

B U F F A L O
SEWER AUTHORITY

ATTACHMENT B



MEMORANDUM OF UNDERSTANDING BETWEEN BUFFALO SEWER AUTHORITY AND BUFFALO PUBLIC SCHOOLS

The Memorandum of Understanding (MOU) is entered into on the _____ day of _____ in _____
(herein referred to as the "Effective Date") by and between:

Mel L. Aston, AIA, Executive Director of Buffalo Public Schools and Director of Plant Services & School Planning, 403 City Hall, Buffalo, NY, 14202, herein referred to as "Party A" and

Rosaleen Nogle, Principal Sanitary Engineer for the Buffalo Sewer Authority, Room 1038 City Hall, 65 Niagara Square, Buffalo, NY 14202 and Charles Riley, Executive Secretary for Buffalo Sewer Authority, Room 1038 City Hall, 65 Niagara Square, Buffalo, NY 14202, herein referred to as "Party B".

Parties may be referenced individually as "Party" and collectively as "Parties"

PURPOSE

The purpose of this MOU is to establish a good faith foundation between the Parties for future collaborative efforts that are mutually beneficial. The Parties agree to work together in a cooperative and coordinated manner to achieve each Party's individual goals and collaborative goals.

This MOU is designed to detail the specifics of the working relationship between the Parties to the mutual benefit of the Parties and the community they serve.

BACKGROUND

Buffalo Sewer Authority (BSA), represented by "Party B," upon written consent from Buffalo Public Schools, represented by "Party A," intends to install green infrastructure practices on twenty (20) Buffalo Public School properties.

In June 2021, BSA secured \$54 million in funding through an Environmental Impact Bond to install green infrastructure in targeted areas of Buffalo's combined sewer service area. All proposed work will be fully funded through this Environmental Impact Bond and funding from the Rain Check 2.0 Green Infrastructure Program.

The primary objective of BSA's Rain Check 2.0 program is to reduce the frequency and occurrence of combined sewer overflows while increasing community aesthetics and increasing resiliency. Combined sewer overflows occur in combined sewer systems which are designed to handle both stormwater and sanitary sewage in a single pipe system. When the volume of water entering the combined sewer system exceeds the capacity of the system and/or downstream wastewater treatment plant (during rainfall events), untreated sewage from this pipe network is discharged into nearby water bodies to prevent backups in homes and streets. Green infrastructure practices are used to supplement the combined sewer system by providing additional storage for rainfall events. This reduces the frequency and occurrence of combined sewer overflows, while providing secondary benefits such as reduced nuisance flooding, reduced urban heat islands, and improved air and water quality.

Green infrastructure practices that will be installed at Buffalo Public School Properties include rain gardens, curb extensions, stormwater tree trenches, and porous asphalt.

SITE SELECTION CRITERIA

Six (6) priority combined sewer overflow (CSO) basins were identified during the development of the Rain Check 2.0 Opportunity Report (Rain Check Report). These CSO basins encompass a quarter of the City's land area and nearly half of its population.

According to BSA's Rain Check Report, implementing green infrastructure practices within these basins will have the greatest impact on water quality and public health in Buffalo. School sites within these basins were identified and selected based on the potential impervious area that could be captured, the topography of the site and surrounding area, the location of existing utilities, the space available for siting green infrastructure practices, and other ancillary features which may impact the success of green infrastructure practices.

BSA is proposing green infrastructure stormwater retrofits at the following locations:

Project Address	Formal School Name	Proposed Improvements
50 A Street Buffalo, NY 14211	Public School 90: Early Childhood Center	<ul style="list-style-type: none"> • Rain Garden – Peterson Street • Rain Garden – Mills Street • Stormwater Tree Trench – Mills Street • (2) Stormwater Tree Trench – A Street • Porous Asphalt – Parking Lot Replacement
340 Fougerson Street Buffalo, NY 14211	Public School 92: New B.U.I.L.D. Community School	<ul style="list-style-type: none"> • Stormwater Tree Trench – Fougerson Street •
1409 East Delavan Avenue Buffalo, NY 14205	Buffalo Public School Property	<ul style="list-style-type: none"> • Stormwater Tree Trench – East Delavan Avenue • Porous Asphalt – Parking Lot Replacement
1448 East Delavan Avenue Buffalo, NY 14205	Buffalo Public School Property	<ul style="list-style-type: none"> • Porous Asphalt – Parking Lot Replacement
167 East Utica Street Buffalo, NY 14208	Leonardo Da Vinci High School @ Public School 8	<ul style="list-style-type: none"> • Rain Garden – Masten Avenue • Porous Asphalt – Parking Lot Replacement • Porous Asphalt – E Utica Street Parking Bays Replacement
450 Masten Avenue Buffalo, NY 14209	Public School 192: Buffalo Academy for Visual and Performing Arts (BAVPA)	<ul style="list-style-type: none"> • (3) Stormwater Tree Trench – East Ferry Street • Stormwater Tree Trench – Woodlawn Avenue • Stormwater Tree Trench – Michigan Avenue • Rain garden – Woodlawn Avenue • Porous Asphalt – Masten Avenue Parking Bay Replacement
230 Easton Avenue Buffalo, NY 14215	Public School 82: Ronald Peoples School of Scholars	<ul style="list-style-type: none"> • Stormwater Tree Trench – Hazelwood Avenue • (2) Rain garden – Easton Avenue • Porous Asphalt – Parking Lot Replacement



Project Address	Formal School Name	Proposed Improvements
157 Elk Street Buffalo, NY 14210	Public School 33: Bilingual Center	<ul style="list-style-type: none"> • Mid-Block Curb Extension – Elk Street (South Side) • (3) Porous Asphalt – Parking Lot Replacement
106 Appenheimer Street Buffalo, NY 14214	Public School 89: Dr. Lydia T. Wright School of Excellence	<ul style="list-style-type: none"> • Porous Asphalt – Parking Lot Replacement • Stormwater Tree Trench – Appenheimer Avenue
600 Highgate Avenue Buffalo, NY 14215	Public School 80: Highgate Heights Elementary School	<ul style="list-style-type: none"> • Stormwater Tree Trench – Winspear Avenue •
1095 Jefferson Avenue Buffalo, NY 14208	Public School 99: Stanley M. Makowski Early Childhood Center	<ul style="list-style-type: none"> • (2) Stormwater Tree Trench – Dodge Street • Porous Asphalt – Parking Lot Replacement
400 Kensington Avenue Buffalo, NY 14214	Public School 301: Burgard High School	<ul style="list-style-type: none"> • Rain Garden – Van Gorder Street • Rain Garden – Kensington Avenue • (2) Stormwater Tree Trench – Kensington Avenue
453 Leroy Avenue Buffalo, NY 14215	Public School 61: Arthur O. Eve School of Distinction	<ul style="list-style-type: none"> • (2) Stormwater Tree Trench – Kensington Avenue • Porous Asphalt – Parking Lot Replacement • Rain Garden – Corner of Kensington Avenue and Leroy Avenue
1045 West Delavan Avenue Buffalo, NY 14209	Public School 17: Early Childhood Center	<ul style="list-style-type: none"> • Stormwater Tree Trench – Main Street • Porous Asphalt – Parking Lot Replacement
820 Northampton Street Buffalo, NY 14211	Public School 309: East Community High School	<ul style="list-style-type: none"> • Stormwater Tree Trench – Fougerson Street • Stormwater Tree Trench – East Parade Avenue • Stormwater Tree Trench – Northampton Street • (2) Stormwater Planter – Northampton Street • Porous Asphalt – Parking Lot Replacement
126 Donaldson Road Buffalo, NY 14208	Public School 74: Hamlin Park Claude & Ouida Clapp Academy	<ul style="list-style-type: none"> • Stormwater Tree Trench – Northland Avenue • Stormwater Tree Trench – Donaldson Road • Porous Asphalt – Parking Lot Replacement



Project Address	Formal School Name	Proposed Improvements
212 Stanton Street Buffalo, NY 14212	Public School 31: Harriet Ross Tubman School	<ul style="list-style-type: none"> • Porous Asphalt – Parking Lot Replacement
1405 Sycamore Street Buffalo, NY 14211	Public School 97: Harvey Austin School	<ul style="list-style-type: none"> • Stormwater Tree Trench – Koons Avenue • Stormwater Tree Trench – Sycamore Street • Porous Asphalt – Parking Lot Replacement
329 Roehrer Avenue Buffalo, NY 14208	Public School 53: Community School	<ul style="list-style-type: none"> • Stormwater Tree Trench – Glenwood Avenue • Porous Asphalt – Parking Lot Replacement

DURATION OF MOU

This MOU becomes effective on the date it is signed by both parties. It remains in force unless explicitly terminated, in writing, by either party.

DEFINITIONS

Curb extensions: Landscaped practices that are proposed within the roadway shoulder at strategic intersections to reduce pedestrian crossing distances while providing an area for stormwater management.

Green Infrastructure: A network of stormwater management systems that use natural processes, such as infiltration and filtration through soil, to manage stormwater runoff, reduce urban heat island effects, and improve air and water quality. Green infrastructure practices are proposed to supplement Buffalo Public School's traditional storm sewer system to reduce the risk of flooding in Buffalo's urban areas.

Porous asphalt: A permeable pavement system that is designed to allow water to pass through its surface and infiltrate into the ground.

Rain Gardens: Landscaped practices that are proposed within the school grounds in underutilized landscaped areas that are designed to collect and absorb rain from parking lots and sidewalks.

Stormwater Tree Trenches: are underground storage with new tree plantings, proposed under the sidewalk and landscaped areas in the public right-of-way surrounding the schools.



ROLES AND RESPONSIBILITIES

To achieve the Parties' mutual desires, each party agrees to the following roles and responsibilities:

Party A Roles and Responsibilities shall include:

- Signing MOU with BSA outlining proposed scope of work, construction, property access, and ongoing maintenance activities.
- Committing to keeping systems in place for a minimum of 20 years from the end of construction. If systems are removed, it is expected that an alternate stormwater management practice will be constructed to provide the same volume of treatment on the site.
- Providing access to relevant site and utility files for the properties, including topographic surveys, geotechnical and environmental reports, utility plans, or any other information that may support the design of the project sites.
- Providing access to school sites, at pre-approved times, to perform site walk, geotechnical investigation, and topographic survey.
- Providing a summary of any planned improvements to school properties before design is initiated that may impact the proposed scope of work.
- Approving the final location for all proposed green infrastructure stormwater retrofits.
- Supporting development of construction schedule to meet BSA's timeline (e.g., all projects constructed by June 15, 2028). It is anticipated that the geotechnical investigation and topographic survey will need to be completed during the school year, but that on-site construction activities would occur during the summer months. It is anticipated that projects within the public right-of-way will be constructed during the school year and summer months to maintain the project schedule.
- Supporting development of construction staging plans.
- Providing a liaison for each property who can work with BSA's designers, contractors, and maintenance teams.
- Providing BSA with at least two 2 weeks' notice prior to any future activities that may impact the proposed green infrastructure retrofits, such as, but not limited to, utility trenching, site landscaping changes, or changes in site conditions such as the addition or removal of pavement.
- Providing snow removal on porous pavement surfaces using pre-approved materials and practices.
- Alerting BSA maintenance staff as to any changes in the proposed green infrastructure stormwater retrofits, such as erosion, trash collection, ponding water, or plant health.
- Committing to not storing deleterious materials such as sand, salt or fill in or on the GI installations
- Providing site access to BSA maintenance crews as necessary and with 48 hours for routine maintenance and four (4) hours for expedited maintenance of notification.
- Providing and maintaining appropriate insurances and amounts required by law for comprehensive general liability, comprehensive automotive liability, excess/umbrella liability, worker's compensation and employer's liability.

Party B Roles and Responsibilities shall include:

- Signing the MOU with Buffalo Public Schools outlining proposed scope of work, construction, property access, and ongoing maintenance activities.
- Providing project funding.
- Selecting a design engineer and site contractor(s) to design and construct the proposed green infrastructure stormwater retrofits.
- Ensuring that all proposed green infrastructure stormwater retrofits are designed in accordance with BSA and New York State design standards.
- Providing construction oversight during construction.



- Ensuring that project schedule is maintained and that projects are constructed as planned by June 15, 2028.
- Providing and maintaining appropriate insurances and amounts required by law for comprehensive general liability, comprehensive automobile liability, excess/umbrella liability, worker's compensation and employer's liability insurance.
- Providing on-going operations and maintenance of the proposed green infrastructure stormwater retrofits, including the following:
 - Monthly Maintenance Activities:
 - Review system function. Ensure systems do not have ponding water.
 - Check for evidence of invasive species. Check for tree and plant health.
 - Remove trash and debris.
 - Quarterly Activities:
 - Vacuum sweep porous asphalt parking lot.
 - Inspect for sediment build-up, clean out as needed.
 - Annual Maintenance Activities:
 - Remove and replace mulch, as needed, in landscaped practices.
 - Prune and replace dead or dying vegetation. Remove invasive species as needed.

The Parties agree to uphold their roles and responsibilities in a committed, good-faith manner.

TIMELINE

To meet grant funding requirements, all projects must be fully constructed by June 15, 2028. This will require routine coordination between BSA, Buffalo Public Schools, and the design contractor.

It is anticipated that projects will be grouped into two categories – Group A: right-of-way improvements and Group B: on-site improvements – to ensure that construction activities can continue for the right-of-way improvements while school is in session. The following is the proposed project schedule:

Description	Start Date	Duration (Weeks)	End Date
Buffalo Public School Board Approval	12/18/2024	0	12/18/2024
Notice to Proceed - Design	3/24/2025	0	3/24/2025
Public Notice for Site Work	3/25/2025	4	4/22/2025
Geotechnical Investigation and Topographic Survey	4/23/2025	12	7/16/2025
60% Design	7/16/2025	12	10/9/2025
Buffalo Sewer Review - 60% Design	10/10/2025	2	10/24/2025
90% Design	10/27/2025	8	12/22/2025
Buffalo Sewer Review - 90% Design	12/23/2025	2	1/6/2026
Final Documents and Bid Set	1/7/2026	6	2/18/2026
Bidding	2/19/2026	4	3/19/2026
Notice to Proceed – Construction	3/20/2026	12	6/12/2026
Construction Group A: Right-of-Way Improvements – no restrictions on construction Group B: On-Site Improvements – Construction to occur only when school is out of session	6/15/2026	100	5/15/2028



COMMUNICATION BETWEEN PARTIES

Communication between parties will take place monthly and/or as needed for routine maintenance.

Point of Contact for Party A

Mel L. Alston, AIA
Executive Director
P: 716-816-3748
E: MAlston@buffaloschools.org

Point of Contact for Party B

Rosaleen B. Nogle, PE, BCEE, BC.WRE
Principal Sanitary Engineer
P: 716-851-4664, Ext. 4203
E: rnogle@buffalosewer.org

Working Hours: 8AM – 4:00PM

Point(s) of Contact(s) for Each School:

Point(s) of Contact(s) for BSA Maintenance Team:

Jordan Roose
Forester
P: 716-851-4664, Ext 5349
E: jroose@buffalosewer.org

After Hours Emergency Contact for Party A

After Hours Emergency Contact for Party B:

Complaint Crew
P: 716-913-9919

AMENDMENTS

The terms of this MOU may be amended upon written approval by both original Parties and their designated representatives.

TERMS AND TERMINATION

This agreement becomes effective on the date it is signed by both Parties. It remains in force unless explicitly terminated, in writing, by both parties.

The properties included within this MOU are managed by Buffalo Public Schools and owned by the City of Buffalo. Should Buffalo Public Schools cease to require the continued use of the property, in accordance with Public Authorities Law Chapter 43-A, Article 5, Title 8 Section 1182, the city may dedicate the land for the uses and purposes of BSA for continued Green Infrastructure stormwater management.



Both Parties may terminate this MOU by means of signing a termination addendum upon 30 days' written notice to the other parties.

The undersigned Parties acknowledge and agree to this MOU:

SIGNATURES

FOR: Buffalo Sewer Authority DATE

Signature Rosaleen Nogle Principal Sanitary
Engineer

FOR: Buffalo Sewer Authority DATE

Signature Charles Riley Executive Secretary

FOR: Buffalo Public Schools DATE

Signature Mel Alston Executive Director