

MINUTES OF THE REGULAR MEETING

OF THE

BUFFALO SEWER AUTHORITY

November 22, 2021

BUFFALO SEWER AUTHORITY

November 22, 2021

REGULAR MEETING **9:00 A.M.** **VIA TELECONFERENCE**
+ 1 917-933-2166 United States, New York City
Phone Conference ID: 800 875 593 #

<u>ITEM NO.</u>	<u>CONTENTS</u>	<u>PAGE NO.</u>
	Roll Call	
1	Motion to Adopt the Minutes of October 20, 2021	57922
2	Informative: Temporary Investments	57923-24
3	Informative: Reallocation of Funds	57925
4	Authorization to Adjust Charges	57926
5	Payment from Judgment and Claims	57927
6	Travel Authorization – Durham, NC	57928
7	Travel Authorization – New York, NY	57929
8	Travel Authorization – Rochester, NY	57930
9	SEQRA TYPE II Determination Regarding Bird Island Treatment Facility Primary Treatment Renovations	57931-32
10	Municipal Resolution Authorizing Grant Application and Execution of Agreements for Financial Assistance	57933-35
11	Authorization for Renewal Purchase of Microsoft Office	57936
12	Authorization to Purchase a Vehicle Under the Onondaga Bid: ONGOV-106-19 2022	57937
13	Authorization to Prequalify CHA, GHD, GREELEY and HANSEN, HAZEN and SAWYER and WENDEL for the purpose of Entering into Professional Engineering Services Agreement for Real Time Control Projects	57938-39
14	Report on Bids Received – Mill Race Real Time Control Project	57940

15	Change Order NO. 3 - Contract NO. 81600020	57941-42
16	Change Order NO. 1 - Contract NO. 81900010	57943-44
17	Change Order NO. 1 - Contract NO. 82000018	57945-47
18	Confirmation of Appointments	57948
19	Amendment to Schedule of Job Classification	57949
20	Amendment to Schedule of Job Classification	57950
21	Adjournment	57951

CALL OF THE ROLL

Present:	<u>Herbert L. Bellamy, Jr</u>	<u>Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Vice Chairman</u>
	<u>Eleanor Petrucci</u>	<u>Secretary</u>
	<u>Oluwole A. McFoy, P.E.</u>	<u>General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>Lori Scaletta</u>	<u>Acting Director of Employee Relations</u>
	<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Administrator</u>
	<u>Alexander Emmerson</u>	<u>Treatment Plant Superintendent</u>
	<u>Paul Harris</u>	<u>Superintendent of Mechanical Maintenance</u>
	<u>Rosaleen Nogle, P.E.</u>	<u>Principal Sanitary Engineer</u>
	<u>Lauren Howard, Esq</u>	<u>General Counsel</u>
	<u>Delano Dowell</u>	<u>Deputy Comptroller (COB)</u>
	<u>Laura Surdej</u>	<u>Erie County Department of Sewerage</u>
	<u></u>	<u></u>
Absent:	<u></u>	<u></u>

The meeting was called to order at 9:00 A.M. A quorum was present.

ITEM NO. 1**Motion to Adopt the Minutes of the Meeting of October 20, 2021.**

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

Board Meeting of November 22, 2021

ITEM NO. 2

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

As of October 31, 2021

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	Money Market		\$1,099,130.35	Key	0.01%	Public NOW
1-Nov-19	Money Market		\$103,077.60	Bank on Buffalo	0.10%	
3-May-21	19-Nov-21	200	\$9,999,591.60	Key Bank Capital	0.16%	\$8,888.89
26-May-21	22-Nov-21	180	\$13,008,392.87	Key Bank Capital	0.15%	\$9,756.75
1-Jun-21	1-Nov-21	92	\$1,199,992.99	Key Bank Capital	0.07%	\$357.00
2-Aug-21	17-Dec-21	137	\$1,999,755.00	Key Bank Capital	0.07%	\$761.11
5-Oct-21	1-Feb-22	119	\$3,798,596.09	Key Bank Capital	0.08%	\$1,004.89
1-Sep-21	25-Feb-22	177	\$1,999,074.44	Key Bank Capital	0.10%	\$983.33
22-Oct-21	20-Apr-22	180	4,995,194.45	Key Bank Capital	0.23%	\$5,750.00
			\$38,202,805.39			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	Money Market		\$87,838.06	Key	0.01%	Public NOW
11-Dec-19	Money Market		\$917,448.27	Bank on Buffalo	0.10%	
			\$1,005,286.33			
OPERATING FUND						
31-Jul-12	Super NOW		\$9,738,026.74	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	Super NOW		\$1,020,798.96	Key	0.01%	Public NOW
SURPLUS FUND						
			\$637.31	Wilmington US Treasury		
15-Jun-21	13-Dec-21	181	\$10,003,967.70	Key Bank Capital	0.10%	\$5,032.30
			\$3,864.58	Accrued Income		
			\$10,008,469.59			
NET REVENUE FUND						
			\$300.40	Wilmington US Treasury		
26-May-21	2-Nov-21	183	\$4,996,441.67	Key Bank Capital	0.14%	\$3,558.33
22-Jul-21	3-Nov-21	104	\$4,998,844.44	Key Bank Capital	0.08%	\$1,155.56
2-Aug-21	3-Nov-21	93	\$3,499,547.92	Key Bank Capital	0.05%	\$452.08
28-Jun-21	22-Nov-21	180	\$6,197,348.50	Key Bank Capital	0.15%	\$4,651.50
28-Jun-21	28-Dec-21	180	\$3,997,763.33	Key Bank Capital	0.11%	\$2,236.67
2-Sep-21	28-Feb-22	179	\$1,499,254.17	Key Bank Capital	0.10%	\$745.83
			\$11,013.41	Accrued Income		
			\$25,200,513.84			

BSA 2021 EIB FUND

\$53,179,573.39	Wilmington U.S. Treasury
\$451.67	Accrued Income
\$53,180,025.06	

DEBT RESERVE FUND**Series J**

02-Jul-14	13-Nov-33	7076	\$515,879.00	UST State/Local Govt	2.70%
			\$6,434.47	Accrued Income	
			\$522,313.47		

Series K

02-Jul-14	15-Feb-33	5803	\$361,415.00	UST State/Local Govt	2.70%
			\$2,068.32	Accrued Income	
			\$363,483.32		

Series L

12-Nov-15	01-Oct-35	7263	\$689,547.00	UST State/Local Govt	2.44%
			\$1,432.89	Accrued Income	
			\$690,979.89		

Series M

27-Jun-14	01-May-44	10901	\$595,613.00	UST State/Local Govt	2.70%
			\$8,040.78	Accrued Income	
			\$603,653.78		

Series N

15-Nov-12	15-Apr-32	7091	\$2,167,157.00	UST State/Local Govt	2.42%
			\$2,449.36	Accrued Income	
			\$2,169,606.36		

EFC 2021

			\$639.72	Wilmington U.S. Treasury		
22-Jul-21	3-Nov-22	104	\$316,926.74	Key Bank Capital	0.08%	\$73.26
			\$71.85	Accrued Income		
			\$317,638.31			

DSF PRIN & INT

\$0.01	Wilmington Fund
---------------	-----------------

DSF 2021 EIB

\$887,283.58	Wilmington Fund	0.01%
\$6.78	Accrued Income	
\$887,290.36		

RECEIVE & FILE

Board Meeting of November 22, 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

11/3/2021	00520106 SWRR Small Tools	\$6,405.00	00200106 Plant Maintenance Contract	-\$6,405.00
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General Financial Charges

10/15/2021	00800183 FIN Contingency	\$9,863.67	00660106 ENG ED, Licenses & Training	- \$9,863.67
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RECEIVE & FILE

Board Meeting of November 22, 2021

ITEM NO. 4

AUTHORIZATION TO ADJUST CHARGES

WHEREAS: In accordance with the resolution adopted December 15, 1982, requests for sewer rent cancellations, adjustments or refunds in excess of \$400.00 must be submitted to the Buffalo Sewer Authority Board for its consideration and action; and

WHEREAS: Due to a COVID-19 related billing issue, Buffalo Fuel Corporation and J.A. Brundage was overbilled during the 2019-2020 and 2020-2021 fiscal year;

VENDOR	ADDRESS	OVERBILLED
Buffalo Fuel Corporation	4870 Packard Rd. Niagara Falls, NY	\$61,033.96
J.A. Brundage	1400 College Ave. Niagara Falls, NY	\$2,023.60

WHEREAS: The Executive Secretary recommends the adjustment of future bills against the credit produced by this overbilling.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the credit adjustment of \$61,033.96 of waste hauler fees for Buffalo Fuel Corporation, and \$2,023.60 of waste hauler fees for J.A. Brundage that were determined to be improperly billed.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 5

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 were received during a prior fiscal year charged to the 2021-2022 budget account no. 00800108-480214:

WHEREAS:

VENDOR	INVOICE	AMOUNT
Bison Laboratories	422119	\$2,767.60
Bison Laboratories	423380	\$2,763.40
Bison Laboratories	421753	\$2,777.07
Bison Laboratories	421754	\$2,769.97
Bison Laboratories	417943	\$1,006.40
Bison Laboratories	418063	\$2,933.36
Bison Laboratories	418767	\$2,961.18
Bison Laboratories	418912	\$2,887.18
Bison Laboratories	419205	\$2,770.56
Bison Laboratories	419640	\$2,801.94
Modern Disposal Services, Inc.	3203451	\$5,245.27
Modern Disposal Services, Inc.	3325924	\$363.58
SUBTOTAL		\$32,047.51

; and

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

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above payment from the Judgment and Claims account.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 6

TRAVEL AUTHORIZATION - DURHAM, NC

WHEREAS: Duke University's Nicholas School of the Environment has developed the Water Innovation and Leadership Development (WILD) Program for rising leaders at U.S. water utilities to develop leadership capacity; and

WHEREAS: The Principal Sanitary Engineer has been selected as one of seventeen Program Fellows selected from a large pool of candidates from across the country for the 2022 WILD Program Cohort; and

WHEREAS: The WILD Program involves two intensive on-campus workshops at Duke University in Durham, NC during the weekends of February 10, 2022-February 12, 2022 and December 9, 2022 - December 11, 2022; and

WHEREAS: Funders of the WILD Program have provided full scholarships to all Program Fellows to cover tuition, travel, and lodging costs; and

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer to travel to Durham, NC on February 9, 2022-February 13, 2022 and December 8, 2022- December 12, 2022 to participate in the Duke University's Nicholas School of the Environment WILD Program on-campus workshops. Tuition, travel, and lodging will be provided through WILD scholarship funding. Expenses for expected ancillary costs not exceeding \$640.00 will be charged to account no. 00600104-458010.

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

Board Meeting of November 22, 2021

ITEM NO. 7

TRAVEL AUTHORIZATION - NEW YORK, NEW YORK

WHEREAS: For the 20th year, The Bond Buyer editorial board has chosen and recognized this year's most outstanding municipal financing transactions that exemplify the creativity and resourcefulness the industry brings to bear on projects that advance the infrastructure and quality of life in the nations municipalities; and

WHEREAS: The Deal of the Year awards feature five regional awards throughout the United States; Northeast, Southeast, Southwest, Midwest and Far West; and

WHEREAS: The Buffalo Sewer Authority has been recognized by The Bond Buyer editorial board and is the recipient of the Deal of the Year award in the small issuer financing category; and

WHEREAS: The General Manager recommends attendance at the 20th Annual Deal of the Year Awards

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Chairman of the Board and General Manager, to travel to New York, NY from December 16 – 18, 2021, to attend the 20th Annual Deal of the Year Awards, at a total cost not to exceed \$1,900.00 Account nos. 00110104-458010, 00110104-458012, 00100104-458010, 00100104-458012, will be utilized for this travel.

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

Board Meeting of November 22, 2021

THE BOND BUYER

Vol. 393 No. F636 N.Y., N.Y.

THE DAILY NEWSPAPER OF PUBLIC FINANCE

Friday, November 12, 2021

FRIDAY

www.bondbuyer.com

THE REGIONS

MUNICIPALS FACING SOME PRESSURE on bonds inside 10 years Wednesday but ignored a large sell-off in the U.S. Treasury market after a higher consumer price index spooked investors on inflation concerns. 2

WEB EXCLUSIVES

ILLINOIS PLANS A \$300 MILLION deposit into its empty rainy day fund and will pay down \$900 million of overdue bills with the \$1.7 billion surplus projected this year in a new five-year budget forecast.

THE THREE GOVERNORS IN THE NEW York City metropolitan area have come to terms on the suballocations of federal emergency relief funding Congress had apportioned the region to mitigate transit system losses from COVID-19. A continued impasse may have forced the state-run Metropolitan Transportation Authority, which operates New York City's subway and bus system, to borrow \$4 billion in short-term notes.

NEW YORK CITY'S RAINY DAY FUND mechanisms are less defined than other U.S. cities, state Comptroller Thomas DiNapoli said in a report Wednesday. DiNapoli urged city officials to take advantage of recent changes in state and local laws on that subject.

CITIGROUP, ONE OF THE LARGEST bond underwriters in Texas, has declared it is ready to resume business in the state under terms of a law designed to protect the firearms industry and its advocates.

Pair Claim Johnson Awards

By JESSICA LERNER

Robin Prunty, chief analytical officer, U.S. Public Finance at S&P Global Ratings, and Arlesia Wood, director of bond administration for Miami-Dade County, Florida, have been named the private and public sector winners of 2021's Freda Johnson Award for Trailblazing Women in Public Finance.

Along with Prunty and Wood, the Northeast Women in Public Finance have selected a dozen other honorees in the private and public sectors as trailblazing women in public finance.

The Freda Johnson award is named for Johnson, a founding board member of the organization and executive vice president and public finance division head at Moody's Investors Service for nearly two decades. It is given an-



Robin Prunty and Arlesia Wood are the private and public sector winners of 2021's Freda Johnson Award for Trailblazing Women in Public Finance.

nually to trailblazing women — one in the private sector and one in the public sector — who exemplify the qualities the person brings to the industry.

In another year marked with the COVID-19 pandemic hanging over, Johnson and the Northeast Women in Public Finance will formally present the awards at The Bond Buyer's Deal of the Year ceremony — in person — on Dec. 16 in New York City at Guastavino's.

The date marks the 11th anniversary of the Freda Award and the seventh year the Northeast Women in Public Finance, along with The Bond Buyer, expanded it to cover two public finance professionals,

one each from the public and private sectors.

Johnson noted the role mentorship played in deciding both this year's private and public sector recipients, a key to why the award is so important.

"Robin has demonstrated excellence in every field in which she has been engaged: as an analyst, a manager, and a mentor. She is true role model for everyone," Johnson said.

"[Arlesia] is a dedicated public employee, an impressive manager and a kind and generous person. Her activities as a mentor demonstrate her commitment to helping

Turn to Robin page 4

Finalists Named For Deal of Year

The Bond Buyer announced the recipients of its annual Deal of the Year awards, marking the 20th year it has recognized outstanding achievement in municipal finance.

It will also mark The Bond Buyer's return to live events, with an awards ceremony at Guastavino's in New York City on Dec. 16.

All award winners are also finalists for the national Deal of the Year award, which will be announced at the close of the Dec. 16 gala.

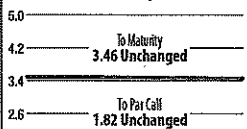
The Bond Buyer's editorial board considered a range of factors when judging entries, including: creativity, the ability to pull a complex transaction together under challenging conditions, the ability to serve as a model for other financings, and the public purpose for which a deal's proceeds were used.

"This year's lineup once again reflects the full range of communities and public purposes this market comprises," said Mike Scarchilli, Editor in Chief of The Bond Buyer. "The deals honored exemplify the creativity and resourcefulness this industry brings to bear on projects that advance the infrastructure and

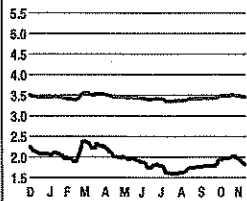
Turn to Finalists page 4

WEDNESDAY'S YIELDS

The Bond Buyer 40



10/28 11/02 11/05 11/10



Complete market coverage appears on page 2

It's a Huge Dorm, But Housing's a Huge Problem

By KEELEY WEBSTER

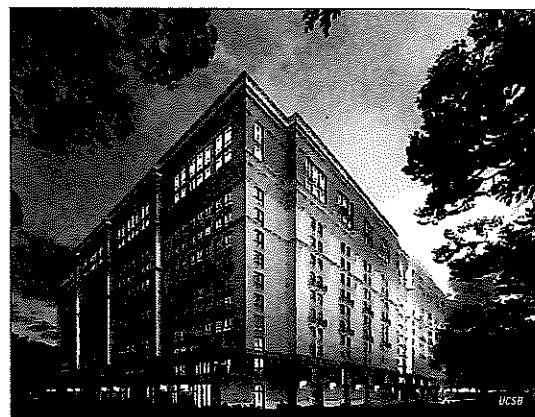
Controversial plans for a massive dormitory at the University of California Santa Barbara come amid the backdrop of conflict over scarce housing resources at and near the state's universities.

The neighboring city of Goleta's city council plans to file a lawsuit against the university for failing to provide adequate student housing, a further sign of the impact the state's housing crisis has had on its university and college communities.

The Goleta City Council voted Friday to ask the city attorney to file the lawsuit.

It comes a decade after the city and university reached an

Turn to Dormzilla page 5



A rendering of the proposed 11-floor, 4,500-resident Munger Hall dormitory at the University of California Santa Barbara.

Finalists Named in Bond Buyer's Deal of the Year Categories

Continued from page 1

quality of life in the nation's municipalities."

Here are the 2021 Deal of the Year award winners:

MIDWEST REGION

The City of Detroit's \$175 million offering of tax-exempt and taxable social bonds is the winner in the Midwest. Proceeds from the sale will contribute to neighborhood improvement and blight remediation projects throughout the city.

SOUTHWEST REGION

The Southwest winner is a \$26.1 million issuance of taxable gas system revenue bonds by the City of Grey Forest, Texas.

The transaction established a model that can be replicated for other Texas commu-

nities facing stress from storms like Winter Storm Uri or financial stress from a natural disaster.

NORTHEAST REGION

The Northeast winner is the \$1.24 billion Triborough Bridge and Tunnel Authority payroll mobility tax senior loan deal for MTA Bridges and Tunnels. This marked the first long-term issuance under the security.

FAR WEST REGION

The Foothill/Eastern Transportation Corridor Agency's \$760 million issuance of taxable and tax-exempt toll road refunding revenue bonds is the winner in the Far West. The combined tender, exchange, and taxable advance refunding transaction produced significant benefits for the issuer compared to conventional alternatives.

SOUTHEAST REGION

The \$1.24 billion Miami-Dade County offering of seaport revenue refunding bonds for PortMiami is the winner in the Southeast. The financing is the largest port transaction to since the start of the COVID-19 pandemic.

HEALTH CARE FINANCING

The Health Care winner is the \$300 million taxable bond issuance by the SouthEast Alaska Regional Health Consortium to fund construction of a critical access replacement hospital.

ESG/GREEN FINANCING

The Board of Education of the City of Newark, New Jersey, is the ESG/Green winner for its \$93.9 million offering of sustainability bonds.

PUBLIC-PRIVATE PARTNERSHIP

The New York State Thruway Authority Service Areas project is the P3 winner for its \$269 million financing of tax-exempt private activity bonds.

SMALL ISSUER FINANCING

The Small Issuer honoree is the Buffalo Sewer Authority for its \$49.2 million issuance of sewer system environmental impact revenue bonds, the authority's first bond sale since 2003.

INNOVATIVE FINANCING

The South Carolina Jobs-Economic Development Authority's RecoverSC program is the honoree in the Innovative Financing category. It helped local governments bridge financial gaps amid the pandemic. □

Robin Prunty, Arlesa Wood Are Recipients of 2021 Freda Johnson Award

Continued from page 1

the younger generation."

Wood said she is thankful to follow in the footsteps of Johnson, and previous winners.

"For me, to be recognized as a respected industry leader and trailblazing woman in public finance is exhilarating and emotional, because I love what I do," Wood said. "Having over a 29-year career with Miami-Dade County government, and 26 of those years dedicated solely to municipal bond finance, makes this award extremely personal for me."

Prunty said she was humbled and honored to be one of 2021's awardees.

"The existence of the Northeast Women in Public Finance and the mentoring and networking opportunities it provides underscores the unique nature of the municipal bond industry," Prunty said. "To be recognized by Freda and all of those trailblazing women who came before, who paved the way for others to advance their careers in this market, is really special."

And while the once white male-dominated finance industry has made strides in diversity over the past few decades, breaking those glass ceilings still takes time.

Prunty reflects that when she returned to

work at S&P after her first child, she was the only working mother, while Wood said she remembers her predecessor, also a woman, telling her that she might have to be a little tougher to get the respect she deserved.

Both say they've seen evidence of the industry's evolution firsthand.

Prunty said S&P has more than 40 working mothers, as the company and industry at large have embraced more flexible work options and become more accommodating. Wood also said she's witnessed more women in the space and in leadership roles.

"I do see women making strides and gains in every aspect of public finance. We were underrepresented and we're making headway," Wood said.

The 2021 Trailblazing women in public finance are:

PUBLIC:

Elizabeth Reich, chief finance officer of the City of Dallas

Diane Chime, chief of capital markets for Ohio's Office of Budget and Management's debt management division

Jacqueline Knights, director of debt management for Oregon State Treasury

Bettina Bronisz, principal debt management specialist for Connecticut's Office of the State Treasurer

Marla Bleavins, chief financial officer and deputy executive director of Finance and Administration at the Port of Los Angeles

Katherine "Kathy" Kardell, senior debt administrator for Hennepin County, Minnesota's Office of Budget & Finance

PRIVATE:

Meredith Hathorn, managing partner at

Foley & Judell, board member, the Municipal Securities Rulemaking Board

Sarah Snyder, managing director at Ramirez & Co.

Holly Horn, chief surveillance officer at Assured Guaranty

Lisa Cole, principal at PGIM Fixed Income

Jennifer Fredericks, director of business development, public finance at Ice Miller

Sewon Kim, managing director and head of the transportation group at Siebert Williams Shank □

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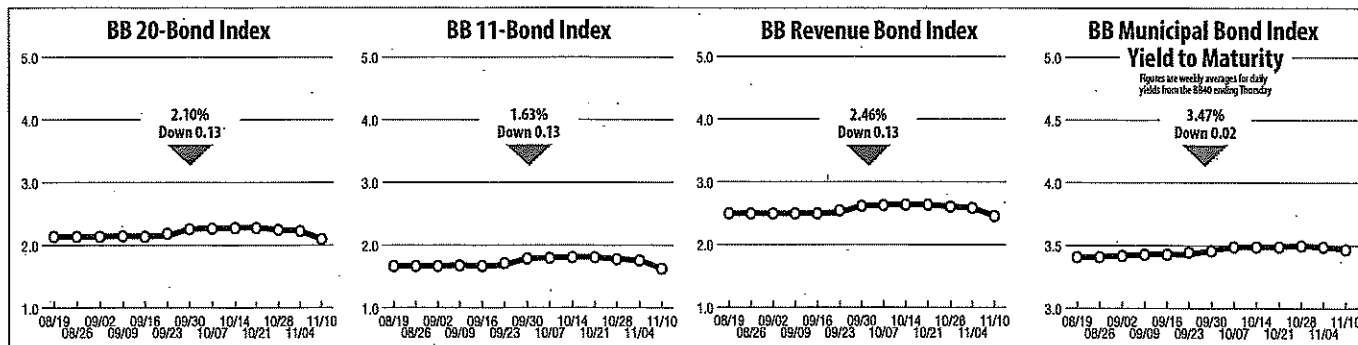
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The Bond Buyer Indexes



ITEM NO. 8

TRAVEL AUTHORIZATION - ROCHESTER, NY

WHEREAS: As part of the approved Long-Term Control Plan (LTCP), the Buffalo Sewer Authority (BSA) committed to the installation of up to sixteen Real Time Control (RTC) projects; and

WHEREAS: The Smith at Eagle Real-Time Control Inline Storage Facility is under construction and that construction includes the installation of a control panel for the operation of the system; and

WHEREAS: Prior to installation, a Factory Acceptance Test scheduled for December 2, 2021 in Rochester, NY must be conducted and observed by the BSA and/or representative for quality assurance purposes; and

WHEREAS: The General Manager, Superintendent of Mechanical Maintenance, and Principal Sanitary Engineer recommend that the Senior Instrument Technician and the Assistant Sanitary Engineer attend the Factory Acceptance Test, held in Rochester, NY; and

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Buffalo Sewer Authority's Senior Instrument Technician and Assistant Sanitary Engineer to travel to Rochester, NY on December 2, 2021 at a cost not to exceed \$200.00. Expenses for this travel shall be charged to account nos. 00520104-458010 and 00600104-458010.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 9

**SEORA TYPE II DETERMINATION REGARDING BIRD ISLAND TREATMENT FACILITY
PRIMARY TREATMENT RENOVATION**

- WHEREAS: On March 18, 2014, the United States Environmental Protection Agency, with concurrence by the New York State Department of Environmental Conservation, issued an Amended Administrative Order which approved the Buffalo Sewer Authority's Combined Sewer Overflow Long Term Control Plans (LTCP); and
- WHEREAS: As part of the Authority's LTCP efforts, renovation and upgrade of the primary treatment system including the installation of odor control and a chlorine contact tank and pumping station to ensure disinfection of secondary system bypass flows during wet weather are being pursued; and
- WHEREAS: The Buffalo Sewer Authority, as lead agency pursuant to the New York State Environmental Quality Review Act (SEQRA), undertook a coordinated review of the LTCP, and on July 18, 2012 issued a Negative Declaration with respect to the LTCP; and
- WHEREAS: SEQRA, with reference to 6 NYCRR §617.5, provides that certain actions noted as Type II, or classes of action, have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under New York Environmental Conservation Law. Specifically, 6 NYCRR 617.5 (c) (29) excludes "a course of action specifically required to be undertaken pursuant to a judgment or order".
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby constitutes the Bird Island Treatment Facility Primary Treatment Renovation project as a Type II Action in accordance with 6 NYCRR 617.5 (c) (29). Accordingly, no further review under SEQRA is required.

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

Board Meeting of November 22, 2021

CERTIFICATE

I, Oluwole A. McFoy, General Manager of the Buffalo Sewer Authority in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing attached extract from the Minutes of a meeting of the Board of Directors of said Authority, duly called and held on November 22, 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 on November 22, 2021, 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 22nd day of November, 2021.

(SEAL)

Oluwole A. McFoy, PE
General Manager, Buffalo Sewer Authority

ITEM NO. 10

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

- WHEREAS: The New York State Department of Environmental Conservation (DEC), New York State Environmental Facilities Corporation (EFC), New York State Energy Research & Development Authority (NYSERDA), Federal Emergency Management Agency (FEMA), and the United States Environmental Protection Agency (USEPA) provide funding for projects that improve water quality, save energy, increase resiliency, and reduce the impacts of climate change through various grant and low and/or no-interest loan programs; and
- WHEREAS: On June 23, 2021, the Board of the Buffalo Sewer Authority approved six contracts for construction of the Secondary System Rehabilitation and Upgrade Project totaling \$45,433,933.38; and
- WHEREAS: EFC has listed on this project on the 2021 Annual Clean Water State Revolving Fund (CWSRF) Intended Use Plan for a total of \$45,848,507.52 in loans including financial and legal fees; and
- WHEREAS: On May 26, 2021, the Board of the Buffalo Sewer Authority passed a bond resolution that included acceptance of this CWSRF loan funding; and
- WHEREAS: The Buffalo Sewer Authority wishes to defer the cost of this project to the greatest extent possible for our rate payers; and
- WHEREAS: The Buffalo Sewer Authority is pursuing CWSRF loans to provide any and all necessary local matches required by grants including, but not limited to a 75% match required for assistance under the EFC administered Water Infrastructure Improvement Act (WIIA) grant; and
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute and deliver a grant application for State Assistance funding through the WIIA Grant Program and any other grant programs that may be deemed prudent to fund the Secondary System Rehabilitation and Upgrade Project, to execute and deliver any contract and any other documents necessary to receive funding through these grant programs, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Buffalo Sewer Authority.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of November 22, 2021

CERTIFICATE

I, Oluwole A. McFoy, PE, 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 November 22, 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 22nd day of November, 2021.

(SEAL)

Oluwole A. McFoy, PE, General Manger

ITEM NO. 11

AUTHORIZATION FOR RENEWAL PURCHASE OF MICROSOFT OFFICE 365

WHEREAS: The Buffalo Sewer Authority is renewing its Office 365 software subscription, which will allow the use of the business intelligence module within office 365; and

WHEREAS: Upon request Dell submitted a quote utilizing NYS contract PM20820, in the amount of \$59,989.05 for the necessary software; and

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

WHEREAS: The Systems Administrator, the Superintendent of Mechanical Maintenance and the staff recommend this purchase.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the Microsoft Office 365 from Dell utilizing NYS contract PM20820 in the amount of \$59,989.05. This purchase will be charged to account no. 00200107-474300.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 12

**AUTHORIZATION TO PURCHASE A VEHICLE UNDER THE ONONDAGA BID:
ONGOV-106-19 2022**

WHEREAS: The Director of Sewer Maintenance, Assistant Superintendent of Sewer 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 2022	Van Bortel Ford	One (1) 2022 Ford F-550 XL Crew Cab 4x4 203 WB 84 CA with additional options per Quote No. 32695	
		Total Cost:	\$80,270.98

WHEREAS: The Director of Sewer Maintenance, Assistant Superintendent of Sewer Maintenance and Head Motor Equipment Mechanic recommend the purchase of the above vehicle at the total cost of \$80,270.98.

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 \$80,270.98. This purchase will be charged to account no.00690107-474200.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 13

AUTHORIZATION TO PREQUALIFY CHA, GHD, GREELEY AND HANSEN, HAZEN AND SAWYER AND WENDEL FOR THE PURPOSE OF ENTERING INTO PROFESSIONAL ENGINEERING SERVICES AGREEMENTS FOR REAL TIME CONTROL PROJECTS

- WHEREAS: There is a need to retain the services of five (5) engineering firms on an as directed basis for real time control capital improvement projects; and
- WHEREAS: A total of nine (9) engineering firms responded to a formal Request for Qualifications; and
- WHEREAS: A consultant selection committee appointed by the General Manager reviewed and ranked the qualification packages received; and
- WHEREAS: Based upon the review of the qualification packages, the consultant selection committee recommends prequalifying the following firms to allow for the submission of proposals for future real time control projects as specific projects are identified:
1. CHA Consulting, Inc.
 2. GHD Consulting Services, Inc.
 3. Greeley and Hansen, LLC
 4. Hazen and Sawyer, DPC
 5. Wendel WD Architecture, Engineering, Surveying, & Landscape Architecture, PC
- ; and
- WHEREAS: Professional Engineering Services Agreements between the Buffalo Sewer Authority and the firms listed will be developed and brought to the Board of the Buffalo Sewer Authority for approval as specific projects are identified and scopes of work and associated fees are agreed upon; and
- WHEREAS: The General Manager reserves the right to modify the list of prequalified consultants based on professional judgment of a firm's ability to satisfactorily complete the scope of work should significant staffing changes occur within the firm.

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby deems the listed firms as prequalified for work on future real time control projects.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 14

REPORT ON BIDS RECEIVED - MILL RACE REAL TIME CONTROL PROJECT

WHEREAS: Formal bids were advertised and solicited for the Mill Race Real Time Control Project. The following bids were received and publicly opened by the Buffalo Sewer Authority on Friday, October 29, 2021 at 11:00 AM:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate Bid 8</u>	<u>Alternate Bid 9A-9G</u>	<u>Total Bid</u>
Kandey Company Inc.	\$3,885,875.00	\$531,810.00	\$626,580.00	\$5,044,265.00
Mark Cerrone, Inc	\$4,523,000.00	\$560,000.00	\$737,000.00	\$5,820,000.00

; and

WHEREAS: The proposals were received and the contract will be awarded on the basis of unit bid and lump sum prices. The bids do not reflect the true amount of the contract; and

WHEREAS: The Buffalo Sewer Authority's Engineering consultant, GHD, reviewed the packages and recommends awarding this contract to the low bidder, Kandey Company Inc.; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed the consultant's recommendation and concur with the recommendation provided by GHD to award the contract to the low bidder, Kandey Company Inc.; and

WHEREAS: The Principal Sanitary Engineer and staff recommend awarding the Base Bid of \$3,885,875.00 and Alternate Bid 9A-9G of \$626,580.00 only (totaling \$4,512,455.00).

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 Kandey Company Inc. for the Mill Race Real Time Control Project at a cost not to exceed \$4,512,455.00. Expenses for this contract shall be charged to account no. 02000497-490740.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 15

CHANGE ORDER NO. 3 – CONTRACT NO. 81600020

CONTRACTOR:	ORIGINAL CONTRACT COST	\$483,213.00
Watts Architecture and Engineering	PREVIOUS CHANGE ORDERS	\$884,667.00
95 Perry St., Suite 300	THIS CHANGE ORDER	<u>\$707,243.00</u>
Buffalo, New York 14203	ADJUSTED CONTRACT COST	\$2,075,123.00

WORK: Niagara St. Phases 3 and 4 Green Infrastructure Betterment

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Construction Administration and Observation of Phase 4a
- Item #2 Construction Administration and Observation of Phase 4b

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 The consultant will continue to perform construction administration, engineering services, and grant administration, as well as provide on-site construction observation during the course of the construction project. The original estimate for Phase 4a was based on the assumption that the construction schedules for Phase 3 and Phase 4a would overlap to allow staff to cover both phases concurrently. The two phases did not overlap as anticipated. Also, additional construction administration services were needed for re-design purposes due to the numerous utility conflicts revealed during construction.
- Item #2 The consultant will perform construction administration, engineering services, and grant administration, as well as provide on-site construction observation during the course of the construction project.

COST OF CHANGE OR EXTRA WORK:

- Item #1 \$519,378.00
- Item #2 \$187,865.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$707,243.00

WHEREAS: On February 11, 2015, the City of Buffalo Department of Public Works issued a Request for Proposals for Design and Inspection Services for the Niagara Street Streetscape Project- Phases 3 & 4 which included the statement "The Authority will enter into a direct contract with the lead consultant for these services"; and

- WHEREAS: The City of Buffalo Department of Public Works in consultation with the Buffalo Sewer Authority chose Watts Architecture and Engineering as the designated Engineer for this project; and
- WHEREAS: In Item No. 17, on November 4, 2015, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into an agreement with Watts Architecture and Engineering in the amount of \$483,213.00 to perform design services for the Niagara Street Phases 3 and 4 Green Infrastructure Betterment; and
- WHEREAS: In Item No. 21, on July 18, 2018, the Board approved Change Order No. 1 in the amount of \$607,090.80 for additional design work, construction administration, and construction observation of Phase 3; and
- WHEREAS: On July 23, 2018, the City of Buffalo Department of Public Works received a single bid for Phase 4 of this project and in consultation with Buffalo Sewer Authority staff determined that the project needed to be rebid as two separate projects (4a and 4b); and
- WHEREAS: The splitting of Phase 4 into multiple contracts resulted in additional design and bidding work and meant that rather than being able to construct Phase 3 and 4 simultaneously, Phase 3 was significantly completed before Phase 4a was started; and
- WHEREAS: In Item No. 35, on September 25, 2019, the Board approved Change Order No. 2 in the amount of \$277,576.20 for construction administration and observation of Phase 4a; and
- WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for a Change Order No. 3 to Contract No. 81600020 in the amount of \$707,243.00 as detailed above and recommend its approval.
- NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 3 to Contract No. 81600020 as written in the above Agenda Item, increasing the contract cost in the amount of \$707,243.00 to be charged to account no. 02000409-432004, making the adjusted contract cost \$2,075,123.00.

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

ITEM NO. 16

CHANGE ORDER NO. 1 – CONTRACT NO. 81900010

CONSULTANT:	ORIGINAL CONTRACT COST	\$83,000.00
Bergmann Associates	PREVIOUS CHANGE ORDER	\$0.00
280 E. Broad St., Suite 200	THIS CHANGE ORDER	<u>\$66,173.61</u>
Rochester, NY 14604	ADJUSTED CONTRACT COST	\$149,173.61

WORK: Allen Street Reconstruction PIN#5757.95

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Construction Administration/ Construction Inspection (CA/CI) Services for Phase 2

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The consultant will perform CA/CI services during the course of the construction project.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$66,173.61

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$66,173.61

The total INCREASE to the contract as a result of this Change Order is \$66,173.61

WHEREAS: In Item 17-825 of the May 16, 2017 Common Council Minutes, the Council gave the City of Buffalo Department of Public Works, Parks, and Streets (DPW) permission to hire an Engineering Consultant and to enter into agreements as needed with various entities for the design, construction, Construction Administration and Inspection of the Allen St. Extension Project PIN 5757.95

WHEREAS: The City of Buffalo DPW has entered into an agreement with Bergmann Associates to perform construction administration and inspection services for the Allen Street Reconstruction project in the amount of \$1,281,815.12 following Common Council approval of Item 17-825.

WHEREAS: In Item No. 18, on November 7, 2018, the Board of the Buffalo Sewer Authority authorized the Principal Sanitary Engineer to enter into an agreement with Bergmann Associates for construction phase services for the Allen St. Reconstruction Project in the amount of \$83,000.00.

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for a Change Order No. 1 to Contract No. 81900011 (CA/ CI for Phase 2) in the amount of \$66,173.61 as detailed above and recommend its approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 81900011 as written in the above Agenda Item, increasing the contract cost in the amount of \$66,173.61 to be charged to account no. 02000486-490740, making the adjusted contract cost \$149,173.61.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 17

CHANGE ORDER NO. 1 – CONTRACT NO. 82000018

CONTRACTOR:	ORIGINAL CONTRACT COST	\$1,439,500.00
Pinto Construction Services Inc.	PREVIOUS CHANGE ORDER	N/A
132 Dingens Street	THIS CHANGE ORDER	<u>\$64,431.95</u>
Buffalo, NY 14206	ADJUSTED CONTRACT COST	\$1,503,931.95

WORK: Babcock Pump Station Real Time Control Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Install duct-bank on Seneca St.
- Item #2 Install an additional support beam in the 5' by 4' wet well opening, and new railing / safety gate at the opening for trash rack cleaning access.
- Item #3 Modify and increase the size of the wet well access grating including cutting of the concrete, additional support beams, and PE shop drawings and calculations
- Item #4 Repair damaged concrete at the base of the wet well wall.
- Item #5 Install a custom made 18" spacer ring for the mag meter grounding plate installation.
- Item #6 Cut concrete and embed a new larger frame in the wet well access grating.

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Originally proposed electrical service location was not viable.
- Item #2 Structural support of hinged grating and fall protection railing above a new opening were required.
- Item #3 A new Occupational Safety and Health Administration (OSHA) approved access was required.
- Item #4 Unknown damage to existing structure required repair.
- Item #5 A new meter had to be custom fitted to the site.
- Item #6 A larger frame was required to create a safe access point.

COST OF CHANGE OR EXTRA WORK:

- Item #1 \$15,602.05
- Item #2 \$10,989.00

Item #3 \$16,990.00

Item #4 \$13,000.00

Item #5 \$5,814.90

Item #6 \$2,036.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$64,431.95

The Total INCREASE to the Contract as a result of this Change Order is \$64,431.95

WHEREAS: On June 24, 2020 the Board of the Buffalo Sewer Authority hereby authorized the General Manager to enter into and execute a contract with Pinto Construction Services, Inc., for the Babcock Real Time Control project at a cost not to exceed \$1,439,500.00; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for a Change Order No.1 to Contract No. 82000018 in the amount of \$64,431.95 as detailed above and recommend its approval.

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 265 calendar days, making the final completion date 12/31/2021.
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. 1 to Contract No. 82000018 as written in the above Agenda Item, increasing the contract cost in the amount of \$64,431.95 making the adjusted contract cost \$1,503,931.95.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 18

CONFIRMATION OF APPOINTMENTS

GIS SPECIALIST (PROVISIONAL)
ENGINEERING DEPARTMENT
\$48,524 PER ANNUM
EFFECTIVE: NOVEMBER 15, 2021

STEPHANIE HANSON
86 STERLING AVE. APT.#2
BUFFALO, NY

SANITARY CHEMIST (PROVISIONAL)
SEWAGE TREATMENT PLANT
\$75,681 PER ANNUM
EFFECTIVE: OCTOBER 18, 2021

RAEHEL MILLER
540 ST. LAWRENCE AVE.
BUFFALO, NY

LABORER I (PERMANENT)
SEWAGE TREATMENT PLANT
\$19.98 PER HOUR
EFFECTIVE: OCTOBER 18, 2021

JOHN RUSSO
66 STERLING AVE.
BUFFALO, 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 November 22, 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 approves the addition of the following positions to the Job Classification Plan:

One (1) Clerk 00200121 411001

One (1) Clerk 00650121 411001

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES	3	NOES	0
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Board Meeting of November 22, 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 in the Job Classification Plan:

One (1) Worker's Compensation Analyst

00120111 411001

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of November 22, 2021

ITEM NO. 21

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

Board Meeting of November 22, 2021