

**MINUTES OF THE REGULAR MEETING  
OF THE  
BUFFALO SEWER AUTHORITY  
September 7, 2011**

**53639.....53668**



# **BUFFALO SEWER AUTHORITY**

**September 7, 2011**

**REGULAR MEETING**

**9:00 A.M.**

**1038 CITY HALL**

| <b><u>ITEM NO.</u></b> | <b><u>CONTENTS</u></b>   | <b><u>PAGE NO.</u></b> |
|------------------------|--|------------------------|
|                        | Roll Call  |                        |
| 1                      | Motion to Adopt the Minutes of July 27, 2011   | 53639                  |
| 2                      | Temporary Investments (Certificates of Deposit and Treasury Bills)   | 53640-41               |
| 3                      | Reallocation of Funds  | 53642                  |
| 4                      | Payment from Judgment and Claims   | 53643                  |
| 5                      | Claim Against Liability and Casualty Reserve Fund  | 53644                  |
| 6                      | Claim Against Liability and Casualty Reserve Fund  | 53645                  |
| 7                      | Claim Against Liability and Casualty Reserve Fund  | 53646                  |
| 8                      | Contract Approval – Legal Services   | 53647                  |
| 9                      | Authorization to Purchase New Telephone System for the Buffalo Sewer Authority                                     | 53648                  |
| 10                     | Authorization to Purchase Security System for the Buffalo Sewer Authority  | 53649                  |
| 11                     | Amendment to Sole Source Listing for Selected Instrumentation, Maintenance, Laboratory, and Office Equipment       | 53650                  |
| 12                     | Authorization to Enter into Contract for Implementation of a Document Management System and Update of O & M Manual | 53651-52               |
| 13                     | Authorization to Purchase Vehicle Under New York State Contract  | 53653                  |



|    |  |          |
|----|--|----------|
| 14 | Authorization to Purchase Restock Parts for the Incinerators   | 53654    |
| 15 | Authorization for Purchase of Replacement Parts for Centrifuges  | 53655    |
| 16 | Change Order No. 2 – Contract No. 85000016   | 53656-57 |
| 17 | Authorization to Enter Into Service Contract for Sewer Line Chemical Root Control                              | 53658-59 |
| 18 | Report on Bids Received – Purchase of One (1) New and Unused Combination Sewer Cleaning Machine & Cab & Chasis | 53660    |
| 19 | Change Order No. 4 – Contract No. 84900006   | 53661-62 |
| 20 | Amendment to Schedule of Job Classification Plan   | 53663    |
| 21 | Amendment to Schedule of Job Classification Plan   | 53664    |
| 22 | Confirmation of Appointments   | 53665    |
| 23 | Tuition Assistance   | 53666    |
| 24 | Tuition Reimbursement  | 53667    |
| 25 | Adjournment of Meeting   | 53668    |



**CALL OF THE ROLL**

|          |                                  |   |
|----------|----------------------------------|---|
| Present: | <u>Herbert L. Bellamy, Jr.</u>   | <u>Chairman</u>                                 |
|          | <u>John D. Kennedy, Sr.</u>      | <u>Vice Chairman</u>                            |
|          | <u>Christopher Roosevelt</u>     | <u>Assistant Vice Chairman</u>                  |
|          | <u>John E. Kennedy, Jr.</u>      | <u>Assistant 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>Scott Steinwald</u>           | <u>Intergovernmental Coordinator</u>            |
|          | <u>James Eagan, P.E.</u>         | <u>Sr. Sanitary Engineering Supervisor</u>      |
|          | <u>James Keller</u>              | <u>Treatment Plant Superintendent</u>           |
|          | <u>Roberta Gaiek, P.E.</u>       | <u>Treatment Plant Administrator</u>            |
|          | <u>Yusef Myrick</u>              | <u>Superintendent of Mechanical Maintenance</u> |
|          | <u>Darryl McPherson</u>          | <u>City Auditor</u>                             |
|          | <u>Laura Surdej</u>              | <u>Erie Co. Department of Sewerage</u>          |
|          | <u>Aaron Besecher</u>            | <u>Buffalo News</u>                             |
|          |                                  |   |
| Absent:  | <u>Eleanor Wilson-DiVincenzo</u> | <u>Secretary</u>                                |

The meeting was called to order at 9:02 A.M. A quorum was present.

## ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of July 27, 2011

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

Board Meeting of September 7, 2011

## ITEM NO. 2

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

**August 26, 2011**

| ISSUE DATE                                 | MATURITY DATE | TOTAL DAYS | AMOUNT                 | BANK           | RATE  | INTEREST AMOUNT |
|--|---------------|------------|------------------------|----------------|-------|-----------------|
| <b>CAPITAL IMPROVEMENT FUND</b>            |               |            |                        |                |       |                 |
| 15-Apr-02                                  | Money Market  |            | \$500,000.00           | Chase          | 0.40% | High Yield      |
| <b>CONSTRUCTION FUND</b>                   |               |            |                        |                |       |                 |
| 08-Apr-02                                  | Money Market  |            | \$43,627,652.18        | Chase          | 0.40% | High Yield      |
| <b>LIABILITY AND CASUALTY RESERVE FUND</b> |               |            |                        |                |       |                 |
| 22-Apr-02                                  | Money Market  |            | \$1,005,753.38         | Chase          | 0.40% | High Yield      |
| <b>OPERATING FUND</b>                      |               |            |                        |                |       |                 |
| 08-Apr-02                                  | Money Market  |            | \$1,323,787.27         | Chase          | 0.40% | High Yield      |
| <b>TRUST &amp; AGENCY FUND</b>             |               |            |                        |                |       |                 |
| 06-May-02                                  | Money Market  |            | \$35,164.10            | Chase          | 0.40% | High Yield      |
| <b>SURPLUS FUND</b>                        |               |            |                        |                |       |                 |
|  |               |            | \$107.32               | MTB Funds      |       |                 |
| 30-Jun-11                                  | 28-Sept-11    | 90         | \$6,049,730.50         | M&T Securities | 0.15% | \$2,269.50      |
|  |               |            | <u>\$6,049,837.82</u>  |                |       |                 |
| <b>NET REVENUE FUND</b>                    |               |            |                        |                |       |                 |
|  |               |            | \$571.30               | MTB Funds      |       |                 |
| 25-Aug-11                                  | 28-Sep-11     | 34         | \$2,999,688.33         | M&T Securities | 0.11% | \$311.67        |
| 25-Aug-11                                  | 26-Oct-11     | 62         | \$2,999,328.33         | M&T Securities | 0.13% | \$671.67        |
| 25-Aug-11                                  | 30-Nov-11     | 97         | \$6,000,412.04         | M&T Securities | 0.16% | \$2,587.96      |
|  |               |            | <u>\$12,000,000.00</u> |                |       |                 |



| ISSUE DATE               | MATURITY DATE | TOTAL DAYS | AMOUNT                | BANK             | RATE  | INTEREST AMOUNT |
|--------------------------|---------------|------------|-----------------------|------------------|-------|-----------------|
| <b>DEBT RESERVE FUND</b> |               |            |                       |                  |       |                 |
| <b>Series F</b>          |               |            |                       |                  |       |                 |
| 03-Jun-11                | 03-May-12     | 335        | \$245,000.00          | FDIC Brokered CD | 0.45% |                 |
| 01-Jun-11                | 01-June-12    | 366        | \$245,008.05          | FDIC Brokered CD | 0.60% |                 |
| 03-Jun-11                | 01-Jun-12     | 364        | \$245,000.00          | FDIC Brokered CD | 0.45% |                 |
| 13-Jun-11                | 13-Jun-12     | 366        | \$245,000.00          | FDIC Brokered CD | 0.35% |                 |
| 15-Jun-11                | 13-Jun-12     | 364        | \$245,000.00          | FDIC Brokered CD | 0.30% |                 |
| 15-Jun-11                | 15-Jun-12     | 366        | \$132,000.00          | FDIC Brokered CD | 0.30% |                 |
|                          |               |            | <b>\$1,357,008.05</b> |                  |       |                 |
| <b>Series I</b>          |               |            |                       |                  |       |                 |
| 01-Aug-08                | 06-Sep-13     | 1862       | <b>\$8,240,877.50</b> | FHLB             | 4.00% |                 |
| <b>Series H</b>          |               |            |                       |                  |       |                 |
| 13-Mar-03                | 15-Apr-32     |            | <b>\$2,825,593.00</b> | SLG              | 4.35% |                 |
| <b>Series J</b>          |               |            |                       |                  |       |                 |
| 04-Mar-04                | 15-Nov-33     |            | <b>\$774,061.00</b>   | SLG              | 3.82% |                 |
| <b>Series K</b>          |               |            |                       |                  |       |                 |
| 22-Jul-04                | 15-Feb-33     |            | <b>\$498,654.00</b>   | SLG              | 4.63% |                 |
| <b>Series L</b>          |               |            |                       |                  |       |                 |
| 27-Jul-06                | 01-Oct-35     |            | <b>\$952,666.00</b>   | SLG              | 4.52% |                 |

**RECEIVE & FILE**

Board Meeting of September 7, 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.

**Administrative Division**

|           |                                     |           |   |          |
|-----------|-------------------------------------|-----------|---|----------|
| 8/26/2011 | 00110106<br>Administrative Services | -\$736.80 | 00110107<br>Administrative Capital Outlay | \$736.80 |
|-----------|-------------------------------------|-----------|---|----------|

**Wastewater Treatment Plant**

|           |                                  |             |                                |            |
|-----------|----------------------------------|-------------|--------------------------------|------------|
| 7/19/2011 | 00520105<br>Maintenance Supplies | -\$620.00   | 00250105<br>Secondary Supplies | \$620.00   |
| 7/28/2011 | 00230106<br>Grit Services        | -\$7,600.00 | 00200106<br>Plant Services     | \$7,600.00 |
| 8/1/2011  | 00230106<br>Grit Services        | -\$6,733.00 | 00200106<br>Plant Services     | \$6,733.00 |
| 8/1/2011  | 00380106<br>Incinerator Services | -\$2,230.00 | 00200106<br>Plant Services     | \$2,230.00 |
| 8/10/2011 | 00520105<br>Maintenance Supplies | -\$1,959.96 | 00290105<br>Aeration Supplies  | \$1,959.96 |
| 8/17/2011 | 00520105<br>Maintenance Supplies | -\$11.89    | 00290105<br>Aeration Supplies  | \$11.89    |
| 8/19/2011 | 00520105<br>Maintenance Supplies | -\$151.10   | 00260105<br>Primary Supplies   | \$151.10   |

**General Financial Charges**

|          |                                   |               |                            |              |
|----------|-----------------------------------|---------------|----------------------------|--------------|
| 8/2/2011 | 00800183<br>Financial Contingency | -\$103,863.51 | 00200106<br>Plant Services | \$103,863.51 |
|----------|-----------------------------------|---------------|----------------------------|--------------|

**RECEIVE & FILE**

Board Meeting of September 7, 2011

ITEM NO. 4

**PAYMENT FROM JUDGMENT AND CLAIMS**

WHEREAS: Board approval is required for charges made against the Buffalo Sewer Authority’s current budget for services and/or materials received during a prior fiscal year; and

WHEREAS: The following services and commodities were received during a prior fiscal year and charged to the 2010-2011 budget account no. 00800108-480214:

| <b>VENDOR</b>            | <b>AMOUNT</b> |
|--------------------------|---------------|
| IsleChem, LLC            | \$685.50      |
| North State of WNY, Inc. | \$326.05      |

; and

WHEREAS: The General Manager and staff recommend the above payments from the Judgment and Claims account.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above payments from the Judgment and Claims account.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

## ITEM NO. 5

**CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND**

WHEREAS: On March 14, 2011, Gerard A. Fritz of 99 Starin Ave., Buffalo, New York, filed a Claim with the City of Buffalo Law Department for damage to his car on March 1, 2011, caused by an uncovered manhole near 110 Starin Ave.; and

WHEREAS: On June 14, 2011, the Law Department determined that there appeared to be some liability on behalf of the Buffalo Sewer Authority and recommended a total settlement of \$1,611.51.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Gerard A. Fritz of 99 Starin Ave., Buffalo, New York, in the amount of \$1,611.51 as final settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

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

Board Meeting of September 7, 2011

## ITEM NO. 6

**CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND**

WHEREAS: On May 10, 2011, Michael Rivera of 268 Crescent Ave., Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damage to his basement due to a sewer line break in front of 268 Crescent Ave.; and

WHEREAS: On May 18, 2011, the Law Department determined that there appeared to be liability on behalf of the Buffalo Sewer Authority and recommended a total settlement of \$4,501.50.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Michael Rivera of 268 Crescent Ave., Buffalo, New York, in the amount of \$4,501.50 as final settlement. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

## ITEM NO. 7

**CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND**

WHEREAS: On June 9, 2011, Charmetra Russell of 438 Woodlawn Ave., Buffalo, New York, filed a Claim with the Buffalo Sewer Authority for damage to her car on May 15, 2011, caused by an uncovered manhole near Humboldt Parkway and Northland Ave.; and

WHEREAS: On June 14, 2011, the Law Department determined that there appeared to be liability on behalf of the Buffalo Sewer Authority and recommended a total settlement of \$1,044.82.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Charmetra Russell of 438 Woodlawn Ave., Buffalo, New York, in the amount of \$1,044.82. This Claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 4 NOES 0

Board Meeting of September 7, 2011



## ITEM NO. 9

**AUTHORIZATION TO PURCHASE NEW TELEPHONE SYSTEM FOR THE BUFFALO SEWER AUTHORITY**

WHEREAS: The Buffalo Sewer Authority is in the process of upgrading its current outdated telephone system to a new telephone system and data network infrastructure; and

WHEREAS: The General Manager and staff request approval to purchase a new voice-over internet protocol (VOIP) system through Comtel under Buffalo Sewer Authority Purchasing Guidelines and New York State Contract No. PT64290, Group 77018, Award 21350; and

WHEREAS: The total purchase cost for equipment, installation, and training under state contract for the VOIP system for the Buffalo Sewer Authority's City Hall Offices and Wastewater Treatment Plant shall not exceed \$75,000.00; and

WHEREAS: The Secretary to the General Manager and staff recommend approval of this purchase; and

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

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase a new voice-over internet protocol telephone system/data network infrastructure for the Buffalo Sewer Authority from Comtel under New York State Contract for a total amount not to exceed \$75,000.00. This purchase shall be charged to account nos. 00110107-474300 and 00200107-474300.

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

Board Meeting of September 7, 2011



## ITEM NO. 10

**AUTHORIZATION TO PURCHASE SECURITY SYSTEM FOR THE BUFFALO SEWER AUTHORITY**

WHEREAS: The Buffalo Sewer Authority is continually striving to reduce risk and liability while maintaining safety at its Wastewater Treatment Plant; and

WHEREAS: The Authority has a received a reimbursable Port Security Grant from the New York State Division of Homeland Security and Emergency Services, Office of Counter Terrorism; and

WHEREAS: The General Manager, Safety Officer, and staff request approval to utilize this federally funded grant to purchase CCTV and Access Control Security System Upgrade for the Wastewater Treatment Plant; and

WHEREAS: The purchase and installation of this security system upgrade will be made through SimplexGrinnell LP under Buffalo Sewer Authority Purchasing Guidelines and New York State Contract No. PT63104, Group 77201, Award 20191 in an amount not to exceed \$346,130.00; and

WHEREAS: The General Manager, the Safety Officer, and staff recommend approval of this purchase.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to utilize the reimbursable Port Security Grant from the New York State Division of Homeland Security and Emergency Services, Office of Counter Terrorism, to purchase CCTV and Access Control Security System Upgrade for the Buffalo Sewer Authority's Wastewater Treatment Plant from SimplexGrinnell LP, under New York State Contract for a total amount not to exceed \$346,130.00. Account number 00200107-474100 will be utilized for this purchase.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

## ITEM NO. 11

**AMENDMENT TO SOLE SOURCE LISTING FOR SELECTED INSTRUMENTATION, MAINTENANCE, LABORATORY, AND OFFICE EQUIPMENT**

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 June 16, 2010, the Board of the Buffalo Sewer Authority approved and designated a list of original equipment manufacturers as sole sources; and

WHEREAS: An amendment is requested to the sole source listing to add the following original equipment manufacturer for instrumentation:

|             |  |
|-------------|--|
| PerkinElmer | All instrumentation manufactured and sold by PerkinElmer LAS, Inc. |
|-------------|--|

; and

WHEREAS: The Treatment Plant Superintendent, Laboratory Director, and Purchasing Department staff have reviewed all supporting documentation and recommend this amendment to the sole source listing approved on June 16, 2010.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the addition of Perkin Elmer to the sole source listing for the instrumentation indicated.

MOTION TO APPROVE

MADE BY MR. KENNEDY, JR.

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

## ITEM NO. 12

**AUTHORIZATION TO ENTER INTO CONTRACT FOR IMPLEMENTATION OF A DOCUMENT MANAGEMENT SYSTEM AND UPDATE OF O & M MANUAL**

WHEREAS: NYSDEC regulatory requirements mandate that information be kept current, readily accessible, and referred to, for the operation and maintenance of the Treatment Plant facility; and

WHEREAS: The Buffalo Sewer Authority has through its years of operation accrued critical paper information documenting technical and administrative aspects of the Authority's operation; and

WHEREAS: The Authority has a need to electronically capture all Operation and Maintenance information from the Treatment Plant and standardize record management; and

WHEREAS: A Consultant Selection Committee consisting of the Treatment Plant Superintendent, Treatment Plant Administrator, and Computer Systems Engineer Coordinator obtained and reviewed proposals from various consulting firms; and

WHEREAS: Based upon proposal review and meetings with the various consulting firms the Consultant Selection Committee recommends retaining Barton and Loguidice, P.C., for the Implementation of a Document Management System and update of O & M Manual needs of the Authority as follows:

| <b>Service</b>   | <b>Cost</b>         |
|--|---------------------|
| Setup and requirements review  | \$ 10,000.00        |
| Business Process Design  | \$ 19,300.00        |
| System Configuration and Pilot Test  | \$ 14,100.00        |
| Implement Business Processes for new documents                                   | \$ 6,500.00         |
| Scan Documents & Populate the System   | \$127,100.00        |
| Review & Update O&M Manual and Standard Operating Procedures for Treatment Plant | \$ 28,500.00        |
| <b>Total Estimated Service Cost based upon hours of service</b>                  | <b>\$205,500.00</b> |

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 Barton and Loguidice, P.C., for the Implementation of a Document Management System and update of O & M Manual per the scope of Professional Services submitted at a total cost not to exceed the estimated total of \$205,500.00

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

## ITEM NO. 13

**AUTHORIZATION TO PURCHASE VEHICLE UNDER NEW YORK STATE CONTRACT**

WHEREAS: In 2006-2007 the Buffalo Sewer Authority implemented a vehicle replacement plan in order to update its current fleet and budget responsibly; and

WHEREAS: As part of this plan, the Treatment Plant Superintendent and staff request approval to purchase the following vehicle available under New York State Contract to add to the existing fleet:

| State Contract                                | Vendor                | Vehicle         | Cost        |
|---|-----------------------|-----------------|-------------|
| PC65030<br>Group No. 40450<br>Award No. 21910 | Van Bortel Ford, Inc. | 2012 Escape XLT | \$20,033.14 |
| Delivery Charge                               |                       |                 | \$110.00    |
| Total Vehicle Cost                            |                       |                 | \$20,143.14 |

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above vehicle from Van Bortel Ford, Inc., at a total cost of \$20,143.14. This purchase will be charged to account no. 00520107-474200.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

## ITEM NO. 14

**AUTHORIZATION TO PURCHASE RESTOCK PARTS FOR THE INCINERATORS**

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated BSP Thermal Systems, the original equipment manufacturer, and/or their authorized local representative as a sole source for replacement parts, supplies, and service for the BSP 22 -3 O.D. x 12 hearth sludge incinerators located at the Treatment Plant; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined a need for restock parts for the incinerators; and

WHEREAS: A quote was requested and received from BSP Thermal in the amount of \$35,256.00, plus freight estimated not to exceed \$1,552.00, for the needed restock; and

WHEREAS: The Treatment Plant Superintendent, Superintendent of Mechanical Maintenance, and staff recommend the purchase of the needed restock; and

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

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the necessary restock for the incinerators from BSP Thermal Systems at a cost of \$35,256.00, plus freight estimated not to exceed \$1,552.00. Account no. 00380105-466107 will be charged for this purchase.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

## ITEM NO. 15

**AUTHORIZATION FOR PURCHASE OF REPLACEMENT PARTS FOR CENTRIFUGES**

WHEREAS: On June 16, 2010, the Board of the Buffalo Sewer Authority designated GEA Westfalia Separator, Inc., the original equipment manufacturer, and/or their authorized local representative, as a sole source for the purchase of various replacement parts, supplies, and service on the Westfalia centrifuges located at the Treatment Plant; and

WHEREAS: The Principal Chief Stationary Engineer has determined a need for centrifuge replacement parts; and

WHEREAS: GEA Westfalia Separator, Inc., has submitted a quote in the amount of \$20,366.95, plus freight estimated not to exceed \$200.00, for these replacement parts; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer, and staff reviewed the quote received and recommend the purchase of these necessary replacement parts; and

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

WHEREAS: The Board was polled on August 15, 2011, and verbally authorized this purchase; 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 authorizes the General Manager to purchase the needed centrifuge parts from GEA Westfalia Separator, Inc., at a cost of \$20,366.95, plus freight estimated not to exceed \$200.00. This purchase will be charged to account no. 00370105-466107.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

## ITEM NO. 16

**CHANGE ORDER NO. 2 – CONTRACT NO. 85000016**

|                       |                            |              |
|-----------------------|----------------------------|--------------|
| CONTRACTOR:           | ORIGINAL CONTRACT COST     | \$143,147.00 |
| Quackenbush Co., Inc. | PREVIOUS CHANGE ORDER      | 8,750.00     |
| 495 Kennedy Rd        | THIS CHANGE ORDER (DEDUCT) | (900.00)     |
| Buffalo, NY 14227     | ADJUSTED CONTRACT COST     | \$150,997.00 |

WORK: Continuous Emissions Monitoring System (CEMS)

**DESCRIPTION OF CHANGE OR EXTRA WORK:**

- Item #1 a. The cost to re-program each THC Analyzer was less than anticipated.
- b. All costs related to this modification were performed for \$900.00 less.

**REASON FOR CHANGE OR EXTRA WORK:**

- Item #1 a. Modifications made to the range of the dual range analyzer now comply with the EPA requirements. The programming will allow compliance with CFR 40 Part 503.

**COST OF CHANGE OR EXTRA WORK:**

Item #1 Reduction of \$900.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK (\$900.00)

The total DECREASE to the contract as a result of this Change Order is (\$900.00)

**CONTRACT SUPPLEMENT CONDITIONS:**

- The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 0 calendar days, making the final completion date unchanged.



2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications, and project specifications for the same type of work.
3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place under coverage of his performance and payment bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the Owner evidence of increased coverage of his performance and payment bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 85000016 as outlined, decreasing the contract cost in the amount of (\$900.00), making the adjusted contract cost \$150,997.00.

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

Board Meeting of September 7, 2011

## ITEM NO. 17

**AUTHORIZATION TO ENTER INTO SERVICE CONTRACT FOR SEWER LINE  
CHEMICAL ROOT CONTROL**

WHEREAS: On September 2, 2009, the Board of the Buffalo Sewer Authority authorized a service contract with Duke's Root Control, Inc., to apply a chemical root agent designed to control sewer line tree root intrusions as specified in the Erie County Highway Maintenance Bid #290082-004, Section 20, at a total cost not to exceed \$50,000.00 for the period April 1, 2009 through March 31, 2010; and

WHEREAS: The guarantee period for the initial treatment was for a period of two (2) years; and

WHEREAS: Duke's Root Control, Inc., has proposed to perform a retreatment of the 2009 project and extend their guarantee for an additional three (3) years; and

WHEREAS: Duke's Root Control, Inc., will use the current pricing structure of the latest Erie County bid documents. Not to exceed unit prices are as follows:

| <b>Pipe Size</b> | <b>Price Per Linear Foot</b> |
|------------------|------------------------------|
| 8 inch           | \$ 1.00                      |
| 10 inch          | \$ 1.00                      |
| 12 inch          | \$ 1.00                      |
| 15 inch          | \$ 1.95                      |
| 18 inch          | \$ 2.95                      |
| 21 inch          | \$ 5.50                      |
| 24 inch          | \$ 5.50                      |

WHEREAS: The Director of Sewer Maintenance and staff recommend utilizing Duke's Root Control, Inc., to perform this retreatment.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into a service contract with Duke's Root Control, Inc., for the retreatment of the 2009 project with a chemical root agent designed to control sewer line tree root intrusions, thereby extending the original guarantee for (3) years. Erie County Highway Maintenance Bid #290082-004 will be utilized as outlined above, with a total amount not to exceed \$50,000.00, for the period through March 31, 2012. This service will be charged to account no. 02000266-490740.

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

Board Meeting of September 7, 2011

## ITEM NO. 18

**REPORT ON BIDS RECEIVED - PURCHASE OF ONE (1) NEW AND UNUSED COMBINATION SEWER CLEANING MACHINE & CAB & CHASSIS**

WHEREAS: Formal bids were advertised and solicited for the purchase of one (1) new and unused combination sewer cleaning machine & cab & chassis. The following bids were received and opened by the Buffalo Sewer Authority on September 2, 2011:

| <b>BIDDER</b>                    | <b>COMBINATION MACHINE MFG., MODEL &amp; YEAR</b>         | <b>UNIT COST</b> | <b>CAB &amp; CHASSIS. MFG., MODEL &amp; YEAR</b> | <b>UNIT COST</b> |
|----------------------------------|---|------------------|--|------------------|
| Vantage Equipment, LLC           | Vacall, AJV1215, 2012                                     | \$198,420.00     | International, 7600 SFA, 2012                    | \$118,661.00     |
| Fleet Maintenance, Inc.          | No Bid  |                  | Freightliner, 114SD, 2012                        | \$118,858.00     |
| Fleet Maintenance, Inc.          | Super Products Camel Model Dump 200/16 CY 1500 Gal., 2012 | \$224,551.00     | Freightliner, 114SD, 2012                        | \$118,858.00     |
| Joe Johnson Equipment (USA) Inc. | Vactor 2100 Plus PD, 2012                                 | \$231,488.00     | International 7600, 2012                         | \$118,476.00     |
| Foster's Equipment               | No Bid  |                  |  |                  |
| Cyncon Equipment                 | No Bid  |                  |  |                  |
| Tracey Road Equipment            | No Bid  |                  |  |                  |

;and

WHEREAS: Upon review of the bids it was determined that there were significant deviations from the specifications within the proposals submitted by Vantage Equipment and Fleet Maintenance, Inc.; and

WHEREAS: The low responsible proposal was submitted by Joe Johnson Equipment at a total cost of \$349,964.00; and

WHEREAS: The Director of Sewer Maintenance recommends accepting the proposal of Joe Johnson Equipment at a total cost of \$349,964.00.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Joe Johnson Equipment at a cost not to exceed \$349,964.00 Expenses for this contract will be charged to account no. 00690107-474200.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

## ITEM NO. 19

**CHANGE ORDER NO. 4 – CONTRACT NO. 84900006**

|                              |                        |                   |
|------------------------------|------------------------|-------------------|
| CONTRACTOR:                  | ORIGINAL CONTRACT COST | \$1,175,000.00    |
| Malcolm Pirnie, Inc.         | PREVIOUS CHANGE ORDER  | 1,325,267.46      |
| 50 Fountain Plaza, Suite 600 | THIS CHANGE ORDER      | <u>550,000.00</u> |
| Buffalo, New York 14202      | ADJUSTED CONTRACT COST | \$3,050,267.46    |

WORK: Long Term Control Plan Water Quality and Sewer System Modeling and Monitoring  
Professional Services

WHEREAS: The Buffalo Sewer Authority (BSA) is negotiating with the United States Environmental Protection Agency (USEPA), the United States Department of Justice, and the New York State Department of Environmental Conservation (NYSDEC) to address sewer system improvements to comply with the Federal Clean Water Act; and

WHEREAS: On May 21, 2008, the Board of the Buffalo Sewer Authority authorized the General Manager to execute an agreement with Malcolm Pirnie, Inc., to assist with negotiations and to complete work planning efforts to define the extent of the water quality and sewer system monitoring and modeling per negotiations with the USEPA, United States Department of Justice, and the NYSDEC at a cost of \$1,175,000.00; and

WHEREAS: Additional work is required to comply with the terms of the proposed USEPA/ NYSDEC and BSA Consent Decree (CD); and

WHEREAS: The proposed work builds upon Phase 2 Long Term Control Plan (LTCP) activities to satisfy the CD requirement for submitting an updated CSO LTCP document; and

WHEREAS: The scope of the project has grown to include additional work associated with the LTCP preparation that was not within the approved LTCP scope of work; and

WHEREAS: The following tasks have been identified as being necessary to complete work:

|            |  |
|------------|--|
| Task No. 1 | Refinement of the USEPA's Systemwide Gray-only Alternatives  |
| Task No. 2 | Assessment of Systemwide Green Alternatives  |
| Task No. 3 | Development and Evaluation of the Demonstrative Approach-based Alternative that is Expected to Meet the Current Receiving Stream Water Quality Standards |
| Task No. 4 | Preparation of Application for Inclusion on New York State Environmental Facilities Corporation (EFC) Intended Use Plan (IUP)                            |
| Task No. 5 | Additional LTI Modeling  |
| Task No. 6 | Re-Evaluation of the 1986 Typical Year   |

WHEREAS: Malcolm Pirnie, Inc., has agreed to complete these tasks at a cost not to exceed \$550,000.00; and

WHEREAS: The Senior Sanitary Engineering Supervisor recommends approval of Change Order No. 4 to Contract No. 84900006; and

WHEREAS: Due to the necessity to expedite the required additional work, the Board was polled on August 12, 2011, and verbally authorized this change order; 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 Change Order No. 4 to Contract No. 84900006 in the amount of \$550,000.00, making the adjusted contract cost \$3,050,267.46. Expenses for this Contract will be funded from account no. 02000293-432004.

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

MADE BY \_\_\_\_\_ MR. KENNEDY, JR. \_\_\_\_\_

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

AYES \_\_\_\_\_ 4 \_\_\_\_\_ NOES \_\_\_\_\_ 0 \_\_\_\_\_

Board Meeting of September 7, 2011

## ITEM NO. 20

**AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN**

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

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the addition of the following positions to the Job Classification Plan:

|  |                        |
|--|------------------------|
| <b>One (1) Wastewater Treatment Plant Operator I</b> | <b>00240161 411001</b> |
| <b>One (1) Wastewater Treatment Plant Operator I</b> | <b>00250161 411001</b> |
| <b>One (1) Investigator (BSA)</b>                    | <b>00550161 411001</b> |

MOTION TO                                      APPROVE                  

MADE BY                                      MR. KENNEDY, SR.                  

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

AYES                              4           NOES                              0          

Board Meeting of September 7, 2011

## ITEM NO. 21

**AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN**

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

NOW THEREFORE  
BE IT RESOLVED:

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

**One (1) Legal Investigator**

**00550161 411001**

MOTION TO                                      APPROVE                  

MADE BY                                      MR. KENNEDY, JR.                  

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

AYES                              4                NOES                              0          

Board Meeting of September 7, 2011



ITEM NO. 22

**CONFIRMATION OF APPOINTMENTS**

**SUPERINTENDENT OF MECHANICAL MAINTENANCE  
(PROVISIONAL)  
SEWAGE TREATMENT PLANT  
\$65,236 PER ANNUM  
EFFECTIVE: AUGUST 8, 2011**

YUSEF MYRICK  
40 GORSKI ST.  
BUFFALO, NY

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**SEWER MAINTENANCE SUPERVISOR I (PROVISIONAL)  
SEWER MAINTENANCE DEPARTMENT  
\$50,301 PER ANNUM  
EFFECTIVE: AUGUST 15, 2011**

ALFONSO VENTURA  
1301 RANSOM RD.  
GRAND ISLAND, NY

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

WHEREAS:                   The General Manager requests confirmation of each appointment.

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

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

Board Meeting of September 7, 2011

## ITEM NO. 23

**TUITION ASSISTANCE**

WHEREAS: In accordance with the Agreements between the Buffalo Sewer Authority and CSEA Local 815 and the Communications Workers of America, the following Buffalo Sewer Authority employee has applied for Tuition Assistance:

| <b><u>EMPLOYEE</u></b> | <b><u>SCHOOL</u></b>  | <b><u>COURSE</u></b>  | <b><u>SEMESTER</u></b> | <b><u>TUITION</u></b> |
|------------------------|-----------------------|-----------------------|------------------------|-----------------------|
| Roger Vullo            | University at Buffalo | PE Exam Review Course | 9/11/11 - 3/12/12      | \$800.00              |

WHEREAS: No Funds will be expended at this time.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above application for Tuition Assistance.

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

Board Meeting of September 7, 2011

## ITEM NO. 24

**TUITION REIMBURSEMENT**

WHEREAS: In accordance with the Agreements between the Buffalo Sewer Authority and CSEA Local 815 and the Communications Workers of America, the following Buffalo Sewer Authority employees have applied for Tuition Reimbursement:

| <b><u>EMPLOYEE</u></b> | <b><u>SCHOOL</u></b> | <b><u>COURSE</u></b>                                      | <b><u>TUITION%</u></b> | <b><u>REIMBURSEMENT<br/>TOTAL</u></b> |
|------------------------|----------------------|---|------------------------|---------------------------------------|
| Timothy Blake          | Empire State         | <i>Tools/Processes in<br/>Project<br/>Management</i>      | 65%                    | \$ 880.30                             |
| Christopher Bogdan     | Buffalo State        | <i>Basic Laboratory</i>                                   | 100%                   | \$ 600.00                             |
| Thomas Caulfield       | Walden<br>University | <i>PHD Residency II<br/>for Public<br/>Administration</i> | 90%                    | \$ 841.50                             |

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$ 2,321.80. These Reimbursements will be charged to account no. 00800108-480214.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

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

AYES 4 NOES 0

Board Meeting of September 7, 2011

ITEM NO. 25

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

Board Meeting of September 7, 2011