

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
October 19, 2022**

BUFFALO SEWER AUTHORITY

October 19, 2022

REGULAR MEETING 9:00 A.M. VIA TELECONFERENCE
+ 1 929-229-5044 United States, New York City
Phone Conference ID: 254 142 589#

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ATTACHMENT A:

FEAF Part 1 – Project and Setting

ATTACHMENT B:

FEAF Part 2 – Identification of Potential Impacts

ATTACHMENT C:

FEAF Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

ITEM NO. 2

INFORMATIVE: TEMPORARY INVESTMENTS (CERTIFICATES OF DEPOSIT AND TREASURY BILLS)
MARKET VALUEAs of September 30th, 2022

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	MONEY MARKET		\$1,374,670.96	Key	0.01%	Public NOW
24-Jun-22	5-Oct-22	103	\$2,009,137.43	Key Banc Capital	2.16%	\$12,421.80
14-Jun-22	13-Oct-22	121	\$1,003,878.59	Key Banc Capital	2.00%	\$6,755.83
31-May-22	26-Oct-22	148	\$6,130,288.68	Key Banc Capital	1.76%	\$44,455.25
7-Jul-22	4-Nov-22	120	\$6,939,333.33	JP Morgan	2.60%	\$60,666.67
1-Jul-22	1-Dec-22	153	\$10,935,588.95	Key Banc Capital	2.68%	\$121,550.00
19-Jul-22	22-Dec-22	156	\$3,916,194.80	Key Banc Capital	2.62%	\$44,777.55
2-Aug-22	30-Dec-22	150	\$3,805,813.17	Key Banc Capital	2.91%	\$46,608.50
7-Sep-22	23-Feb-23	169	\$9,462,642.00	Key Banc Capital	3.17%	\$142,816.69
			\$45,577,547.91			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	Money Market		\$81,614.71	Key	0.01%	Public NOW
19-Jul-22	20-Oct-22		\$921,910.86	Key Banc Capital	2.40%	\$5,722.60
			\$1,003,525.57			
OPERATING FUND						
31-Jul-12	Super NOW		\$5,684,853.46	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	Super NOW		\$5,652.66	Key	0.01%	Public NOW
SURPLUS FUND						
13-Jun-22	30-Nov-22	170	\$714.91	Wilmington US Treasury	0.90%	
			\$10,004,048.09	Key Banc Capital	2.24%	\$106,951.91
			\$69,205.35	Accrued Income		
			\$10,073,968.35			
NET REVENUE FUND						
			\$-	Wilmington US Treasury		
29-Jun-22	25-Oct-22	118	\$3,000,202.22	M&T Securities	2.00%	\$19,797.78
29-Aug-22	25-Nov-22	88	\$3,092,454.20	Key Banc Capital	2.70%	\$20,545.80
28-Sep-22	29-Dec-22	92	\$8,977,859.09	Key Banc Capital	3.21%	\$74,140.91
			\$55,597.63	Accrued Income		
			\$15,126,113.14			

BSA 2021 EIB FUND

			\$3,938.01	Cash	0.00%	
31-May-22	26-Oct-22	148	\$9,989,195.84	Key Banc Capital	1.76%	\$72,804.16
29-Jul-22	30-Nov-22	124	\$1,845,701.73	Key Banc Capital	2.85%	\$18,298.27
29-Jun-22	1-Dec-22	155	\$1,996,607.53	Key Banc Capital	2.12%	\$18,392.47
2-Aug-22	30-Dec-22	150	\$3,996,942.25	Key Banc Capital	2.91%	\$49,057.75
26-Aug-22	23-Feb-23	181	\$32,925,645.64	M&T Securities	3.03%	\$509,354.36
23-Sep-22	23-Mar-23	181	\$2,266,795.30	Key Banc Capital	3.72%	\$43,204.70
			\$203,945.32	Accrued Income		
			\$53,228,771.62			

DEBT RESERVE FUND

				Series J		
02-Jul-14	13-Nov-33	7076	\$515,879.00	UST State/Local Govt	2.70%	
			\$5,261.12	Accrued Income		
			\$521,140.12			
				Series K		
02-Jul-14	15-Feb-33	6803	\$361,415.00	UST State/Local Govt	2.70%	
			\$1,246.29	Accrued Income		
			\$362,661.29			
				Series L		
12-Nov-15	1-Oct-35	7263	\$689,547.00	UST State/Local Govt	2.44%	
			\$8,412.47	Accrued Income		
			\$697,959.47			
				Series M		
27-Jun-14	1-May-44	10901	\$595,613.00	UST State/Local Govt	2.70%	
			\$6,686.08	Accrued Income		
			\$602,299.08			
				Series N		
15-Nov-12	15-Apr-32	7091	\$2,167,157.00	UST State/Local Govt	2.42%	
			\$24,216.50	Accrued Income		
			\$2,191,373.50			
				EFC 2021		
			\$1,480.88	Wilmington U.S. Treasury		
7-Sep-22	3-Jan-23	113	\$317,811.94	Key Bank Capital	1.42%	\$1,421.85
			\$650.42	Accrued Income		
			\$319,943.24			
				DSF PRIN & INT		
			\$0.01	Wilmington Fund		

DSF 2021 EIB

			\$668,269.79	Wilmington Fund	0.90%	
			\$962.20	Accrued Income		
			\$669,231.99			

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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.

General Financial Charges

9/15/2021	00800183 Financial Contingency	-\$15,000.00	00820102 FR PLAN Admin	\$15,000.00
9/22/2022	00800183 Financial Contingency	-\$150,000.00	00120106 HR SV ED, LIC & TRAINING	\$150,000.00
10/4/2022	00800183 Financial Contingency	-\$75,000.00	00800108 Fin Judgement & Claims	\$75,000.00

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ITEM NO. 4

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 and charged to the 2021-2022 budget account no. 00800108-480214;

VENDOR	INVOICE	AMOUNT
United Energy	20221406	\$2,500.00
United Energy	20221407	\$2,500.00
Crystal Rock	17731607060522	\$5,865.72
Modern Disposal	5694761	\$2,180.88

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 MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 5

TRAVEL AUTHORIZATION - MISSISSAUGUA, ON

WHEREAS: The Water Environment Association of Ontario (WEAO) is the Water Environment Federation's Member Association in the Canadian Province of Ontario; and

WHEREAS: WEAO is sponsoring a Seminar on Intelligent Water Solutions on October 26, 2022; and

WHEREAS: The Principal Sanitary Engineer is a member of WEAO and oversees implementation of Buffalo Sewer's Long Term Control Plan; and

WHEREAS: Buffalo Sewer's Long Term Control Plan includes Intelligent Water Solutions; and

WHEREAS: The Principal Sanitary Engineer wishes to remain current with trends, best practices, and available technologies for the intelligent water solutions within in the greater Buffalo-Niagara-Toronto region; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer to travel to Mississauga, ON to attend the Intelligent Water Solutions Seminar on October 26, 2022. Registration and travel costs not exceeding \$350.00 will be charged to account no. 00600104-458010 and 00600104-458012.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 6

TRAVEL AUTHORIZATION - UTICA, NY

WHEREAS: The New York Water Environment Association (NYWEA) is sponsoring a Climate Change Specialty Conference on November 2, 2022 at the Delta Hotel in Utica, NY; and

WHEREAS: The Principal Sanitary Engineer and GIS Specialist II have been working together to implement climate change vulnerability analyses, stormwater regulation compliance, and mitigation projects on behalf of Buffalo Sewer; and

WHEREAS: The Principal Sanitary Engineer and GIS Specialist II wish to remain current with the latest climate change research, mitigation strategies, funding mechanisms, and related environmental justice issues within New York State; and

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer and GIS Specialist II to travel to Utica, NY to attend the Climate Change Specialty Conference on November 2, 2022. Registration and travel costs not exceeding \$500.00 will be charged to account no. 00600104-458010 and 00600104-458012.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 7

TRAVEL AUTHORIZATION - PITTSBURGH, PA

WHEREAS: The Buffalo Sewer Authority has installed an Emerson Ovation Distributed Control System used for operations and control of the treatment plant process; and

WHEREAS: Emerson has assembled a User Group Board of Directors which provides input and assistance in areas such as training, system development and technology, cybersecurity, industry trends, documentation review as well as other functions relevant to the Ovation System; and

WHEREAS: The Buffalo Sewer Authority Senior Instrument Technician serves on the Ovation Users Group Board of Directors and holds a seat on its Wastewater Committee and Communications Committee; and

WHEREAS: The General Manager and the Treatment Plant Administrator recommend that the Senior Instrument Technician attend the Ovation User Group Fall 2022 Board Meeting.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Buffalo Sewer Authority Senior Instrument Technician to travel to Pittsburgh, PA from November 13 through November 15, 2022 to attend the Emerson Ovation Users Group Spring Board Meeting at a cost not to exceed \$750.00. Expenses for this travel shall be charged to account no. 00200104-458010.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 8

TRAVEL AUTHORIZATION - SYRACUSE, NY

WHEREAS: The New York State Water Environment Association (NYWEA) and the Syracuse University Environmental Finance Center (SUEFC) are offering a Justice, Equity, Diversity, and Inclusion (JEDI) Workshop for Water Professionals on November 15, 2022 in Syracuse, NY; and

WHEREAS: The Senior Engineer serves on NYWEA's Diversity, Equity, and Inclusion Committee; and

WHEREAS: Buffalo Sewer has been recognized as a leader within the water sector for efforts to create a more diverse, equitable, and inclusive workforce as well as to incorporate JEDI principles into contracts and to ensure affordable quality sanitation for all of Buffalo's residents; and

WHEREAS: The General Manager and Principal Sanitary Engineer recommend attendance for the Authority's Senior Engineer to attend the workshop in Syracuse, NY.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Senior Engineer to travel to Syracuse, NY to attend the NYWEA and SUEFC JEDI Workshop on November 15, 2022. Registration and travel costs not exceeding \$150.00 will be charged to account no. 00600104-458010 and 00600104-458012.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 9

REPORTS ON BIDS RECEIVED-PURCHASE OF VARIOUS NEW AND UNUSED STEEL PRODUCTS

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

- 1.) (50) Curb Box: 23"x8": 6" reveal
 - 2.) (50) 2' x 2' Steel Frame
 - 3.) (50) Catch Basin Hood 15"
- ; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on October 4, 2022:

Vendor	Total Cost:
Melius Welding	\$30,500.00
EJ USA	\$56,380.50

; and

WHEREAS: The Director of Sewer Maintenance and staff reviewed the quotes received and recommend awarding the entire purchase to the lowest bidder, Melius Welding, at a total cost of \$30,500.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above listed various new and unused steel products from the lowest bidder, Melius Welding at a total cost of \$30,500.00. This purchase will be charged to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 10

REPORTS ON BIDS RECEIVED-PURCHASE OF VARIOUS NEW AND UNUSED GRAY IRON CASTINGS

WHEREAS: Formal bids were advertised and solicited for the purchase of the following various new and unused gray iron castings:

- 1.) (50) Standard Manhole Frame and Cover Sets
- 2.) (50) McConnell 11 ½" x 23" Cast Iron Grate
- 3.) (100) McConnell 23"x23" Cast Iron Grate
- 4.) (75) Dark 18 1/8" x 18 1/8" Cast Iron Grate

; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on October 4, 2022:

Vendor	Total Cost:
EJ USA	\$27,157.50 ** did not bid item nos. 2, 3 & 4
Neenah Foundry	\$76,225.00

; and

WHEREAS: The Director of Sewer Maintenance and staff reviewed the quotes received and recommend awarding the entire purchase to the lowest bidder on all items, Neenah Foundry, at a total cost of \$76,225.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above listed various new and unused gray cast iron castings from the lowest bidder, Neenah Foundry at a total cost of \$76,225.00. This purchase will be charged to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 11

**AUTHORIZATION TO PURCHASE EQUIPMENT FOR THE ENVIROSIGHT SEWER
TELEVISIONING SYSTEMS**

- WHEREAS: On February 11, 2015, the Board of the Buffalo Sewer Authority designated Envirosight Rovver, the original equipment manufacturer, and/or their local representative as a sole source for equipment repairs and supplies for the Envirosight Rovver televising equipment needed for sewer televising and maintenance; and
- WHEREAS: The Buffalo Sewer Authority Purchasing Department verified and updated the Sole Source information on January 2, 2021; and
- WHEREAS: The Director of Sewer Maintenance and the Assistant Superintendent of Sewer Maintenance have determined there is a need to purchase Auxiliary Lights with Back Up Camera, Sand Wheels and various replacement parts for two (2) of the existing Envirosight Rovver Televising systems; and
- WHEREAS: Quotes were requested and received from Joe Johnson Equipment LLC, the authorized local representative, with a total quote of \$9007.13 for the various equipment; and
- WHEREAS: Monies payable to date to Joe Johnson Equipment LLC, in the current aggregate year are \$31,818.76. This purchase will bring the total monies payable for purchases to \$40,825.89; and
- WHEREAS: The Director of Sewer Maintenance, Assistant Superintendent of Sewer Maintenance and staff reviewed the quotes received and recommend the purchase of these parts and further recommend authorization for total monies payable to Joe Johnson Equipment, LLC for the current aggregate year not to exceed \$40,825.89; 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 equipment for the EnviroSight Rover televising systems from Joe Johnson Equipment, LLC, at a total cost of \$9,007.13. These purchases will be charged to account no. 00670105-466107. The Board further authorizes total monies payable to Joe Johnson LLC, for the current aggregate year not to exceed \$40,825.89.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 12

AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 22300029 FOR PURCHASE OF AUTOMOTIVE TIRES

WHEREAS: On June 22,2022, the Board of the Buffalo Sewer Authority authorized the Buffalo Sewer Authority’s Sewer Maintenance department to utilize New York State contract pricing for Automotive Tires at a maximum cost of \$25,000.00 for the period July 1, 2022 through June 30, 2023; and

WHEREAS: Blanket Order No. 22300029 was established for these services; and

WHEREAS: Due to a larger than anticipated increase in pricing and number of vehicles in need of tire replacement, it is necessary to increase the maximum amount allowed for these purchases by an estimated \$20,000.00, making the total cost not to exceed \$45,000.00 for fiscal year 2022-2023.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes a change order in an amount not to exceed \$20,000.00 to Blanket Order No. 22300029 for the purchase of automotive tires provided by Goodyear Tire & Rubber Company for a total cost not to exceed \$45,000.00, through June 30, 2023. Expenses for this contract will be charged to account nos. 00690105-465001.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 13

UTILITY WORK AGREEMENT (HC-140) - NEW YORK STATE DEPARTMENT OF TRANSPORTATION - PIN 5019.24

WHEREAS: The New York State Department of Transportation (NYSDOT) desires to perform work under PIN 5019.24: ADA Compliance and Pedestrian Signal Upgrades NY Routes 265 Military Road, Kenmore Ave to Tonawanda NY 324 Sheridan Drive; Delaware Road to Floridale Ave. Town of Tonawanda and Village of Kenmore, Erie County; and

WHEREAS: The NYSDOT will include as part of the improvement of the above mentioned project the adjustment of manhole cover elevations as shown on the contract plans relating to the project within the City limits; and

WHEREAS: It is a recommendation of the NYSDOT that a Utility Work Agreement be executed by a duly authorized agent of the affected utility to allow the State of New York to perform said work within the Buffalo Sewer Authority facilities; and

WHEREAS: This work will be done at no cost to the Buffalo Sewer Authority.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute, on behalf of the Buffalo Sewer Authority, a Utility Work Agreement granting the State of New York authority to perform the adjustments for the Buffalo Sewer Authority facilities under PIN 5019.24: ADA Compliance and Pedestrian Signal Upgrades NY Routes 265 Military Road, Kenmore Ave to Tonawanda NY 324 Sheridan Drive; Delaware Road to Floridale Ave. Town of Tonawanda and Village of Kenmore, Erie County and agreeing to maintain facilities adjusted via State-let contract.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 14

AUTHORIZATION TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT FOR FLOOD PREVENTION SMART SEWER PROJECTS

- WHEREAS: The Buffalo Sewer Authority (BSA) has negotiated with the United States Environmental Protection Agency, the United States Department of Justice and the New York State Department of Environmental Conservation to address sewer system improvements to comply with the Federal Clean Water Act through the Combined Sewer Overflow Long-Term Control Plan (LTCP) which was approved by the agencies on March 18, 2014; and
- WHEREAS: As part of the approved LTCP, the BSA committed to the installation of up to sixteen Real Time Control (RTC) projects; and
- WHEREAS: The Board of the Buffalo Sewer Authority has prequalified five (5) engineering firms to allow for the submission of proposals for future real time control (smart sewer) projects under Item No. 13 of the November 22, 2021 Board Meeting; and
- WHEREAS: Residents of both the Valley and Hertel neighborhoods have expressed concerns with basement back-ups during seiche-based flood events; and
- WHEREAS: Post-construction monitoring of the Hertel at Deer and Smith at Perry Smart Sewer projects has revealed that seiche events have reduced the effectiveness of these projects; and
- WHEREAS: In discussions with New York State Department of Conservation, New York State Division of Homeland Security & Emergency Services, and the Federal Emergency Management Agency have all indicated that Water Quality Improvement Program grant funding already secured for related projects and both Hazard Mitigation Grant Program and Building Resilient Infrastructure and Communities grant funding currently being applied for may be made available for a project to reduce the impact of these events on residents and the combined sewer system; and
- WHEREAS: Upon request, one of the five (5) prequalified firms, Wendel, has submitted a letter proposal to complete applicable tasks for the preliminary design for Smith Street Real Time Control flood prevention and Cornelius Creek Real Time Control flood prevention planning and permitting, and design phase services in the amount of \$219,300.00; and
- WHEREAS: The Principal Sanitary Engineer finds the proposal acceptable and recommends retaining Wendel for professional engineering services associated with the Cornelius Creek and Smith Street Flood Prevention Smart Sewer Project.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute an agreement with Wendel at a cost not-to-exceed \$219,300.00 to complete the professional engineering services defined in the letter proposals dated September 8, 2022, and September 9, 2022. The cost of this contract will be funded from account no. 02000560-432004.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 15

AUTHORIZATION FOR THE BUFFALO SEWER AUTHORITY TO SERVE AS LEAD AGENCY FOR THE SCAJAQUADA AND BLACK ROCK SMART SEWER PROJECT UNDER SEQRA

- WHEREAS: The Buffalo Sewer Authority (Authority) is a public benefit corporation created, in part, to relieve the Niagara River, Buffalo River and Lake Erie from pollution by the sewage and waste of the City; and
- WHEREAS: On March 9, 2022, the Board of the Buffalo Sewer Authority authorized the General Manager to execute an agreement with Greeley-Hansen for the design, planning, and permitting of Smart Sewer/ Real-Time Control Projects at various locations within the Scajaquada Creek and Black Rock Canal sewer sheds; and
- WHEREAS: On June 22, 2022, the Board of the Buffalo Sewer Authority authorized the General Manager to execute and deliver grant and loan applications and agreements for the Scajaquada-Black Rock Smart Sewer sites; and
- WHEREAS: The Principal Sanitary Engineer concurs with the recommendation from consulting engineer Greeley-Hansen, and has determined that pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-Bs of the Consolidated Laws of New York, as amended, the State Environmental Quality Review Act, and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation 6 NYCRR Part 617 as amended (collectively, "SEQRA") the Authority is required to make a determination whether the project to be undertaken may have a significant adverse impact to the environment; and
- WHEREAS: The SEQRA provides for the designation of a Lead Agency to undertake a coordinated review of the Project and the EAF with other public agencies that may be involved or interested in the environmental impacts of the Project; and
- WHEREAS: The Authority is prepared to serve as the Lead Agency with respect to the Project and has identified various public agencies that may be involved in the review, approval and/or funding of the Project or interested in such approval, funding and the Authority's undertaking of the Project.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby designates the BSA to serve as Lead Agency for coordinated SEQRA review and that the Authority's General Manager is hereby authorized to sign and distribute the Notice of Lead Agency designation, for and on behalf of the Authority, and is hereby further authorized to take such actions as deemed necessary and/or appropriate, upon advice of the Authority's legal counsel, to otherwise assist the Authority in fulfilling the requirements of SEQRA and other applicable laws with respect to the Scajaquada-Black Rock Smart Sewer sites.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 16

CHANGE ORDER NO. 2 – CONTRACT NO. 81900015

CONTRACTOR:	ORIGINAL CONTRACT COST	\$289,700.00
GHD	PREVIOUS CHANGE ORDERS	\$381,700.00
285 Delaware Avenue Suite 500	THIS CHANGE ORDER	<u>\$47,700.00</u>
Buffalo, New York 14202	ADJUSTED CONTRACT COST	\$719,100.00

WORK: Mill Race Real Time Control Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional Construction Phase Services

REASON FOR CHANGE OR EXTRA WORK:

Item #1 GHD has and is expected to continue to provide additional services beyond the original scope of the anticipated construction administration and inspection services to assist with the negotiation of an easement for the Mill Race Smart Sewer Project.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$47,700.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$47,700.00

The Total INCREASE to the Contract as a result of this Change Order is \$47,700.00

WHEREAS: In Item No. 29, on March 6, 2019 the Board of the Buffalo Sewer Authority authorized the General Manager to enter into an agreement with GHD in the amount of \$289,700.00 to perform design and bid services for the Mill Race Real Time Control Project; and

WHEREAS: In Item No. 19, on September 29, 2021 the Board of the Buffalo Sewer Authority authorized Change Order No. 1 to Contract No. 81900015 to perform additional design services beyond the original scope, construction administration services and resident inspection for the Mill Race Real Time Control Project; and

WHEREAS: The Principal Sanitary Engineer has reviewed a request for a Change Order No. 2 to Contract No. 81900015 in the amount of \$47,700.00 as detailed above and recommend approval.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 81900015 as written in the above Agenda Item, increasing the contract cost in the amount of \$47,700.00 making the adjusted contract cost \$719,100.00.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 17

CHANGE ORDER NO. 3 – CONTRACT NO. 82000039

CONTRACTOR:	ORIGINAL CONTRACT COST	\$3,378,000.00
STC Construction, Inc.	PREVIOUS CHANGE ORDERS	\$177,287.80
63 Zoar Valley Road	THIS CHANGE ORDER	<u>\$700,612.65</u>
Springville, NY 14141	ADJUSTED CONTRACT COST	\$4,255,900.45

WORK: Broadway at Oak Real Time Control Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional work extended throughout the winter season and inflationary impacts of time delay associated with environmentally hazardous slag material that required special disposal

Item #2 Adjustments due to actual conditions varying from record and bid drawings

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Removal and disposal of an environmentally hazardous slag material, winter shutdown, utility work due to discrepancy between utility record drawings and field conditions.

Item #2 There was a significant deviation between the actual sewer location and other underground infrastructure between record drawings and actual field conditions requiring significant redesign, construction delays, and additional work.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$462,510.28

Item #2 \$238,102.37

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$700,612.65

The Total INCREASE to the Contract as a result of this Change Order is \$700,612.65

WHEREAS: On October 20, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with STC Construction, Inc., for the Broadway at Oak Real Time Control project at a cost not to exceed \$3,378,000.00; and

- WHEREAS: On June 22, 2022, the Board of the Buffalo Sewer Authority authorized a \$177,287.80 Change Order to this contract for removal and disposal of an environmentally hazardous slag material; and
- WHEREAS: On July 20, 2022, the Board of the Buffalo Sewer Authority authorized a Change Order to this contract for the extension of time for removal and disposal of an environmentally hazardous slag material; and
- WHEREAS: The Principal Sanitary Engineer and staff concur with CHA who has reviewed and recommended Change Order No. 3 to Contract No. 82000039 in the amount of \$700,612.65 as detailed above for 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 0 calendar days to set a new final completion date of July 1, 2023.
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. 3 to Contract No. 82000039 as written in the above Agenda Item, increasing the contract cost in the amount of \$700,612.65 making the adjusted contract cost \$4,255,900.45.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 18

CHANGE ORDER NO. 1- CONTRACT NO. 82000041

CONTRACTOR:	ORIGINAL CONTRACT COST	\$824,600.00
Greeley and Hansen	PREVIOUS CHANGE ORDER	N/A
111 Broadway Suite 2101	THIS CHANGE ORDER (INCREASE)	<u>\$228,800.00</u>
New York, New York 10006	ADJUSTED CONTRACT COST	\$1,053,400.00

PROJECT: Scajaquada Creek & Black Rock Canal Smart Sewer Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional detailed design services to facilitate access and maintenance.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 During the 30% Design and subsequent workshop with the Authority and its smart sewer consultant Xylem, and from onsite discussions with Authority collections and maintenance staff, several additional locations are required for monitoring level information to be used to control the main RTC sites in the Project, additional survey, utility coordination, and easement acquisitions are required for this work, in addition to ensure long-term maintainability of the Gates Circle location additional access locations will be required with associated design.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$228,800.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$228,800.00

The total INCREASE to the contract as a result of this Change Order is \$228,800.00

WHEREAS: In Item No. 13, on November 22, 2021, the Board of the Buffalo Sewer Authority prequalified five (5) engineering firms for submission of proposals for the engineering services for future real time control projects; and

WHEREAS: In Item No. 15, on March 9, 2022, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into an agreement with Greeley and Hansen; one of those five engineering firms which were pre-qualified on November 22, 2021, in the amount of \$824,600.00 to perform design and bid services for the Scajaquada Creek & Black Rock Canal Smart Sewer Project; and

WHEREAS: The Principal Sanitary Engineer has reviewed a request for a Change Order No. 1 to Contract No. 82000041 in the amount of \$228,800.00 as detailed above and recommend its approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000041 as written in the above Agenda Item, increasing the contract cost in the amount of \$228,800.00, making the adjusted contract cost \$1,053,400.00.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 19

CHANGE ORDER NO. 1 – CONTRACT NO. 82000042

CONTRACTOR:	ORIGINAL CONTRACT COST	\$4,512,455.00
Kandey Company, Inc.	PREVIOUS CHANGE ORDERS	\$0
19 Ransier Drive	THIS CHANGE ORDER	<u>\$482,585.83</u>
West Seneca, NY 14224	ADJUSTED CONTRACT COST	\$4,995,040.83

WORK: Mill Race Real Time Control Construction Project

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Easement delays and inflationary forces;
- Item #2 Carroll Street sewer interconnection;
- Item #3 Flowmeter redesign

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Notice to proceed was issued on May 16, 2022, however work has been delayed due to ongoing easement negotiations with primary construction anticipated to begin March 1, 2023;
- Item #2 Carroll Street and Hydraulic Street are owned by Larkin Development Corporation. BSA and Larkin Development Corporation have eliminated sewer piping along Carroll Street to reduce impact to recently installed curbing and paving. Avoids relocation of an underground 15 kV concrete duct bank owned by National Grid that services power to Larkin Development Corporation.
- Item #3 Due to anticipated longevity concerns of flow meters utilized in earlier projects, more robust electromagnetic flow meters are being installed in new projects along with replacements on existing projects to ensure long-term viability of these projects.

COST OF CHANGE OR EXTRA WORK:

Item #1	\$387,424.19
Item #2	\$30,833.12
Item #3	\$64,328.22

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$482,585.83

The Total INCREASE to the Contract as a result of this Change Order is \$482,585.83

WHEREAS: On November 22, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Kandey Construction, Inc., for the Mill Race Real Time Control project at a cost not to exceed \$4,512,455.00; and

WHEREAS: The Principal Sanitary Engineer and staff and GHD have reviewed Change Order No. 1 to Contract No. 82000042 as detailed above and recommend approval.

CONTRACT SUPPLEMENT CONDITIONS:

6. The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 319 calendar days to set a new final completion date of March 25, 2024.
7. 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.
8. 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.
9. 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%).
10. 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. 82000039 as written in the above Agenda Item, to extend the contract for 226 days.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 20

SEQRA TYPE II DETERMINATION REGARDING THE GREEN INFRASTRUCTURE AND SEWER COMPONENTS OF NIAGARA PHASE 4B

- 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, increase resiliency, utilized green infrastructure, and reduce the impacts of climate change through various grant programs; and
- WHEREAS: The EFC provides funding for projects that improve water quality through the utilization of green infrastructure in New York State through the Green Innovation Grant Program (GIGP); and
- WHEREAS: The Buffalo Sewer Authority has been awarded a \$1,100,000.00 grant for the Niagara Phase 4B Project; and
- WHEREAS: On September 29, 2021, the Board of the Buffalo Sewer Authority passed a resolution authorizing a local match of at least 10% in order to comply with the terms of this grant; and
- WHEREAS: The EFC requires documentation of a State Environmental Quality Act (SEQR) Assessment to secure funding under this grant; and
- WHEREAS: The Attached Full Environmental Assessment Form (FEAF) in compliance with SEQR demonstrates that the Green Infrastructure and other Buffalo Sewer Authority Improvements associated with Niagara Phase 4B constitute an Unlisted Action with no significant negative impact on the environment; and
- WHEREAS: The Principal Sanitary Engineer recommend on the basis of this FEAF that a Negative Declaration for an Unlisted Action be issued for the Green Infrastructure and other Buffalo Sewer Authority Improvements associated with Niagara Phase 4B; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby issues a Negative Declaration for the Green Infrastructure and other Buffalo Sewer Authority Improvements associated with Niagara Phase 4B under SEQR.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES

Board Meeting of October 19, 2022

ITEM NO. 21

CONFIRMATION OF APPOINTMENTS

GIS SPECIALIST (PROVISIONAL)
ENGINEERING DIVISION
\$48,524 PER ANNUM
EFFECTIVE: OCTOBER 17, 2022

YASMIN MALIK
47 CALIFORNIA
BUFFALO, NY 14213

LABOR SUPERVISOR I (PERMANENT)
SEWER MAINTENANCE GREEN INFRASTRUCTURE
\$61,316 PER ANNUM
EFFECTIVE: OCTOBER 11, 2022

FREDDIE WALKER
62 CARL STREET
BUFFALO, NY 14215

LABOR SUPERVISOR I (PERMANENT)
TREATMENT PLANT YARDS & GROUNDS
\$61,316 PER ANNUM
EFFECTIVE: OCTOBER 11, 2022

MATTHEW SUPPA
35 TACOMA
BUFFALO, NY 14216

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 MR. ROOSEVELT
2ND BY MRS. PETRUCCI
AYES 3 NOES

Board Meeting of October 19, 2022

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:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION%</u>	<u>REIMBURSEMENT TOTAL</u>
Daniel O'Sullivan	Erie Community College	Survey of Science	90%	\$608.70

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$608.70. These Reimbursements will be charged to account no. 00200106-421026.

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

Board Meeting of October 19, 2022.

ITEM NO. 23

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES

Board Meeting of October 19, 2022