

MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
May 6, 2020

5713257151

BUFFALO SEWER AUTHORITY

May 6, 2020

REGULAR MEETING 9:00 A.M. VIA TELECONFERENCE
+ 1 929-229-5044 United States, New York City (Toll)
Conference ID: 120 696 839#

<u>ITEM NO.</u>	<u>CONTENTS</u>	<u>PAGE NO.</u>
	Roll Call	
1	Motion to Adopt the Minutes of April 1, 2020	57132
2	Informative: Temporary Investments	57133-34
3	Informative: Reallocation of Funds	57135
4	Informative: Public Notice – MS4 Annual Report (March 2019 – March 2020) and Stormwater Management Plan (SWMP)	57136
5	Adoption of Amended “Final Schedule of Sewer Rents and Other Charges for 2020-2021	57137
6	Change Order No. 1 – Contract No. 81600017	57138-39
7	Certificate of Acceptance and Occupancy – Contract No. 81900017	57140
8	Extension of the Contract for the In-Plant Electrical Maintenance Services	57141
9	Extension of the Contract for the In-Plant Mechanical Maintenance Services	57142
10	Report on Bids Received – Formal Bid Opening for the Removal and Disposal of Sewage Grit	57143
11	Change Order No. 1 – Contract No. 81700004	57144-45
12	Change Order No. 1 – Contract No. 81900013	57146-47

13	Certificate of Acceptance and Occupancy – Contract No. 81900013	57148
14	Confirmation of Appointments	57149-50
15	Adjournment of Meeting	57151

ATTACHMENT A Final Schedule of Sewer Rents and Other Charges for 2020-2021

CALL OF THE ROLL

Present: Herbert L. Bellamy, Jr.
Christopher Roosevelt
Eleanor Petrucci
Oluwole A. McFoy, P.E.
Ronald Brown
Thomas Smith
Gelea James
Allison Lack
LaToya Cunningham
Tracy King
Catherine Knab, P.E.
David Rossney
Roberta Gaiek, P.E.
Paul Harris
Barbara Miller-Williams
Delano Dowell
Laura Surdej

Absent: none

Chairman
Assistant Vice Chairman
Secretary
General Manager
Executive Secretary
Secretary to the General Manager
Director of Employee Relations
General Counsel (BSA)
Special Assistant
Press Information Officer
Principal Sanitary Engineer
Treatment Plant Superintendent
Treatment Plant Administrator
Supt. of Mechanical Maintenance
City of Buffalo Comptroller
Special Assistant to the Comptroller
Erie County Dept. of Sewerage

The meeting was called to order at 9:03 AM. A quorum was present.

ITEM NO. 1**Motion to Adopt the Minutes of the Meeting of April 1, 2020**

MOTION TO ADOPT
MADE BY MS. PETRUCCI
2ND BY MR. ROOSEVELT
AYES 3 NOES 0

Board Meeting of May 6, 2020

ITEM NO. 2

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

As of March 31, 2020

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	Money Market		\$61,371.12	Key	0.07%	Public NOW
01-Nov-19	Money Market		\$13,664,441.57	Bank on Buffalo	1.15%	
02-Oct-19	02-Apr-20	183	\$4,099,724.40	Key Banc Capital	1.95%	\$40,641.25
01-Nov-19	27-Apr-20	178	\$1,998,185.00	Key Banc Capital	1.86%	\$18,393.34
10-Oct-19	30-Apr-20	188	\$2,242,736.30	Key Banc Capital	1.83%	\$21,454.72
20-Mar-20	16-Jun-20	88	\$7,808,345.50	Key Banc Capital	1.80%	\$35,010.13
16-Dec-19	29-May-20	165	\$8,051,166.17	JP Morgan Securities	2.18%	\$80,652.73
28-Feb-20	29-Jun-20	122	\$5,836,616.50	Key Banc Capital	1.69%	\$33,578.70
			<u>\$43,762,586.56</u>			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	Money Market		\$100,809.83	Key	0.08%	Public NOW
11-Dec-19	Money Market		\$914,421.34	Bank on Buffalo	1.15%	
			<u>\$1,015,231.17</u>			
OPERATING FUND						
31-Jul-12	Super NOW		<u>\$5,588,209.44</u>	Key	0.07%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	Super NOW		<u>\$5,746.10</u>	Key	0.10%	Public NOW
SURPLUS FUND						
			\$0.00	Wilmington Fund		
			\$44,615.94	Money Market Fund	1.87%	
20-Mar-20	16-Jun-20	88	\$9,959,982.40	Key Banc Capital	1.80%	\$44,017.50
			\$6,002.93	Accrued Income		
			<u>\$10,010,601.27</u>			
NET REVENUE FUND						
			\$0.00	Wilmington Fund		
29-Jan-20-	28-Apr-20	90	\$6,898,945.65	Key Banc Capital	1.62%	\$28,054.35
03-Feb-20	04-May-20	91	\$2,390,293.33	Key Banc Capital	1.60%	\$9,706.67
06-Feb-20	05-May-20	89	\$2,902,617.59	Key Banc Capital	1.68%	\$11,382.41
24-Mar-20	22-May-20	59	\$3,487,667.36	Key Bank Capital	2.15%	\$12,332.64
25-Feb-20	29-May-20	94	\$5,375,607.00	Key Bank Capital	1.73%	\$24,393.00
			\$43,873.01	Accrued Income		
			<u>\$21,099,003.94</u>			

DEBT RESERVE FUND**SERIES J**

02-Jul-14	15-Nov-33	7076	\$157,904.36	UST State/Local Govt	2.70%
			\$5,280.67	Accrued Income	
			<u>\$163,185.03</u>		

Series K

02-Jul-14	15-Feb-33	5803	\$223,109.43	UST State/Local Govt	2.70%
			\$1,233.18	Accrued Income	
			<u>\$224,342.61</u>		

Series L

27-Nov-08	01-Oct-35	7263	\$624,167.41	UST State/Local Govt	2.44%
			\$8,412.47	Accrued Income	
			<u>\$632,579.88</u>		

Series M

27-Jun-14	01-May-44	10901	\$509,873.82	US State/Local Govt	2.70%
			\$6,715.37	Accrued Income	
			<u>\$516,589.19</u>		

Series N

15-Nov-12	15-Apr-32	7091	\$2,167,157.00	UST State/Local Govt	2.42%
			\$24,216.50	Accrued Income	
			<u>\$2,191,373.50</u>		

\$0.01

DSF PRIN & INT
Wilmington Fund

RECEIVE & FILE

Board Meeting of May 6, 2020

ITEM NO. 3

INFORMATIVE: REALLOCATION OF FUNDS

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

Wastewater Treatment Plant

3/26/2020	00520106 MAIN Building Repairs	\$2,100.00	00290105 AER Equipment Maintenance	-\$2,100.00
4/14/2020	00520106 MAIN Building Repairs	\$4,150.00	00360105 DEWA Equipment Maintenance	-\$4,150.00
4/14/2020	00520106 MAIN Building Repairs	\$14,000.00	00290105 AER Equipment Maintenance	-\$14,000.00
4/16/2020	00200105 PLAN Miscellaneous	\$550.00	00550105 IWS Lab Supplies	-\$550.00
4/16/2020	00300103 BLOW ELECTRIC LIGHT & POWER	\$60,000.00	00200106 PLAN ENG and TECH	-\$60,000.00

Sewer Maintenance Division

4/14/2020	00690107 SWRR Operating Equipment	\$23,929.90	00650107 SWRC Special Structures	-\$23,929.90
4/16/2020	00690107 Auto Cars and Other Vehicles	\$17,000.00	00660105 SWRR Road and Highway Maintenance	-\$17,000.00
4/16/2020	00650103 SWRM GAS	\$4,000.00	00660105 SWRR Road and Highway Maintenance	-\$4,000.00
4/14/2020	00650103 SWRM Electric Light & Power	\$4,000.00	00660105 SWRR Road and Highway Maintenance	-\$4,000.00
4/14/2020	00650103 SWRM Refuse Disposal Services	\$2,000.00	00660105 SWRR Road and Highway Maintenance	-\$2,000.00
4/14/2020	00650103 SWRM Refuse Disposal Services	\$15,000.00	00200106 AUTO Automotive Repairs	-\$15,000.00
3/13/2020	00200105 PLAN Miscellaneous	\$850.00	00550105 IWS Lab Supplies	-\$850.00
3/13/2020	00200107 PLAN Office Equipment	\$300.00	00340105 IWS Office Equipment	-\$300.00

RECEIVE & FILE

Board Meeting of May 6, 2020

ITEM NO. 4

**INFORMATIVE: PUBLIC NOTICE - MS4 ANNUAL REPORT (MARCH 2019 - MARCH 2020)
AND STORMWATER MANAGEMENT PLAN (SWMP)**

New York State's Municipal Separate Storm Sewer System (MS4) SPDES Permit, Section 2e: Public Involvement/Participation requires that the Buffalo Sewer Authority present the Draft Annual Report and the Stormwater Management Program (SWMP) Plan in a format that is open to the public, where the public can ask questions about and make comments on the report(s).

The Buffalo Sewer Authority (BSA) will make the Draft MS4 Annual Report and the SWMP available on the BSA's website: www.buffalosewer.org/transparency from May 15, 2020 to May 28, 2020 for public review and comment.

The MS4 Annual Report for March 10, 2019 – March 9, 2020 will be completed and submitted to the NYS Department of Environmental Conservation (NYSDEC) after the public review and comment period. The final MS4 Annual report and the SWMP will also be available on the BSA's website: www.buffalosewer.org/about/transparency.

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

RECEIVE & FILE

Board Meeting of May 6, 2020

ITEM NO. 5

ADOPTION OF AMENDED "FINAL SCHEDULE OF SEWER RENTS AND OTHER CHARGES FOR 2020-2021"

- WHEREAS: The Buffalo Sewer Authority, in the meeting of April 1, 2020, adopted a proposed "Schedule of Sewer Rents and Other Charges for 2020-2021" and authorized the publication of this notice, commencing April 3, 2020, 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
- WHEREAS: No protests were filed; and
- WHEREAS: It is now in order to adopt the "Final Schedule of Sewer Rents and Other Charges for 2020-2021"; and
- WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2020-2021" includes no increases to sewer rents based on the assessed value of property. The levy of sewer rents based on assessed value remains unchanged from the previous year at \$12,050,000; and
- WHEREAS: The proposed "Schedule of Sewer Rents and Other Charges for 2020-2021" also includes no increases to sewer rents based on the use of water. Metered accounts will continue to be charged \$11.09 per thousand cubic feet of water used, and there will be no increases to the charges on flat rate accounts.
- 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 2020-2021".

MOTION TO	APPROVE
MADE BY	MR. ROOSEVELT
2 ND BY	MS. PETRUCCI
AYES	3
NOES	0

Board Meeting of May 6, 2020

ITEM NO. 6

CHANGE ORDER NO. 1 - CONTRACT NO. 81900017

CONTRACTOR:	ORIGINAL CONTRACT COST	\$1,102,000.00
J.W. Danforth, Inc.	PREVIOUS CHANGE ORDER	N/A
300 Colvin Woods Pkwy.	THIS CHANGE ORDER (DEDUCT)	(\$7,312.94)
Tonawanda, New York 14150	ADJUSTED CONTRACT COST	\$1,094,687.06

PROJECT: Air Handling Unit Replacement Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Unused Allowance

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The original contract included an allowance for unforeseen conditions related to the project in the amount of \$75,000 of which \$7,312.94 went unused.

COST OF CHANGE OR EXTRA WORK:

Item #1 (\$7,312.94)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK (\$7,312.94)

The total DECREASE to the contract as a result of this Change Order is \$7,312.94

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. 81900017 as written in the above Agenda Item, decreasing the contract cost in the amount of \$7,312.94 , making the adjusted contract cost \$1,094,687.06 .

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 6, 2020

ITEM NO. 7

CONTRACT NO. 81900017

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Air Handling Unit Replacement Project

BID: \$1,102,000.00

CONTRACTOR: J.W. Danforth, Inc.

WHEREAS: The consulting engineer, Wendel Companies, Inc., has certified that the Contractor completed the work in accordance with the plans and specifications on May 6, 2020. The Buffalo Sewer Authority Treatment Plant Administrator, the acting Administrator of Capital Improvements and The Principal Chief Stationary Engineer concur.

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 6, 2020;
- c. The maintenance period commence on May 6, 2020;
- d. Final payment be made to the Contractor in the amount of \$54,734.35, making the final cost of the contract \$1,094,687.06.

MOTION TO APPROVEMADE BY MR. ROOSEVELT2ND BY MS. PETRUCCIAYES 3 NOES 0

Board Meeting of May 6, 2020

ITEM NO. 8

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

WHEREAS: On May 30, 2018, the Board of the Buffalo Sewer Authority awarded a contract to O'Connell Electric Company, Inc., for In-Plant Electrical Maintenance Services at a total cost not to exceed \$600,000.00 for the fiscal year 2018-2019; and

WHEREAS: On June 19, 2019, the Board of the Buffalo Sewer Authority agreed to renew the contract for one (1) additional year under the same terms and conditions for fiscal year 2019-2020; and

WHEREAS: O'Connell Electric Company, Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2020-2021; and

WHEREAS: The Superintendent of Mechanical Maintenance and staff recommend this extension at a total cost not to exceed \$600,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with O'Connell Electric Company, Inc., for In-Plant Electrical Maintenance Services for the period July 1, 2020 through June 30, 2021, at a total cost not to exceed \$600,000.00. Expenses for this contract will be charged to Account No. 00520106-443421.

MOTION TO	APPROVE
MADE BY	MS. PETRUCCI
2 ND BY	MR. ROOSEVELT
AYES	3
NOES	0

Board Meeting of May 6, 2020

ITEM NO. 9

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

WHEREAS: On June 19, 2019, the Board of the Buffalo Sewer Authority awarded a contract to Quackenbush, Inc., for In-Plant Mechanical Maintenance Services at a total cost not to exceed \$455,777.00 for the fiscal year 2019-2020; and

WHEREAS: Quackenbush Company Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2020-2021; and

WHEREAS: The Superintendent of Mechanical Maintenance and staff recommend this extension at a total cost not to exceed \$600,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with Quackenbush Company, Inc., for In-Plant Mechanical Services for the period July 1, 2020 through June 30, 2021, at a total cost not to exceed \$600,000.00. Expenses for this contract will be charged to Account No. 00520106-443421.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of May 6, 2020

ITEM NO. 10

REPORT ON BIDS RECEIVED - FORMAL BID OPENING FOR THE REMOVAL AND DISPOSAL OF SEWAGE GRIT

WHEREAS: Formal bids were advertised and solicited for the Removal and Disposal of Sewage Grit for a one-year period, July 1, 2020 to June 30, 2021, 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 March 10, 2020:

VENDOR	Price Per Ton Based On Estimated 300 Tons	Total Annual Cost Based On Estimated Quantity
Modern Disposal Services, Inc.	\$93.56	\$28,068.00
Modern Disposal Services, Inc. - Alternate Bid		
Year 1	\$84.76	\$25,428.00
Year 2 - 4% Increase over Year 1	\$88.15	\$26,445.12
Year 3 - 4% Increase over Year 2	\$91.68	\$27,502.92
Year 4 - 4% Increase over Year 3	\$95.34	\$28,603.04
Year 5 - 4% Increase over Year 4	\$99.16	\$29,747.16
Allied Waste Services of Niagara Falls, LLC.	NO BID	NO BID
Geiter Done of WNY	NO BID	NO BID
Waste Management	NO RESPONSE	NO RESPONSE

; and

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer and staff reviewed the quote received and recommend this service be awarded to Modern Disposal Services, Inc., at a total cost not to exceed \$28,068.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Modern Disposal Services, Inc., to provide the removal and disposal of sewer grit for the period beginning July 1, 2020 to June 30, 2021, with an option to renew for four (4) one-year periods, at an annual cost not to exceed \$ 28,068.00. Expenses for this contract will be charged to account no. 00230106-442100.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of May 6, 2020

ITEM NO. 11

CHANGE ORDER NO. 1 – CONTRACT NO. 81700004

CONSULTANT:	ORIGINAL CONTRACT COST	\$160,000.00
Wendel	PREVIOUS CHANGE ORDER	N/A
375 Essjay Road, Suite 200	THIS CHANGE ORDER	<u>\$8,000.00</u>
Williamsville, NY 14221	ADJUSTED CONTRACT COST	\$168,000.00

PROJECT: Geographic Information System (GIS) and Global Positioning System (GPS) Services

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional monies to allow Wendel to continue hosting the Rain Check and CSO Notification applications until December 31, 2020.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The continued assistance of this outside consultant is necessary in order to ensure a smooth transition of the applications during the implementation of a cloud-based GIS server with a different consultant.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$8,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$8,000.00

The total INCREASE to the contract as a result of this Change Order is \$8,000.00

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 Consultant from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.

4. The Consultant 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 Consultant 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 Consultant 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. 81700004 as written in the above Agenda Item, increasing the contract cost in the amount of \$8,000.00, making the adjusted contract cost \$168,000.00.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 6, 2020

ITEM NO. 12

CHANGE ORDER NO. 1 – CONTRACT NO. 81900013

CONTRACTOR:	ORIGINAL CONTRACT COST	\$3,065,778.00
Pinto Construction Services, Inc.	PREVIOUS CHANGE ORDER	N/A
132 Dingens Street	THIS CHANGE ORDER	<u>(\$46,430.56)</u>
Buffalo, NY 14206	ADJUSTED CONTRACT COST	\$3,019,347.44

PROJECT: Hertel at Deer Real Time Control Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Final adjustment to the contract amount.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Adjusting contract amount for actual quantities installed.

COST OF CHANGE OR EXTRA WORK:

Item #1 (\$46,430.56)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: (\$46,430.56)

The Total DECREASE to the Contract as a result of this Change Order is \$46,430.56

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. 81900013 as written in the above Agenda Item, decreasing the contract cost in the amount of \$46,430.56 making the adjusted contract cost \$3,019,347.44.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 6, 2020

ITEM NO. 13

CONTRACT NO. 81900013

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Hertel at Deer Real Time Control Project

BID: \$3,065,778.00

CONTRACTOR: Pinto Construction Services, Inc.
132 Dingens Street
Buffalo, NY 14206

WHEREAS: The Principal Sanitary Engineer and staff have certified that the Contractor completed the work in accordance with the plans and specifications on February 13, 2020; and

WHEREAS In Item No. 12, on May 6, 2020, the contract value was decreased by \$46,430.56.

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 6, 2020;
- c. The maintenance period commence on May 6, 2020;
- d. The final cost of the Contract is \$3,019,347.44.

MOTION TO APPROVEMADE BY MR. ROOSEVELT2ND BY MS. PETRUCCIAYES 3 NOES 0

Board Meeting of May 6, 2020

ITEM NO. 14

CONFIRMATION OF APPOINTMENTS

MILLWRIGHT HELPER (PERMANENT)
SEWAGE TREATMENT PLANT
\$22.48 PER HOUR
EFFECTIVE: MARCH 30, 2020

KEEGAN HANLEY
69 BELVEDERE RD.
BUFFALO, NY

ADMINISTRATIVE ASSISTANT (PERMANENT)
SEWAGE TREATMENT PLANT
\$67,807 PER ANNUM
EFFECTIVE: APRIL 13, 2020

MARY BETH WILES
6313 LAKE AVE.
ORCHARD PARK, NY

ADMINISTRATIVE ASSISTANT (PERMANENT)
ADMINISTRATION – CITY HALL
\$67,807 PER ANNUM
EFFECTIVE: APRIL 13, 2020

LORI SCALETTA
35 LINCOLN BLVD.
KENMORE, NY

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

WHEREAS: The General Manager requests confirmation of each appointment.

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

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of May 6, 2020

ITEM NO. 15

ADJOURNMENT OF MEETINGMOTION TO APPROVEMADE BY MS. PETRUCCI2ND BY MR. ROOSEVELTAYES 3 NOES 0

Board Meeting of May 6, 2020

ATTACHMENT A

FINAL SCHEDULE OF SEWER RENTS

AND OTHER CHARGES

FOR 2020 - 2021

TO PROVIDE FUNDS FOR THE FIXED CHARGES AND FOR THE OPERATION AND MAINTENANCE OF THE ENTIRE SEWER SYSTEM IN THE CITY OF BUFFALO AND ALL OF THE BUFFALO SEWER AUTHORITY FACILITIES FOR THE CONVEYANCE, TREATMENT AND DISPOSAL OF SEWAGE AND STORM WATER OPERATED BY THE BUFFALO SEWER AUTHORITY.

I. **SEWER RENTS FOR PREMISES SITUATED WITHIN THE LIMITS OF THE CITY OF BUFFALO**

(a) \$12,050,000 shall be collected from all real property in the City of Buffalo (the "City") by apportioning the said amount upon such property within the City as the same is set down on the last completed annual assessment roll of the City, except that no *ad valorem* sewer rent shall be assessed against real property exempt from real property taxes pursuant to subdivision one of section four hundred, sections four hundred four, four hundred six, four hundred twelve, four hundred eighteen, subdivision one section four hundred twenty, section four hundred forty-six, four hundred fifty-two, four hundred sixty-two and four hundred seventy-seven of the New York Real Property Tax Law.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated within the limits of the City, discharging sewage, water or other liquids into the Buffalo Sewer Authority (the "Authority") sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows:

1. \$48.30 for 0 to 4,000 cubic feet of water used per quarter year, if the meter is read quarterly, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot).
2. \$16.10 for 0 to 1,333 cubic feet of water used per month, if the meter is read monthly, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot).

II. SEWER RENTS FOR PREMISES SITUATED OUTSIDE THE LIMITS OF THE CITY OF BUFFALO

(a) An annual service charge for the privilege of connecting with the facilities of the Authority shall be due for any premises situated outside the limits of the City for each \$1,000 of assessed valuation as determined on the last completed annual assessment, the same rate of \$2.71239 per \$1,000 of assessed valuation for 2020-2021.

(b) In the event a person, lot, parcel of land, building or premises, other than a City department, situated outside the limits of the City, discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board or from any other source, and the quantity of water used is measured by a water meter acceptable to the Authority, then in each such case, the quantity of water used, as measured by said meter, shall be used to determine the sewer charge or rental, and the charge for such use shall be as follows:

1. \$48.30 for 0 to 4,000 cubic feet of water used per quarter year, if the meter is read quarterly, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot).
2. \$16.10 for 0 to 1,333 cubic feet of water used per month, if the meter is read monthly, and any water used in excess thereof shall bear a sewer charge or rental of \$11.09 per thousand cubic feet (\$.0111 per cubic foot).

III. GENERAL PROVISIONS

(a) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, is a user of water supplied by the Buffalo Water Board, and the quantity of water used is not measured by a water meter acceptable to the Authority, then the sewer charge or rental for all such accounts shall be in the respective amounts (expressed in dollars) set forth in Exhibit A, attached hereto and made a part hereof, as the Authority determines applicable to such person, lot, parcel of land, building or premises.

(b) In addition to all other rentals and charges provided herein, a monthly drainage connection service charge shall be due for any and all persons, lots, parcels of land, building or premises, other than a City department, that discharge sewage, water or other liquids into the Authority sewer system, either directly or indirectly, as follows:

1. A monthly charge of \$6.00 shall be due for all lots, parcels, land, buildings or premises where the quantity of water used is not measured by a meter acceptable to the Authority.
2. A monthly charge in the amounts set forth below shall be due for all lots, parcels, land, building or premises where the quantity of water used

is measured by a meter acceptable to the Authority in accordance with the following meter size:

Residential Users		Non-Residential Users	
<u>Meter Size</u>	<u>Charge (\$)</u>	<u>Meter Size</u>	<u>Charge (\$)</u>
5/8 inch	6.00	5/8 inch	6.00
3/4 inch	6.00	3/4 inch	6.00
1 inch	6.00	1 inch	6.00
1 1/2 inch	6.00	1 1/2 inch	55.00
2 inch	6.00	2 inch	55.00
3 inch	55.00	3 inch	55.00
4 inch or larger	55.00	4 inch or larger	55.00

(c) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, which directly or indirectly, uses water obtained from a source other than the Buffalo Water Board, and the water so obtained is not measured by a water meter acceptable to the Authority, then, in each such case, the owner, user or other interested party shall, at his own expense, furnish, install, and maintain a water meter or other water or sewage measuring device acceptable to the Authority and the quantity of water used, as measured by said meter, or as otherwise determined, shall be used to determine the sewer charge or rental and there shall be charged an amount determined as set forth in paragraphs II(a), III(a) and III(b) as the case may be.

(d) In the event a person, lot, parcel of land, building or premises discharging sewage, water or other liquids into the Authority sewer system, either directly or indirectly, uses water in excess of 4,000 cubic feet per quarter year and it can be shown to the satisfaction of the Authority, that a portion of the water as measured by the water meter does not and cannot enter the Authority sewer system, then the Authority may determine in such manner as may be found practicable the percentage of metered water entering the Authority sewer system and the quantity of water used to determine the sewer charge or rental shall be that percentage, so determined, of the quantity of water measured by the water meter, or the Authority may require or permit the installation of additional meters or measuring devices in such a manner as to determine the quantity of water or sewage actually entering the Authority sewer system, in which case the quantity of water used to determine the sewer charge or rental shall be the quantity of water actually entering the Authority sewer system and so determined.

(e) In the event a person, lot, parcel of land, building or premises discharges sewage or other wastes into the Authority sewer system which, in the opinion of the Authority, contain unduly high concentrations or any substances which add to the operating costs of the Authority facilities, then the Authority may elect to establish and collect special rates of charge, based on the quantity of these substances, which rate of charge may be established and collected in such manner as the Authority may elect and such charge shall be paid to the Authority, or it may elect to exclude such sewage or other wastes from its facilities.

(f) As a condition of a Buffalo Discharge Elimination System Permit (BPDES), a user may be required to pay an industrial waste surcharge for discharging sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. The Industrial Waste Surcharge Formula reflecting the Treatment Plant unit costs for treatment of Biochemical Oxygen Demand (BOD₅) Total Suspended Solids (TSS) and Total Phosphate (TPO₄) is as follows:

$$\text{Surcharge} = 8.34 \text{ QMGY} (0.1858 (\text{BOD}_5\text{-250}) + 0.2115 (\text{TSS-250}) + 0.0281 (\text{TPO}_4\text{-15.35}))$$

\$0.1858 Cost/lb. for treatment of BOD₅

\$0.2115 Cost/lb. for treatment of TSS

\$0.0281 Cost/lb. for treatment of TPO₄

QMGY shall mean the annual total industrial and sanitary discharge - water retention.

BOD₅ shall mean the average concentration of BOD₅ in sewage or waste discharged to the Authority facilities.

TSS shall mean the average concentration of TSS in sewage or waste discharged to the Authority facilities.

TPO₄ shall mean the average concentration of TPO₄ in sewage or waste discharged to the Authority facilities.

Surchargeable concentrations are as follows:

BOD₅ - Over 250 mg/L; TSS - Over 250 mg/L; TPO₄ - Over 15.35 mg/L

This formula shall be applied in computing the Buffalo Industrial Waste Surcharge subsequent to July 1, 2019 and ending June 30, 2020 for all users that discharge sewage or waste exhibiting a strength of sewage or waste greater than normal domestic sewage. In addition, this formula with the above rates will be used to calculate all monthly, quarterly, semiannual, and annual accounts subsequent to July 1, 2020.

(g) Any person who violates the Sewer Regulations of the Authority or the conditions of the permits issued thereunder shall be subject to fines as specified in said regulations.

(h) Whenever sewage or other wastes result in conditions in the Authority sewer system as to cause blockage or a substantial reduction in the flow, charges for the work necessary to eliminate such blockage or reduction in flow may be made, based upon costs incurred by the Authority for labor, materials, equipment hire, insurances, and other overhead, against the owner of the property or premises that caused the discharge of such sewage or other wastes into the Authority sewer system.

(i) Where sewer facilities have been installed to serve improved and unimproved property and have been paid for in whole or in part by the Authority, a charge shall be made based on a proportionate share of the original cost, determined by the foot frontage

of the parcel served, or by the area of such parcels, or by such other method the Authority determines to be equitable, as a condition to a permit for a connection to the Authority's facilities.

(j) An application and inspection fee for sewer connection permits shall be paid as follows at the time said application is filed with the Authority:

<u>Tap Size</u>	<u>Fee (\$)</u>
4 inch	100.00
6 inch	200.00
8 inch	300.00
10 inch	500.00
12 inch	800.00
15 inch	1,200.00
18 inch	1,800.00
21 inch or greater	2,500.00

(k) An application fee of \$50.00 per 2,500 square feet or part thereof of soil disturbance or impervious area being drained, whichever is greater, shall be paid at time of plans and/or calculations are submitted to the Authority for site stormwater management review.

(l) An application fee of \$150.00 plus \$25.00 for every 100 linear feet or part thereof of new sanitary sewer pipe proposed shall be paid at the time that plans and/or calculations are submitted to the Authority for any facility proposing to discharge 2,500 gallons per day or more of additional sanitary and/or industrial flow than existing conditions.

(m) All persons owning or operating a pump truck or other transport vehicle and desiring to discharge wastes, directly or indirectly, into the Authority's facilities shall first secure a valid Truckers Discharge Permit after paying an annual permit fee of \$120.00. In addition to said permit fee, a separate charge shall be billed based upon the verified quantity or truck capacity, and character of the waste discharged and, if applicable, the point of discharge.

The following surcharge rates are hereby charged for such wastehaulers who are located outside the City:

DISCHARGE LOCATION	TOTAL SUSPENDED SOLIDS	BOD ₅	TOTAL PHOSPHATE
Inlet/South Buffalo Pump	\$0.1666 /lb	\$0.2424 /lb.	\$0.0205 /lb.
Mixing Tank	\$0.1478 /lb	\$0.1159 /lb.	\$0.0205 /lb.
Thickener/Digester	\$0.1563 /lb	\$0.1223 /lb.	\$0.0205 /lb.

The above surcharge rates, along with costs incurred by the Authority when handling, testing, conveying, and administering each wastehauler, will be used to determine the cost per gallon of each wastestream. The wastehauler user charges for various wastestreams are as follows:

1. Septage and portable toilet wastes - The rate of \$0.04 per gallon discharged will be assigned to all permitted septage and portable toilet waste haulers.
2. Grease trap wastes - The rate of \$0.05 per gallon discharged will be assigned to all permitted grease trap waste haulers.
3. Sludge wastes - This rate will vary dependent on strength and volume. Sludge rates will be calculated using the parameter costs for the mixing tank location.
4. Miscellaneous Wastes - This rate will vary dependent on strength of waste, volume and discharge location.

These rates will be used for all permits effective July 1, 2020.

(n) In the event a person, lot, parcel of land, building or premises threatens to discharge or discharges sewage or waste into or near the Authority's publicly owned treatment works, either directly or indirectly, which in the opinion of the Authority will or is likely to bypass, upset, harm or endanger the facilities of the Authority, then such person or the owner or operator of such lot, parcel of land, building or premises shall pay to the Authority charges for any and all clean up, removal and remediation costs actually incurred by the Authority, including but not limited to labor, materials, equipment, insurances or laboratory services for the (i) containment or attempted containment of such discharge or threatened discharge, (ii) sampling and analysis of such discharge or threatened discharge, (iii) removal or attempted removal of such discharge or threatened discharge, (iv) taking of reasonable measures to prevent or mitigate damage to property, public health, safety or welfare, or (v) remediation, treatment, storage or disposal of such discharge or threatened discharge and all soils, water or structures affected by such discharge.

(o) All industrial users and waste haulers shall pay to the Authority a charge for the actual costs of analysis incurred by the Authority for monitoring of any and all discharges of such users.

(p) Any person who is granted a temporary permit to discharge into the facilities of the Authority shall pay a permit fee of \$800.00 to the Authority as a condition of the issuance of such permit.

(q) Except as otherwise defined herein, all terms and phrases used or contained in this schedule of sewer rents shall bear the same meaning and definition as set forth in the Authority's Sewer Use Regulations 21 N.Y.C.R.R. Part 10075 and New York Public Authorities Law Section 1175 *et seq.*

(r) Sewer rents and charges as herein provided shall be payable at the office of the Director of the Treasury for the City at Room 117, City Hall, Buffalo, New York 14202, or at such other location or address as may be set forth on the Authority's invoice, and shall become due and payable as follows:

1. So much of the sewer rents and charges as are based upon water use and the drainage connection service charge covering the respective premises, or such other charges as provided herein shall be due and payable, except as otherwise stated in this schedule or in such invoice, on the same day, one month following the month of the invoice billing date, and such invoice may be billed monthly, quarterly or as otherwise determined by the Authority; and
2. So much of the sewer rents and charges as are based upon the assessed valuation of chargeable real estate shall become due and payable from the first day of July 1938, and each year thereafter, and may be paid without interest on or before September 30th next succeeding.

(s) Such sewer rents and charges that remain unpaid after their respective due dates shall be charged interest, and such interest shall continue to be charged until such sewer rents and charges are paid in full, as follows:

1. Sewer rents based upon water use and drainage connection service charges shall be charged interest at the same rate as unpaid City taxes, to wit: four and one-half percent (4.5%) interest shall be added to amounts unpaid from the first through the thirtieth day after the due date, and thereafter one and one-half percent (1.5%) shall be added to all amounts that remain unpaid for each succeeding month;
2. Sewer rents based upon assessed valuation of chargeable real estate that remain unpaid on October 1 of each year shall be charged interest at the rate of two percent (2%), and such sewer rents that remain unpaid shall be charged two percent (2%) for each month thereafter until paid; and
3. All other sewer rents and charges of the Authority shall be charged interest at the rate of one and one-half percent (1.5%) per month if not paid by the due date stated on the invoice issued by the Authority.

(t) All persons and property served by the Authority shall be subject to paying reasonable costs and expenses, including attorney fees incurred in the collection of sewer rents and charges that remain unpaid, as may be determined by the Board of the Authority. In addition to any other remedy or provision hereof, the Authority reserves the right to engage in such collection activities, as it deems appropriate, for all accounts that remain unpaid after the due date. In consideration of such collection activities and to defray the cost thereof with respect to accounts based on water use and drainage connection service, the person or property served by the Authority may pay an additional charge of twenty-one percent (21%) of the amount of each such delinquent account, together with interest as provided herein, that remains unpaid for more than (i) one hundred twenty (120) days from the due date for metered accounts, and (ii) two hundred ten (210) days from the due date for non-metered flat rate accounts. Due date, as used herein, means the date that the Authority's sewer rent and other charges are due and payable pursuant to III (q) (1) and III (q) (2), herein, respectively.

(u) Invoice statements shall be mailed or delivered to the address of the owner or user, as the case may be, as such address appears on the Authority's records. Such mailing or delivery is a matter of convenience. Failure of an owner or user to receive an invoice statement shall not release such owner or user from the obligation to pay such invoice statement, together with any other charges and interest which may accrue on unpaid amounts.

(v) All invoices shall be paid in United States dollars and may be paid by cash, check or credit card at Room 117, City Hall, Buffalo, New York or such other location or address as may be provided on such invoice, by internet, or by telephone as set forth on the invoice. All persons who pay through the City of Buffalo Website or by telephone shall pay any processing fees charged by the City of Buffalo. Multiple payments in the same transaction will be charged the convenience fee only once. The convenience fee will be added automatically to each transaction.

IV. LIEN OF SEWER RENT

From and after the due date thereof, such sewer rents and charges, together with any interest and collection costs shall constitute a lien upon the real property served by the facilities. Such lien shall have the same priority and superiority as the lien of the general tax of the City.

V. EFFECTIVE DATE OF THIS SCHEDULE

This schedule of sewer rents and other charges shall become effective July 1, 2020; provided, however, that the sewer rents and other charges herein set forth, applicable to water use, shall become effective on all billings on and after August 1, 2020, excepting only monthly metered accounts for July 2020, and Section "W" of the quarterly metered accounts for the period May, June, and July 2020, which shall be billed according to the schedule of rents in effect prior to July 1, 2020.

Exhibit A

Stories High:	1	1 ½	2	2 ½	3	4	5
Under 25 ft	21.65	24.38	29.76	35.17	37.84	40.57	45.97
From 25 ft to 30 ft	24.38	29.76	35.17	37.84	40.57	45.97	51.35
From 31 ft to 35 ft	29.76	35.17	37.84	40.57	45.97	51.35	56.74
From 36 ft to 40 ft	35.17	37.84	40.57	45.97	51.35	56.74	59.44
From 41 ft to 45 ft	37.84	40.57	45.97	51.35	56.74	59.44	62.12
From 46 ft to 50 ft	40.57	45.97	51.35	56.74	59.44	62.12	67.56

The Following Rates Apply To More Than One Family Homes or Housekeeping:

1 Family	21.65
2 Families	43.29
3 Families	64.94
4 Families	86.58
5 Families	108.03
6 Families	129.87

Bathtubs & Showers *Bathtubs with attached showers are charged for only bathtubs

1 Bathtub	5.45
2 Bathtubs	10.91
3 Bathtubs	16.36
4 Bathtubs	21.81
5 Bathtubs	27.27
6 Bathtubs	32.72
7 Bathtubs	38.17
8 Bathtubs	43.63
9 Bathtubs	49.08

Toilets:	1 Family	2 Family	3 Family	4 Family	5 Family	6 Family
1 Toilet	10.86					
2 Toilets	19.15	21.73				
3 Toilets	27.43	30.01	32.59			
4 Toilets	35.72	38.30	40.88	43.46		
5 Toilets	44.00	46.58	49.16	51.74	54.32	
6 Toilets	52.29	54.87	57.45	60.03	62.61	65.19
7 Toilets	60.57	63.15	65.73	68.31	70.89	73.47
8 Toilets	68.86	71.44	74.02	76.60	79.18	81.76
9 Toilets	77.14	79.72	82.30	84.88	87.46	90.04
Each Additional Toilet	8.28					

Boarder or Roomer

1	4.13
2	8.26
3	12.38
4	16.51

Office with Water: 21.65

Office without Water: 10.86

Hot Water Heating Billed in November & February:

1	10.84
2	21.67
3	32.51
4	43.35
5	54.18
6	65.02
7	75.86
8	86.69

Car in Garage:

Garage w/out Water

Garage w/Water

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