for Smith and Loveless, Inc., brand parts including the Pista grit concentrators located at the Treatment Plant; and

WHEREAS: The Principal Chief Stationary Engineer has determined a need for restock parts for the Pista grit concentrator. Upon request, Koester Associates, Inc., the authorized local representative, submitted a quote in the amount of \$12,018.00 for the needed parts; and

WHEREAS: Based on historical expenditures, the Board authorized on July 22, 2009, a total cost not to exceed \$15,000.00 for Smith and Loveless, Inc., brand parts for fiscal year 2009-2010 of which \$13,696.24 has been expended to date. This purchase of the restock parts will bring the total for fiscal year 2009-2010 to \$25,714.24; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer and staff reviewed the quote received and recommend this purchase and approval to amend the total not to exceed cost from \$15,000.00 to \$27,000.00 for Smith and Loveless, Inc., brand parts for fiscal year 2009-2010.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the restock parts for the Pista grit concentrator in the amount of \$12,018.00. This purchase will be charged to account no. 00230105-466107. The Board further approves a total not to exceed cost of \$27,000.00 for the purchase of Smith and Loveless brand parts for fiscal year 2009-2010.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 23

AUTHORIZATION FOR SERVICE FROM JOHNSON CONTROLS ON CHILLER NO. 3

WHEREAS: On July 22, 2009, the Board of the Buffalo Sewer Authority designated Johnson Controls, the original equipment manufacturer, and/or their authorized local service representative as a sole source for replacement parts, supplies, and service for all Johnson Controls manufactured products, including York brand chillers, located at the Treatment Plant; and

WHEREAS: A quote was requested and received from Johnson Controls in the amount of \$18,965.00 for preventative maintenance, start-up and high pressure tube cleaning of the York Steam Absorption Chiller No. 3 in preparation for the 2010 cooling season; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer and staff recommend authorization for this service; and

WHEREAS: On September 3, 2009, Board authorization was given for a total cost of \$60,130.00 for repairs to Chiller No. 2 from Johnson Controls. This service will bring total monies payable to Johnson Controls for fiscal year 2009-2010 to \$79,095.00; and

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

NOW THEREFORE
BE IT RESOLVED:

The Board of the Buffalo Sewer Authority authorizes the General Manger to award the preventative maintenance, start-up and high pressure tube cleaning of the York Steam Absorption Chiller No. 3 to Johnson Controls at a total cost not to exceed \$18,965.00. Account no. 00380106-443301 will be charged for these services.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MS. WILSON-DIVINCENZO</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>4</u> NOES <u>0</u>

Board Meeting of April 7, 2010

ITEM NO. 26

CHANGE ORDER NO. 1 – CONTRACT NO. 85000001

CONTRACTOR:	ORIGINAL CONTRACT COST	\$30,000.00
Nicholson & Hall Corp.	THIS CHANGE ORDER	<u>8,840.93</u>
41 Columbia Street	ADJUSTED CONTRACT COST	\$38,840.93
Buffalo, New York 14204		

WORK: In-Plant Steam System Repair Services

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Replace failed refractory and steel work in front wall of no. 2 auxiliary steam boiler.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Work was required to bring no. 2 auxiliary steam boiler back on line to burn digester gas. The total cost of work was \$17,408.43. There is \$8,567.50 available in contract therefore; an additional \$8,840.93 is needed.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$8,840.93

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$8,840.93

The total INCREASE to the contract as a result of this Change Order is \$8,840.93
; and

WHEREAS: The Buffalo Sewer Authority Principal Stationary Engineer and staff reviewed the cost and recommend the increase to the contract.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 85000001 as written in the above Agenda Item, increasing the contract cost in the amount of \$8,840.93, making the adjusted contract cost \$38,840.93.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 27

CHANGE ORDER NO. 1 – CONTRACT NO. 8500003

CONTRACTOR:	ORIGINAL CONTRACT COST	\$100,000.00
Quackenbush Company	THIS CHANGE ORDER	<u>60,000.00</u>
495 Kennedy Road	ADJUSTED CONTRACT COST	\$160,000.00
Buffalo, New York 14224		

WORK: In-Plant Mechanical Maintenance Service

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Emergency repairs to replace bar screen in west channel and repair to check valve at Kelly Island "S" Station.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Remove and replace influent racks in the west channel at the Bird Island Sewage Treatment Plant and fabricate and install 16 inch piping for Kelly Island "S" Station. An estimated cost for these two (2) jobs is \$42,303.00. Additional funds are being added to the contract to cover any unanticipated maintenance service through the end of the fiscal year.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$60,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$60,000.00

The total INCREASE to the contract as a result of this Change Order is \$60,000.00
; and

WHEREAS: The Buffalo Sewer Authority Principal Stationary Engineer and staff reviewed the cost and recommend the increase to the contract.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 85000003 as written in the above Agenda Item, increasing the contract cost in the amount of \$60,000.00, making the adjusted contract cost \$160,000.00.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 29

CONFIRMATION OF APPOINTMENT

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$90.00 PER DAY
EFFECTIVE: MARCH 8, 2010

MAX JADOCH
 33 PORTLAND
 BUFFALO, NY

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. ROOSEVELT
 2ND BY MS. WILSON-DIVINCENZO
 AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 30

**AGREEMENT BETWEEN BUFFALO SEWER AUTHORITY AND CIVIL SERVICE
EMPLOYEES ASSOCIATION, AFSCME, BSA UNIT LOCAL NO. 815**

WHEREAS: Negotiations have concluded and an Agreement has been reached for a three (3) year contract retroactive to July 1, 2009, and ending June 30, 2012; and

WHEREAS: Changes from the expired contract include the following increases in wages:

Effective 7/1/09 – 3%
 Effective 7/1/10 – 2.5%
 Effective 7/1/11 – 2.5%; and

WHEREAS: Other changes are detailed in a Tentative Agreement, including those relating to Residence, Job Classification Schedule, Five-Step Wage Scale, Optical Coverage, Leaves of Absence with Pay, Deferred Compensation, Sick Bank Rules, and Job Postings for Competitive Class Positions.

NOW THEREFORE
 BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute, on behalf of the Buffalo Sewer Authority, this Agreement with the Civil Service Employees Association, AFSCME, BSA Local 815, for the three (3) year period ending June 30, 2012.

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 April 7, 2010

ITEM NO. 31

COMPENSATION: CONFIDENTIAL AND MANAGERIAL EMPLOYEES

NOW THEREFORE
BE IT RESOLVED:

That the modifications and provisions contained in the Agreement between the Buffalo Sewer Authority and Civil Service Employees Association, AFSCME, BSA Local 815, for the period of July 1, 2009 to June 30, 2012, are hereby directed to also apply to those positions which are designated Managerial or Confidential.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 32

COMPENSATION: EXEMPT EMPLOYEES

NOW THEREFORE
BE IT RESOLVED:

That the modifications and provisions contained in the Agreement between the Buffalo Sewer Authority and Civil Service Employees Association, AFSCME, BSA Local 815, for the period of July 1, 2009 to June 30, 2012, are hereby directed to also apply to the Exempt positions.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MR. KENNEDY, SR.

AYES 4 NOES 0

Board Meeting of April 7, 2010

ITEM NO. 33

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 employee has applied for Tuition Reimbursement:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Sean Morrison	Buffalo State University at New York	Basic Laboratory	100%	\$600.00
Sean Morrison	Buffalo State University at New York	Grade 3 Supervision	100%	\$500.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Reimbursement totaling \$1100.00. This Reimbursement will be charged to account no. 00800108-480214.

MOTION TO APPROVE
MADE BY MS. WILSON-DIVINCENZO
2ND BY MR. ROOSEVELT
AYES 4 NOES 0

Board Meeting of April 7, 2010

