

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

**January 13, 2021**

# **BUFFALO SEWER AUTHORITY**

**January 13, 2021**

**REGULAR MEETING**                      **9:00 A.M.**                      **VIA TELECONFERENCE**  
**+ 1 929-229-5044 United States, New York City**  
**Phone Conference ID: 680 526 0#**

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Attachment A	Report on Fiscal Year 2020-21 Rates and Charges for Sewer Services
Attachment B	Comprehensive Annual Financial Report
Attachment C	Annual Investment Report

**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, Esq.  
LaToya Cunningham  
Roberta Gaick, P.E.  
Alex Emmerson  
Paul Harris  
Barbara Miller-Williams  
Delano Dowell  
Laura Surdej

Absent: none

Chairman  
Vice Chairman  
Assistant Vice Chairman  
General Manager  
Executive Secretary  
Secretary to the General Manager  
Director of Employee Relations  
General Counsel (BSA)  
Special Assistant  
Treatment Plant Administrator  
Acting Treatment Plant Supt.  
Supt. Mechanical Maintenance  
Comptroller – City of Buffalo  
Special Assistant to the Comptroller  
Erie County Dept. of Sewerage

The meeting was called to order at 9:06 AM. A quorum was present.

**ITEM NO. 1****Motion to Adopt the Minutes of the Meeting of December 16, 2020**

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

Board Meeting of January 13, 2021



## ITEM NO. 2

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

As of December 31, 2020

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>CONSTRUCTION/CAPITAL IMPROVEMENT FUND</b>						
31-Jul-12	Money Market		\$302,299.15	Key	0.01%	Public NOW
01-Nov-19	Money Market		\$10,259,664.04	Bank on Buffalo	0.15%	
28-Sept-20	29-Mar-21	183	\$8,006,063.34	Key Banc Capital	0.38%	\$15,386.18
30-Sep-20	30-Mar-21	182	\$5,835,835.04	Key Banc Capital	0.31%	\$9,099.17
03-Nov-20	03-May-21	181	\$10,112,738.90	Key Banc Capital	0.41%	\$20,861.26
09-Nov-20	13-Jan-21	65	\$4,599,867.11	Key Banc Capital	0.11%	\$913.61
20-Nov-20	20-May-21	181	\$6,394,773.31	Key Banc Capital	0.35%	\$11,262.22
01-Dec-20	18-Feb-21	79	\$2,099,656.99	Key Banc Capital	0.12%	\$553.00
			<u>\$47,610,897.88</u>			
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
31-Jul-12	Money Market		\$100,956.12	Key	0.01%	Public NOW
11-Dec-19	Money Market		\$916,264.17	Bank on Buffalo	0.15%	
			<u>\$1,017,220.39</u>			
<b>OPERATING FUND</b>						
31-Jul-12	Super NOW		\$4,082,348.42	Key	0.01%	Public NOW
<b>TRUST &amp; AGENCY FUND</b>						
31-Jul-12	Super NOW		\$7,082.22	Key	0.01%	Public NOW
<b>SURPLUS FUND</b>						
			\$234.34	Wilmington US Treasury		
14-Dec-20	14-Jun-21	182	\$10,004,367.41	Key Bank Capital	0.21%	\$10,632.59
			\$1,052.09	Accrued Income		
			<u>\$10,005,653.84</u>			
<b>NET REVENUE FUND</b>						
			\$0.00	Wilmington US Treasury		
30-Sep-20	30-Mar-21	182	\$5,999,634.31	Key Banc Capital	0.31%	\$9,365.69
22-Oct-20	20-Jan-21	90	\$1,099,697.50	Key Banc Capital	0.11%	\$302.50
09-Nov-20	27-Jan-21	79	\$2,629,192.01	Key Banc Capital	0.14%	\$807.99
03-Nov-20	03-May-21	181	\$4,996,678.63	Key Banc Capital	0.41%	\$10,321.37
30-Nov-20	26-Apr-21	147	\$2,798,285.00	Key Banc Capital	0.15%	\$1,715.00
08-Dec-20	26-May-21	169	\$1,998,497.78	Key Banc Capital	0.16%	\$1,502.22
30-Dec-20	29-Feb-21	58	\$3,599,420.00	Key Banc Capital	0.10%	\$580.00
			\$9,564.00	Accrued Income		
			<u>\$23,130,969.23</u>			

**DEBT RESERVE FUND**

				<b>Series J</b>	
02-Jul-14	13-Nov-33	7076	\$515,879.00	UST State/Local Govt	2.70%
			\$1,808.43	Accrued Income	
			<u>\$517,687.43</u>		
				<b>Series K</b>	
02-Jul-14	15-Feb-33	5803	\$361,415.00	UST State/Local Govt	2.70%
			\$3,685.84	Accrued Income	
			<u>\$365,100.84</u>		
				<b>Series L</b>	
12-Nov-15	01-Oct-35	7263	\$689,547.00	UST State/Local Govt	2.44%
			\$4,252.46	Accrued Income	
			<u>\$693,799.46</u>		
				<b>Series M</b>	
27-Jun-14	01-May-44	10901	\$595,613.00	UST State/Local Govt	2.70%
			\$2,709.87	Accrued Income	
			<u>\$598,322.87</u>		
				<b>Series N</b>	
15-Nov-12	15-Apr-32	7091	\$2,167,157.00	UST State/Local Govt	2.42%
			\$11,238.26	Accrued Income	
			<u>\$2,178,395.26</u>		
			\$0.01	<b>DSF PRIN &amp; INT</b>	
				Wilmington Fund	

**RECEIVE & FILE**

Board Meeting of January 13, 2021

## 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***

12/4/2020	00230106 GRIT Repairs	\$8,000.00	00270106 GAS Repairs to Equipment	-\$8,000.00
12/14/2020	00370105 Centrifuge Equipment Maintenance	\$9,000.00	00330105 FINA Equipment Maintenance	-\$9,000.00
12/21/2020	00370105 Centrifuge Equipment Maintenance	\$50,000.00	00220105 Screen Equipment Maintenance	-\$50,000.00

***Sewer Maintenance***

12/14/2020	00670105 SWRC Equipment Maintenance	\$750.00	00660105 SWRR Equipment Maintenance	-\$750.00
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***Industrial Waste***

12/14/2020	00550106 PLAN MISC	\$1,200.00	00550105 IWS LAB Supplies	-\$1,200.00
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***General Financial Charges***

12/22/2020	00800183 FIN Contingency	\$650,000.00	00520106 Main Maintenance Contract	-\$650,000.00
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**RECEIVE & FILE**

Board Meeting of January 13, 2021

## ITEM NO. 4

**INFORMATIVE: REPORT ON THE CONDITION OF THE LIABILITY AND CASUALTY RESERVE FUND**

The Resolution that created the Liability and Casualty Reserve Fund provides that:

“The General Manager shall regularly and not less than semi-annually render to the Board a detailed report of the operation and condition of the Liability and Casualty Reserve Fund.”

Fund Balance as of June 30, 2020	\$1,019,399.48
Interest Earnings	\$,1710.00
Claims Paid	\$33,841.82
Transfer from Operating Fund	\$30,000.00
Fund Balance as of December 31, 2020	<u>\$1,017,267.66</u>

The Resolution that created the Liability and Casualty Reserve Fund provides that:

“When the amount of the Liability and Casualty Reserve Fund reaches the sum of \$1,000,000.00, no further additions shall be made thereto until the Fund has been reduced below \$1,000,000.00”.

Because the balance of the Liability and Casualty Reserve Fund was below \$1,000,000.00, a transfer in the amount of \$30,000.00 was made from the Operating Fund on November 19, 2020.

During the period of July 1, 2020 – December 31, 2020 the B.S.A. settled five (5) claims, resulting in a cash payment from the Buffalo Sewer Authority for \$33,841.82. No claims were denied in this time period.

**Total Active Claims Pending as of December 31, 2020**

Bodily Injury	13
Property Damage	13
Auto B.I. & P.D	1
Other Liability	<u>0</u>
Total	27

**RECEIVE & FILE**

Board Meeting of January 13, 2021

## ITEM NO. 5

**INFORMATIVE: REPORT ON FISCAL YEAR 2020-21 RATES AND CHARGES FOR SEWER SERVICES**

Periodically a report on the rates and charges for sewer service is prepared for the Buffalo Sewer Authority. This report presents findings regarding the revenue requirements of the sewer system and the adequacy of the budgeted sewer rates and charges.

The Report on Fiscal Year 2020-21 Rates and Charges for Sewer Services (Attachment A) has been made available to your Honorable Body.

This report has been reviewed by the Audit Committee for the Buffalo Sewer Authority Board and is presented to the Board for their information to be acknowledged, received and filed.

**RECEIVE AND FILE**

Board Meeting of January 13, 2021

## ITEM NO. 6

**APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AND THE ANNUAL INVESTMENT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

WHEREAS: New York State Public Authorities Law requires the Comprehensive Annual Financial Report and the Annual Investment Report of the Buffalo Sewer Authority to be approved by the Board; and

WHEREAS: The Comprehensive Annual Financial Report (Attachment B) and the Annual Investment Report (Attachment C) of the Buffalo Sewer Authority have been made available to your Honorable Body.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves and adopts the Comprehensive Annual Financial Report and the Annual Investment Report for the fiscal year ended June 30, 2020.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2<sup>ND</sup> BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of January 13, 2021

## ITEM NO. 7

**SUPPLEMENTAL SEWER SYSTEM REVENUE BOND RESOLUTION SEWER SYSTEM  
REVENUE BONDS, SERIES 2021 (EFC)****EXTRACT OF MINUTES  
Meeting of the Buffalo Sewer Authority  
of the City of Buffalo, County of Erie, New York  
January 13, 2021**

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A regular meeting of the Buffalo Sewer Authority of the City of Buffalo, in the County of Erie, New York, was held via teleconference on January 13, 2021, at 9:00 o'clock A.M. (Prevailing Time)

There were present: 15

Members: 3

There were absent: 0

Also present:

Member Mr. Roosevelt offered the following resolution and offered its adoption:

2 <sup>ND</sup> BY	<u>MS. PETRUCCI</u>		
AYES	<u>3</u>	NOES	<u>0</u>

Board Meeting of January 13, 2021

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**BUFFALO SEWER AUTHORITY**

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**Supplemental Sewer System Revenue Bond Resolution  
Authorizing \$7,936,830  
Sewer System Revenue Bonds, Series 2021 (EFC)**

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**Adopted: January 13, 2021**

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**BUFFALO SEWER AUTHORITY****Supplemental Sewer System Revenue Bond Resolution  
Authorizing \$7,936,830  
Sewer System Revenue Bonds, Series 2021 (EFC)**

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BE IT RESOLVED by the Board of the Buffalo Sewer Authority (the "Authority") as follows:

**ARTICLE I****DEFINITIONS AND AUTHORITY**

Section 101. Short Title. This resolution may hereafter be cited by the Authority and is herein referred to as the 2021 EFC Supplemental Resolution.

Section 102. Definitions.

(A) All terms which are defined in Section 102 of the resolution adopted by the Authority on June 29, 1977 and entitled "Sewer System Revenue Bond Resolution" (the "Resolution"), as heretofore amended, shall have the same meanings, respectively, in this 2021 EFC Supplemental Resolution as such terms are given in said Section of the Resolution.

(B) In this 2021 EFC Supplemental Resolution:

"2021 EFC Supplemental Resolution" shall mean this Supplemental Sewer System Revenue Bond Resolution Authorizing Sewer System Revenue Bonds, Series 2021 (EFC).

"Corporation" shall mean the New York State Environmental Facilities Corporation, a body corporate and politic constituting a public benefit corporation, established and existing under and by virtue of the laws of the State of New York.

"Project Finance Agreement" shall mean the project finance agreement to be entered into between the Authority and the Corporation relating to the Series 2021 (EFC) Bonds, in substantially the form presented to this meeting, as the same may be amended and supplemented from time to time.

"Series 2021 (EFC) Bonds" means the Sewer System Revenue Bonds, Series 2021 (EFC), authorized by, and the terms, conditions and other details of issuance of which are to be determined as set forth in, this 2021 EFC Supplemental Resolution.

Section 103. Authority for This 2021 EFC Supplemental Resolution. This 2021 EFC Supplemental Resolution is adopted pursuant to the provisions of the Act and the Resolution.

Section 104. Resolution to Constitute Contract. In consideration of the purchase and acceptance of the Series 2021 (EFC) Bonds by the Corporation, the provisions of this 2021 EFC

Supplemental Resolution shall be a part of the Project Finance Agreement and shall be deemed to be and shall constitute a contract among the Authority, the Trustee and the Corporation.

## ARTICLE II

AUTHORIZATION OF THE SERIES 2021 (EFC) BONDS AND  
DETERMINATION OF CERTAIN TERMS OF THE SERIES 2021 (EFC) BONDS

Section 201. 2021 EFC Supplemental Resolution. This 2021 EFC Supplemental Resolution is supplemental to, and is adopted in accordance with, Article II and Article VIII of the Resolution.

Section 202. Principal Amount, Designation and Series. Pursuant to the provisions of the Resolution, a Series of Bonds (the "Series 2021 (EFC) Bonds") entitled to the equal benefit, protection and security thereof, is hereby authorized, and shall be issued in an aggregate principal amount of \$7,936,830, as set forth in the Project Finance Agreement. The Series 2021 (EFC) Bonds shall be designated as, and shall be distinguished from the Bonds of all other Series by the title, "Sewer System Revenue Bonds, Series 2021 (EFC)".

Section 203. Purposes. The Series 2021 (EFC) Bonds are issued to provide moneys for the making of deposits in the amounts, if any, required by the Project Finance Agreement or by the Resolution or this 2021 EFC Supplemental Resolution into the Construction Fund and any other Funds and Accounts established pursuant to Article V of the Resolution, this 2021 EFC Supplemental Resolution or the Project Finance Agreement. The proceeds of the Series 2021 (EFC) Bonds shall provide permanent long-term financing for the Smith Street CSO No. 26 Project (CWSRF Project Nos. C9-6602-22-00 and C9-6602-22-01), and all roadways, connections, structures, equipment, apparatus and other property necessary or desirable for efficient construction and operation of such sewerage facilities, subject to any modifications and revisions approved by the Authority as necessary or desirable for the purposes of the Authority or the Sewer System under the Act; and will also fund required debt service reserve funds and costs of issuance in connection with such financing to the extent set forth in the Project Finance Agreement.

Section 204. Date, Maturities and Interest Rates. The Series 2021 (EFC) Bonds shall be dated and shall mature and accrue interest in accordance with the Project Finance Agreement. The Series 2021 (EFC) Bonds will be payable as to principal and interest at the principal office of the Paying Agent to the registered owner thereof at its address set forth on the books of the Authority maintained by the Trustee for registration of the Series 2021 (EFC) Bonds. For so long as the Corporation is the registered owner of the Series 2021 (EFC) Bonds, the Corporation may, by written instruction to the Paying Agent, direct the Paying Agent to pay any principal of or interest on the Series 2021 (EFC) Bonds to any bank acting as custodian of the Corporation. The principal of and interest on the Series 2021 (EFC) Bonds shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts.

Section 205. Form, Denominations, Numbers and Letters. The Series 2021 (EFC) Bonds maturing in any particular year shall be issued in the form of fully registered bonds, in the denominations set forth in the Project Finance Agreement. The Series 2021 (EFC) Bonds shall be lettered R, and numbered from one consecutively upward. Alternatively, at the request of the Corporation, the Series 2021 (EFC) Bonds may be issued as one or more installment bonds providing for payments of principal and interest identical to those which would be required if a separate bond or bonds were issued for each stated maturity, or as one or more term bonds with mandatory sinking fund installments, or as a combination of serial bonds, installment bonds and term bonds.

Section 206. Sinking Fund Installments. Sinking Fund Installments are hereby established for the Series 2021 (EFC) Bonds to the extent, if any, required by the Project Finance Agreement.

Section 207. Redemption. The Series 2021 (EFC) Bonds shall be subject to mandatory and optional redemption to the extent, if any, provided in the Project Finance Agreement.

Section 208. Registration and Transfer of the Series 2021 (EFC) Bonds. The Series 2021 (EFC) Bonds shall be initially issued in the form of separate single authenticated fully registered bonds in the amount of each separate stated maturity of the Series 2021 (EFC) Bonds registered in the name of the Corporation. Alternatively, at the request of the Corporation, the Series 2021 (EFC) Bonds may be issued as one or more installment bonds providing for payments of principal and interest identical to those which would be required if a separate bond or bonds were issued for each stated maturity, or as one or more term bonds with mandatory sinking fund installments, or as a combination of serial bonds, installment bonds and term bonds, all fully registered in the name of the Corporation.

## ARTICLE III

## SALE AND DISPOSITION OF PROCEEDS AND OTHER AMOUNTS

Section 301. Determination as to Private Sale. The Authority being of the opinion that it is in the best interests of the Authority to finance the purposes for which the Series 2021 (EFC) Bonds are to be issued through the Clean Water State Revolving Fund administered by the Corporation, due to the favorable financing terms available thereunder, and upon the favorable recommendation of the Authority's independent financial advisor, the Authority hereby determines pursuant to Section 1187 of the Act (subject to the approval of the New York State Comptroller pursuant to said Section 1187) that the private sale of the Series 2021 (EFC) Bonds is in the best interests of the Authority.

Section 302. Sale of the Series 2021 (EFC) Bonds.

(A) The Project Finance Agreement relating to the Series 2021 (EFC) Bonds by and between the Authority and the Corporation, substantially in the form presented at this meeting and hereby made a part of this 2021 EFC Supplemental Resolution as though set forth in full herein, is hereby approved; provided that any changes, insertions and omissions thereto, including a change in the principal amount of the Series 2021 (EFC) Bonds, may be made and approved by the Chairman, the Vice-Chairman or the General Manager of the Authority. The Chairman, the Vice-Chairman or the General Manager of the Authority are hereby authorized to execute and deliver the Project Finance Agreement with such changes, insertions and omissions as may be approved by such Chairman, Vice-Chairman or General Manager, and such execution shall be conclusive evidence of any approval required by this subsection 302(A). The Series 2021 (EFC) Bonds are hereby authorized to be sold to the Corporation on the terms and conditions as set forth in the Project Finance Agreement and the Notice of Terms to be delivered thereunder and approved by the Chairman, Vice-Chairman or General Manager. The authority to make any and all determinations as to the terms, conditions and details of issuance of the Series 2021 (EFC) Bonds is hereby delegated to the Chairman, Vice-Chairman, or General Manager.

(B) The Chairman, Vice-Chairman, General Manager, Comptroller, Chief Fiscal Officer, Secretary, Assistant Secretary, if any, Executive Secretary and General Counsel (the "Authorized Representatives") of the Authority are hereby severally authorized to execute and deliver any and all papers, instruments, opinions, certificates, affidavits, and other documents and to do and cause to be done all acts and things necessary, convenient or proper for carrying out the Resolution, this 2021 EFC Supplemental Resolution, the Project Finance Agreement and the issuance, sale and delivery of the Series 2021 (EFC) Bonds.

Section 303. Disposition of Proceeds of the Series 2021 (EFC) Bonds. The proceeds of sale of the Series 2021 (EFC) Bonds shall be applied in accordance with applicable provisions of the Resolution and the Project Finance Agreement. To the extent any proceeds are required to be deposited into the Construction Fund, such proceeds will be disbursed as provided in the Resolution and in the Project Finance Agreement, including Section 3.5 thereof. Disbursements of proceeds of the Series 2021 (EFC) Bonds held in the Construction Fund will be disbursed by the Trustee only upon submission by the Authority of a requisition to the Trustee for such proceeds for Project Costs (as defined in the Project Finance Agreement) substantially in the form attached as Appendix One to Exhibit K of the Project Finance Agreement. Further, the Trustee shall not make any disbursement unless the requisition

for such disbursement shall have been approved by the Corporation; provided, however, that if the Corporation shall not expressly approve or deny such requisition within ten (10) Business Days (as defined in the Project Finance Agreement) of its receipt, then the Corporation shall be deemed to have approved such requisition at 9:00 a.m. on the eleventh Business Day next succeeding actual receipt of the request by the Corporation.

Section 304. Tax Covenants. (A) The Authority shall not permit at any time or times any of the proceeds of the Series 2021 (EFC) Bonds or any other funds of the Authority to be used directly or indirectly to acquire any securities or obligations the acquisition of which would cause any Series 2021 (EFC) Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (herein in this Section called the "Code").

(B) The Authority shall not permit at any time or times any proceeds of the Series 2021 (EFC) Bonds or any other funds of the Authority to be used, directly or indirectly, in a manner which would result in the exclusion of any Series 2021 (EFC) Bond from the treatment afforded by Section 103(a) of the Code, as from time to time amended, or result in the classification of any Series 2021 (EFC) Bond as a "private activity bond" within the meaning of Section 141 of the Code.

(C) The Authority will comply with the provisions and procedures of the Arbitrage and Use of Proceeds Certificate to be delivered concurrently with the delivery of the Series 2021 (EFC) Bonds, and it will do and perform all acts and things necessary or desirable to assure that interest paid on the Series 2021 (EFC) Bonds is excludable from gross income under Section 103 of the Code.

## ARTICLE IV

## FORM AND EXECUTION

Section 401. Form of the Series 2021 (EFC) Bonds. Subject to the provisions of the Resolution, including Section 205, and the Project Finance Agreement, the Series 2021 (EFC) Bonds shall be executed in substantially the following form:

REGISTERED

REGISTERED

No. R-

\$ \_\_\_\_\_

BUFFALO SEWER AUTHORITY  
SEWER SYSTEM REVENUE BOND, SERIES 2021 (EFC)

MATURITY  
DATE

INTEREST  
RATE

DATE OF  
ORIGINAL ISSUE

0%

REGISTERED OWNER:

PRINCIPAL SUM:

DOLLARS AND NO CENTS

BUFFALO SEWER AUTHORITY (the "Recipient") in the County of Erie, constituting a public benefit corporation organized and existing under the laws of the State of New York, hereby acknowledges itself indebted to, and for value received, hereby promises to pay, as hereinafter provided solely from the revenues pledged under and pursuant to the Resolution hereinafter mentioned to the Registered Owner named above, or registered assigns, the Principal Sum stated hereon on the Maturity Date hereof, unless redeemed prior thereto as hereinafter provided, upon the presentation and surrender hereof (i) for so long as this Bond is held by or for the benefit of New York State Environmental Facilities Corporation (the "Corporation") or of holders of its bonds, at either of the principal corporate trust office in Buffalo, New York or at the paying agency office in New York, New York, of Manufacturers and Traders Trust Company, as Paying Agent (the "Paying Agent"), or (ii) at any time thereafter, at the corporate trust office in Buffalo, New York, of Manufacturers and Traders Trust Company, as Trustee (the "Trustee"), or at the principal corporate trust office of any successor thereto, and to pay to the Registered Owner hereof by check or draft mailed to the Registered Owner at his address as it shall appear on the 15<sup>th</sup> day of the month preceding the interest payment date on the bond registry kept by the Trustee, interest on such Principal Sum from the Bond Date to the date of maturity or earlier redemption of this Bond at the Interest Rate per annum, payable semi-annually on the 14<sup>th</sup> day of



September and the 14<sup>th</sup> day of March each year, commencing September 14, 2021. Principal of, redemption premium, if any, and interest on this Bond are payable in any coin or currency of the United States of America which on the respective dates of payment hereof, shall be legal tender for the payment of public and private debts.

This Bond is one of a series of duly authorized bonds (the "Bonds") of the Buffalo Sewer Authority (the "Recipient") designated "Sewer System Revenue Bonds, Series 2021 (EFC)" in the aggregate principal amount of \$7,936,830 which are issued to provide moneys for the making of deposits in the amounts, if any, required by the Resolution (as defined below) and to finance improvements to the municipal sewer system of the City of Buffalo. The Bonds are issued pursuant to the provisions of the Buffalo Sewer Authority Act, Title 8 of Article 5 of the Public Authorities Law, Chapter 43-A of the Consolidated Laws of the State of New York, as amended (the "Act"), a Sewer System Revenue Bond Resolution (as amended, the "General Resolution") duly adopted by the Recipient on June 29, 1977, and a Supplemental Resolution (the "2021 EFC Supplemental Resolution") duly adopted by the Authority on January 13, 2021 (the General Resolution and the 2021 EFC Supplemental Resolution being collectively referred to herein as the "Resolution"). A copy of the Resolution is on file at the office of the Recipient in the City of Buffalo, New York and at the corporate trust office in Buffalo, New York, of the Trustee. Reference to the Resolution and any and all supplements thereto and modifications and amendments thereof and to the Act is made for a description of the pledges and covenants securing the bonds, the nature, extent and manner of enforcement of such pledges, the rights and remedies of the registered owners of the bonds with respect thereto and the terms and conditions upon which the bonds are issued and additional bonds may be issued in additional series for the purpose of providing sufficient funds for the capital costs of the Authority's sewer system or for the purpose of refunding Outstanding Bonds.

This Bond and the issue of which it forms a part are special obligations of the Recipient payable solely from revenues and other moneys pledged for such payment pursuant to the Act and the Resolution. This Bond and the issue of which it forms a part shall not in any respect be a general obligation of the Recipient to which the full faith and credit of the Recipient is pledged and shall not in any manner or to any extent constitute or be a charge upon any moneys or property of the Recipient not specifically pledged thereto by the Resolution. The Recipient has no taxing power. This Bond is not a debt of the State of New York or the City of Buffalo within the meaning of any statutory or constitutional provisions, nor of any political subdivision of the State of New York, other than the Recipient, or the United States of America. Neither the State of New York, any political subdivision of the State of New York, other than the Recipient, nor the United States of America shall be liable on this Bond. This Bond will not constitute a pledge of the faith and credit of the State of New York, the City of Buffalo, or of any political subdivision of the State of New York, other than the Recipient, nor shall this Bond be payable out of funds or properties other than those of the Recipient set forth in the Resolution. The issuance of this Bond will not obligate the State of New York or any of its political subdivisions or the United States of America to levy or pledge the receipts from any form of taxation for the payment of this Bond.

Neither the officers of the Recipient nor any person executing this Bond shall be liable personally or be subject to any personal liability or accountability by reason of the issuance hereof.

This Bond is transferable or exchangeable, as provided in the Resolution, only upon the books of the Recipient kept for that purpose at the corporate trust office in Buffalo, New York of the Trustee by the Registered Owner hereof in person, or by his duly authorized attorney, upon surrender of



this Bond (together with a written instrument of transfer satisfactory to the Trustee duly executed by the Registered Owner or his duly authorized attorney), and thereupon a new registered Bond or Bonds, without coupons, in the same aggregate principal amount and of the same maturity, shall be issued to the transferee or the Registered Owner in exchange therefor in the manner, subject to the conditions and upon payment of the charges, if any, provided in the Resolution. The Recipient and the Trustee (or other fiduciary) may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever.

The Bonds are issuable in the form of registered Bonds without coupons in denominations not exceeding the aggregate principal amount of Bonds stated to mature in the year of stated maturity of the Bond for which the denomination of the Bond is to be specified.

On or after \_\_\_\_\_, 20\_\_ at the option of the Recipient, the Bonds maturing after \_\_\_\_\_, 20\_\_, shall be subject to redemption prior to maturity, in whole at any time or in part in principal amounts of \$5,000 or integral multiples thereof on any interest payment date, from any moneys available therefor, in such order of maturities as shall be determined by the Recipient, at a redemption price, in either case, equal to the principal amount of such Bonds to be redeemed, together with (i) the Applicable Redemption Premium and (ii) the accrued and unpaid interest on the principal amount to be redeemed to the date fixed for redemption. As used herein "Applicable Redemption Premium" with respect to any maturity of the Bonds to be redeemed means \_\_\_\_\_ percent (\_\_\_\_%) of the principal amount of the Bonds to be redeemed or such lesser redemption premium as is specified in the Notice of Terms (as defined in the Project Finance Agreement dated as of \_\_\_\_\_, 20\_\_ between the Corporation and the Recipient) for such maturity and redemption date.

Notwithstanding the foregoing, no Bond or portion of this Bond that is not in an amount which is an integral multiple of \$5,000 shall be subject to such redemption at the option of the Recipient without the express written consent of the Corporation.

Any such redemption, either as a whole or in part, shall be made upon at least sixty (60) days and no more than seventy-five (75) days prior written notice to (i) the Corporation and to the trustee for the Corporation's State Clean Water and Drinking Water Revolving Funds Revenue Bonds, Series \_\_\_\_ (the "Corporation Bonds"), during any period when the bonds are held by or for the benefit of the Corporation or of holders of the Corporation Bonds, or (ii) any successor holder of this Bond at any time thereafter. The failure to give any such notice, or any defect therein, will not affect the validity of any proceeding for the redemption of any bond with respect to which no such failure to give notice, or defect therein, has occurred.

The moneys necessary for any redemption of Bonds shall be paid to or deposited with (i) the Paying Agent during any period when the Bonds are held for the benefit of the holders of the Corporation Bonds, and (ii) the Trustee during any period when the Bonds are otherwise held, in either case on or prior to the redemption date. All Bonds called for redemption will cease to bear interest on the specified redemption date, provided funds sufficient for the redemption of such Bonds are on deposit with the Trustee or Paying Agent, as appropriate. If such moneys are not available on the redemption date, the Bonds or portions thereof will continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption.

The General Resolution permits, with certain exceptions as therein provided, the amendment thereof and the modification of the rights and obligations of the Recipient and the rights of

the holders of the bonds at any time by the Recipient with the consent of the holders of not less than two-thirds in aggregate principal amount of the bonds at the time outstanding thereunder. Any such consent shall be conclusive and binding upon each such holder and upon all future holders of each bond and of any such bond issued upon the transfer or exchange thereof, whether or not notation of such consent is made thereon. The General Resolution also contains certain provisions permitting the Trustee to waive certain past defaults and their consequences. The holder of this Bond shall have no right to enforce the provisions of the Resolution, to institute action to enforce the provisions and covenants thereof or to institute, appear in or defend any suit or other proceedings with respect thereto, except as provided in the Resolution.

It is hereby certified, recited and declared that all acts, conditions and things required by the Constitution and statutes of the State of New York and the Resolution to have happened, to exist and to have been performed precedent to and in the issuance of this Bond, do exist, have happened and have been performed in regular and due time, form and manner as required by said Constitution, statutes and Resolution; that the series of Bonds of which this Bond is a part does not exceed any constitutional, statutory or charter limitation of indebtedness; and that provision has been made for the payment of the principal of and interest, if any, on this Bond as provided in the Resolution.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the certificate of authentication hereon shall have been signed by the Trustee.

IN WITNESS WHEREOF, THE BUFFALO SEWER AUTHORITY has caused this Bond to be executed in its name by its Chairman, Vice-Chairman or General Manager by his manual signature or a facsimile of his signature, to bear a facsimile of its corporate seal attested by the Secretary or Executive Secretary of the Recipient by his manual signature or a facsimile of his signature, and this Bond to be dated as of the date set forth above.

BUFFALO SEWER AUTHORITY

(SEAL)

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
General Manager

## [FORM OF ASSIGNMENT]

For value received, the undersigned hereby sells, assigns and transfer unto

PLEASE INSERT SOCIAL  
SECURITY OR OTHER TAX  
IDENTIFYING NUMBER OF  
ASSIGNEE:

the within-mentioned Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney-in-fact, to transfer the same on the books of registry in the office of the within-mentioned Registrar with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

NOTE: The signature on this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

\_\_\_\_\_

Section 402. Certificate of Authentication. The Certificate of Authentication to be printed on the Series 2021 (EFC) Bonds shall be in the following form:

[CERTIFICATE OF AUTHENTICATION]

This Bond is one of the Series 2021 (EFC) Bonds described in the within-mentioned Resolution.

MANUFACTURERS AND TRADERS  
TRUST COMPANY, as Trustee

By: \_\_\_\_\_  
Authorized Officer

Section 403. No Recourse on Series 2021 (EFC) Bonds. All covenants, stipulations, promises, agreements and obligations of the Authority contained in this 2021 EFC Supplemental

Resolution shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the Authority and not of any officer or employee of the Authority in his individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Series 2021 (EFC) Bonds or for any claim based thereon or on this 2021 EFC Supplemental Resolution, either jointly or severally against any officer or employee of the Authority or any person executing said Bonds.

## ARTICLE V

## FINDINGS AND DETERMINATIONS AND OTHER MATTERS

Section 501. Findings and Determinations. The Authority hereby finds and determines that the Project Finance Agreement is fair and reasonable and in the best interests of the Authority and that, on the basis of such finding and determination, the Series 2021 (EFC) Bonds shall be sold to the Corporation. The Authority further finds and determines that all conditions precedent to and concurrent with the acceptance of the Project Finance Agreement by the Authority have been met. The Authority hereby authorizes the Chairman, Vice-Chairman or General Manager of the Authority to execute and deliver, or cause to be delivered, the Project Finance Agreement for and on behalf of the Authority, on such terms and conditions as the person executing the same shall determine to be customary and prudent taking into account the best interests of the Authority, including any supplements or amendments thereto, provided that the purchase price shall not be less than one hundred percent (100%) of the principal amount of the Series 2021 (EFC) Bonds sold thereunder. The execution of the Project Finance Agreement and delivery thereof to the Corporation thereof shall constitute conclusive evidence of such determination.

A copy of the Project Finance Agreement as executed and delivered shall be maintained in the records of the Authority.

Section 502. Appointment of Paying Agent. Manufacturers and Traders Trust Company, Buffalo, New York, is hereby appointed Paying Agent for the Series 2021 (EFC) Bonds pursuant to Section 1102 of the Resolution.

Section 503. Additional Findings and Determinations. The Authority hereby finds, determines and declares that: (a) the Series 2021 (EFC) Bonds are issued under and secured by the Resolution and this 2021 EFC Supplemental Resolution; (b) the terms of sale of the Series 2021 (EFC) Bonds do not contemplate an underwriting of the Series 2021 (EFC) Bonds; (c) it is in the best interest of the Authority to sell, and the interest of the Authority will be best served by a sale of, the Series 2021 (EFC) Bonds to the Corporation as provided in the Project Finance Agreement; and (d) all provisions and conditions of the Resolution and of other applicable law have been complied with in the issuance of the Series 2021 (EFC) Bonds under the Resolution and this 2021 EFC Supplemental Resolution.

Section 504. Laws Governing; Severability. This 2021 EFC Supplemental Resolution shall be construed and enforced in accordance with the Constitution and laws of the State of New York.

If any provision of this 2021 EFC Supplemental Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provisions or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever.

The invalidity of any one or more phrases, sentences, clauses, paragraphs or sections in this 2021 EFC Supplemental Resolution shall not affect the remaining portions of this 2021 EFC Supplemental Resolution or any part thereof or of the Series 2021 (EFC) Bonds issued hereunder.

Section 505. Section Headings; Table of Contents. The headings or titles of the several sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning or construction, interpretation or effect of this 2021 EFC Supplemental Resolution.

Section 506. Effective Date of This 2021 EFC Supplemental Resolution. This 2021 EFC Supplemental Resolution shall become effective immediately.

**CERTIFICATE**

I, Oluwole A. McFoy, P.E., General Manager 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 January 13, 2021, 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 \_\_\_\_\_, 2021.

(SEAL)

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Oluwole A. McFoy, P.E., General Manager



## ITEM NO. 8

**PAYMENT FROM JUDGMENT AND CLAIMS**

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

WHEREAS: The following services and/or materials were received during a prior fiscal year and charged to the 2020-2021 budget account no. 00800108-480214:

<b>VENDOR</b>	<b>INVOICE</b>	<b>AMOUNT</b>
Mettler-Toledo, LLC	654761205	\$1,115.06
Quermback Electric	088343	\$1,233.00

; and

WHEREAS: The Executive Secretary and staff recommend the above payments from the Judgment and Claims account.

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

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2<sup>ND</sup> BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of January 13, 2021

## ITEM NO. 9

**CHANGE ORDER NO. 2 – CONTRACT NO. 81700017**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$1,042,556.00
Research Foundation for the State	PREVIOUS CHANGE ORDER	\$103,019.34
University of New York	THIS CHANGE ORDER	\$0
402 Crofts Hall	ADJUSTED CONTRACT COST	\$1,145,575.34
University at Buffalo		
Buffalo, New York 14260		

PROJECT: UB RENEW Professional Services to Support Long Term Control Plan Efforts

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**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1 No cost extension to June 30, 2022.

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1 Additional time to support ongoing modeling and digital analytics efforts..

**COST OF CHANGE OR EXTRA WORK:**

Item #1 \$0

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$0

The total INCREASE to the contract as a result of this Change Order is \$0

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 81700017 as written in the above Agenda Item, with adjusted contract cost remaining at \$1,145,575.34.

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

Board Meeting of January 13, 2021

## ITEM NO. 10

**CHANGE ORDER NO. 2 – CONTRACT NO. 82000015**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$1,168,300.00
Hohl Industrial, Inc.	PREVIOUS CHANGE ORDER	\$584,637.00
770 Riverview Blvd.	THIS CHANGE ORDER	<u>(\$90,226.20)</u>
Tonawanda, New York 14150	ADJUSTED CONTRACT COST	\$1,662,710.80

PROJECT: Settled Wastewater Pump and Motor #2 Rehabilitation

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**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1 Unused Allowance

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1 At the end of the project there was an unused allowance in the amount of \$90,226.20

**COST OF CHANGE OR EXTRA WORK:**

Item #1 (\$90,226.20)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK (\$90,226.20)

The total DECREASE to the contract as a result of this Change Order is \$90,226.20

**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 January 13, 2021.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications, and project specifications for the same type of work.

3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place under coverage of his performance and payment bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the Owner evidence of increased coverage of his performance and payment bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 82000015 as written in the above Agenda Item, decreasing the contract cost in the amount of \$90,226.20, making the adjusted contract cost \$1,662,710.80.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

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

AYES 3 NOES 0

Board Meeting of January 13, 2021

ITEM NO. 11  
CONTRACT NO. 82000015

**CERTIFICATE OF ACCEPTANCE AND OCCUPANCY**

PROJECT: Settled Waste Water Pump and Motor #2 Rehabilitation

BID: \$1,168,300.00

CONTRACTOR: Hohl Industrial., Inc.  
77 Riverview Blvd.  
Tonawanda, NY 14150

WHEREAS: The Treatment Plant Administrator and staff have certified that the Contractor completed the work in accordance with the plans and specification on January 13, 2021; and

WHEREAS: On May 27, 2020 the Board of the Buffalo Sewer Authority approved a change order in the amount of \$584,637.00, making the adjusted contract value \$1,752,937.00; and

WHEREAS: On January 13, 2021 the Board of the Buffalo Sewer Authority approved a deduction change order in the amount of \$90,226.20, making the final adjusted contract value \$1,662,710.80.

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 January 13, 2021;
- c. The maintenance period commences on January 13, 2021;
- d. The final cost of the Contract is \$1,662,710.80.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

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

AYES 3 NOES 0

Board Meeting of January 16, 2021

## ITEM NO. 12

**AUTHORIZATION FOR PURCHASE OF ORACLE USERS AND SUPPORT**

WHEREAS: The Buffalo Sewer Authority utilizes Oracle database software for its business and process data storage; and

WHEREAS: In order to expand and update our database platform and comply with the Oracle licensing rules, it is necessary to purchase 160 user licenses; and

WHEREAS: Upon request, Oracle submitted a quote in the amount of \$114,777.60 under New York State Contract Number PM20940, Group 73600, Award 22802, IT Umbrella Contract for the upgrade package; and

WHEREAS: The Acting Treatment Plant Superintendent, Systems Administrator and staff reviewed the quote received and recommend this purchase; and

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

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the needed upgrade Oracle software, at a cost not to exceed \$114,777.60. Account no. 00200107-474300 will be charged for this purchase.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

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

AYES 3 NOES 0

Board Meeting of January 13, 2021

## ITEM NO. 13

**REPORT ON BIDS RECEIVED - SLUDGE INCINERATOR REFRACTORY REHABILITATION**

WHEREAS: Formal bids were advertised and solicited for Sludge Incinerator Refractory Rehabilitation at the Bird Island Treatment Facility. Formal bids were opened on December 22, 2020 and results are as follows:

<b>PLIBRICO COMPANY, LLC</b>					
<b>Item number</b>	<b>ITEM DESCRIPTION</b>	<b>Estimated Quantity</b>	<b>Unit</b>	<b>Unit Bid Price</b>	<b>Total bid price (Unit bid price x estimated quantity)</b>
1	Main burner tile removal & replacement	13	Each	\$2,795.00	\$36,335.00
2	Afterburner tile removal & replacement	6	Each	\$2,810.00	\$16,860.00
3	Misc. refractory removal, repair, & replacement	75	100 boxes	\$175.00	\$13,125.00
4	Misc. refractory removal, repair & replacement of rabble arm	18	Each	\$700.00	\$12,600.00
5	Misc. refractory removal, repair & replacement of sills for Inspection doors	24	Each	\$175.00	\$4,200.00
6	Removal, repair & replacement of brick hearth	1	Each	\$31,500.00	\$31,500.00
7	Removal & installation of burners	19	Each	\$165.00	\$3,135.00
8	Removal, repair & replacement of diminished refractory lining on center shaft for hearth #3, #4, #5, #6 & #7	5	Each	\$6,200.00	\$31,000.00
9	Removal & replacement for lute cap and refractory	2	Each	\$5,500.00	\$11,000.00
10	Removal & disposal of ash/debris from base of afterburner and waste heat recovery boiler inlet	1	Lump sum	\$3,300.00	\$3,300.00
11	Removal, repair & replacement of diminished metal for venturi scrubber and sieve tray scrubber	160	Hour	\$99.50	\$15,920.00
	<b>GRAND TOTAL (sum of total bid price 1 through 11)</b>				<b>\$178,975.00</b>

<b>INDUSTRIAL FURNACE</b>					
<b>Item number</b>	<b>ITEM DESCRIPTION</b>	<b>Estimated Quantity</b>	<b>Unit</b>	<b>Unit Bid Price</b>	<b>Total bid price (Unit bid price x estimated quantity)</b>
1	Main burner tile removal & replacement	13	Each	\$3,500.00	\$45,500.00
2	Afterburner tile removal & replacement	6	Each	\$4,000.00	\$24,000.00
3	Misc. refractory removal, repair, & replacement	75	100 boxes	\$260.00	\$19,500.00
4	Misc. refractory removal, repair & replacement of rabble arm	18	Each	\$2,000.00	\$36,000.00
5	Misc. refractory removal, repair & replacement of sills for Inspection doors	24	Each	\$1,000.00	\$24,000.00
6	Removal, repair & replacement of brick hearth	1	Each	\$74,000.00	\$74,000.00
7	Removal & installation of burners	19	Each	\$500.00	\$9,500.00
8	Removal, repair & replacement of diminished refractory lining on center shaft for hearth #3, #4, #5, #6 & #7	5	Each	\$5,000.00	\$25,000.00
9	Removal & replacement for lute cap and refractory	2	Each	\$4,500.00	\$9,000.00*
10	Removal & disposal of ash/debris from base of afterburner and waste heat recovery boiler inlet	1	Lump sum	\$15,000.00	\$15,000.00
11	Removal, repair & replacement of diminished metal for venturi scrubber and sieve tray scrubber	160	Hour	\$225.00	\$36,000.00
	<b>GRAND TOTAL (sum of total bid price 1 through 11)</b>				<b>\$317,500.00</b>
	<b>*Mathematical error from original quote-corrected</b>				

<b>K &amp; E FABRICATING</b>					
<b>Item number</b>	<b>ITEM DESCRIPTION</b>	<b>Estimated Quantity</b>	<b>Unit</b>	<b>Unit Bid Price</b>	<b>Total bid price (Unit bid price x estimated quantity)</b>
1	Main burner tile removal & replacement	13	Each	\$3,355.00	\$43,615.00
2	Afterburner tile removal & replacement	6	Each	\$5,820.00	\$34,920.00
3	Misc. refractory removal, repair, & replacement	75	100 boxes	\$222.00	\$16,650.00
4	Misc. refractory removal, repair & replacement of rabble arm	18	Each	\$690.00	\$12,420.00
5	Misc. refractory removal, repair & replacement of sills for Inspection doors	24	Each	\$200.00	\$4,800.00
6	Removal, repair & replacement of brick hearth	1	Each	\$45,450.00	\$45,450.00



7	Removal & installation of burners	19	Each	\$200.00	\$3,800.00
8	Removal, repair & replacement of diminished refractory lining on center shaft for hearth #3, #4, #5, #6 & #7	5	Each	\$7,200.00	\$36,000.00
9	Removal & replacement for lute cap and refractory	2	Each	\$5,700.00	\$11,400.00
10	Removal & disposal of ash/debris from base of afterburner and waste heat recovery boiler inlet	1	Lump sum	\$4,000.00	\$4,000.00
11	Removal, repair & replacement of diminished metal for venturi scrubber and sieve tray scrubber	160	Hour	\$105.00	\$16,800.00
				<b>Ins &amp; Bond</b>	<b>\$13,585.00**</b>
	<b>GRAND TOTAL</b> <b>(sum of total bid price 1 through 11)</b>				<b>\$243,440.00</b>
	<b>**Vendor added unauthorized line item</b>				

; and

WHEREAS: The Principal Chief Stationary Engineer and staff reviewed the quotes received and recommend the purchases be awarded to low bidder, Plibrico Company, LLC, at a total cost not to exceed \$178,975.00; and

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

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract for Sludge Incinerator Refractory Rehabilitation with Plibrico Company, LLC, in an amount not to exceed \$178,975.00. These rehabilitation services will be charged to account no. 00380106-443301.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2<sup>ND</sup> BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of January 13, 2021

## ITEM NO. 14

**AUTHORIZATION FOR PURCHASE OF CLIMBER SCREEN PARTS FOR THE SCREEN ROOM**

- WHEREAS: Infilco Degremont, Inc., is the original equipment manufacturer for the Infilco Climber Screens® and Helico® presses located in the Bird Island Treatment Facility Screen Room; and
- WHEREAS: The Superintendent of Mechanical Maintenance has determined a need to purchase climber screen parts to replace worn out parts and to repair broken parts to keep the climber screens in operation; and
- WHEREAS: Upon request, GP Jager, Inc., the authorized local representative, submitted a quote in the amount of \$103,191.17 for the needed Infilco Climber Screen® parts; and
- WHEREAS: The Superintendent of Mechanical Maintenance and staff have reviewed the quote and recommend this purchase; and
- WHEREAS: Monies payable to date to GP Jager, Inc., the authorized local representative of Infilco Degremont, Inc., equipment, in this current aggregate year is \$31,244.06. This purchase will bring the total monies payable for purchases to \$134,435.23; and
- WHEREAS: Board approval is required on purchases over \$20,000.00.
- NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the needed climber screen parts from GP Jager, Inc., at a total cost of \$103,191.17. This purchase will be charged to account no. 00220105-466107.

MOTION TO \_\_\_\_\_ APPROVE \_\_\_\_\_  
MADE BY \_\_\_\_\_ MR. ROOSEVELT \_\_\_\_\_  
2<sup>ND</sup> BY \_\_\_\_\_ MS. PETRUCCI \_\_\_\_\_  
AYES \_\_\_\_\_ 3 \_\_\_\_\_ NOES \_\_\_\_\_ 0 \_\_\_\_\_

Board Meeting of January 13, 2021

## ITEM NO. 15

**AUTHORIZATION TO PURCHASE A BOBCAT SKID STEER LOADER UNDER STATE CONTRACT**

WHEREAS: The Director of Sewer Maintenance and Head Motor Equipment Mechanic request approval to purchase the following Bobcat Skid Steer Loader with additional options available under New York State Contract to replace the existing Bobcat that is obsolete and no longer feasible to repair:

State Contract	Vendor	Vehicle	Cost
PC67141 Award No. PGB-22792	Clark Equipment Company/ dba Bobcat Company	S76 T4 Bobcat Skid Steer Loader with various options. As per Quote: 35828D035849	\$47,645.25

; and

WHEREAS: The Director of Sewer Maintenance and the Head Motor Equipment Mechanic recommend the purchase of the above Bobcat Skid Steer Loader at the total cost of \$47,645.25.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to purchase the above Bobcat Skid Steer Loader with the additional options indicated from Clark Equipment Company/ dba Bobcat Company at a total cost of \$47,645.25. This purchase will be charged to account no. 00690107-474200.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

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

AYES 3 NOES 0

Board Meeting of January 13, 2021

## ITEM NO. 16

**AUTHORIZATION TO PURCHASE A VEHICLE UNDER THE ONONDAGA BID:  
ONGOV-106-19 2021**

## WHEREAS:

The Superintendent of Mechanical Maintenance and Head Motor Equipment Mechanic request approval to purchase the following vehicle, with additional options, available under Onondaga County Contract to add to the existing fleet:

County Contract	Vendor	Vehicle	Cost
Bid No. ONGOV-106-19 2021	Van Bortel Ford	One (1) 2021 Ford F-450 XL Super Crew 4x4 168 WB 60 CA with various options as outlined in Quote 31545	
		<b>Total Cost</b>	<b>\$ 66,469.72</b>

; and

## WHEREAS:

The Superintendent of Mechanical Maintenance and Head Motor Equipment Mechanic recommend the purchase of the above vehicle at the total cost of \$66,469.72.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority authorizes the General Manager to purchase the above vehicle and additional options indicated from Van Bortel Ford, at a total cost of \$66,469.72. This purchase will be charged to account no. 00700107-474200.

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

Board Meeting of January 13, 2021

## ITEM NO. 17

**CHANGE ORDER NO. 1 – CONTRACT NO. 81800021**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$2,964,850.00
Destro & Brothers Concrete Co. Inc.	PREVIOUS CHANGE ORDER	N/A
411 Ludington Street	THIS CHANGE ORDER	<u>\$361,905.00</u>
Buffalo, NY 14206	ADJUSTED CONTRACT COST	<u>\$3,326,755.00</u>

PROJECT: Miscellaneous System Wide Sewer Repairs

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**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 used. The new Miscellaneous Systemwide Sewer Repairs contract was awarded at BSA's Board Meeting on July 29th, 2020. Meanwhile, the need for immediate repairs grew. The contractor received the notice to proceed on December 4th, 2020, which resulted in the stated increase in this contract.

**COST OF CHANGE OR EXTRA WORK:**

Item #1 \$361,905.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$361,905.00

The Total INCREASE to the Contract as a result of this Change Order is \$361,905.00

**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 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. 81800021 as written in the above Agenda Item, increasing the contract cost in the amount of \$361,905.00 making the adjusted contract cost \$3,326,755.00.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

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

AYES 3 NOES 0

Board Meeting of January 13, 2021

## ITEM NO. 18

CONTRACT NO. 81800021

**CERTIFICATE OF ACCEPTANCE AND OCCUPANCY**

PROJECT: Miscellaneous System Wide Sewer Repairs

BID: \$2,964,850.00

CONTRACTOR: Destro & Brothers Concrete Co. Inc.  
411 Ludington Street  
Buffalo, NY 14206

WHEREAS: The Junior Sanitary Engineer and staff have certified that the Contractor completed the work in accordance with the plans and specification on December 4, 2020; and

WHEREAS In Item No. 17, on January 13, 2021 the contract value was increased by \$361,905.00.

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 December 4, 2020;
- c. The maintenance period commence on December 4, 2020;
- d. The final cost of the Contract is \$3,326,755.00.

MOTION TO APPROVEMADE BY MS. PETRUCCI2<sup>ND</sup> BY MR. ROOSEVELTAYES 3 NOES 0

Board Meeting of January 13, 2021

## ITEM NO. 19

**AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN**

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

NOW THEREFORE  
BE IT RESOLVED:

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

One (1) Administrative Assistant  
One (1) Clerk

00650121 411001  
00650121 411001

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2<sup>ND</sup> BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of January 13, 2021



## ITEM NO. 20

**AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN**

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

NOW THEREFORE  
BE IT RESOLVED:

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

One (1) Principal Clerk

00110121 411001

MOTION TO APPROVE

MADE BY MS. PETRUCCI

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

AYES 3 NOES 0

Board Meeting of January 13, 2021

## ITEM NO. 21

**CONFIRMATION OF APPOINTMENTS**

LABORER I (SEASONAL)  
SEWAGE TREATMENT PLANT  
\$114 PER DAY  
EFFECTIVE: JANUARY 11, 2021

PETER BYRNE  
174 LOCKWOOD AVE.  
BUFFALO, NY

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WASTEWATER TREATMENT PLANT OPERATOR I (PROVISIONAL)  
SEWAGE TREATMENT PLANT  
\$20.19 PER HOUR  
EFFECTIVE: JANUARY 11, 2021

JOSHUA BRADY  
186 MARIEMONT AVE.  
BUFFALO, NY

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WASTEWATER TREATMENT PLANT OPERATOR I (PROVISIONAL)  
SEWAGE TREATMENT PLANT  
\$20.19 PER HOUR  
EFFECTIVE: JANUARY 11, 2021

WARREN PITTORF  
308 DAVEY ST.  
BUFFALO, NY

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INSTRUMENT TECHNICIAN (PERMANENT)  
SEWAGE TREATMENT PLANT  
\$28.58 PER HOUR  
EFFECTIVE: JANUARY 11, 2021

JOHN RICHARDSON  
54 MEECH AVE.  
BUFFALO, NY

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INSTRUMENT TECHNICIAN (PERMANENT)  
SEWAGE TREATMENT PLANT  
\$26.59 PER HOUR  
EFFECTIVE: JANUARY 11, 2021

KEVIN COLEMAN  
23 ATHOL ST.  
BUFFALO, NY

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ASSOCIATE ACCOUNTANT (PERMANENT)  
SEWAGE TREATMENT PLANT  
\$69,162 PER ANNUM  
EFFECTIVE: DECEMBER 28, 2020

CARLOS COSTNER  
89 SUMMER PL.  
BUFFALO, NY

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

WHEREAS: The General Manager requests confirmation of each appointment.

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

MOTION TO APPROVE

MADE BY MS. PETRUCCI

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

AYES 3 NOES 0

Board Meeting of January 13, 2021

## ITEM NO. 22

**TUITION REIMBURSEMENT**

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

<b><u>EMPLOYEE</u></b>	<b><u>SCHOOL</u></b>	<b><u>COURSE</u></b>	<b><u>TUITION%</u></b>	<b><u>REIMBURSEMENT TOTAL</u></b>
Taylor Brown	University of Buffalo	Introduction to Health Care Organization	90%	\$1,548.83
Taylor Brown	University of Buffalo	Statistical Analysis I	90%	\$2,050.90
Daniel O'Sullivan	Erie Community College	Calculus I	90%	\$1,297.80
Daniel O'Sullivan	Erie Community College	Survey I	75%	\$1,052.17
Perry Pope	Buffalo State College	Engineering Economy	75%	\$1,059.75
Perry Pope	Buffalo State College	Manufacturing Case Study	75%	\$1,059.75
Perry Pope	Buffalo State College	N/A Fees	N/A	\$150.00

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$8,219.20. These Reimbursements will be charged to account no. 00820102-421026.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2<sup>ND</sup> BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of January 13, 2021

ITEM NO. 23

**ADJOURNMENT OF MEETING**MOTION TO APPROVEMADE BY MS. PETRUCCI2<sup>ND</sup> BY MR. ROOSEVELTAYES 3 NOES 0

Board Meeting of January 13, 2021