

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
June 15, 2011**

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BUFFALO SEWER AUTHORITY

June 15, 2011

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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CALL OF THE ROLL

Present:	<u>Herbert L. Bellamy</u>	<u>Chairman</u>
	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>
	<u>Eleanor C. Wilson-DiVincenzo</u>	<u>Secretary</u>
	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>
	<u>David P. Comerford</u>	<u>General Manager</u>
	<u>Oluwole A. McFoy</u>	<u>Secretary to the General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>James Keller</u>	<u>Treatment Plant Superintendent</u>
	<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Administrator</u>
	<u>James Eagan, P.E.</u>	<u>Sr. Sanitary Engineering Supervisor</u>
	<u>Thomas Caulfield</u>	<u>Administrator of Capital</u>
	<u>Darryl McPherson</u>	<u>Improvements & Development</u>
	<u>Seema Somani</u>	<u>City Auditor</u>
	<u>Laura Surdej</u>	<u>City of Buffalo Audit Department</u>
		<u>Erie Co. Dept. of Sewerage</u>
Absent:	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>

The meeting was called to order at 9:00 AM. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of May 25, 2011

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

Board Meeting of June 15, 2011

ITEM NO. 2

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

June 6, 2011

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CAPITAL IMPROVEMENT FUND						
15-Apr-02	Money Market		\$500,000.00	Chase	0.40%	High Yield
CONSTRUCTION FUND						
08-Apr-02	Money Market		\$34,851,473.16	Chase	0.40%	High Yield
LIABILITY AND CASUALTY RESERVE FUND						
22-Apr-02	Money Market		\$1,007,302.80	Chase	0.40%	High Yield
OPERATING FUND						
08-Apr-02	Money Market		\$3,534,932.86	Chase	0.40%	High Yield
TRUST & AGENCY FUND						
06-May-02	Money Market		\$34,897.15	Chase	0.40%	High Yield
SURPLUS FUND						
			\$252.20	MTB Funds		
25-Feb-11	30-Jun-11	125	\$6,049,585.62	M&T Securities	0.21%	\$4,414.38
			<u>\$6,049,837.82</u>			
NET REVENUE FUND						
			\$363.00	MTB Funds		
25-Feb-11	30-Jun-11	125	\$2,399,249.27	M&T Securities	0.21%	\$1,750.73
25-Mar-11	30-Jun-11	97	\$4,499,573.92	M&T Securities	0.20%	\$2,426.08
25-Apr-11	30-Jun-11	66	\$5,499,487.23	M&T Securities	0.15%	\$1,512.77
25-May-11	30-Jun-11	36	\$3,299,637.00	M&T Securities	0.11%	\$363.00
			<u>\$15,698,310.42</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
DEBT RESERVE FUND						
			\$295,917.64	Series F MTB Fund		
30-Apr-10	10-Jun-11	406	\$320,000.00	Series F FHLB	0.42%	
03-Jun-11	03-May-12	335	\$245,000.00	Series F FDIC Brokered CD	0.45%	
03-Jun-11	01-Jun-12	364	\$245,000.00	Series F FDIC Brokered CD	0.45%	
03-Jun-11	01-Jun-12	364	\$245,008.05	Series F FDIC Brokered CD	0.60%	
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%	

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Board Meeting of June 15, 2011

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

5/17/2011	00520105 Maintenance Supplies	-\$855.00	00200105 Plant Supplies	\$855.00
5/17/2011	00520106 Maintenance Services	-\$1,500.00	00370106 Centrifuge Services	\$1,500.00
5/17/2011	00230105 Grit Supplies	-\$175.90	00520105 Maintenance Supplies	\$175.90
5/18/2011	00230105 Grit Supplies	-\$3,103.58	00520105 Maintenance Supplies	\$3,103.58
5/18/2011	00230105 Grit Supplies	-\$84.80	00520105 Maintenance Supplies	\$84.80
5/20/2011	00550107 IWS Capital Outlay	-\$4,291.16	00510107 Lab Capital Outlay	\$4,291.16
5/20/2011	00200107 Plant Capital Outlay	-\$135.09	00510107 Lab Capital Outlay	\$135.09
5/23/2011	00300106 Blower Services	-\$2,500.00	00670106 Sewer Cleaning Services	\$2,500.00
5/23/2011	00300106 Blower Services	-\$2,000.00	00660106 Sewer Repair Services	\$2,000.00
5/23/2011	00250105 Secondary Supplies	-\$1,731.46	00520105 Maintenance Supplies	\$1,731.46
5/23/2011	00250105 Secondary Supplies	-\$17.64	00520105 Maintenance Supplies	\$17.64
5/24/2011	00300106 Blower Services	-\$38,590.00	00200106 Plant Services	\$38,590.00
5/24/2011	00220105 Screen Supplies	-\$455.63	00230105 Grit Supplies	\$455.63
5/26/2011	00520107 Maintenance Capital Outlay	-\$160.65	00200107 Plant Capital Outlay	\$160.65
5/27/2011	00270105 Gas Supplies	-\$5,232.00	00380105 Incinerator Supplies	\$5,232.00
6/2/2011	00520106 Maintenance Services	-\$4,500.00	00330106 Final Services	\$4,500.00
6/2/2011	00300103 Blower Utilities	-\$2,525.00	00430103 Babcock Utilities	\$2,525.00
6/2/2011	00220105 Screen Supplies	-\$3,902.45	00330105 Final Supplies	\$3,902.45
6/2/2011	00260105 Primary Supplies	-\$2,975.28	00330105 Final Supplies	\$2,975.28
6/2/2011	00270105 Gas Supplies	-\$1,820.70	00330105 Final Supplies	\$1,820.70
6/2/2011	00290105 Aeration Supplies	-\$3,374.13	00330105 Final Supplies	\$3,374.13
6/2/2011	00300105 Blower Supplies	-\$1,917.70	00330105 Final Supplies	\$1,917.70

6/3/2011	00290106 Aeration Services	-\$7,500.00	00200106 Plant Services	\$7,500.00
6/6/2011	00290106 Aeration Services	-\$11,000.00	00380106 Incinerator Services	\$11,000.00

Sewer Maintenance Division

5/19/2011	00650106 Sewer Maintenance Services	-\$1,478.00	00690106 Auto Services	\$1,478.00
5/23/2011	00650106 Sewer Maintenance Services	-\$393.00	00690106 Auto Services	\$393.00
5/24/2011	00690105 Auto Supplies	-\$1,200.00	00670105 Sewer Cleaning Supplies	\$1,200.00
6/1/2011	00690105 Auto Supplies	-\$200.00	00670105 Sewer Cleaning Supplies	\$200.00
6/3/2011	00690105 Auto Supplies	-\$1,000.00	00520105 Maintenance Supplies	\$1,000.00
6/3/2011	00690105 Auto Supplies	-\$1,000.00	00670105 Sewer Cleaning Supplies	\$1,000.00

General Financial Charges

5/26/2011	00800183 Financial Contingency	-\$340.00	00110106 Admin Services	\$340.00
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Board Meeting of June 15, 2011

ITEM NO. 4

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: On February 24, 2011, Cindy Samborski, 52 Persia Street, Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for plumbing cost; and

WHEREAS: The plumbing cost was due to a blocked main sewer on February 14, 2011, with a total cost of \$174.00; and

WHEREAS: The General Manager and the Law Department reviewed this Claim and determined that the Buffalo Sewer Authority is liable in this matter.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Cindy Samborski, 52 Persia Street, Buffalo, New York, in the amount of \$174.00 as full settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 5

INVESTMENT GUIDELINES OF THE BUFFALO SEWER AUTHORITY

WHEREAS: In Accordance with Title 7, Section 2925 of the Public Authorities Law, every public authority and every public benefit corporation, whether or not such corporation is otherwise governed by this chapter, shall by resolution adopt comprehensive investment guidelines which detail the corporation's operative policy and instructions to officers and staff regarding the investing, monitoring, and reporting of funds of the corporation; and

WHEREAS: The guidelines so approved shall be annually reviewed and approved by the corporation.

NOW THEREFORE
BE IT RESOLVED: That the Buffalo Sewer Authority does adopt the following investment guidelines that reflect the updated Bond Resolution adopted May 3, 1993:

Investment Guidelines**Section 1. Definitions.**

In this Resolution the following terms shall have the following meanings unless the context otherwise requires:

"Authority" shall mean the Buffalo Sewer Authority, a body corporate and politic constituting a public benefit corporation of the State of New York and any body, board, authority, agency, or political subdivision or instrumentality of the State which shall hereafter succeed to the powers, duties, and functions thereof.

"Investment Securities" shall mean and include any of the following securities, if and to the extent the same are at the time legal investments by the Authority of the funds to be invested therein:

(1) Direct obligations of the United States of America and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, provided, that the full faith and credit of the United States of America must be pledged to any such direct obligation or guarantee ("Direct Obligations");

(2) Direct obligations and fully guaranteed certificates of beneficial interest of the Export-Import Bank of the United States; consolidated debt obligations and letter of credit-backed issues of the Federal Home Loan Banks; participation certificates and senior debt obligations of the Federal Home Loan Mortgage Corporation (“FHLMCS”); debentures of the Federal Housing Administration; mortgage-backed securities (except stripped mortgage securities which are valued greater than par on the portion of unpaid principal) and senior debt obligations of the Federal National Mortgage Association (“FNMA”); participation certificates of the General Services Administration; guaranteed mortgage-backed securities and guaranteed participation certificates of the Government National Mortgage Association (“GNMA”); guaranteed participation certificates and guaranteed pool certificates of the Small Business Administration; debt obligations and letter of credit-backed issues of the Student Loan Marketing Association; local authority bonds of the U.S. Department of Housing & Urban Development; guaranteed Title XI financings of the U.S. Maritime Administration; guaranteed transit bonds of the Washington Metropolitan Area Transit Authority; Resolution Funding Corporation securities;

(3) Direct obligations of any state of the United States of America or any subdivision or agency thereof whose unsecured, uninsured, and unguaranteed general obligation debt is rated, at the time of purchase, "A" or better by Moody's Investors Services and "A" or better by Standard & Poor's Corporation, or any obligation fully and unconditionally guaranteed by any state, subdivision, or agency whose unsecured, uninsured, and unguaranteed general obligation debt is rated, at the time of purchase "A" or better by Moody's Investors Service and "A" or better by Standard & Poor's Corporation;

(4) Federal funds, unsecured certificates of deposit, time deposits, or bankers acceptances (in each case having maturities of not more than 365 days) of any domestic bank including a branch office of a foreign bank which branch office is located in the United States, provided legal opinions are received to the effect that fully and timely payment of such deposit or similar obligation is enforceable against the principal office or any branch of such bank, which, at the time of purchase, has a short-term "Bank Deposit" rating of "P-1" by Moody's and a "Short-Term CD" rating of "A-1" or better by S&P;

(5) Deposits of any bank or savings and loan association which has combined capital, surplus, and undivided profits of not less than \$3 million, provided such deposits are continuously and fully insured by the Bank Insurance Fund or the Savings Association Insurance Fund of the Federal Deposit Insurance Corporation;

(6) Investments in money-market funds rated "AAAm" or "AAAm-G" by Standard & Poor's Corporation;

(7) Repurchase agreements collateralized by Direct Obligations, GNMMAs, FNMAs, or FHLMCs with any registered broker/dealer subject to the Securities Investors' Protection Corporation jurisdiction or any commercial bank insured by the FDIC, if such broker/dealer or bank has an uninsured, unsecured and unguaranteed obligation rated "P-1" or "A3" or better by Moody's Investors Service, and "A-1" or "A-" or better by Standard & Poor's Corporation, provided:

(a) master repurchase agreement or specific written repurchase agreement governs the transaction.

(8) Commercial paper (having original maturities of not more than 270 days) rated, at the time of purchase, "P-1" by Moody's Investors Service and "A-1" or better by Standard & Poor's Corporation;

"Trustee" shall mean Manufacturers and Traders Trust Company, Buffalo, New York, and its successor or successors and any other person which may at the time be substituted in its place.

Section 2. Collateral

Certificates of Deposit (CD), Time Deposit Accounts (TDA), and Negotiable Order of Withdrawal Accounts (NOW) shall be fully secured by insurance of the Federal Deposit Insurance Corporation, obligations of New York State, obligations of the United States, obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments.

The market value of collateral shall at all times equal or exceed the principal amount of the certificate of deposit, time deposits, or NOW accounts. Market value shall mean the bid or closing price as quoted in the Wall Street Journal or as quoted by another recognized pricing service. The Supervising Accountant shall monitor the collateral no less frequently than monthly.

Securities purchased through a Repurchase Agreement shall be valued to market once during the tenure of the agreement and no less than once a month.

Collateral shall not be required with respect to the direct purchase of obligations of New York State, obligations of the United States, and obligations of federal agencies the principal and interest of which are guaranteed by the United States Government.

Section 3. Funds

In accordance with the Authority's Sewer System Revenue Bond Resolution adopted June 29, 1977, and as amended May 3, 1993, the following special trust funds were established:

1. Construction Fund
2. Net Revenue Fund
3. Debt Reserve Fund
4. Redemption Fund
5. Surplus Fund
6. Rebate Fund

All of said Funds are held by the Trustee.

In addition to the Funds held by the Trustee, the Authority established an Operating Fund and a Capital Improvement Fund held by a Depository designated by and under the supervision of the Authority.

Section 4. Investments

Moneys in any Fund held by the Trustee or the Authority shall be continuously invested and reinvested or deposited and redeposited on terms which in the judgment of the Authority provide reasonable liquidity, in the highest yield Investment Securities that may be reasonably known, with a view toward maximizing yield (with proper preservation of principal) and minimizing the instances of uninvested funds. The Authority shall consult with the Trustee from time to time as to the investment of amounts in the Funds. The Authority through an Authorized Officer may direct the Trustee to or, in the absence of direction, the Trustee shall invest and reinvest the moneys in any such Fund held by it in Investment Securities so that the maturity date or dates of redemption at the option of the holder thereof shall coincide as nearly as practicable with the times at which moneys are needed to be so expended. The Trustee shall sell at the best price obtainable, or present for redemption, any Investment Securities purchased by it as an investment whenever it shall be necessary in order to provide moneys to meet any payment or transfer from the Fund for which such investment was made.

Investment Securities purchased as an investment of moneys in any Fund shall be deemed at all times to be a part of such Fund but the income or interest earned and gains realized in excess of losses suffered by a Fund due to the investment thereof shall be deposited in the Operating Fund as Revenues or shall be reinvested and credited to the Operating Fund.

Moneys in any Fund held by the Trustee may be invested in common with the moneys held in any other such Fund.

The Authority may utilize the service of the office of the Comptroller of the City of Buffalo to obtain the highest available investment yield.

Section 5. Deposits

In lieu of Investment Securities, the Trustee shall at the written direction of an Authorized Officer of the Authority deposit amounts or cause amounts to be deposited from any Fund held by the Trustee in interest bearing time deposits or certificates of deposit, or shall make other similar banking arrangements with itself or a member bank or banks of the Federal Reserve

System or a bank, the deposits of which are insured by the Federal Deposit Insurance Corporation or its successor, or a savings and loan association, the deposits of which are insured by the Federal Savings and Loan Insurance Corporation or its successor. Each such interest bearing time deposit or certificate of deposit or other similar banking arrangement shall permit the moneys so placed to be available at the times at which moneys are needed to be expended, and, except to the extent that any such deposit shall be less than \$5,000 or be insured by the United States of America or the federal corporations enumerated above, all moneys in each such interest bearing time

deposit or certificate of deposit or other similar banking arrangement shall be continuously and fully secured as stated in Section 2.

In order to permit such amounts to be available for use at the time when needed, any amounts held by any Fiduciary, as such, any, if and as directed by an Authorized Officer of the Authority, be deposited in the commercial banking department of such Fiduciary which may honor checks and drafts on such deposit with the same force and effect as if it were not such Fiduciary. Any such Fiduciary shall allow and credit on such amounts at least such interest, if any, as it customarily allows upon similar funds of similar size and under similar conditions or as required by law.

All amounts of more than \$5,000 deposited by any Fiduciary pursuant to the paragraph above shall be continuously and fully secured by lodging with the Trustee as custodian, as collateral security, investment securities having a market value not less than the amount of such deposit plus accrued interest.

All amounts so deposited by any Fiduciary shall be credited to the particular Fund from which such amounts were derived, but any income derived in connection with such deposits shall be credited to, and shall be deposited as received in, the Operating Fund; except that any income derived in connection with deposits in the Debt Reserve Fund shall be credited to and deposited as received in the Debt Reserve Fund. Whenever on any valuation date, as provided in the bond resolution as amended on May 3, 1993, the amount in the Debt Reserve Fund exceeds the Debt Reserve requirement, the Trustee may, if directed by the Certificate of an authorized officer of the Authority, withdraw from the Debt Reserve Fund the amount of any excess therein over the Debt Reserve Requirement as of the date of such withdrawal and deposit the moneys so withdrawn into the Operating Fund.

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

Board Meeting of June 15, 2011

ITEM NO. 6

FUND BALANCE POLICY OF THE BUFFALO SEWER AUTHORITY

WHEREAS: The Buffalo Sewer Authority has developed a Fund Balance Policy in an effort to ensure financial security through the maintenance of a healthy reserve fund that guides the creation, maintenance, and use of resources for financial stabilization purposes. The Authority's primary objective is to maintain a prudent level of financial resources to protect against reducing service levels or raising sewer rents and fees due to temporary revenue shortfalls or unpredicted one-time expenditures. The Authority also seeks to maintain the highest possible credit ratings which are dependent, in part, on the Authority's maintenance of a healthy fund balance; and

WHEREAS: The guidelines shall be annually reviewed and approved by the Board of the Buffalo Sewer Authority.

NOW THEREFORE
BE IT RESOLVED: That the Buffalo Sewer Authority does adopt the following Fund Balance Policy:

Fund Balance Policy**Definitions.**

Fund balance - The excess of assets over liabilities in a governmental fund.

Nonspendable fund balance - Amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund).

Restricted fund balance - Amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government) through constitutional provisions or by enabling legislation.

Committed fund balance - Amounts constrained to specific purposes by the Authority itself using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the Authority takes the same highest-level action to remove or change the constraint.

Assigned fund balance - Amounts the Authority intends to use for a specific purpose; intent can be expressed by the Board or by an official or body to which the Board delegates the authority.

Unassigned fund balance - Amounts that are available for any purpose; these amounts are reported only in the General Fund.

Policy Statement

The fund balance of the Authority's General Fund has been accumulated to meet this purpose, to provide stability and flexibility to respond to unexpected adversity and/or opportunities.

The target is to maintain an unrestricted fund balance of not less than 15% of annual operating expenditures for the fiscal year.

The Authority's basic goal is to maintain annual expenditure increases at a growth rate, and to limit expenditures to anticipated revenue in order to maintain a balanced budget. The decision to retain an unrestricted fund balance of not less than 15% of operating expenditures stems from the following:

- This amount provides adequate funding to cover approximately two (2) months of operating expenses.
- This amount provides the liquidity necessary to accommodate the Authority's uneven cash flow, which is inherent in its periodic sewer rent collection schedule.
- This amount provides the liquidity to respond to contingent liabilities.
- The Government Finance Officers Association recommends the minimum General Fund unrestricted fund balance to be maintained should be no less than either two (2) months of regular operating revenues or expenditures.

The Board will set aside certain amounts for capital projects as committed fund balance. Amounts to be determined by the General Manager based on the amounts available, the planned projects and other financing sources.

The Board will set aside committed fund balances to cover the amount of outstanding purchase orders or encumbrances that have been approved by the Board.

The Board will set aside certain amounts for future insurance claims. Amounts to be determined by the General Manager based on availability of fund balance, claim trends and potential for future claims.

The Board will allow the General Manager to determine the proper amounts to be assigned for purposes as they determine necessary.

ITEM NO. 7

**REVISION TO BUFFALO SEWER AUTHORITY POLICY – CAPITAL ASSETS
(ATTACHMENT A)**

WHEREAS: The Buffalo Sewer Authority has a Capital Asset Guide that establishes the basis for inventory, values of capital and infrastructure assets, and depreciation calculations; and

WHEREAS: The Capital Asset Guide shall be annually reviewed and approved by the Board.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby adopt the following “Capital Asset Guide” (Attachment A), which establishes the basis for inventory, values of capital and infrastructure, and depreciation calculations.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 8

**REVISION TO BUFFALO SEWER AUTHORITY POLICY - PURCHASING GUIDELINES
(ATTACHMENT B)**

WHEREAS: The Buffalo Sewer Authority purchases goods and services according to its enabling legislation and charter granted by the State of New York; and

WHEREAS: The Buffalo Sewer Authority has developed Purchasing Guidelines for the procurement of goods and services that will ensure compliance with all State and Local Laws governing public bidding; and

WHEREAS: The Purchasing Guidelines shall be annually reviewed and approved by the Board; and

WHEREAS: Due to a change in the legislation, the current Purchasing Guidelines need to be revised including increasing the threshold for formal bids from \$10,000.00 to \$20,000.00 and for Board approval of services from \$20,000.00 to \$35,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the revised "Purchasing Guidelines" (Attachment B), which establishes the basis for the procurements of goods and services by the Buffalo Sewer Authority.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 9

MUNICIPAL RESOLUTION AUTHORIZING GRANT APPLICATION AND EXECUTION OF AN AGREEMENT FOR STATE FINANCIAL ASSISTANCE THROUGH THE GREEN INNOVATION GRANT PROGRAM (GIGP)

WHEREAS: The New York State Department of Environmental Conservation provides funding for projects that improve water quality in New York State through the Green Innovation Grant Program (GIGP); and

WHEREAS: The GIGP Statewide Grant Program provides funding through the New York State Environmental Facilities Corporation (EFC) for projects that demonstrate direct environmental benefits and improve water quality in New York State; and

WHEREAS: The Buffalo Sewer Authority wishes to participate in the GIGP Statewide Grant Program; and

WHEREAS: The following Municipal Resolution authorizes the execution and filing of the grant application and execution and delivery of a contract setting forth the terms of the project financing and other documents necessary for State Assistance funding.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute and deliver a grant application for State Assistance funding through the GIGP Program, to execute and deliver a State Assistance Contract and any other documents necessary to receive funding from the New York State EFC, to act in connection with the Project and to provide such additional information as may be required, and to make such agreements on behalf of the Buffalo Sewer Authority as stated in the Resolution that follows.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

Municipal Resolution
Water Quality Improvement Projects and
Nonagricultural Nonpoint Source Projects
Municipal Resolution

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

WHEREAS, BUFFALO SEWER AUTHORITY herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE BUFFALO SEWER AUTHORITY:

1. That DAVID P. COMERFORD, GENERAL MANAGER, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution take effect immediately.

CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of THE BOARD OF THE BUFFALO SEWER AUTHORITY held on the 15th day of JUNE, 2011; and further that such Resolution has been fully recorded in the MINUTES OF THE BUFFALO SEWER AUTHORITY in my office.

In witness thereof, I have hereunto set my hand this 15th day of JUNE, 2011.

(Signature of Recording Officer)
Oluwole A. McFoy

(Official Seal)

Secretary to the General Manager
(Title of Recording Officer)

ITEM NO. 10

TRAVEL AUTHORIZATION - LOS ANGELES, CALIFORNIA

WHEREAS: The Water Environment Federation's 84th Annual Technical Exhibition and Conference will be held October 15-19, 2011, in Los Angeles, California; and

WHEREAS: The Buffalo Sewer Authority staff annually participates in this international event to keep abreast of the latest technologies, innovations, and research in the wastewater field; and

WHEREAS: The General Manager recommends attendance at the Water Environment Federation's Annual Technical Exhibition and Conference.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes travel from October 14-19, 2011, for the Chairman of the Board and the Treatment Plant Superintendent to attend the Water Environment Federation's 84th Annual Technical Exhibition and Conference in Los Angeles, California, at a total cost not to exceed \$6,000.00. Funds are available in account nos. 00100104-458010 and 00110104-458010.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 11

CONTRACT APPROVAL - AUDIT AND ACCOUNTING SERVICES

WHEREAS: The use of independent Certified Public Accountants is necessary in order that the Buffalo Sewer Authority submit financial statements in accordance with generally accepted auditing standards, prepares a Comprehensive Annual Financial Report for submission to the New York State Comptroller, and develops accurate cost allocation schedules of operation at the Wastewater Treatment Plant; and

WHEREAS: Drescher & Malecki, LLP, has proposed a service contract with the Buffalo Sewer Authority for the fiscal year ending June 30, 2011, for a fee not to exceed \$45,500.00 for accounting and auditing services, and a fee not to exceed \$4,500.00 to compile the cost allocation schedule; and

WHEREAS: The Audit Committee of the Board of Directors of the Buffalo Sewer Authority recommends accepting this proposal for the fiscal year ending June 30, 2011.

NOW THEREFORE
BE IT RESOLVED:

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

Board Meeting of June 15, 2011

ITEM NO. 12

CONTRACT APPROVAL - LEGAL SERVICES

WHEREAS: The Buffalo Sewer Authority has many complex regulatory, enforcement, and environmental matters that require the skills of a specialized attorney; and

WHEREAS: Charles C. Martorana, of Hiscock & Barclay, LLP, has extensive expertise in these areas. Mr. Martorana also represents the Buffalo Sewer Authority in litigation and arbitration matters as needed; and

WHEREAS: The Buffalo Sewer Authority wishes to utilize his expertise and services; and

WHEREAS: The General Manager and the members of his committee recommend approval to retain Charles C. Martorana, of Hiscock & Barclay, LLP, for legal services on an as-needed basis for the fiscal year July 1, 2011 through June 30, 2012.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain Charles C. Martorana, of Hiscock & Barclay, LLP, for legal services on an as-needed basis for fiscal year July 1, 2011 through June 30, 2012. Compensation for Mr. Martorana and staff shall not exceed \$225.00 per hour, for a total amount not to exceed \$80,000.00. Expenses for these legal services will be charged to account no. 00550106-432003.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 13

CONTRACT APPROVAL - LEGAL SERVICES

WHEREAS: The Buffalo Sewer Authority has many complex regulatory, enforcement, and environmental matters that require the skills of a specialized attorney; and

WHEREAS: F. Paul Calamita, of AquaLaw, PLC, from Richmond, VA, has extensive expertise in these matters; and

WHEREAS: The Buffalo Sewer Authority wishes to utilize his expertise for negotiations with the Environmental Protection Agency (EPA) in connection with environmental matters associated with combined sewer overflows (CSO's); and

WHEREAS: The General Manager and the members of his committee recommend approval to retain F. Paul Calamita, of AquaLaw, PLC, for professional legal services as stated above on an as-needed basis for the period July 1, 2011 through June 30, 2012.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain F. Paul Calamita, of AquaLaw, PLC, for professional legal services in connection with environmental matters associated with CSO's on an as-needed basis for the period July 1, 2011 through June 30, 2012. Compensation for Mr. Calamita and staff shall not exceed \$355.00 per hour, for a total amount not to exceed \$65,000.00. Expenses for these legal services will be charged to account no. 00110106-432003.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 14

AUTHORIZATION TO PURCHASE VARIOUS OFFICE SUPPLIES UNDER STATE CONTRACT FOR FISCAL YEAR 2011-2012

- WHEREAS: Board approval is required on purchases made over \$10,000.00; and
- WHEREAS: The Buffalo Sewer Authority utilizes the New York State Contract for Miscellaneous Office Supplies, Group 23000, Award 21030-E, pricing to purchase various office supplies for all departments at City Hall and the Treatment Plant; and
- WHEREAS: The Secretary to the General Manager, Treatment Plant Superintendent, Director of Sewer Maintenance, and staff recommend the utilization of the New York State Contract for Miscellaneous Office Supplies in an amount not to exceed \$12,400.00 for the fiscal year July 1, 2011 through June 30, 2012.
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to utilize the New York State Contract for Miscellaneous Office Supplies, when applicable, for the fiscal year July 1, 2011 through June 30, 2012, at a total cost not to exceed \$12,400.00. Expenses for these purchases will be charged to account nos. 00110105-461001, 00200105-461001, and 00650105-461001.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 15

RESCIND CONTRACT AWARD AND AUTHORIZE NEW AWARD FOR SECURITY GUARD SERVICES

WHEREAS: On May 25, 2011, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Salamone Investigations & Protective Services, the low bidder for Security Guard Services at the Treatment Plant, at a cost of \$15.73 per hour for the period July 1, 2011 to June 30, 2012, at a total cost not to exceed \$275,589.60; and

WHEREAS: On June 13, 2011, Salamone Investigations & Protective Services, notified the Authority in writing that they are unable to provide security guard services at the Authority as they are unable to secure the required performance bond for this contract; and

WHEREAS: Formal bids opened on May 2, 2011, for Security Guard Services were received and opened as follows:

VENDOR	COST PER HOUR	TOTAL ANNUAL COST (17,520 Hrs.)
Salamone Investigations & Protective Services	\$15.73	\$275,589.60
Sentrex Security Systems, Inc.	\$17.32	\$303,446.40
Diamond Detective Agency, Inc.	\$17.94	\$314,308.80
Securitas Security Services USA, Inc.	\$18.09	\$316,936.80
L.B. Security & Investigations, Inc.	\$18.33	\$321,141.60
U.S. Security Associates, Inc.	\$18.98	\$332,529.60
G4S Secure Solutions (USA), Inc.	\$19.17	\$335,858.40
Morris Protective Service, Inc.	\$19.35	\$339,012.00
AlliedBarton Security Services, LLC	\$19.62 \$17.19	\$343,742.40 \$301,168.80
Rivera BCJS Investigations		No Response
PBS Consultants, Inc.		No Response
Liberty Security		No Response

; and

WHEREAS: The Buffalo Sewer Authority has deemed AlliedBarton Security Services, LLC's bid submittal as non-responsive as they provided conflicting terms and submitted two different hourly rates where only one hourly rate was required; and

WHEREAS:

The General Manager, Treatment Plant Superintendent, and staff recommend awarding this contract to the second lowest bidder, Sentrex Security Systems, Inc., at a cost of \$17.32 per hour for the period commencing upon the signing of this contract through June 30, 2012, with an option to renew for three (3) one-year periods at a total cost not to exceed \$303,446.40.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby rescinds the award to Salamone Investigations & Protective Services. The Board further authorizes the General Manager to enter into and execute a contract with Sentrex Security Systems, Inc., for Security Guard Services at the Treatment Plant at a cost of \$17.32 per hour for the period commencing upon the signing of this contract through June 30, 2012, at a total cost not to exceed \$303,446.40. This contract has an option to renew for three (3) one-year periods through June 30, 2015. Expenses for this contract will be charged to account no. 00200106-434000.

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

Board Meeting of June 15, 2011

ITEM NO. 16

ADDITIONAL EXTENSION OF THE CONTRACT FOR SECURITY GUARD SERVICES - MORRIS PROTECTIVE SERVICES

WHEREAS: At this meeting the Board of the Buffalo Sewer Authority rescinded the award to Salamone Investigations & Protective Services for Security Guard Services at the Treatment Plant due to notification received that Salamone is unable to secure the required performance bond for this contract; and

WHEREAS: The current contract with Morris Protective Services expires June 30, 2011. In order to provide time for the new contract award for Security Guard Services, the General Manager, Treatment Plant Superintendent, and staff recommend the extension of the contract with Morris Protective Services not to exceed a period of three (3) months; and

WHEREAS: In accordance with the New York State Department of Labor (NYSDOL) prevailing wage law, for all Article 9 Building Service contracts associated with prevailing wages, all extensions to current contracts will require a new prevailing wage schedule; and

WHEREAS: Morris Protective Service, Inc., has agreed to the extension of their contract not to exceed a period of three (3) months with an increase to their current hourly rate of \$12.77 (*based on the prevailing wage on 7/1/07 of \$9.60/hour*) to be based on the prevailing wage available from the NYSDOL effective July 1, 2011.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Morris Protective Service, Inc. for Security Guard Services at the Treatment Plant for up to three (3) months through September 30, 2011, at the prevailing wage rate in effect on July 1, 2011, until the new award for these services is prepared. Expenses for this extension will be charged to account no. 00200106-434000.

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

Board Meeting of June 15, 2011

ITEM NO. 17

**REPORT ON BIDS RECEIVED - BIRD ISLAND WASTEWATER TREATMENT PLANT
SLUDGE CAKE RECEIVING SYSTEM**

WHEREAS: Formal bids were advertised and solicited for the Bird Island Wastewater Treatment Plant Sludge Cake Receiving System. The following bids were received and opened by the Buffalo Sewer Authority on June 3, 2011:

Hohl Industrial Services, Inc.	\$2,280,614.87
Quackenbush Company, Inc.	\$2,304,000.00
John W. Danforth Company	\$2,474,700.00

; and

WHEREAS: The proposals were received, and the contract will be awarded on the basis of lump sum prices. The bids reflect the true amount of the contract; and

WHEREAS: The Treatment Plant Administrator and staff reviewed the bids and recommend awarding the contract to the lowest bidder, Hohl Industrial Services Inc., at a cost not to exceed \$2,280,614.87.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Hohl Industrial Services, Inc., at a cost not to exceed \$2,280,614.87. Expenses for this contract will be charged to account no. 02000296-490740.

MOTION TO _____ APPROVE _____

MADE BY _____ MR. KENNEDY, JR. _____

2ND BY _____ MS. WILSON-DIVINCENZO _____

AYES _____ 4 _____ NOES _____ 0 _____

Board Meeting of June 15, 2011

ITEM NO. 18

AMENDMENT TO SOLE SOURCE LISTING FOR SELECTED INSTRUMENTATION, MAINTENANCE, LABORATORY, AND OFFICE EQUIPMENT FOR FISCAL YEAR 2010-2011 AND AUTHORIZATION FOR PURCHASE FROM ITT/GOULDS

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated Allis Chalmers/ITT, the original equipment manufacturer, and/or their authorized local service representative as a sole source for replacement parts, supplies and service for Allis Chalmers brand Wastewater, Process Water and Sump pumps and also designated Goulds/ITT IP Division, the OEM, for Goulds brand pumps installed throughout the Authority's facilities; and

WHEREAS: Allis Chalmers/ITT has been acquired by ITT/Goulds; and

WHEREAS: The June 16, 2010, sole source listing needs to be amended to read as follows:

ITT/Goulds	Allis Chalmers brand Wastewater , Process Water and Sump pumps and Goulds brand pumps installed throughout the BSA facilities
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; and

WHEREAS: A quote was requested and received from Fluid Kinetics, the authorized local representative, for an ITT Allis Chalmers boiler feedwater pump. Fluid Kinetics quoted their current model, an ITT Goulds/Allis Chalmers boiler feedwater pump at a cost of \$5,232.00; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff recommend the above amendment to the sole source listing and further recommend the purchase of the current model, ITT Goulds/Allis Chalmers boiler feedwater pump; and

WHEREAS: On November 3, 2010, the Board authorized the General Manager to purchase Allis Chalmers/ITT restock parts from Fluid Kinetics in the amount of \$19,754.00. On May 25, 2011, the Board authorized the General Manager to purchase Allis Chalmers/ITT parts for the repair of Settled Wastewater Pump No. 5 from Fluid Kinetics in the amount of \$115,557.00; and

WHEREAS: To date a combined amount of \$138,996.66 has been expended to Fluid Kinetics for Allis Chalmers/ITT and Goulds/ITT parts for fiscal year 2010-2011. This purchase will bring total monies payable to Fluid Kinetics for the Allis Chalmers/ITT and Goulds/ITT parts to \$144,228.66; and

WHEREAS: Board authorization is required on purchases over \$10,000.00; and

WHEREAS: Due to the fiscal end of the year Purchasing deadlines, the Board was polled on May 26, 2011, and verbally authorized the purchase of the boiler feedwater pump; and

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby formally approves the above amendment to the June 16, 2010, sole source listing and formally authorizes the General Manager to purchase the current model ITT Goulds/Allis Chalmers boiler feedwater pump from Fluid Kinetics at a total cost of \$5,232.00, bringing the total authorized expenditures for Gould/Allis Chalmers parts for fiscal year 2010-2011 to \$144,228.66. This purchase will be charged to account no. 00380105-466107.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 19

AUTHORIZATION TO INCREASE BLANKET ORDER NO. 21100076 FOR THE PURCHASE OF SODIUM HYPOCHLORITE

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

WHEREAS: Blanket Purchase Order No. 21100076 was established for fiscal year 2010-2011 in the amount of \$530,000.00; and

WHEREAS: Due to record rainfalls in the months of March, April, and May 2011, additional sodium hypochlorite is needed in order to meet Treatment Plant operations through the end of June 2011, necessitating an increase to this contract in the amount of \$25,000.00; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend an increase to Blanket Order No. 21100076 of \$25,000.00, from \$530,000.00 to \$555,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to increase Blanket Order No. 21100076 by 25,000.00, from \$530,000.00 to \$555,000.00. Funds for this charge order will be charged to account no. 00330105-467044.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 20

AUTHORIZATION TO INCREASE BLANKET ORDER NO. 21100135 FOR REMOVAL AND DISPOSAL OF SEWAGE GRIT AND SCREENINGS

WHEREAS: On April 7, 2010, the Board of the Buffalo Sewer Authority authorized the General Manager to renew the contract with Allied Waste Services of North American, LLC, for the removal and disposal of sewage grit and screenings at the Treatment Plant for the period July 1, 2010 to June 30, 2011, up to a maximum amount of \$54,885.00; and

WHEREAS: Blanket Purchase Order No. 21100135 was established for this service for fiscal year 2010-2011; and

WHEREAS: Due to record rainfalls in the months of March, April, and May 2011, there was a significant increase in the amount of screenings removal necessitating an increase to this contract in the amount of \$15,000.00; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend an increase to Blanket Order No. 21100135 of \$15,000.00, from \$54,885.00 to \$69,885.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to increase Blanket Order No. 21100135 by \$15,000.00, from \$54,885.00 to \$69,885.00. Funds for this change order will be charged to account no. 00230106-442100.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 21

EXTENSION OF CONTRACT FOR IN-PLANT MECHANICAL MAINTENANCE SERVICES

WHEREAS: On May 5, 2010, the Board of the Buffalo Sewer Authority awarded a contract to Quackenbush Company for in-plant mechanical maintenance services at the Treatment Plant through June 30, 2011. This contract provides for two (2) one-year renewals; and

WHEREAS: The Treatment Plant Superintendent and Principal Chief Sanitary Engineer recommend this extension, up to a maximum amount of \$200,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Quackenbush Company for in-plant mechanical maintenance services at the Treatment Plant for a one-year period beginning July 1, 2011, up to a maximum amount of \$200,000.00. Expenses for this contract will be charged to account no. 02000315-490740.

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

Board Meeting of June 15, 2011

ITEM NO. 22

EXTENSION OF CONTRACT FOR IN-PLANT ELECTRICAL MAINTENANCE SERVICE

WHEREAS: On May 5, 2010, the Board of the Buffalo Sewer Authority awarded a contract to Ferguson Electric Co., Inc., for in-plant electrical maintenance service at the Treatment Plant through June 30, 2011. This contract provides for two (2) one-year renewals; and

WHEREAS: Ferguson Electric Co., Inc., has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent and Principal Chief Sanitary Engineer recommend this extension, up to a maximum amount of \$175,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Ferguson Electric Co., Inc., for in-plant electrical maintenance service at the Treatment Plant for a one-year period beginning July 1, 2011, up to a maximum amount of \$175,000.00. Expenses for this contract will be charged to account no. 02000315-490740.

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

Board Meeting of June 15, 2011

ITEM NO. 23

EXTENSION OF CONTRACT FOR IN-PLANT STEAM SYSTEM REPAIR SERVICES

WHEREAS: On May 5, 2010, the Board of the Buffalo Sewer Authority awarded a contract to Mollenberg-Betz, Inc., for in-plant steam system repair services at the Treatment Plant through June 30, 2011. This contract provides for two (2) one-year renewals; and

WHEREAS: Mollenberg-Betz, Inc., has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent and Principal Chief Sanitary Engineer recommend this extension, up to a maximum amount of \$30,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Mollenberg-Betz, Inc., for in-plant steam system repair services at the Treatment Plant for a one-year period beginning July 1, 2011, up to a maximum amount of \$30,000.00. Expenses for this contract will be charged to account no. 02000315-490740.

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

Board Meeting of June 15, 2011

ITEM NO. 25

ADDITIONAL EXTENSION OF THE CONTRACT FOR ELEVATOR MAINTENANCE

WHEREAS: On April 7, 2010, the Board of the Buffalo Sewer Authority authorized the final renewal of the contract with D.C.B. Elevator Co., Inc., for Elevator Maintenance at the Treatment Plant at a total cost not to exceed \$87,000.00 for a one-year period, July 1, 2010 to June 30, 2011; and

WHEREAS: The Authority's Purchasing Department and Secretary to the General Manager have been updating the Authority's General Specifications which are included in all formal contracts; and

WHEREAS: Specifications for Elevator Maintenance will be rebid for the 2011-2012 fiscal year; however, in order to allow time for the formal bid process the Buffalo Sewer Authority requested an extension of the contract with D.C.B. Elevator Co., Inc., not to exceed a period of three (3) months under the same terms, conditions and pricing; and

WHEREAS: D.C.B. Elevator Co., Inc., has agreed to this extension; and

WHEREAS: The General Manager, Treatment Plant Superintendent and staff recommend this extension for up to three (3) months, through September 30, 2011.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with D.C.B. Elevator Co., Inc. for the Elevator Maintenance at the Treatment Plant for up to three (3) months, through September 30, 2011, at the same terms, conditions and pricing. Expenses for this extension will be charged to account nos. 00380106-443421, 00520106-443421 and 00650106-443421.

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

Board Meeting of June 15, 2011

ITEM NO. 26

AUTHORIZATION TO PURCHASE COMMODITIES UTILIZING CITY OF BUFFALO CONTRACT PRICING FOR FISCAL YEAR 2011-2012

WHEREAS: Board approval is required on purchases made over \$10,000.00; and

WHEREAS: The Sewer Maintenance Department purchases the following commodities available through City of Buffalo Contracts:

Product	Vendor	City of Buffalo Contract	Amount	Account No.
Stone & Slag	New Enterprise Stone & Lime Co., Inc. d/b/a Buffalo Crushed Stone	Formal #7367 (through 6/30/12)	\$50,000.00	00660105-466269
Ready Mix Concrete	LaFarge North America, Inc.	Formal #7437 (through 6/30/12)	\$50,000.00	00660105-466269

; and

WHEREAS: The Treatment Plant Superintendent, Director of Sewer Maintenance, and staff recommend the utilization of City of Buffalo Contract pricing for these purchases.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to utilize City of Buffalo Contract pricing to purchase the above commodities for fiscal year 2011-2012 at a cost not to exceed the amount listed and further authorizes any subsequent extension or changes to City of Buffalo contracts for the fiscal year through June 30, 2012.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MR. KENNEDY, JR.

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 27

AUTHORIZATION TO DISPOSE OF AN OBSOLETE VEHICLE

WHEREAS: The Buffalo Sewer Authority’s current inventory of fixed assets contains a vehicle that is obsolete; and

WHEREAS: The Head Motor Equipment Mechanic and Director of Sewer Maintenance recommend disposing of the following vehicle:

BSA#	Description	Vin#	Asset No.
228-E	1997 Chevy G30 Van	1GCHG35R3V1040288	95107

; and

WHEREAS: The Authority will first hold an auction utilizing Erie County Bid No. 290198-002 awarded to Auctions International; and

WHEREAS: Auctions International will receive ten percent of the proceeds from this auction; and

WHEREAS: Any vehicle and/or equipment remaining after the auction will then be scrapped utilizing the City of Buffalo Informal Price Agreement #0345; and

WHEREAS: The results of the auction and scrapping of the vehicle and equipment will be presented to the Board for their information; and

WHEREAS: Buffalo Sewer Authority Board approval is required for the disposal of vehicles and equipment.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to dispose of the above listed vehicle by auction with the remaining unsold item disposed of under the scrap contract.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

2ND BY MS. WILSON DIVINCENZO

AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 28

ADOPTION OF NEGATIVE DECLARATION OF STATE ENVIRONMENTAL QUALITY REVIEW FOR CSO OUTFALL NO. 060 PARTIAL SEWER SEPARATION PROJECT

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

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

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

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

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

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

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

NOW THEREFORE
BE IT RESOLVED: That based upon review of the appropriate provisions of the SEQRA, the Board of the Buffalo Sewer Authority hereby finds no significant environmental impacts will occur through construction of the CSO 060 Partial Sewer Separation Project and hereby adopts a Negative Declaration.

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 June 15, 2011

ITEM NO. 29

CONFIRMATION OF APPOINTMENT

CLERK (PROVISIONAL)
 ADMINISTRATIVE OFFICES
 \$32,799 PER ANNUM
 EFFECTIVE: MAY 23, 2011

DANIELLE CRONIN
 220 VILLA AVE.
 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 MS. WILSON-DIVINCENZO
 2ND BY MR. KENNEDY, JR.
 AYES 4 NOES 0

Board Meeting of June 15, 2011

ITEM NO. 31

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2ND BY MS. WILSON-DIVINCENZO

AYES 4 NOES 0

Board Meeting of June 15, 2011