

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY**

May 28, 2025

BUFFALO SEWER AUTHORITY

REGULAR MEETING

May 28, 2025

9:00 A.M.

**Buffalo City Hall, 65 Niagara Square Room 1038
Teleconference +1 917- 933-2166, ID #179 862 068#**

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Attachment A: Final Schedule of Sewer Rents and Other Charges for 2025-2026

Attachment B: City Right-of-Way Packages 3, 5, 6

Attachment C: City Right of Way Package 7

Attachment D: City of Right of Way Package 1,2,4,8,9

Attachment E: BPS Package

CALL OF THE ROLL

Present:	<u>Herbert Bellamy</u>	<u>Chairman of the Board</u>
	<u>Christopher Roosevelt</u>	<u>Vice Chairman of the Board</u>
	<u>Thomas E. Caulfield, PhD.</u>	<u>Board Member</u>
	<u>Hope Young Watkins</u>	<u>Board Member</u>
	<u>Patrick Sole Jr.</u>	<u>Board Member</u>
	<u>Charles Riley</u>	<u>Executive Secretary</u>
	<u>Cheryl Colston, Esq.</u>	<u>General Counsel</u>
	<u>Alexander Emmerson</u>	<u>Treatment Plant Superintendent</u>
	<u>Rosaleen Nogle, P.E.</u>	<u>Principal Sanitary Engineer</u>
	<u>Timothy Blake</u>	<u>Senior Instrument Technician</u>
	<u>Gelea James</u>	<u>Director of Human Resources</u>
	<u>LaToya Cunningham</u>	<u>Special Assistant</u>
	<u>Joel Renzoni</u>	<u>Director of Sewer Maintenance</u>
	<u>Paul Harris</u>	<u>Superintendent of Mechanical</u>
	<u>Desiree Briggs</u>	<u>Maintenance</u>
	<u>Carol Burns</u>	<u>Preventative Maintenance</u>
	<u>Laura Surdej</u>	<u>Coordinator</u>
	<u>Walt Walker, P.E.</u>	<u>Executive Assistant to Comptroller</u>
	<u>Jaime Davidson, P.E.</u>	<u>Erie County Department of Sewerage</u>
	<u>Douglas Gove, P.E.</u>	<u>TYLin</u>
	<u>Kate Mignone, P.E.</u>	<u>J.M. Davidson</u>
		<u>AECOM</u>
		<u>AECOM</u>
Absent:	<u></u>	<u></u>

The meeting was called to order at 9:16 AM. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of May 7, 2025

MOTION TO _____ ADOPT _____

MADE BY _____ DR. CAULFIELD _____

2ND BY _____ MR. SOLE _____

AYES _____ 5 _____ NOES _____ 0 _____

Board Meeting of May 28, 2025

MOTION TO Enter into Executive Session Pursuant to Open Meetings Law, Section 102 (3) (h) to discuss the proposed acquisition of real property interests, an easement at 50 and 54 Gates Circle.

MADE BY DR. CAULFIELD

2ND BY MR. SOLE

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 1-A

AUTHORIZATION FOR THE BUFFALO SEWER AUTHORITY TO ENTER INTO AN EASEMENT AGREEMENT FOR AN EASEMENT AT 50 AND 54 GATES CIRCLE

WHEREAS: The Buffalo Sewer Authority is planning sewer improvement work that includes constructing Real Time Control Smart Sewers at Gates Circle; and

WHEREAS: The sewer improvement project will address combined sewer overflows; and

WHEREAS: The purpose of the easement is to provide electrical power and service to the project; and

WHEREAS: The City of Buffalo, on behalf of the Buffalo Sewer Authority, is acquiring the real property interests which is a total of five feet wide and ninety-two feet in length; and

WHEREAS: Based upon the appraisals prepared by K LW Appraisal Group and the review and approval by the City Appraisal Review Board, the Buffalo Sewer Authority will make a one-time payment of \$3,550.00 for 50 Gates Circle and a one-time payment of \$2,250.00 for 54 Gates Circle.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the Principal Sanitary Engineer and the Executive Secretary to enter into an Easement Agreement, on behalf of the Buffalo Sewer Authority, for an easement at 50 and 54 Gates Circle that supports the Buffalo Sewer Authority's Real Time Control Smart Sewers Project.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MR. SOLE	_____
2 ND BY	_____	DR. CAULFIELD	_____
AYES	_____	5	NOES _____ 0

Board Meeting of May 28, 2025

ITEM NO. 2

APPROVAL OF CONSENT AGENDA**CONTENTS**

- A. Informative: Temporary Investments
- B. Informative: Reallocation of Funds
- C. Claim Against Liability and Casualty Reserve Fund
- D. Confirmation of Appointments
- E. Tuition Reimbursement

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 28, 2025

2-A

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

As of April 30th, 2025

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	MONEY MARKET		\$4,845,738.59	Key	0.01%	Public NOW
27-Mar-25	8-May-25	42	\$8,998,678.75	Key Banc Capital	4.20%	\$44,321.25
10-Apr-25	22-May-25	42	\$6,498,609.51	Key Banc Capital	4.25%	\$32,390.49
			\$20,343,026.85			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	MONEY MARKET		\$900,720.25	Key	0.01%	Public NOW
17-Apr-25	17-Jul-25	91	\$787,609.50	Key Banc Capital	4.17%	\$8,390.50
			\$1,688,329.75			
OPERATING FUND						
31-Jul-12	SUPER NOW		\$7,108,963.57	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	SUPER NOW		\$21,545.24	Key	0.01%	Public NOW
SURPLUS FUND						
			\$631.69	Wilmington U.S. Treasury	4.79%	
21-Nov-24	15-May-25	175	\$10,004,262.50	Key Banc Capital	4.50%	\$223,737.50
			\$10,004,894.19			
NET REVENUE FUND						
			\$1,235,576.45	Wilmington U.S. Treasury		
27-Mar-25	29-May-25	63	\$2,000,295.54	M&T Securities	4.17%	\$14,704.46
			\$3,235,871.99			

BSA 2021 EIB FUND

			\$324,902.08	Cash	0.00%	
14-Nov-24	8-May-25	175	\$32,615,964.44	Key Banc Capital	4.26%	\$690,035.56
12-Dec-24	5-Jun-25	175	\$9,982,955.78	M&T Securities	4.16%	\$206,044.22
19-Dec-24	5-Jun-25	168	\$10,101,004.00	M&T Securities	4.14%	\$198,996.00
			\$53,024,826.30			

DEBT RESERVE FUND**Series J**

02-Jul-14	13-Nov-33	7076	\$278,840.11	UST State/Local Govt	2.70%	
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Series K

02-Jul-14	15-Feb-33	6803	\$194,461.38	UST State/Local Govt	2.70%	
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Series L

12-Nov-15	1-Oct-35	7263	\$689,547.00	UST State/Local Govt	2.44%	
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Series M

27-Jun-14	1-May-44	10901	\$585,063.94	UST State/Local Govt	2.70%	
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Series N

15-Nov-12	15-Apr-32	7091	\$2,167,157.00	UST State/Local Govt	2.42%	
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EFC 2021

			\$3.14	Wilmington U.S. Treasury	4.79%	
13-Feb-25	7-Aug-25	175	\$358,563.08	M&T Securities	4.18%	\$7,436.92
			\$358,566.22			

DSF PRIN &INT**\$0.01**

Wilmington Fund

DSF 2021 EIB**\$1,412,747.88**

Wilmington Fund 4.79%

RECEIVE & FILEBoard Meeting of May 28th, 2025

2-B

INFORMATIVE: REALLOCATION OF FUNDS

The following budgetary transfers have been made to cover unforeseen shortages. These transfers do not change the total amount of the Buffalo Sewer Authority's operating budget.

Wastewater Treatment Plant

04/23/2025	00290105 AER Equipment Maint.	-\$50,340.00	00520106 MAIN Service & Equipment	\$50,340.00
04/24/2025	00200104 PLAN Travel Expenses	-\$8,300.00	00510107 LAB Operating Equipment	\$8,300.00
04/24/2025	00290106 AERATION Refuse Disposal	-\$16,000.00	00300103 BLOW Electric Light & Power	\$16,000.00
04/28/2025	00290105 AER Equipment Maint.	-\$6,591.60	00200106 PLAN Maint. Equipment	\$6,591.60
05/09/2025	00290105 AER Equipment Maint.	-\$567.42	00230105 GRIT Equipment Maint.	\$567.42

Industrial Waste

05/14/2025	00550106 IWS Eng and Tech	-\$343.00	00550105 IWS Small Tools	\$343.00
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Financial Contingency

04/24/2025	00800183 FIN Contingency	-\$2,800.00	00650108 SWRM Insurance	\$2,800.00
04/24/2025	00800183 FIN Contingency	-\$58,000.00	00200108 PLAN Insurance	\$58,000.00
04/28/2025	00800183 FIN Contingency	-\$4,000.00	00200107 PLAN Office Equipment	\$4,000.00
05/05/2025	00800183 FIN Contingency	-\$14,200.00	00200107 PLAN Office Equipment	\$14,200.00

RECEIVE & FILE

Board Meeting of May 28, 2025

2-C

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: Thomas Feeley filed a Notice of Claim for property damage to a 2013 Infiniti Sedan as a result of an automobile accident involving a Buffalo Sewer Authority vehicle that occurred on or about April 21, 2025.

WHEREAS: The General Counsel has reviewed this matter and recommends the final settlement amount of \$3039.37 is in the best interest of the Buffalo Sewer Authority.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the payment to Thomas Feeley in the final settlement amount of \$3,039.37 in full and complete settlement of this matter. This claim will be paid out of the Liability and Casualty Reserve Fund.

2-D

CONFIRMATION OF APPOINTMENTS

EQUIPMENT OPERATOR (PERMANENT)
SEWER MAINTENANCE DIVISION
\$25.26 PER HOUR
EFFECTIVE: MAY 19, 2025

MARCUS ALEXANDER
107 MAY ST.
BUFFALO, NY 14211

LABORER I (PERMANENT)
SEWER MAINTENANCE DIVISION
\$22.04 PER HOUR
EFFECTIVE: MAY 12, 2025

VINCENT RUSSO
66 STERLING AVE.
BUFFALO, NY 14216

LABORER I (PERMANENT)
SEWER MAINTENANCE DIVISION
\$22.04 PER HOUR
EFFECTIVE: MAY 12, 2025

DAMON TATE
225 LIBSON AVE
BUFFALO, NY 14215

LEGAL INVESTIGATOR (PROVISIONAL)
INDUSTRIAL WASTE DIVISION
\$66,478 PER ANNUM
EFFECTIVE: MAY 19, 2025

NICHOLAS JULIEN
155 AVERY AVE.
BUFFALO, NY 14216

SEWER CONSTRUCTION INSPECTOR (TEMPORARY)
ENGINEERING DIVISION
\$74,793 PER ANNUM
EFFECTIVE: MAY 26, 2025

SAMUEL LOZADA JR.
301 GERMANIA ST.
BUFFALO, NY 14220

SEWER MAINTENANCE SUPERVISOR I (PROVISIONAL)
SEWER MAINTENANCE DIVISION
\$68,247 PER ANNUM
EFFECTIVE: MARCH 19, 2025

ANDREW STRUG
16 CAMBRIA ST.
BUFFALO, NY 14206

WHEREAS: The preceding appointments were made by the Executive Secretary and Principal Sanitary Engineer since the last Board Meeting; and

WHEREAS: The Executive Secretary and Principal Sanitary Engineer 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.

2-E

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:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Crystalee Lozada	Empire State University	Intro Race, Class & Gender	75%	\$928.25
Crystalee Lozada	Empire State University	Statistics	90%	\$1,190.99

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$2,119.24. These Reimbursements will be charged to account no. 00100106-421026.

ITEM NO. 3

ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2025-2026"

- WHEREAS: The Buffalo Sewer Authority, in the meeting of April 9, 2025, adopted a proposed "Schedule of Sewer Rents and Other Charges for 2025-2026" and authorized the publication of this notice, commencing April 11, 2025, once a week for three (3) consecutive weeks, in the City Record and Buffalo News; and
- WHEREAS: The thirty-day period for inspection of the Schedule, and the filing of, has now expired, and no protest were filed; and
- WHEREAS: It is now in order to adopt the "Final Schedule of Sewer Rents and Other Charges for 2025-2026"; and
- WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2025-2026" increases to the levy of sewer rents based on the assessed value of property to \$29,900,000; and
- WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2025-2026" includes a three-percent Consumer Price Index adjustment to all sewer rents based on the use of water; and
- WHEREAS: With the goal of providing the citizens of the City of Buffalo with equitable and affordable water resources, the "Schedule of Sewer Rents and Other Charges" continues to include low-income and senior discount programs.
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby adopts the "Final Schedule of Sewer Rents and Other Charges for 2025-2026".

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MR. ROOSEVELT</u>		
2 ND BY	<u>MR. SOLE</u>		
AYES	<u>5</u>	NOES	<u>0</u>

Board Meeting of May 28, 2025

ITEM NO. 4

CONTRACT APPROVAL - AUDIT AND ACCOUNTING SERVICES

WHEREAS: The use of independent Certified Public Accountants is necessary in order that the Buffalo Sewer Authority submits financial statements in accordance with generally accepted auditing standards, prepares an Annual Comprehensive Financial Report for submission to the New York State Comptroller, to meet requirements of the Amended & Restated Bond Resolution, and develops accurate cost allocation schedules of operations at the Bird Island Treatment Facility; and

WHEREAS: Drescher & Malecki LLP, Certified Public Accountants, has proposed to extend their service contract with the Buffalo Sewer Authority for accounting and auditing services for a one-year period, beginning July 1, 2025, for a fee not to exceed \$47,430.00, to prepare a federal single audit for a fee not to exceed \$4,590.00, to prepare an accountant's certificate for a fee not to exceed \$1,075.00, and to prepare a cost allocation schedule for a fee not to exceed \$5,300.00. The cost for these services remains the same as last fiscal year's contract; and

WHEREAS: The Board of the Buffalo Sewer Authority recommends renewing this contract for the fiscal year beginning July 1, 2025.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Chairman of the Board to enter into an agreement with Drescher & Malecki LLP, Certified Public Accountants, to perform auditing services for a cost not to exceed \$58,395.00, for the period July 1, 2025 through June 30, 2026. Account nos. 00110106-432001 and account no. 00550106-432001 will be charged for these services.

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MR. SOLE</u>		
2 ND BY	<u>DR. CAULFIELD</u>		
AYES	<u>5</u>	NOES	<u>0</u>

Board Meeting of May 28, 2025

ITEM NO. 5

REPORT ON BIDS RECEIVED - FOR THE PURCHASE OF SODIUM HYPOCHLORITE

WHEREAS: Formal bids were advertised and solicited for purchase of Sodium Hypochlorite at the Bird Island Treatment Facility. The following bids were received and opened by the Buffalo Sewer Authority on April 23, 2025:

VENDOR	COST PER GALLON	TOTAL ANNUAL COST (based on est. qty. of 1,100,000 gallons)
BISON LABORATORIES, INC.	\$1.597	\$1,756,700.00
KUEHNE CHEMICAL CO, INC.	NO	BID
JCI JONES CHEMICALS, INC.	\$1.630	\$1,793,000.00

; and

WHEREAS: The Treatment Plant Superintendent and staff reviewed the quotes received and recommend the purchase be awarded to the lowest bidder, Bison Laboratories, Inc., at a total cost not to exceed \$1,756,700.00; and

WHEREAS: Board approval is required on purchases over \$35,000.00

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to purchase Sodium Hypochlorite from Bison Laboratories, Inc., in the amount not to exceed \$1,756,700.00. This purchase will be charged to account no. 00330105-467044.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MR. SOLE

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 6

REPORT ON BIDS RECEIVED - FOR THE PURCHASE OF FERROUS CHLORIDE

WHEREAS: Formal bids were advertised and solicited for purchase of Ferrous Chloride at the Bird Island Treatment Facility. The following bids were received and opened by the Buffalo Sewer Authority on April 23, 2025:

VENDOR	COST PER GALLON	TOTAL ANNUAL COST (based on est. qty. of 320,000 gallons)
KEMIRA WATER SOLUTIONS	\$0.967	\$309,440.00
PENCCO, INC.	NO	BID
PVS CHEMICALS	NO	BID

; and

WHEREAS: The Treatment Plant Superintendent and staff reviewed the quote received and recommend the purchase be awarded to the only bidder, Kemira Water Solutions, at a total cost not to exceed \$309,440.00.; and

WHEREAS: Board approval is required on purchases over \$35,000.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to purchase ferrous chloride from Kemira Water Solutions, in the amount not to exceed \$309,440.00. This purchase will be charged to account no. 00360105-467044.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MS. YOUNG -WATKINS

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 7

CHANGE ORDER NO. 1 – GRIT REMOVAL SYSTEM IMPROVEMENTS PROJECT
CONTRACT NO 82000037

CONTRACTOR:	ORIGINAL CONTRACT COST	\$884,000.00
Quackenbush Inc.	PREVIOUS CHANGE ORDER	N/A
495 Kennedy Drive	THIS CHANGE ORDER	<u>(\$21,110.86)</u>
Buffalo, New York 14227	ADJUSTED CONTRACT COST	\$862,889.14

WORK: Deduction Change Order for unused allowance items on the Grit Removal System Upgrades

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Deduction Change Order for unused allowance items on the Grit Removal System Improvements

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The original contract consisted of an \$80,000.00 contingency allowance to be used to cover unforeseen issues and concerns related to the project. \$58,889.14 was used for controls integration not covered in the original scope, thereby leaving \$21,110.86 unused.

COST OF CHANGE OR EXTRA WORK:

Item #1 (\$21,110.86)

The total decrease to the contract as a result of this Change Order is \$21,110.86

WHEREAS: In Item 20 on July 28, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Quackenbush Inc., for Bird Island Grit Removal System Improvements project at a cost not to exceed \$884,000.00; and

WHEREAS The Project consulting Engineer, Arcadis, has certified that the contractor completed the work in accordance with the plans and specifications on May 28, 2025, and that \$21,110.86 remains unspent in this contract and that a deduct change order in this amount is therefore appropriate and the Senior Instrument Technician and staff concurs; and

CONTRACT SUPPLEMENT CONDITIONS:

1. 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. 1 to Contract No. 82000037 as written in the above Agenda Item, decreasing the contract cost in the amount of \$21,110.86, making the adjusted contract cost \$862,889.14.

MOTION TO APPROVE

MADE BY MR. SOLE

2ND BY DR. CAULFIELD

AYES 5 NOES 0

Board Meeting of May 28,2025

ITEM NO. 8

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY GRIT REMOVAL SYSTEM IMPROVEMENTS PROJECT CONTRACT 82000037

PROJECT: Bird Island Grit Removal System Improvements

BID: \$884,000.00

CONTRACTOR: Quackenbush, Inc.
495 Kennedy
Buffalo, NY 14227

WHEREAS: In Item 20 on July 28, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Quackenbush Inc., for Bird Island Grit Removal System Improvements project at a cost not to exceed \$884,000.00;

WHEREAS: In item 7 of the May 28th, 2025 Board meeting, the Board of the Buffalo Sewer Authority authorized a deduction Change Order #1 in the amount of \$21,110.86, making the adjusted contract cost \$862,889.14; and

WHEREAS The Project consulting Engineer, Arcadis, has certified that the contractor completed the work in accordance with the plans and specifications on May 28, 2025, the Buffalo Sewer Authority Capital Improvement Project staff concurs; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- a. The work to be performed under the terms of the Contract has been complete and is accepted;
- b. The date of entrance and occupancy be fixed as of May 28, 2025;
- c. The final cost of the Contract is \$862,889.14.

MOTION TO APPROVE

MADE BY MR. SOLE

2ND BY DR. CAULFIELD

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 9

REPORTS ON BIDS RECEIVED- PURCHASE OF VARIOUS GRAY CAST IRON CASTINGS

WHEREAS: Formal bids were advertised and solicited for the purchase of the following various gray cast iron castings:
(125) Standard manhole frame & cover set in accordance with specifications & as specified in the BSA drawing; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on May 14, 2025:

Vendor	Total Cost:
EJ USA Inc.	\$73,475.00
Ferguson Enterprise LLC	NO RESPONSE
Neenah Foundry	\$91,625.00

; and

WHEREAS: The Director of Sewer Maintenance and staff reviewed the quotes received and recommend awarding the entire purchase to the lowest bidder, EJ USA Inc., at a total cost of \$73,475.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to purchase the above listed various gray cast iron castings from EJ USA Inc., at a total cost of \$73,475.00. This purchase will be charged to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MR. SOLE

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 10

REPORT ON BIDS RECEIVED - PURCHASE OF VARIOUS NEW & UNUSED STEEL PRODUCTS

WHEREAS: Formal bids were advertised and solicited for the purchase of the following various steel products:

1. (20) Receiver Bottom Section w/slide; STANDARD; Dark
2. (50) Receiver Top Section; 6 inch; Steel; Dark
3. (10) Receiver Top Section; 12 inch; Steel; Dark
4. (10) Receiver Top Section; 16 inch; Steel; Dark
5. (30) Curb Box; 4 inch; Steel; Dark
6. (30) Curb Box; 5 inch; Steel; Dark
7. (75) Curb Box; 6 inch; Steel; Dark
8. (50) Curb Box; 7 inch; Steel; Dark
9. (50) Curb Box; 8 inch; Steel; Dark
10. (30) McConnell Curb Box, Steel, 23 Inch X 9 Inch, 7 Inch Reveal
11. (30) McConnell Curb Box, Steel, 23 Inch X 10 Inch, 8 Inch Reveal

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on May 14, 2025 at 2:00 PM:

Vendor	Cost
Melius Welding	\$116,675.00
EJ USA	\$130,007.15

; and

WHEREAS: The Director of Sewer Maintenance and staff carefully reviewed the quotes received for each item needed and recommend awarding the entire purchase to the low bidder, Melius Welding, at a total cost of \$116,675.00; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to purchase the above listed various steel products from the low bidder, Melius Welding at a total cost of \$116,675.00. These purchases will be charged to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MR. SOLE

AYES 3 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 11

REPORT ON BIDS RECEIVED - FORMAL BID TABULATION FOR THE REMOVAL AND DISPOSAL OF MISCELLANEOUS CONSTRUCTION DEBRIS

WHEREAS: Formal bids were advertised and solicited for the Removal and Disposal of Miscellaneous Construction Debris for a one-year period, July 1, 2025 to June 30, 2026, with an option to renew for four (4) one-year periods; and

WHEREAS: The following bids were received and opened by the Purchasing Department on, April 23, 2025 at 2:00 PM:

VENDOR	Price Per Ton (Approx. 2,000 tons)	Total Annual Cost
Modern Disposal Services, Inc	\$95.00	\$190,000.00
NOVA Technologies	NO	BID
Waste Management	\$64.00	\$128,000.00

; and

WHEREAS: The Director of Sewer Maintenance, and staff reviewed the quote received and recommend this service be awarded to Waste Management, at a total cost not to exceed \$128,000.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to enter into a contract with Waste Management, to provide the removal and disposal of miscellaneous construction debris beginning on July 1, 2025 to June 30, 2026, with an option to renew for four (4) one-year periods, at an annual cost not to exceed \$ 128,000.00 Expenses for this contract will be charged to account no. 00660106-442100 .

MOTION TO APPROVE

MADE BY MR. SOLE

2ND BY DR. CAULFIELD

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 12

EXTENSION OF THE CONTRACT FOR THE IN-PLANT EQUIPMENT MAINTENANCE SERVICES

WHEREAS: On June 28, 2023, the Board of the Buffalo Sewer Authority awarded a contract to Hohl Industrial Services, for In-Plant Equipment Services at a total cost not to exceed \$2,315,867.00 for the fiscal year 2023–2024, with an option to renew for four (4) one-year periods; and

WHEREAS: On May 29, 2024, the Board authorized the extension of this contract with Hohl Industrial Services, for one (1) additional year under the same terms and conditions for fiscal year 2024–2025; and

WHEREAS: Hohl Industrial Services, has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2025–2026; and

WHEREAS: The Superintendent of Mechanical Maintenance and staff recommend this extension at a total cost not to exceed \$2,315,867.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to renew the contract with Hohl Industrial Services, for In-Plant Equipment Services for the period of July 1, 2025–June 30, 2026, at a total cost not to exceed \$2,315,867.00. Expenses for this contract will be charged to Account No. 00520106-443421.

MOTION TO APPROVE

MADE BY MR. SOLE

2ND BY MS. YOUNG -WATKINS

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 13

**AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR CONTINUATION OF A
THIRD PARTY GREEN INFRASTRUCTURE STEWARDSHIP SERVICE PROGRAM**

- WHEREAS: To continue to meet the needs of the Division of Green Infrastructure Maintenance, along with expanding the workforce development program scope to support facility maintenance and operation needs, the Buffalo Sewer Authority sent out request for proposals (RFP) for a one-year period (July 1, 2025-June 30, 2026), with an option to renew for four (4) one-year periods; and
- WHEREAS: The RFP was issued to multiple organizations including PUSH Buffalo, PowerCorpsPHL, Buffalo Center for Health Equity, The Buffalo Urban League, and The Service Collaborative of WNY; and
- WHEREAS: The Service Collaborative of WNY provided the only response to the RFP by the specified deadline of 3:00 PM April 17, 2025; and
- WHEREAS: On April 25, 2025, the AmeriCorps agency terminated \$400 million in grants nationwide including one upon which the Service Collaborative of WNY intended to rely to provide services under their original proposal; and
- WHEREAS: In recognition of the extraordinary circumstances and the status of the Service Collaborative of WNY as the sole proposal, a revised proposal reflecting the removal of this federal funding was requested; and
- WHEREAS: The Service Collaborative of WNY resubmitted their proposal dated May 7, 2025; and
- WHEREAS: Based upon the review of the proposal dated May 7, 2025, the Executive Secretary, the Principal Sanitary Engineer and the Superintendent of Mechanical Maintenance recommend retaining The Service Collaborative of WNY to administer the Green Infrastructure Stewardship Service Program as outlined in the RFP at an agreed upon cost not to exceed \$350,000.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to execute an agreement with The Service Collaborative of WNY, at a total cost not to exceed \$350,000.00, to administer the Green Infrastructure Water Equity Ambassador Stewardship Service Program as defined in the proposal dated May 7, 2025, for a one-year period (July 1, 2025-June 30, 2026), with an option to renew for four (4) one-year periods. These services will be charged to account no. 00520106-432004.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 14

CHANGE ORDER NO. 1 – CONTRACT NO. 82000082**CONTRACTOR:**

Wendel WD Architecture, Engineering,
 Surveying & Landscape Architecture P.C
 375 Essjay Road Suite 200
 Williamsville, NY 14221

ORIGINAL CONTRACT COST	\$289,000.00
THIS CHANGE ORDER	\$64,650.00
ADJUSTED CONTRACT COST	\$353,650.00

WORK: Hennepin Park Green Infrastructure

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional subconsultant coordination and design effort

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Additional meetings, coordination and reporting with the geotechnical subconsultant

Item #2 Additional design effort to incorporate the replacement of the basketball court located in the park and drainage systems for the playground and basketball court, including additional coordination, meetings and reviews with the Department of Public Works Parks Department

Item #3 Additional public outreach meetings

COST OF CHANGE ORDER NO. 1:

Item #1, 2, 3 \$64,650.00

THE TOTAL COST OF CHANGE ORDER NO 1: \$64,650.00

WHEREAS: In Item No. 31, on June 26, 2024 the Board approved the Authorization to Enter Into An Agreement with Wendel Companies, Inc., For Professional Engineering Services; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for Change Order No. 1 to Contract No. 82000082 in the amount of \$64,650.00 as detailed above and recommend its approval.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000082 as written in the above Agenda Item, increasing the contract cost in the amount of \$64,650.00, making the adjusted contract cost \$353,650.00. Expenses from this contract will be funded from Account No. 02000587-432004.

MOTION TO REMOVE FROM TABLE

MADE BY MR. SOLE

2ND BY DR. CAULFIELD

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 15

CHANGE ORDER NO. 1 – CONTRACT NO. 82000082**CONTRACTOR:**

Wendel WD Architecture, Engineering,
 Surveying & Landscape Architecture P.C
 375 Essjay Road Suite 200
 Williamsville, NY 14221

ORIGINAL CONTRACT COST	\$289,000.00
THIS CHANGE ORDER	<u>\$64,650.00</u>
ADJUSTED CONTRACT COST	\$353,650.00

VENDOR#	10683	ACCOUNT#	02000587-432004
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WORK: Hennepin Park Green Infrastructure

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Four additional stakeholder coordination with Buffalo Niagara Regional Transportation Council, City of Buffalo Department of Public Works, and community members.

Item #2 Advance three (3) soil borings, utilizing hollow stem augers, to an estimated depth of 16 feet each, or to practical refusal, whichever is less.

Perform soil sampling and Standard Penetration Testing (SPT), Sampling will be performed continuously throughout the full depth of the borings.

Install groundwater monitoring well within each of the three boreholes. The wells will be constructed with 2-inch PVC slotted screen and riser pipe. A flush-mounted cover will be installed at the surface of each well. Obtain water level depth measurements at approximate 6 week intervals for one year.

Reporting Prepare a Data Report to include the following:

- Boring Location Plan and Site Location Map
- Description of subsurface investigation and sampling methodology
- Description of subsurface soil and groundwater conditions
- Computer-generated soil boring logs with laboratory classifications, subsurface stratigraphy, SPT observations, and groundwater observations
- Laboratory test results
- Summary of groundwater depth measurements with a recommended design groundwater elevation

Item #3 Additional design effort to incorporate the replacement of the basketball court located in the park and appurtenances associated with the replacement including:

- Layout for basketball court including dimensions and striping.
- Grading and drainage for court to be conveyed to proposed underground stormwater system.

Coordination, meetings and reviews with Parks Department on improvements.

- Preparation of technical specifications.
- Preparation of opinion of probable cost estimate.
- Review of submittals for court appurtenances

Item #4

Additional design effort to incorporate playground improvements

- Design of drainage system to accommodate request for improvements to existing playground area located in the central portion of the park.
- Incorporation of runoff into drainage model.
- Coordination, meetings and reviews with Department of Public Works

Item #5

Preparation of required additional drawings, technical specifications, and engineer's estimate.

REASON FOR CHANGE OR EXTRA WORK:

Item #1

Consultant's attendance at four additional stakeholder meetings with the Buffalo Niagara Regional Transportation Council to ensure public buy-in and coordination with other infrastructure investments are required together with preparation for and documentation of these meetings.

Item #2

Groundwater monitoring wells and additional soil borings are required to establish seasonal changes, the ability of the subsurface to retain additional groundwater and the need to drain surplus groundwater to ensure intended recreational use of the park can be enhanced.

Item #3

Additional design effort to incorporate the replacement of the basketball court located in the park and drainage systems for the playground and basketball court, including additional coordination, meetings and reviews with the City of Buffalo Department of Public Works are required to ensure the system is maintained long-term and provides a sustainable community benefit.

Item #4

Advanced design of drainage system to accommodate improvements to playground area, incorporation of runoff into drainage model, and preparation of cost estimate for work together with coordination regarding advanced design with the City of Buffalo Department of Public Works is similarly required to ensure project serves community needs and provides a long-term stormwater management need.

Item #5

Preparation of additional final drawings, specifications, final estimate and incorporation of City of Buffalo Department of Public Works comments into these documents is also required for this additional work.

COST OF CHANGE ORDER NO. 1:

Item #1	\$5,000.00
Item #2	\$11,500.00
Item #3	\$33,500.00
Item #4	\$10,150.00
Item #5	\$4,500.00

THE TOTAL COST OF CHANGE ORDER NO 1: \$64,650.00

- WHEREAS: The Board of the Buffalo Sewer Authority pre-qualified engineering, landscape architecture, urban design, and planning firms for delivery of green infrastructure capital improvement projects on September 30, 2020, in preparation for the issuance of the Environmental Impact Bond; and
- WHEREAS: In Item No. 31, on June 26, 2024, the Board approved the Authorization to enter into an Agreement with Wendel Companies, Inc., for Professional Engineering Services for the design of Hennepin Park Green Infrastructure as work under this pre-qualification; and
- WHEREAS: In response to a request for a change order proposal on the basis of additional work identified through the preliminary and detailed design phase from Buffalo Sewer Authority and the Green Infrastructure Program Manager, Stantec, Wendel Companies, Inc. provided a proposal in the amount of \$64,650.00 as detailed above; and
- WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for Change Order No. 1 to Contract No. 82000082 in the amount of \$64,650.00 as detailed above and recommend its approval.
- WHEREAS: Due to time constraints, members of the Board were individually polled on May 8, 2025, and authorized acceptance of this proposal; 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 approves Change Order No. 1 to Contract No. 82000082 as written in the above Agenda Item, increasing the contract cost in the amount of \$64,650.00, making the adjusted contract cost \$353,650.00. Expenses from this contract will be funded from Account No. 02000587-432004.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MS. YOUNG - WATKINS

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 16

CHANGE ORDER NO. 1 – CONTRACT NO. 82000069**CONTRACTOR:**

Watts Architecture & Engineering D.P.C.	ORIGINAL CONTRACT COST	\$635,379.00
95 Perry Street Suite 300	THIS CHANGE ORDER	<u>\$666,423.47</u>
Buffalo, NY 14203	ADJUSTED CONTRACT COST	\$1,301,802.47

WORK: Smart Sewer & Water Replacement Phase II (Fillmore District)

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1	Smart Sewer & Water Replacement Phase II (Fillmore District)
Item #2	Parks Package 2
Item #3	Parks Package 3
Item #4	Right-of-Way Package 7

REASON FOR CHANGE OR EXTRA WORK:

Item #1	The original scope of the Smart Sewer & Water Replacement Phase II (Fillmore District) has been modified.
Item #2	The consultant will perform professional engineering services for the Green Infrastructure Parks Package 2 Project under the Environmental Impact Bond Rain Check 2.0 Program.
Item #3	The consultant will perform professional engineering services for the Green Infrastructure Parks Package 3 Project under the Environmental Impact Bond Rain Check 2.0 Program.
Item #4	The consultant will perform professional engineering services for the Green Infrastructure Right-of-Way Package 7 Project under the Environmental Impact Bond Rain Check 2.0 Program.

COST OF CHANGE ORDER NO. 1:

Item #1	(\$625,581.53)
Item #2	\$301,400.00
Item #3	\$625,350.00
Item #4	\$365,255.00

THE TOTAL COST OF CHANGE ORDER NO 1: \$666,423.47

WHEREAS: In Item No. 22, on July 26, 2023 the Board approved the Authorization to Enter Into An Agreement with Watts Architecture & Engineering D.P.C., For Professional Engineering Services; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for Change Order No. 1 to Contract No. 82000096 in the amount of \$666,423.47 as detailed above and recommend its approval.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000096 as written in the above Agenda Item, increasing the contract cost in the amount of \$666,423.47, making the adjusted contract cost \$1,301,802.47. Expenses from this contract will be funded from Account No. 02000572-432004.

MOTION TO	<u>REMOVE FROM TABLE</u>
MADE BY	<u>MR. SOLE</u>
2 ND BY	<u>DR. CAULFIELD</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of May 28, 2025

ITEM NO. 17

CHANGE ORDER NO. 1 – CONTRACT NO. 82000069**CONTRACTOR:**

Watts Architecture & Engineering D.P.C.
 95 Perry Street Suite 300
 Buffalo, NY 14203

ORIGINAL CONTRACT COST	\$635,379.00
THIS CHANGE ORDER	<u>\$666,423.47</u>
ADJUSTED CONTRACT COST	\$1,301,802.47

VENDOR #1107

ACCOUNT #02000572-432004

WORK: Smart Sewer & Water Replacement Phase II (Fillmore District)

DESCRIPTION OF CHANGE OR EXTRA WORK:

- | | |
|---------|--|
| Item #1 | Removal of Fillmore District (Smart Sewer & Water Replacement Phase II) Design: Howard Street from Fillmore Avenue to Coit Street and Oneida Street from Lord Street to Emslie Street from Scope of Work |
| Item #2 | Addition of Professional Engineering Services for the preliminary and detailed design including survey, geotechnical, community outreach, and permitting, bidding phase services, and construction phase services for Parks Package 2 (Eddie Dawson Park, Genesee Gateway Triangle, Lincoln Park, and Martin Luther King Jr. Park) |
| Item #3 | Addition of Professional Engineering Services for the preliminary and detailed design including survey, geotechnical, community outreach, and permitting, bidding phase services, and construction phase services for Parks Package 3 (Glenny Park, Schiller Park, Mary Jane Sloan Park, and Hank Nowak Park) |
| Item #4 | Addition of Professional Engineering Services for the preliminary and detailed design including survey, geotechnical, community outreach, and permitting, bidding phase services, and construction phase services for public Right-of-Way Package 7 (Appendix C) |

REASON FOR CHANGE OR EXTRA WORK:

- | | |
|---------|--|
| Item #1 | The original scope of work was found to be infeasible without significant supplemental funding to the Environmental Impact Bond (EIB) due to the limited impervious surface capture and high cost of construction relative to this capture, a stop work order was therefore issued for this work shortly after it had commenced, however, Watts was still determined to be one of the few qualified engineering firms able to provide green infrastructure designs under the EIB and it was therefore useful to keep funding allocated to this contract. |
|---------|--|

- Item #2 Design phase through construction phase engineering services are required for Parks Package 2 in furtherance of a \$8.75 million New York State Environmental Facilities Corporation Green Resiliency Grant to manage 5.5 acres of impervious surfaces within park lands and abate localized flooding using Environmental Impact Bond funding for a local match and Watts has been identified as the best available consultant for this work.
- Item #3 Design phase through construction phase engineering services are required for Parks Package 3 to manage 4.8 acres of impervious surfaces within park lands and abate localized flooding using Environmental Impact Bond funding and Watts has been identified as the best available consultant for this work.
- Item #4 Watts, a registered Minority Owned Business with offices in the City of Buffalo has expressed availability and been deemed competent to provide professional engineering services for the management of 12.6 acres of impervious surface utilizing green infrastructure within the public right-of-way in furtherance of the Environmental Impact Bond.

COST OF CHANGE ORDER NO. 1:

Item #1	(\$625,581.53)
Item #2	\$301,400.00
Item #3	\$365,255.00
Item #4	\$625,350.00

THE TOTAL COST OF CHANGE ORDER NO 1: \$666,423.47

- WHEREAS: On May 16, 2019, the Buffalo Sewer Authority issued the RainCheck 2.0 Opportunity Report identifying six combined sanitary sewage and stormwater discharge points and contributing areas (combined sewersheds) in which the treatment and detention of stormwater from 200 acres of impervious surface should be prioritized; and
- WHEREAS: On June 1, 2020, the Buffalo Sewer Authority issued a request for qualifications (RFQ) based on the RainCheck 2.0 Opportunity Report for professional services for landscape architecture, engineering, architecture, planning, urban design, and other related fields; and
- WHEREAS: A total of fifty firms replied to the RFQ by July 1, 2020, and the qualifications of each to provide these various services were reviewed and rated by a selection committee appointed by the General Manger; and
- WHEREAS: The Board of the Buffalo Sewer Authority approved the qualifications for twenty-two firms to provide various professional services in association with RainCheck 2.0 and the management of 200 acres of impervious surface within the six designated combined sewersheds on September 30, 2020; and

- WHEREAS: Among the twenty-two firms so designated, AKRF, Arcadis, Stantec, Watts, and Wendel Companies have been found to have capacity to provide professional engineering design services at this time; and
- WHEREAS: Arcadis has been designated as the third-party verifier for all work completed under this authorization and is therefore unable to provide professional engineering design services for the RainCheck 2.0 scope of work; and
- WHEREAS: On June 3, 2021, the Board of the Buffalo Sewer Authority approved the issuance of the Environmental Impact Bond (EIB) which required the completion of 200 acres of impervious surface management utilizing green infrastructure as specified in the RainCheck 2.0 report by June 15, 2028 to ensure best terms for this bond; and
- WHEREAS: In Item No. 22, on July 26, 2023 the Board approved the Authorization to Enter Into An Agreement with Watts for Professional Engineering Services for Removal of Fillmore District (Smart Sewer & Water Replacement Phase II) Design: Howard Street from Fillmore Avenue to Coit Street and Oneida Street from Lord Street to Emslie Street with the intention being to use American Rescue Plan Act (ARPA) funds to conduct comprehensive water and wastewater utility replacements together with installation of porous pavement; and
- Shortly after finalization of the contract with Watts for professional engineering services, Buffalo Sewer Authority was informed by the City of Buffalo that ARPA funds would not be provided to the Authority for this work and evaluation of the impervious area capture provided by this work relative to the cost of construction would not meet the terms of the EIB and a stop work order was issued; and
- WHEREAS: The Buffalo Sewer Authority together with Stantec as Green Infrastructure Program Manager have determined that a total of fourteen work packages including one for projects within the Buffalo Municipal Housing Authority's sites, three for projects within City of Buffalo Parks, one within The Buffalo Public Schools' properties, and nine for projects within the City of Buffalo public right of way of various streets upon completion of construction will meet the terms of the EIB and the intent of the RainCheck 2.0 report; and
- WHEREAS: Watts was asked to submit a proposal for delivery of professional engineering services in support of the Parks Packages 2 and 3 sites and the Right-of-Way Package 7 sites which upon completion are estimated to manage a total of approximately 22.9 acres of impervious surface within public areas throughout the six combined sewersheds identified in the RainCheck 2.0 report; and
- WHEREAS: Watts submitted a proposal for Change Order #1 to Contract No. 82000069 in the amount of \$666,423.47 as detailed above; and

WHEREAS: Stantec and the Principal Sanitary Engineer and staff have reviewed this proposal and recommend its approval.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000096 as written in the above Agenda Item, increasing the contract cost in the amount of \$666,423.47, making the adjusted contract cost \$1,301,802.47. Expenses from this contract will be funded from Account No. 02000572-432004.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MS. YOUNG – WATKINS

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 18

CHANGE ORDER NO. 1 – CONTRACT NO. 82000071**CONTRACTOR:**

AKRF, Inc.
440 Park Avenue South
New York, NY 10016

ORIGINAL CONTRACT COST	\$635,894.00
THIS CHANGE ORDER	<u>\$1,628,681.00</u>
ADJUSTED CONTRACT COST	\$2,264,575.00

WORK: Smart Sewer & Water Replacement Phase III (Lovejoy District)

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1	Smart Sewer & Water Replacement Phase III (Lovejoy District)
Item #2	Buffalo Municipal Housing Authority (BMHA) Package

REASON FOR CHANGE OR EXTRA WORK:

Item #1	The original scope of the Smart Sewer & Water Replacement Phase III (Lovejoy District) has been modified.
Item #2	The consultant will perform professional engineering services for the Green Infrastructure BMHA Package Project under the Environmental Impact Bond Rain Check 2.0 Program.

COST OF CHANGE ORDER NO. 1:

Item #1	(\$635,894.00)
Item #2	\$2,264,575.00

THE TOTAL COST OF CHANGE ORDER NO 1: \$1,628,681.00

WHEREAS: In Item No. 23, on July 26, 2023 the Board approved the Authorization to Enter Into An Agreement with AKRF, Inc., For Professional Engineering Services; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for Change Order No. 1 to Contract No. 82000071 in the amount of \$1,628,681.00 as detailed above and recommend its approval.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000071 as written in the above Agenda Item, increasing the contract cost in the amount of \$1,628,681.00, making the adjusted contract cost \$2,264,575.00. Expenses from this contract will be funded from Account No. 02000573-432004.

MOTION TO REMOVE FROM TABLE

MADE BY MS .YOUNG - WATKINS

2ND BY DR. CAULFIELD

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 19

CHANGE ORDER NO. 1 – CONTRACT NO. 82000071

CONTRACTOR:

AKRF, Inc.
440 Park Avenue South
New York, NY 10016

ORIGINAL CONTRACT COST	\$635,894.00
THIS CHANGE ORDER	<u>\$1,628,681.00</u>
ADJUSTED CONTRACT COST	\$2,264,575.00

VENDOR# 3600

ACCOUNT # 02000573-432004

WORK: Smart Sewer & Water Replacement Phase III (Lovejoy District)

DESCRIPTION OF CHANGE OR EXTRA WORK:

- | | |
|---------|---|
| Item #1 | Removal of Lovejoy District (Smart Sewer & Water Replacement Phase III) Design: Academy Road from Walden Avenue to Doat Street and Wex Avenue from West Shore Avenue to Walden Avenue from Scope of Work |
| Item #2 | Addition of Project Management and Coordination for Buffalo Municipal Housing Authority (BMHA) sites (Ferry Grider and Kenfield/Langfield) and the surrounding public right of way providing for approximately 38.1 acres of impervious surface capture |
| Item #3 | Addition of Survey and Utility Location for BMHA sites |
| Item #4 | Addition of Geotechnical Investigation for BMHA sites |
| Item #5 | Addition of State Environmental Quality Review for BMHA sites |
| Item #6 | Addition of Interim and Final Design including Permitting Services for BMHA sites |
| Item #7 | Addition of Bidding and Pre-Construction Services for BMHA sites |
| Item #8 | Addition of Construction Phase Services for BMHA sites |
| Item #9 | Contingency for Additional Professional Engineering Services for BMHA sites |

REASON FOR CHANGE OR EXTRA WORK:

- | | |
|---------|--|
| Item #1 | The original scope of work was found to be infeasible without significant supplemental funding to the Environmental Impact Bond (EIB) due to the high cost of construction relative to the impervious area capture and a stop work order was therefore issued for this work; and |
|---------|--|

- Item #2 After the infeasibility of the original scope of work was identified, a new scope of work for the installation of green infrastructure improvements including porous asphalt and stormwater tree trenches within BMHA properties was identified and project management and coordination services were identified as a necessary component of this new work; and
- Item #3 To ensure conflicts with underground public and private utilities are properly identified early in design, ground penetrating radar, topographic, and utility survey services were identified as being a necessary component of the BMHA green infrastructure engineering work; and
- Item #4 To ensure the proper functionality of the proposed green infrastructure improvements within the BMHA sites, it is necessary to conduct geotechnical investigations to establish the level of the existing groundwater table, bedrock level, and the ability of the soil to absorb water; and
- Item #5 State Environmental Quality Review is required under New York State law for the scope of work proposed for the BMHA sites; and
- Item #6 Interim and final design including permitting services for the BMHA sites will provide for the ability to issue bid documents to potential contractors in accordance with public procurement laws and have been identified as a necessary component of these new engineering services; and
- Item #7 Bidding services for the BMHA sites will provide for issuance of plans and specifications for bidding, attendance at a public bid opening, review of bids for completeness and conformance, and recommendation for award together with a certified bid tabulation and have been identified as a necessary component of these new engineering services; and
- Item #8 Construction phase service for the BMHA sites will include the review of shop drawings, requests for information, and change order requests from the construction contractors and have been identified as necessary services; and
- Item #9 It is expected that there may be some unanticipated engineering services associated with the BMHA sites.

COST OF CHANGE ORDER NO. 1:

Item #1	(\$635,894.00)
Item #2	\$48,200.00
Item #3	\$284,660.00
Item #4	\$158,821.00
Item #5	\$19,600.00
Item #6	\$1,560,248.00
Item #7	\$25,210.00
Item #8	\$50,000.00
Item #9	\$117,836.00

THE TOTAL COST OF CHANGE ORDER NO 1: \$1,628,681.00

WHEREAS: On May 16, 2019, the Buffalo Sewer Authority issued the RainCheck 2.0 Opportunity Report identifying six combined sanitary sewage and stormwater discharge points and contributing areas (combined sewersheds) in which the treatment and detention of stormwater from 200 acres of impervious surface should be prioritized; and

WHEREAS: On June 1, 2020, the Buffalo Sewer Authority issued a request for qualifications (RFQ) based on the RainCheck 2.0 Opportunity Report for professional services for landscape architecture, engineering, architecture, planning, urban design, and other related fields; and

WHEREAS: A total of fifty firms replied to the RFQ by July 1, 2020, and the qualifications of each to provide these various services were reviewed and rated by a selection committee appointed by the General Manger; and

WHEREAS: The Board of the Buffalo Sewer Authority approved the qualifications for twenty-two firms to provide various professional services in association with RainCheck 2.0 and the management of 200 acres of impervious surface within the six designated combined sewersheds on September 30, 2020; and

WHEREAS: Among the twenty-two firms so designated, AKRF, Arcadis, Stantec, Watts, and Wendel Companies have been found to have capacity to provide professional engineering design services at this time; and

WHEREAS: Arcadis has been designated as the third-party verifier for all work completed under this authorization and is therefore unable to provide professional engineering design services for the RainCheck 2.0 scope of work; and

WHEREAS: On June 3, 2021, the Board of the Buffalo Sewer Authority approved the issuance of the Environmental Impact Bond (EIB) which required the completion of 200 acres of impervious surface management utilizing green infrastructure as specified in the RainCheck 2.0 report by June 15, 2028 to ensure best terms for this bond; and

WHEREAS: In Item No. 23, on July 26, 2023 the Board approved the Authorization to Enter Into An Agreement with AKRF, Inc., for Professional Engineering Services for Lovejoy District (Smart Sewer & Water Replacement Phase III) Design: Academy Road from Walden Avenue to Doat Street and Wex Avenue from West Shore Avenue to Walden Avenue with the intention being to use American Rescue Plan Act (ARPA) funds to conduct comprehensive water and wastewater utility replacements together with installation of porous pavement; and

Shortly after finalization of the contract with AKRF, Inc for professional engineering services, Buffalo Sewer Authority was informed by the City of Buffalo that ARPA funds would not be provided to the Authority for this

work and evaluation of the impervious area capture provided by this work relative to the cost of construction would not meet the terms of the EIB and a stop work order was issued; and

WHEREAS: The Buffalo Sewer Authority together with Stantec as Green Infrastructure Program Manager have determined that a total of fourteen work packages including one for projects within the Buffalo Municipal Housing Authority's sites, three for projects within City of Buffalo Parks, one within The Buffalo Public Schools' properties, and nine for projects within the City of Buffalo public right of way of various streets upon completion of construction will meet the terms of the EIB and the intent of the RainCheck 2.0 report; and

WHEREAS: AKRF was asked to submit a proposal for delivery of professional engineering services in support of the BMHA sites which upon completion are estimated to manage a total of approximately 38.1 acres of impervious surface at the Ferry Grider and Kenfield/Langfield properties; and

WHEREAS: AKRF submitted a proposal for Change Order #1 to Contract No. 82000071 in the amount of \$1,628,681.00 as detailed above and;

WHEREAS: Stantec and the Principal Sanitary Engineer and staff have reviewed this proposal and recommend its approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000071 as written in the above Agenda Item, increasing the contract cost in the amount of \$1,628,681.00, making the adjusted contract cost \$2,264,575.00. Expenses from this contract will be funded from Account No. 02000573-432004.

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MR. SOLE</u>		
2 ND BY	<u>DR. CAULFIELD</u>		
AYES	<u>5</u>	NOES	<u>0</u>

Board Meeting of May 28, 2025

ITEM NO. 20

CHANGE ORDER NO. 1 – CONTRACT NO. 82000080**CONTRACTOR:**

Stantec Consulting Services, Inc.	ORIGINAL CONTRACT COST	\$3,270,248.31
1500 Spring Garden Street Suite 1100	THIS CHANGE ORDER	<u>\$5,342,040.04</u>
Philadelphia, PA 19130	ADJUSTED CONTRACT COST	\$8,612,288.35

WORK: Environmental Impact Bond Support

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1	Buffalo Public Schools Package and Right-of-Way Packages 1, 2, 4, 8, and 9
Item #2	Program support services, including environmental review and community engagement

REASON FOR CHANGE OR EXTRA WORK:

Item #1	The consultant will perform professional engineering services for the Green Infrastructure Buffalo Public Schools Package, and Right-of-Way Packages 1, 2, 4, 8, and 9, under the Environmental Impact Bond Rain Check 2.0 Program.
Item #2	The consultant will perform professional engineering services for environmental reviews and will contract with a local community engagement specialist to perform program-wide community outreach.

COST OF CHANGE ORDER NO. 1:

Item #1	\$4,874,354.81
Item #2	\$ 467,685.23

THE TOTAL COST OF CHANGE ORDER NO 1: \$5,342,040.04

WHEREAS: In Item No. 8, on May 1, 2024 the Board approved the Authorization to Enter Into An Agreement with Stantec Consulting Services, Inc., For Professional Engineering Services;

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for Change Order No. 2 to Contract No. 82000080 in the amount of \$5,342,040.04 as detailed above and recommend its approval.

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000080 as written in the above Agenda Item, increasing the contract cost in the amount of \$5,342,040.04, making the adjusted contract cost \$8,612,288.35. Expenses from this contract will be funded from Account No. 02000585-432004.

MOTION TO REMOVE FROM TABLE

MADE BY MR. SOLE

2ND BY MS. YOUNG - WATKINS

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 21

CHANGE ORDER NO. 1 – CONTRACT NO. 82000080

CONTRACTOR:

Stantec Consulting Services, Inc.
 1500 Spring Garden Street Suite 1100
 Philadelphia, PA 19130

ORIGINAL CONTRACT COST	\$3,270,248.31
THIS CHANGE ORDER	<u>\$5,342,040.04</u>
ADJUSTED CONTRACT COST	\$8,612,288.35

VENDOR# 12770

ACCOUNT# 02000585-432004

WORK: Environmental Impact Bond Support

DESCRIPTION OF CHANGE OR EXTRA WORK:

- | | |
|---------|--|
| Item #1 | Addition of design, bidding and construction administration services for Buffalo Public Schools Package (Attachment E) |
| Item #2 | Addition of design, bidding and construction administration services for City of Buffalo Right-of-Way Package 1 (Attachment D) |
| Item #3 | Addition of design, bidding and construction administration services for City of Buffalo Right-of-Way Package 2 (Attachment D) |
| Item #4 | Addition of design, bidding and construction administration services for City of Buffalo Right-of-Way Package 4 (See Attachment D) |
| Item #5 | Addition of design, bidding and construction administration services for City of Buffalo Right-of-Way Package 8 (See Attachment D) |
| Item #6 | Addition of design, bidding and construction administration services for City of Buffalo Right-of-Way Package 9 (See Attachment D) |
| Item #7 | Addition of Program-wide Grant Application, Compliance Management, and Coordination services |
| Item #8 | Addition of Program-wide State Environmental Quality Review Act (SEQR) Review services |
| Item #9 | Addition of Community Outreach services |

REASON FOR CHANGE OR EXTRA WORK:

- | | |
|---------|--|
| Item #1 | In ensuring the terms of the Environmental Impact Bond including the capture of 200 acres of impervious surface through the use of Green |
|---------|--|

Infrastructure on public lands, Stantec identified 24.7 acres of potential capture as listed in Attachment E using Buffalo Public Schools lands within the designated six sewersheds and has demonstrated capacity and expertise to design and oversee the construction of this work according to the timeline laid out in the Environmental Impact Bond and of those pre-qualified firms so designated previously by the Board of the Buffalo Sewer Authority is uniquely qualified to do so.

Item #2

In ensuring the terms of the Environmental Impact Bond including the capture of 200 acres of impervious surface through the use of Green Infrastructure on public lands, Stantec identified 18.1 acres of potential capture as listed in Attachment D using the Public Right-of-Ways in and around the Masten Park and Hamlin Park areas of the City of Buffalo (Right-of-Way Package 1) and has demonstrated capacity and expertise to design and oversee the construction of this work according to the timeline laid out in the Environmental Impact Bond and of those pre-qualified firms so designated previously by the Board of the Buffalo Sewer Authority is uniquely qualified to do so.

Item #3

In ensuring the terms of the Environmental Impact Bond including the capture of 200 acres of impervious surface through the use of Green Infrastructure on public lands, Stantec identified 13.2 acres of potential capture as listed in Attachment D using the Public Right-of-Ways in and around the Delavan-Grider and Northland Avenue areas of the City of Buffalo (Right-of-Way Package 2) and has demonstrated capacity and expertise to design and oversee the construction of this work according to the timeline laid out in the Environmental Impact Bond and of those pre-qualified firms so designated previously by the Board of the Buffalo Sewer Authority is uniquely qualified to do so.

Item #4

In ensuring the terms of the Environmental Impact Bond including the capture of 200 acres of impervious surface through the use of Green Infrastructure on public lands, Stantec identified 10.4 acres of potential capture as listed in Attachment D using the Public Right-of-Ways in and around the University Heights areas of the City of Buffalo (Right-of-Way Package 4) and has demonstrated capacity and expertise to design and oversee the construction of this work according to the timeline laid out in the Environmental Impact Bond and of those pre-qualified firms so designated previously by the Board of the Buffalo Sewer Authority is uniquely qualified to do so.

Item #5

In ensuring the terms of the Environmental Impact Bond including the capture of 200 acres of impervious surface through the use of Green Infrastructure on public lands, Stantec identified 15.4 acres of potential capture as listed in Attachment D using the Public Right-of-Ways in the vicinity of the Central Terminal (Right-of-Way Package 8) and has demonstrated capacity and expertise to design and oversee the construction of this work according to the timeline laid out in the Environmental Impact Bond and of those pre-qualified firms so

designated previously by the Board of the Buffalo Sewer Authority is uniquely qualified to do so.

Item #6

In ensuring the terms of the Environmental Impact Bond including the capture of 200 acres of impervious surface through the use of Green Infrastructure on public lands, Stantec identified 9.8 acres of potential capture as listed in Attachment D using the Public Right-of-Ways within the Lovejoy and Seneca-Babcock neighborhoods (Right-of-Way Package 9) and has demonstrated capacity and expertise to design and oversee the construction of this work according to the timeline laid out in the Environmental Impact Bond and of those pre-qualified firms so designated previously by the Board of the Buffalo Sewer Authority is uniquely qualified to do so.

Item #7

Due to inflationary forces, the use of grant funding to supplement the existing Environmental Impact Bond has been determined to be necessary and both the bond and the grants have significant compliance requirements that require coordination with regulatory agencies, other consultants, and Buffalo Sewer Authority staff additionally, as part of the program management services coordination with other public agencies including the City of Buffalo Department of Public Works, the Buffalo Municipal Housing Authority, and Buffalo Public Schools is required.

Item #8

Due to the size, scope and impact of the RainCheck 2.0 Program, State Environmental Quality Review Act compliance is required for the program as a whole identifying each of the individual sites and their impacts.

Item #9

Throughout design and construction, public meetings, notification flyers, and community events alerting community members to the work being done in their neighborhoods, receiving comments, providing education, and creating opportunities to engage and ensure the long-term viability of this work is required.

COST OF CHANGE ORDER NO. 1:

Item #1	\$1,328,560.79
Item #2	\$709,904.53
Item #3	\$658,581.66
Item #4	\$673,541.07
Item #5	\$606,890.45
Item #6	\$622,376.31
Item #7	\$379,500.00
Item #8	\$87,389.00
Item #9	\$275,296.23

THE TOTAL COST OF CHANGE ORDER NO 1: \$5,342,040.04

- WHEREAS: On May 16, 2019, the Buffalo Sewer Authority issued the RainCheck 2.0 Opportunity Report identifying six combined sanitary sewage and stormwater discharge points and contributing areas (combined sewersheds) in which the treatment and detention of stormwater from 200 acres of impervious surface should be prioritized; and
- WHEREAS: On June 1, 2020, the Buffalo Sewer Authority issued a request for qualifications (RFQ) based on the RainCheck 2.0 Opportunity Report for professional services for landscape architecture, engineering, architecture, planning, urban design, and other related fields; and
- WHEREAS: A total of fifty firms replied to the RFQ by July 1, 2020, and the qualifications of each to provide these various services were reviewed and rated by a selection committee appointed by the General Manger; and
- WHEREAS: The Board of the Buffalo Sewer Authority approved the qualifications for twenty-two firms to provide various professional services in association with RainCheck 2.0 and the management of 200 acres of impervious surface within the six designated combined sewersheds on September 30, 2020; and
- WHEREAS: Among the twenty-two firms so designated, AKRF, Arcadis, Stantec, Watts, and Wendel Companies have been found to have capacity to provide professional engineering design services at this time; and
- WHEREAS: Arcadis has been designated as the third-party verifier for all work completed under this authorization and is therefore unable to provide professional engineering design services for the RainCheck 2.0 scope of work; and
- WHEREAS: On June 3, 2021, the Board of the Buffalo Sewer Authority approved the issuance of the Environmental Impact Bond (EIB) which required the completion of 200 acres of impervious surface management utilizing green infrastructure as specified in the RainCheck 2.0 report by June 15, 2028 to ensure best terms for this bond; and
- WHEREAS: The Board of the Buffalo Sewer Authority pre-qualified engineering, landscape architecture, urban design, and planning firms for delivery of green infrastructure capital improvement projects on September 30, 2020, in preparation for the issuance of the Environmental Impact Bond; and
- WHEREAS: In Item No. 8, on May 1, 2024 the Board approved the Authorization to Enter Into An Agreement with Stantec Consulting Services, Inc., For Professional Engineering Services, specifically the development of plans for the full 200 acres of impervious surface capture and program management through construction for the overall project; and
- WHEREAS: Upon query with other pre-qualified firms it was found that they had limited capacity to fulfill the scope of work under the timeline required and a significant portion of the work would need to be allocated to Stantec for

preliminary and final design services and construction phase project management; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for Change Order No. 1 to Contract No. 82000080 in the amount of \$5,342,040.04 as detailed above and recommend its approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000080 as written in the above Agenda Item, increasing the contract cost in the amount of \$5,342,040.04, making the adjusted contract cost \$8,612,288.35. Expenses from this contract will be funded from Account No. 02000585-432004.

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MR. SOLE</u>		
2 ND BY	<u>MR. ROOSEVELT</u>		
AYES	<u>5</u>	NOES	<u>0</u>

Board Meeting of May 28, 2025

ITEM NO. 22

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WENDEL COMPANIES, INC., FOR PROFESSIONAL ENGINEERING SERVICES

WHEREAS: The Buffalo Sewer Authority issued a request for qualifications (RFQ) for the purposes of prequalifying various firms for delivery of green infrastructure capital improvement projects and approved these entities on September 30, 2020; and

WHEREAS: Wendel Companies, Inc., submitted a proposal for delivery of professional engineering services in support of the Green Infrastructure Right-of-Way Package 3, Right-of-Way Package 5 and Right-of-Way Package 6 Projects under the Environmental Impact Bond Rain Check 2.0 Program; and

WHEREAS: Based upon the review of the Principal Sanitary Engineer and staff, it is recommended to proceed with the proposal and scope of work for professional services at an agreed upon cost not to exceed \$1,691,250.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to execute an agreement with Wendel Companies, Inc. to provide professional engineering services at a cost not to exceed \$1,691,250.00. The cost of this contract will be funded from account no. 02000595-432004.

MOTION TO REMOVE FROM TABLEMADE BY DR. CAULFIELD2ND BY MR. ROOSEVELTAYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 23

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WENDEL COMPANIES, INC., FOR PROFESSIONAL ENGINEERING SERVICES

- WHEREAS: On May 16, 2019, the Buffalo Sewer Authority issued the RainCheck 2.0 Opportunity Report identifying six combined sanitary sewage and stormwater discharge points and contributing areas (combined sewersheds) in which the treatment and detention of stormwater from 200 acres of impervious surface should be prioritized; and
- WHEREAS: On June 1, 2020, the Buffalo Sewer Authority issued a request for qualifications (RFQ) based on the RainCheck 2.0 Opportunity Report for professional services for landscape architecture, engineering, architecture, planning, urban design, and other related fields; and
- WHEREAS: A total of fifty firms replied to the RFQ by July 1, 2020, and the qualifications of each to provide these various services were reviewed and rated by a selection committee appointed by the General Manger; and
- WHEREAS: The Board of the Buffalo Sewer Authority approved the qualifications for twenty-two firms to provide various professional services in association with RainCheck 2.0 and the management of 200 acres of impervious surface within the six designated combined sewersheds on September 30, 2020; and
- WHEREAS: Among the twenty-two firms so designated, AKRF, Arcadis, Stantec, Watts, and Wendel Companies have been found to have capacity to provide professional engineering design services at this time; and
- WHEREAS: Arcadis has been designated as the third-party verifier for all work completed under this authorization and is therefore unable to provide professional engineering design services for the RainCheck 2.0 scope of work; and
- WHEREAS: On June 3, 2021 the Board of the Buffalo Sewer Authority approved the issuance of the Environmental Impact Bond (EIB) which required the completion of 200 acres of impervious surface management utilizing green infrastructure as specified in the RainCheck 2.0 report by June 15, 2028 to ensure best terms for this bond; and
- WHEREAS: The Buffalo Sewer Authority together with Stantec as Green Infrastructure Program Manager have determined that a total of fourteen work packages including one for projects within the Buffalo Municipal Housing Authority's sites, three for projects within City of Buffalo Parks, one within The Buffalo Public Schools' properties, and nine for projects within the City of Buffalo public right of way of various streets upon completion of construction will meet the terms of the EIB and the intent of the RainCheck 2.0 report; and
- WHEREAS: Upon discussions with each of the firms with current capacity, Wendel Companies, Inc., was asked to submit a proposal for delivery of professional engineering services in support of the City Right-of-Way Packages 3, 5, and 6

which upon completion are estimated to manage a total of approximately 39.5 acres of impervious surface as detailed in Attachment B; and

WHEREAS: Based upon the review of the Principal Sanitary Engineer and staff, and upon recommendation of Stantec, it is recommended to proceed with the proposal and scope of work for professional services at an agreed upon cost not to exceed \$1,691,250.00 for all three packages.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer and Executive Secretary to execute an agreement with Wendel Companies, Inc. to provide professional engineering services at a cost not to exceed \$1,691,250.00. The cost of this contract will be funded from account no. 02000595-432004.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 24

AUTHORIZATION TO ENTER INTO AN ENGINEERING SERVICES AGREEMENT WITH AECOM CONSULTING, INC. FOR DESIGN OF THE ROOSEVELT PARK OFFLINE STORAGE FACILITY

- WHEREAS: The Buffalo Sewer Authority (BSA) has negotiated with the United States Environmental Protection Agency, the United States Department of Justice and the New York State Department of Environmental Conservation to address sewer system improvements to comply with the Federal Clean Water Act through the Combined Sewer Overflow Long-Term Control Plan which was approved by the agencies on March 18, 2014; and
- WHEREAS: On November 1, 2023, the Board of the BSA was notified of the Draft Public Participation Plan for a Revised Combined Sewer Overflow Long-Term Control Plan “Queen City Clean Waters” reflecting updated model results and technological advances; and
- WHEREAS: On October 1, 2024, Buffalo Sewer Authority was notified that a deadline of one year for implementation of the Public Participation Plan had commenced and that while this was ongoing it was expected that projects with deadlines within this time period being proposed in the Public Participation Plan would be ongoing; and
- WHEREAS: On January 31, 2025, the Buffalo Sewer Authority issued a request for proposals (RFP) for the Roosevelt Park Offline Storage Facility; and
- WHEREAS: This facility will consist of a new remotely operated and activated gates, a 30,000 square foot below grade tank, flushing system, and influent and effluent piping connected to the existing Edison Street sewer; and
- WHEREAS: Five (5) design teams submitted proposals for this project in response to the publicly available and publicized RFP; and
- WHEREAS: A consultant selection committee appointed by the Principal Sanitary Engineer and Executive Secretary reviewed the submitted proposals and interviewed each team and ranked the firms on the basis of both their interviews and proposals; and
- WHEREAS: The Principal Sanitary Engineer and committee recommend contracting with AECOM USA, Inc. for these services as detailed in their proposal of March 11, 2025, at a cost not to exceed \$1,848,450.00 for professional engineering services associated with the Roosevelt Park Offline Storage Facility.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer and Executive Secretary to enter into and execute a contract with AECOM USA, Inc., pursuant to their proposal to design the recommended Roosevelt Park Offline Storage Facility at a cost not to exceed \$1,848,450.00. Funds for this contract shall be charged to the Construction Fund account no. 02000597-432004.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MR. ROOSEVELT

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 25

**AUTHORIZATION TO ENTER INTO AN ENGINEERING SERVICES AGREEMENT WITH
CHA CONSULTING, INC. FOR DESIGN OF THE SIDNEY-LARK INLINE STORAGE
FACILITY**

- WHEREAS: The Buffalo Sewer Authority (BSA) has negotiated with the United States Environmental Protection Agency, the United States Department of Justice and the New York State Department of Environmental Conservation to address sewer system improvements to comply with the Federal Clean Water Act through the Combined Sewer Overflow Long-Term Control Plan which was approved by the agencies on March 18, 2014; and
- WHEREAS: On November 1, 2023, the Board of the BSA was notified of the Draft Public Participation Plan for a Revised Combined Sewer Overflow Long-Term Control Plan “Queen City Clean Waters” reflecting updated model results and technological advances; and
- WHEREAS: On October 1, 2024, Buffalo Sewer Authority was notified that a deadline of one year for implementation of the Public Participation Plan had commenced and that while this was ongoing it was expected that projects with deadlines within this time period being proposed in the Public Participation Plan would be ongoing; and
- WHEREAS: On January 31, 2025, the Buffalo Sewer Authority issued a request for proposals (RFP) for the Sidney-Lark Inline Storage Facility; and
- WHEREAS: This facility will consist of a new remotely operated and activated gate structure, a new 7-foot diameter 1000-foot-long sewer, and a 50-foot-deep drop shaft to the existing Scajaquada Tunnel; and
- WHEREAS: This work will be conducted in close proximity to the NY-33 Kensington Expressway, existing 100-year-old plus homes, and the location in which three construction workers under contract with Buffalo Sewer Authority, Charles Anderson, Donald Herron, and J.E. Collins died during the construction of the Scajaquada Tunnel on June 3, 1980; and
- WHEREAS: Four (4) design teams submitted proposals for this project in response to the publicly available and publicized RFP; and
- WHEREAS: A consultant selection committee appointed by the Principal Sanitary Engineer and Executive Secretary reviewed the submitted proposals and interviewed each team and ranked the firms on the basis of both their interviews and proposals; and; and
- WHEREAS: The Principal Sanitary Engineer and committee recommend contracting with CHA Consulting, Inc. for these services as detailed in their proposal of March 11, 2025, at a cost not to exceed \$3,270,000.00 for professional engineering services associated with the Sidney-Lark Inline Storage Facility.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer and Executive Secretary to enter into and execute a contract with CHA Consulting, Inc., pursuant to their proposal to design the recommended Sidney-Lark Inline Storage Facility at a cost not to exceed \$3,270,000.00. Funds for this contract shall be charged to the Construction Fund account no. 02000596-432004.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MR. SOLE

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 26

MUNICIPAL RESOLUTION AUTHORIZING GRANT APPLICATION AND EXECUTION OF AGREEMENTS FOR FINANCIAL ASSISTANCE

- WHEREAS: The New York State Department of Environmental Conservation (DEC), New York State Environmental Facilities Corporation (EFC), New York State Energy Research & Development Authority (NYSERDA), Federal Emergency Management Agency (FEMA), and the United States Environmental Protection Agency (USEPA) provide funding for projects that improve water quality, save energy, increase resiliency, and reduce the impacts of climate change through various grant and low and/or no-interest loan programs; and
- WHEREAS: The Board of the Buffalo Sewer Authority has authorized the General Manager of the Buffalo Sewer Authority to enter into various and numerous grant, bonding, and loan agreements with these entities to fund capital and operational projects; and
- WHEREAS: It is in the best interest of the Buffalo Sewer Authority and its ratepayers to continue to pursue agreements and receive reimbursement and favorable financing; and
- WHEREAS: The By-Laws of the Board of the Buffalo Sewer Authority state in part, “the Principal Sanitary Engineer and the Executive Secretary shall jointly perform the duties and exercise the powers of the General Manager, as more particularly provided herein, in the event that the office of General Manager is vacant...”; and
- WHEREAS: The office of the General Manager became vacant on January 1, 2025; and
- WHEREAS: The General Counsel of the Buffalo Sewer Authority recommends that the Principal Sanitary Engineer and the Executive Secretary be formally authorized to execute and deliver grant, bonding, and loan applications and contracts and related documents on behalf of the Buffalo Sewer Authority so long as the General Manager’s office remains vacant.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to execute and deliver a grant application for State and Federal Assistance funding through loan, bonding, and grant programs that may be deemed prudent and to execute and deliver any contract and any other documents necessary to receive funding through these grant, loan, and bonding programs and to provide such additional information as may be required and to make such agreements on behalf of the Buffalo Sewer Authority.

MOTION TO APPROVE

MADE BY DR. CAULFIELD

2ND BY MS. YOUNG – WATKINS

AYES 5 NOES 0

Board Meeting of May 28, 2025

CERTIFICATE

I, Christopher Roosevelt, Vice Chairman of the Buffalo Sewer Authority in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the Minutes of a meeting of the Board of Directors of said Authority, duly called and held on May 28, 2025, and at which a quorum was present and acting throughout and the resolution contained therein is a true and complete copy of the resolution thereupon adopted and recorded in the Minutes of said Authority and that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Authority and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract, and that said resolution has not been amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Authority this ____ day of _____, 2025.

(SEAL)

Christopher Roosevelt, Vice Chairman

ITEM NO.27

**AUTHORIZATION TO PROVIDE REQUIRED MINIMUM LOCAL MATCH FUNDING FOR
THE ENVIRONMENTAL FACILITIES CORPORATION 2024 GREEN RESILIENCY
GRANT AWARD**

- WHEREAS: The Buffalo Sewer Authority (BSA) has negotiated with the United States Environmental Protection Agency, the United States Department of Justice and the New York State Department of Environmental Conservation to address sewer system improvements to comply with the Federal Clean Water Act through the Combined Sewer Overflow Long-Term Control Plan (LTCP) which was approved by the agencies on March 18, 2014; and
- WHEREAS: The Rain Check 2.0 Program was created to achieve the goals of the LTCP by expanding green infrastructure in Buffalo, reducing stormwater runoff, protecting public health, incorporating equity considerations in decision-making, and maximizing the economic, social, and environmental benefits that come with implementing green infrastructure; and
- WHEREAS: An application for funding under the Green Resiliency Grant (GRG) program was submitted in August 2024, to support the construction of planned green infrastructure under the Rain Check 2.0 Program, and was awarded by the Environmental Facilities Corporation (EFC) on October 18, 2024, with a total funding amount of \$8,750,000.00; and
- WHEREAS: The Grant requires a minimum local matching share equal to a minimum of 10 percent of the total eligible project costs, as cash, administrative and/or technical force account, materials and equipment, or volunteer labor by qualified individuals, which was identified as being provided by the Buffalo Sewer Authority at the time that the application was submitted; and
- WHEREAS: The Grant requires a resolution authorizing a representative, by title, to execute the Grant Agreement and any and all other contracts, documents, and instruments necessary to bring about the project and to fulfill the obligations under the Grant Agreement; and
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Executive Secretary and Principal Sanitary Engineer to provide the required minimum local match for the Environmental Facilities Corporation Green Resiliency Grant, at a total cost not to exceed \$972,222.00. Expenses for this Grant Match will be charged to account no. 02000539-432004 utilizing the Environmental Impact Bond;

NOW THEREFORE
BE IT FURTHER
RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer to act as a representative of the Buffalo Sewer Authority, to execute the Grant Agreement, and any and all other contracts, documents, and instruments necessary to bring about the project and to fulfil the obligations under the Grant Agreement.

MOTION TO APPROVE

MADE BY MS. YOUNG – WATKINS

2ND BY DR. CAULFIELD

AYES 5 NOES 0

Board Meeting of May 28, 2025

ITEM NO. 28

ADJOURNMENT OF MEETINGMOTION TO ADJOURNMADE BY DR. CAULFIELD2ND BY MS. YOUNG- WATKINSAYES 5 NOES 0

Board Meeting of May 28, 2025