

MINUTES OF THE REGULAR MEETING

OF THE

BUFFALO SEWER AUTHORITY

April 5, 2023

BUFFALO SEWER AUTHORITY

REGULAR MEETING

April 5, 2023

9:00 A.M.

**Bird Island Treatment Facility, 90 West Ferry St.
Teleconference +1 917- 933-2166, ID #961 886 193**

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CALL OF THE ROLL

Present: Herbert L. Bellamy, Jr
Christopher Roosevelt
Eleanor Petrucci
Oluwole A. McFoy, P.E.
Charles Riley
Alexander Emmerson
Rosaleen B. Nogle, P.E.
Lori Scaletta
Paul Harris
Roberta L. Gaiek, P.E.
Joel Renzoni
Carol Burns

Absent: _____

Chairman
Vice Chairman of the Board
Secretary
General Manager
Executive Secretary
Treatment Plant Superintendent
Principal Sanitary Engineer
Acting Director of Employee
Relations
Superintendent of Mechanical
Maintenance
Treatment Plant Administration
Director of Sewer Maintenance
Executive Assistant to Comptroller

The meeting was called to order at 9:24 A.M. quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of March 1, 2023

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

Board Meeting of April 5, 2023

ITEM NO. 2

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

As of February 28th, 2023

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	MONEY MARKET		\$1,939,686.89	Key	0.01%	Public NOW
4-Nov-22	3-Mar-23	119	\$6,936,712.48	JP Morgan	4.65%	\$108,287.52
22-Dec-22	16-Mar-23	84	\$1,898,711.31	Key Banc Capital	4.31%	\$19,288.69
1-Dec-22	23-Mar-23	112	\$9,078,007.47	Key Banc Capital	4.40%	\$125,992.53
30-Dec-22	31-Mar-23	91	\$3,759,760.92	Key Banc Capital	4.21%	\$37,239.08
13-Jan-23	4-Apr-23	81	\$6,096,937.00	Key Banc Capital	4.55%	\$63,063.00
31-Jan-23	18-Apr-23	77	\$990,481.94	Key Banc Capital	4.45%	\$9,518.06
14-Feb-23	4-May-23	79	\$998,012.82	Key Banc Capital	4.51%	\$9,987.18
23-Feb-23	18-May-23	85	\$8,853,881.65	Key Banc Capital	4.65%	\$97,118.35
			\$40,552,192.48			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	MONEY MARKET		\$56,188.98	Key	0.01%	Public NOW
19-Jan-23	20-Apr-23	91	\$931,284.75	Key Banc Capital	4.50%	\$10,715.25
			\$987,473.73			
OPERATING FUND						
31-Jul-12	Super NOW		\$3,450,502.57	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	Super NOW		\$5,703.94	Key	0.01%	Public NOW
SURPLUS FUND						
30-Nov-22	1-Jun-23	183	\$1,515.78	Wilmington U.S. Treasury	3.72%	
			\$10,003,260.81	M&T Securities	4.96%	\$258,739.19
			\$10,004,776.59			
NET REVENUE FUND						
5-Jan-23	29-Mar-23	83	\$185,892.98	Wilmington U.S. Treasury		
			\$6,928,181.94	Key Banc Capital	4.45%	\$71,818.06
25-Jan-23	27-Apr-23	92	\$4,499,652.00	M&T Securities	4.50%	\$52,348.00
28-Feb-23	25-May-23	86	\$4,661,410.09	M&T Securities	4.67%	\$52,589.91
			\$16,275,137.01			
BSA 2021 EIB FUND						
23-Sep-22	23-Mar-23	181	\$6,524.73	Cash	0.00%	
			\$2,266,795.30	Key Banc Capital	3.72%	\$43,204.70

30-Nov-22	23-Mar-23	113	\$1,844,852.88	Key Banc Capital	4.62%	\$27,147.12
1-Dec-22	23-Mar-23	112	\$1,996,293.69	Key Banc Capital	4.40%	\$27,706.31
30-Dec-22	23-Mar-23	83	\$3,996,858.04	Key Banc Capital	4.10%	\$38,141.96
23-Feb-23	25-May-23	91	\$32,925,532.47	Key Banc Capital	4.66%	\$392,467.53
28-Feb-23	27-Jun-23	119	\$9,987,969.20	M&T Securities	4.80%	\$161,030.80

\$53,024,826.31

DEBT RESERVE FUND

				Series J		
02-Jul-14	13-Nov-33	7076	\$515,879.00	UST State/Local Govt	2.70%	
				Series K		
02-Jul-14	15-Feb-33	6803	\$361,415.00	UST State/Local Govt	2.70%	
				Series L		
12-Nov-15	1-Oct-35	7263	\$689,547.00	UST State/Local Govt	2.44%	
				Series M		
27-Jun-14	1-May-44	10901	\$595,613.00	UST State/Local Govt	2.70%	
				Series N		
15-Nov-12	15-Apr-32	7091	\$2,167,157.00	UST State/Local Govt	2.42%	
				EFC 2021		
			\$3,585.20	Wilmington U.S. Treasury	0.90%	
3-Jan-23	11-May-23	128	\$318,919.68	M&T Securities	4.41%	\$5,080.32
				\$322,504.88		
				\$0.01		
				DSF PRIN & INT		
				Wilmington Fund		

DSF 2021 EIB

\$1,045,996.81 Wilmington Fund 3.98%

RECEIVE & FILE

Board Meeting of April 5th, 2023

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.

Administration Division

3/14/2023	00110106 ADMIN Eng & Tech	-\$700.00	00100104 Broad Travel Expenses	\$700.00
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Wastewater Treatment Plant

2/27/2023	00300103 BLOW Electric Light & Power	-\$300,000.00	00330105 FINA Chemicals & Gases	\$300,000.00
2/27/2023	00650103 SWRM Electric Light & Power	-\$2,000.00	00330105 FINA Chemicals & Gases	\$2,000.00
2/27/2023	00650103 SWRM Gas	-\$5,000.00	00330105 FINA Chemicals & Gases	\$5,000.00
2/27/2023	00410103 HAMB Gas	-\$2,000.00	00330105 FINA Chemicals & Gases	\$2,000.00
2/27/2023	00490103 NIAG Natural Gas	-\$1,000.00	00330105 FINA Chemicals & Gases	\$1,000.00
2/27/2023	00390103 Hamburg Drain Float	-\$10,000.00	00330105 FINA Chemicals & Gases	\$10,000.00
2/27/2023	00380103 INCIN Gas	-\$70,000.00	00330105 FINA Chemicals & Gases	\$70,000.00
2/27/2023	00650103 DEWA Water	-\$3,000.00	00330105 FINA Chemicals & Gases	\$3,000.00
2/27/2023	00290106 AER Repairs to Equipment	-\$80,000.00	00330105 FINA Chemicals & Gases	\$80,000.00
2/27/2023	00520107 MAIN Cars & Other Vehicles	-\$43,503.42	00330105 FINA Chemicals & Gases	\$43,503.42
2/27/2023	00650106 SWRM ED Licenses	-\$50,000.00	00330105 FINA Chemicals & Gases	\$50,000.00
3/1/2023	00460105 KELX Equip Maintenance	-\$9,200.00	00350105 FILT Equip Maintenance	\$9,200.00
3/1/2023	00460105 KELX Equip Maintenance	-\$2,850.00	00500105 WALD Equip Maintenance	\$2,850.00
3/16/2023	003000105 BLOW Equip Maintenance	-\$17,000.00	00290105 AER Equip Maintenance	\$17,000.00
3/16/2023	00680105 EQUIP Maint. & Repair	-\$13,000.00	00290105 AER Equip Maintenance	\$13,000.00

3/16/2023	00210105 RWWP Equip Maintenance	-\$8,000.00	00220105 SCRE Equip Maintenance	\$8,000.00
3/17/2023	00380105 INCIN Equip Maintenance	-\$208.50	00380107 INCIN Mach. & Equipment	\$208.50

Sewer Maintenance

3/15/2023	00650103 SWRM Gas	-\$95.00	00700104 REG Fees & Dues	\$95.00
3/16/2023	00650103 SWRM Gas	-\$525.00	00650104 REG Fees & Dues	\$525.00

General Financial Charges

3/10/2023	00800183 FIN Contingency	-\$5,000.00	00200107 PLAN Office Equipment	\$5,000.00
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RECEIVE & FILE
Board Meeting of April 5, 2023

ITEM NO. 4

AUTHORIZATION TO PUBLISH NOTICE OF PROPOSED AMENDED "SCHEDULE OF SEWER RENTS AND OTHER CHARGES"

WHEREAS: The Buffalo Sewer Authority requires an amendment to the "Schedule of Sewer Rents and Other Charges."

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes and directs that the proposed amended "Schedule of Sewer Rents and Other Charges" be published as a notice once a week for three (3) successive weeks, in *The City Record*, and the *Buffalo News* on Friday, April 14, April 21, and April 28, 2023. This notice shall state that the proposed amended "Schedule of Sewer Rents and Other Charges" will remain open for inspection in the office of the Authority for thirty (30) days from the date of said notice, and that objections thereto may be filed during said period with said Authority by any person conceiving himself or herself aggrieved thereby, and that the Authority shall hear and examine such complaints and may modify the proposed Schedule and shall adopt the final amended "Schedule of Sewer Rents and Other Charges" within sixty (60) days of such notice.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 5

PROPOSED AMENDED "SCHEDULE OF SEWER RENTS AND OTHER CHARGES"
(ATTACHMENT A)

WHEREAS: The Buffalo Sewer Authority has hereto adopted a "Schedule of Sewer Rents and Other Charges" pursuant to Section 1180 of Title 8, Article 5 of Chapter 870 of the Laws of 1939 of the State of New York; and

WHEREAS: Such "Schedule of Sewer Rents and Other Charges" now requires adjustments to provide the required revenue to finance our Operating Fund Budget for the fiscal year July 1, 2023 to June 30, 2024; and

WHEREAS: With the goal of providing the citizens of the City of Buffalo with equitable and affordable water resources, the "Schedule of Sewer Rents and Other Charges" has been restructured to include low-income and senior discount programs, an increase in the levy of sewer rents based on assessed value, no changes to sewer rents based on water use, and provisions to consider annual adjustments to rates based on changes in the Consumer Price Index.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority does hereby adopt the attached proposed amended "Schedule of Sewer Rents and Other Charges" (Attachment A).

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

Board Meeting of April 5, 2023

ITEM NO. 6

CONSIDERATION OF THE OPERATING FUND BUDGET FOR FISCAL YEAR 2023-2024

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority does hereby adopt the attached Operating Fund Budget and Five-Year Capital Plan for the fiscal year commencing July 1, 2023.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 7

AUTHORIZATION FOR RENEWAL OF ADDITIONAL MAXIMO LICENSES

WHEREAS: The Buffalo Sewer Authority currently utilizes International Business Machines Corporation’s Maximo Maintenance System software for asset management, work order tracking, purchasing and inventory control program; and

WHEREAS: In April 2022, the Buffalo Sewer Authority purchased an additional forty-four (44) new Maximo licenses; and

WHEREAS: Upon request International Business Machines Corporation submitted a quote for renewal of forty-four (44) Maximo licenses in the amount of \$14,273.60; and

WHEREAS: Monies payable to International Business Machines in the current fiscal year are \$106,677.00. This purchase will bring the total monies payable for purchase to \$120,950.60; 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 renew forty-four new Maximo licenses from International Business Machines Corporation at a cost not to exceed \$14,273.60. Account no. 00200106-443420 will be charged for this purchase.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 8

CONTRACT APPROVAL - CRIME AND PROPERTY INSURANCE

- WHEREAS: The Buffalo Sewer Authority currently receives crime insurance coverage through Zurich/Fidelity & Deposit Company of Maryland and property insurance coverage through Affiliated FM Insurance Company; and
- WHEREAS: Zurich/Fidelity & Deposit Company of Maryland has proposed a renewal extension to the Buffalo Sewer Authority for crime insurance coverage for the period April 15, 2023 through April 15, 2024, with a \$44.00 price decrease at a cost not to exceed \$3,530.00; and
- WHEREAS: Affiliated FM Insurance Company has proposed a renewal extension to the Buffalo Sewer Authority for property insurance coverage for the period April 15, 2023 through April 15, 2024, at a cost of \$284,465.00, which represents an increase of \$23,817.00 or 9% over last year's cost. This follows a prior year increase of \$14,874.00 or 6%; and
- WHEREAS: This increase represents a 9% increase of the appraised value of insured property, from \$547,698,088 to \$596,991,000; and
- WHEREAS: BSA requested Lawley Insurance Company's chief underwriter to reach out to other carriers in the market for competitive pricing and it was determined that Affiliated FM's comparative pricing, terms, and conditions provided stronger coverage than other insurance providers; and
- WHEREAS: The Buffalo Sewer Authority will continue to look at our policy terms and conditions including limits and deductibles to achieve the best possible cost and coverage to the Authority; and
- WHEREAS: The Executive Secretary of the Buffalo Sewer Authority has carefully reviewed the policies and recommends acceptance of these proposals.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves crime insurance coverage through Zurich/Fidelity & Deposit Company of Maryland at a cost not to exceed \$3,530.00 and property insurance coverage through Affiliated FM Insurance Company at a cost not to exceed \$284,465.00, effective April 15, 2023, for a one-year period. The total cost for crime and property insurance is \$287,995.00 and shall be charged to account nos. 00200108-452000 and 00650108-452000 on a pro rata basis.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 9

TRAVEL AUTHORIZATION - BINGHAMTON, NY

WHEREAS: The American Public Works Association (APWA) New York State Chapter Annual Conference is being held in Binghamton, NY from March 22 – 24, 2023; and

WHEREAS: The Preventative Maintenance Coordinator received a scholarship to attend the APWA Annual Conference which includes Full Conference Registration, admission to the Awards Banquet, the Networking Event and hotel Registration; and

WHEREAS: The Preventative Maintenance Coordinator needs to remain current on state-of-the-art practices and the latest regulatory issues; and

WHEREAS: The General Manager recommends that the Preventative Maintenance Coordinator attend the APWA Annual Conference in Binghamton, NY.

WHEREAS: Due to time constraints, the Board was polled on March 7, 2023 and verbally authorized acceptance of this proposal; and

WHEREAS: It is now necessary to formally ratify that authorization.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby formally authorizes the General Manager to travel to Binghamton, NY on March 22 -24, 2023 to attend the APWA Annual State Conference at a total cost not to exceed \$200. Account nos. 000650104-458010 will be utilized for this travel.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 10

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. The project was completed in June of 2019; 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 Spring 2023 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 April 23 through April 25, 2023 to attend the Emerson Ovation Users Group Spring Board Meeting at a cost not to exceed \$1000.00. Expenses for this travel shall be charged to account no. 00200104-458010.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 11

TRAVEL AUTHORIZATION - SARATOGA SPRINGS, NY

WHEREAS: The New York Water Environment Association (NYWEA), in conjunction with New England Water Environment Association (NEWEA), is holding its Spring Technical Conference and Exhibition in Saratoga Springs, New York from June 6 – 9, 2023; and

WHEREAS: As a utility member of NYWEA, several Authority staff members serve on the organization’s board, committee, and task forces that hold their semi-annual meetings at this conference. In addition, this conference provides an important opportunity for ongoing training and peer-learning with other water professionals across New York State; and

WHEREAS: The General Manager recommends attendance at this conference for the General Manager, Treatment Plant Superintendent, Treatment Plant Administrator, Principal Sanitary Engineer, Senior Engineer, Director of Sewer Maintenance, Shift Superintendent and Wastewater II.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager, Treatment Plant Superintendent, Treatment Plant Administrator, Principal Sanitary Engineer, Senior Engineer, Director of Sewer Maintenance, Shift Superintendent and Wastewater II to travel to Saratoga Springs, New York, to attend the NYWEA Spring Technical Conference and Exhibition from June 4 – 10, 2023, for a total cost not to exceed \$14,500.00. Account nos. 00110104-458010, 00110104-458012, 00200104-458010, 00200104-458012, 00600104-458010 and 00600104-458012 will be utilized for this travel.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 12

TRAVEL AUTHORIZATION - TORONTO, ONTARIO

WHEREAS: The American Water Works Association (AWWA) and Ontario Water Works Association is holding its Annual Water Conference, ACE '23 from June 11 – June 14, 2023; and

WHEREAS: AWWA's ACE '23 is the leading water conference focused on sustainable, technological, and collaborative initiatives and presentations to facilitate peer learning and prompt solutions to global water challenges; and

WHEREAS: The Chairman of the Board recommends the General Manager's attendance to the ACE23 Water Conference.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to Toronto, Ontario from June 10 – June 15, 2023, to attend the ACE23 Water Conference at a total cost not to exceed \$2,500.00. Account nos. 00110104-458010 and 00110104-458012 will be utilized for this travel.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 13

TRAVEL AUTHORIZATION - KANSAS CITY, MO

WHEREAS: The Water Environment Federation (WEF) is hosting a Collection Systems Conference and Stormwater Summit in Kansas City, Missouri from June 27 to June 30, 2023; and

WHEREAS: The Collection Systems Conference and Stormwater Summit will highlight innovative collection systems and stormwater management infrastructure and management projects, processes, and technologies being implemented across North America; and

WHEREAS: The Principal Sanitary Engineer, Senior Engineer, and Sewer Construction Inspector need to stay current with the latest innovations, procedures, and methodologies in these areas; and

WHEREAS: The General Manager recommends that the Principal Sanitary Engineer, Senior Engineer and Sewer Construction Inspector attend the WEF Collection Systems Conference and Stormwater Summit.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer, Senior Engineer, and Sewer Construction Inspector to travel to Kansas City, Missouri from June 26 to July 1, 2023, to attend the WEF Collection Systems Conference and Stormwater Summit at a total cost not to exceed \$8,000.00. Account nos. 00600104-458010 and 00600104-458012 will be utilized for this travel.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 14

EXTENSION OF THE CONTRACT FOR THE PURCHASE OF POLYMER DEWATERING AID FOR WASTEWATER SLUDGE THICKENING & CONDITIONING

WHEREAS: On May 4, 2022, the Board of the Buffalo Sewer Authority awarded a contract to Polydyne, Inc., for the purchase of Polymer Dewatering Aid for Wastewater Sludge Thickening & Conditioning for the period July 1, 2022 to June 30, 2023 with an option to renew four (4) one-year periods, at an annual cost not to exceed \$1,740,000.00; and

WHEREAS: Polydyne, Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2023-2024;

WHEREAS: The Treatment Plant Superintendent and staff recommend this extension at a total cost not to exceed \$1,740,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorize the General Manager to renew the contract with Polydyne, Inc., for the purchase of Polymer Dewatering Aid for Wastewater Sludge Thickening & Conditioning for the period July 1, 2023 to June 30, 2024, at a total cost not to exceed \$1,740,000.00. Expenses for this contract will be charged to account nos. 00340105-467044 and 00360105-467044.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 15

EXTENSION OF THE CONTRACT FOR EMISSIONS TESTING ON MULTI-HEARTH INCINERATORS & AUXILIARY BOILERS

WHEREAS: On May 5, 2021, the Board of the Buffalo Sewer Authority awarded a contract to Gammie Air Monitoring, LLC, for professional services as outlined for the emissions testing of multi-hearth incinerators and auxiliary boilers for the period beginning July 1, 2021 to June 30, 2022, with an option to renew for four (4) one-year periods, at an annual cost not to exceed \$95,765.00; and

WHEREAS: On May 4, 2022, the Board authorized the extension of this contract for the period July 1, 2022 to June 30, 2023; and

WHEREAS: Gammie Air Monitoring, LLC, has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2023-2024;

WHEREAS: The Treatment Plant Administrator and staff recommend this extension at a total cost not to exceed \$95,765.00

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with Gammie Air Monitoring, LLC for professional services for the emissions testing of multi-hearth incinerators and auxiliary boilers for the period July 1, 2023 to June 30, 2024, at a total cost not to exceed \$95,765.00. Expenses for this contract will be charged to account no. 00380106-432004.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 16

REPORT OF BIDS RECEIVED-REMOVAL & DISPOSAL OF TRASH

WHEREAS: Formal bids were advertised and solicited for Removal & Disposal of Trash at the Bird Island Treatment Facility. The following bids were received and opened by the Buffalo Sewer Authority on February 22, 2023:

VENDOR	Price per ton (approx. 200 tons)	Wait Charge (per 15 min.)	NO LOAD FEE	Total annual cost (based on estimated qty.)
Modern Disposal, Inc.	\$103.20	\$37.50	\$150.00	\$20,640.00
Geiter Done of WNY, Inc.	\$108.30	\$0.00	\$108.30	\$21,660.00
Lardon Disposal Services				NO BID

; and

WHEREAS: The Treatment Plant Superintendent and staff reviewed the quotes received and recommend the services be awarded to the low bidder, Modern Disposal, Inc. for the fiscal year 2023-2024; at a total cost not to exceed \$20,640.00; and

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

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 Removal and Disposal of Trash with Modern Disposal, Inc. for the fiscal year 2023-2024, in the amount of \$20,640.00. This service will be charged to account no. 00380106-442100.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 17

REPORT ON BIDS RECEIVED-REMOVAL & DISPOSAL OF SEWAGE GRIT

WHEREAS: Formal bids were advertised and solicited for Removal & Disposal of Sewage Grit at the Bird Island Treatment Facility. The following bids were received and opened by the Buffalo Sewer Authority on February 22, 2023:

VENDOR	Price per ton based on estimated 300 tons	Total annual cost based on estimated quantity
Geiter Done of WNY, Inc.	\$71.48	\$21,444.00
Modern Disposal, Inc.	\$108.56	\$32,568.00
Lardon Disposal Services		NO BID
Waste Management		NO RESPONSE

; and

WHEREAS: The Treatment Plant Superintendent and staff reviewed the quotes received and recommend the services be awarded to the low bidder, Geiter Done of WNY, Inc., for the fiscal year 2023-2024 at a total cost not to exceed \$21,444.00

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

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 Removal & Disposal of Sewage Grit with Geiter Done of WNY, Inc. for the fiscal year 2023-2024, in the amount of \$21,444.00. This service will be charged to account no. 00380106-442100.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 18

REPORT ON BIDS RECEIVED-REMOVAL & DISPOSAL OF INCINERATOR ASH

WHEREAS: Formal bids were advertised and solicited for Removal & Disposal of Incinerator Ash at the Bird Island Treatment Facility. The following bids were received and opened by the Buffalo Sewer Authority on March 7, 2023:

VENDOR	Price per ton based on estimated 7,000 tons	No load fee (charge per incident)	Total annual cost based on estimated quantity
Modern Disposal, Inc.	\$58.80	\$175.00	\$411,600.00
Geiter Done of WNY, Inc.	\$68.75	\$100.00	\$481,250.00
Waste Management of New York			NO BID

; and

WHEREAS: The Treatment Plant Superintendent and staff reviewed the quotes received and recommend the services be awarded to the low bidder, Modern Disposal, Inc. for the fiscal year 2023-2024, at a total cost not to exceed \$411,600.00; and

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

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 Removal and Disposal of Incinerator Ash with Modern Disposal, Inc. for the fiscal year 2023-2024, in the amount of \$411,600.00. This service will be charged to account no. 00380106-442100.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 19

WITHDRAW ITEM NO. 23 OF THE MARCH 1, 2023, BOARD MEETING

WHEREAS: On March 1, 2023, the Board of the Buffalo Sewer Authority tabled item number 23, Changer Order No. 1-Contract No. 82000023 for Professional Engineering Services; and

WHEREAS: The Treatment Plant Administrator recommends that this item be withdrawn from consideration.

NOW THEREFORE
BE IT RESOLVED: That Resolution No. 23 of the Board Meeting of March 1, 2023 is hereby withdrawn

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 20

CHANGE ORDER NO. 1 – TERM AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES CONTRACT NO. 82000023

CONSULTANT:	ORIGINAL CONTRACT COST	\$250,000.00
Jacobs Civil Consultants, Inc.	PREVIOUS CHANGE ORDERS	\$0.00
500 Seventh Avenue 7th Floor	THIS CHANGE ORDER	<u>\$103,100.00</u>
New York, New York 10018	ADJUSTED CONTRACT COST	\$353,100.00

VENDOR NO. 17033	ACCOUNT NO.	02000513-432004
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WORK: Seepage and Subsidence Investigation

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Item Increase in the amount of \$103,100.00

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Additional time and services are needed to investigate subsurface water levels at the Bird Island Wastewater Treatment Facility, identify repair recommendations for additional seepage and subsidence issues, advance the short-term repair of critical cracks/seepages to final design and bid phase and collect data to support measures to mitigate seepage and subsidence at the Bird Island treatment Facility.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$103,100.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$103,100.00

WHEREAS: The Buffalo Sewer Authority issued a request for qualifications (RFQ) for the Term Agreement Contracts on December 16, 2019; and

WHEREAS: The Buffalo Sewer Authority received a statement of qualifications from Jacobs Engineering New York, Inc. in response to this request on January 24, 2020; and

WHEREAS: In Item No. 10, on April 1, 2020, the Board of the Buffalo Sewer Authority prequalified six (6) engineering firms including Jacobs Engineering New York, Inc. for three (3) year Engineering Term Agreements each with a \$250,000.00 allocation of funding for small projects on an as needed and as directed basis for capital improvement projects; and

WHEREAS: On August 18, 2020 Contract No. 82000023 was executed between the Buffalo Sewer Authority and Jacobs Engineering New York, Inc. pursuant to the aforementioned Item No. 10 of the April 1, 2020 Board Meeting; and

WHEREAS: To date, allocations of the total \$250,000.00 previously approved by the Treatment Plant Administrator and staff have been made for:

Project	Acceptance Date	Allocation	Spent to Date
Task Order #1 Seepage and Subsidence Investigation-	December 4, 2020	\$174,388.00	\$174,388.00
Task Order #1 Seepage and Subsidence Investigation, Amendment #1- Additional monitoring and investigation.	March 24, 2021	\$9,312.00	\$9,312.00
Task Order #2-Seepage and Subsidence Investigation- Installation of six additional Groundwater well transducers and additional monitoring and investigation. Also included is bidding services	April 29, 2022	\$66,300.00	\$45,432.79

Totaling \$250,000.00 with an estimated \$0.00 remaining unallocated. Expended costs are \$229,132.79 with \$20,867.21 authorized funds remaining; and

WHEREAS: The Treatment Plant Administrator and staff have determined that the proposal from Jacobs Engineering New York, Inc. for \$103,100.00 best meets the needs of the Authority in this matter, but, together with the above stated allocations would exceed the currently approved contract amount by \$103,100.00; and

WHEREAS: The Treatment Plant Administrator and staff subsequently solicited and reviewed a request for a Change Order No. 1 to Contract No. 82000023 (Term Engineering Services Project) in the amount of \$103,100.00 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. 82000023 as written in the above Agenda Item, increasing the contract cost in the amount of \$103,100.00, making the adjusted contract cost \$353,100.00. Expenses from this contract will be funded from Account No. 02000503-432004.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 21

**CHANGE ORDER NO. 2 INCREASE CONTRACT NO. 82000008 BIRD ISLAND
TRANSFORMER REPLACEMENTS**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$2,663,531.00
O'Connell Electric	PREVIOUS CHANGE ORDER No.1	\$24,145.00
830 Phillips Road	THIS CHANGE ORDER	<u>\$114,505.25</u>
Victor, New York 14564	ADJUSTED CONTRACT COST	\$2,802,181.25
VENDOR NO. 13243	ACCOUNT NO.	02000501-490740
WORK:	Bird Island Transformer Replacements	

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Additional funding required as a result of the extensive project delays.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Due to extensive project delays, outside the control of Authority, O'Connell Electric has incurred additional costs due to a need to provide additional contract management, additional engineering support for system protection and control design, increases in NYS prevailing wages, and extended insurances and bonding requirements.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$114,505.25

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$114,505.25

The Total INCREASE to the Contract as a result of this Change Order is \$114,505.25

WHEREAS: On July 31, 2019, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with O'Connell Electric, for Bird Island Transformer Replacements project at a cost not to exceed \$2,663,531.00; and

WHEREAS: On September 18, 2019, Notice to Proceed was issued for Contract No. 82000008 in accordance with the above Board approval; and

WHEREAS: On May 26, 2021, the Board of the Buffalo Sewer Authority authorized a Change Order in the amount of \$24,145.00 under Board Item No. 11 for Grounding Cart Repair, and

WHEREAS: The Treatment Plant Administrator, the Treatment Plant Superintendent, the

Superintendent of Maintenance and staff have reviewed a request for a Change Order No. 2 to Contract No. 82000008 in the amount of \$114,505.25 as detailed above and recommend 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.
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. 82000008 as written in the above Agenda Item, increasing the contract cost in the amount of \$114,505.25 making the adjusted contract cost \$2,687,676.00. Expenses from this contract will be paid from Account No. 02000501-490740.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 22

AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL SERVICES FOR CONTINUATION OF A THIRD-PARTY GREEN INFRASTRUCTURE WATER EQUITY AMBASSADOR STEWARDSHIP SERVICE PROGRAM

- WHEREAS: In December of 2020, the Board of the Buffalo Sewer Authority authorized the General Manager to execute an agreement with PowerCorpsPHL to create a Green Infrastructure Stewardship Service program designed to develop local talent from low-income and undeserved communities by providing training and complete wrap around services to better ensure candidates satisfy core knowledge, skills and abilities necessary to successfully meet the Authority's Green Infrastructure Maintenance department's work requirements; and
- WHEREAS: In January of 2022, the Board of the Buffalo Sewer Authority authorized the General Manager to enter Phase II of the program with PowerCorpsPHL; and
- WHEREAS: Based upon successful completion of the Phase II contract agreement, and in order to continue to meet the needs of the Green Infrastructure Maintenance department, along with expanding the workforce development program scope to also support BSA Maintenance and Operations, the Buffalo Sewer Authority sent out request for proposals (RFP) for a one-year period, with an option to renew for four (4) one-year periods; and
- WHEREAS: The RFP was issued to multiple organizations including, AKRF, Greenprint Parners, PUSH Buffalo, PowerCorpsPHL, Heart of the City Neighborhoods, The Buffalo Urban League, and The Service Collaborative of WNY; and
- WHEREAS: The Buffalo Urban League, and the Buffalo Center for Health Equity responded to the RFP by the specified deadline of 3:00 PM March 23, 2023; and
- WHEREAS: A selection committee appointed by the General Manger reviewed and evaluated the proposals received; and
- WHEREAS: Based upon the proposal review, the selection committee recommends retaining the Buffalo Center for Health Equity (*partnered with PowerCorpsPHL & The Service Collaborative of WNY*) to develop the Green Infrastructure Water Equity Ambassador Stewardship Service Program as

outlined in the RFP at an agreed upon cost not to exceed \$579,289.00.

NOW THEREFORE

BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute an agreement with the Buffalo Center for Health Equity, at a total cost not to exceed \$579,289.00, to develop the Green Infrastructure Water Equity Ambassador Stewardship Service Program as defined in the proposal dated March 22, 2023, for a one-year period, with an option to renew for four (4) one-year periods. These services will be charged to account no. 00700106-432004.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 23

EXTENSION OF THE CONTRACT FOR ELEVATOR MAINTENANCE

WHEREAS: On May 26, 2021, the Board of the Buffalo Sewer Authority awarded a contract to DCB Elevator Co., Inc., for elevator maintenance services for the period beginning July 1, 2021 to June 30, 2022, with an option to renew for four (4) one-year periods, at an annual cost not to exceed \$134,600.00; and

WHEREAS: On May 4, 2022, the Board authorized the extension of this contract with DCB Elevator Co., for one (1) additional year under the same terms and conditions for fiscal year 2022-2023; and

WHEREAS: DCB Elevator Co., Inc., has agreed to extend this contract for one (1) additional year under the same terms and conditions for fiscal year 2023-2024; and

WHEREAS: The Treatment Plant Superintendent, Acting Principal Chief Stationary Engineer and staff recommend this extension at a total cost not to exceed \$134,600.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the contract with DCB Elevator Co., Inc., for elevator maintenance at the Bird Island Treatment Facility for the period July 1, 2023 to June 30, 2024, at a total cost not to exceed \$134,600.00. Expenses for this contract will be charged to account nos. 00380106-443421, 00520103-443421 and 00650106-443421.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO.24

**CONTRACT NO. 82000031 ALBANY STREET OVERFLOW SEWER IMPROVEMENT
PROJECT CHANGE ORDER NO. 1 EMERGENCY REPAIRS AND FINAL ADJUSTMENT**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$1,953,644.00
Mark Cerrone, Inc.	PREVIOUS CHANGE ORDERS	\$0.00
P.O. Box 3009	THIS CHANGE ORDER	<u>\$373,545.29</u>
Niagara Falls, NY 14304		\$2,327,189.29
VENDOR NO. 10683	ACCOUNT NO.	02000529-490740
WORK:	Albany Street Overflow Sewer Improvement Project	

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Pearl Street Sewer Repairs and Rail Removal
- Item #2 East Huron Street Sewer Repair
- Item #3 Swan Street Sewer Repair
- Item #4 Final Adjustment to Contract Amount

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Repair and replacement of previously unidentified pre-Civil War sewers within the City of Buffalo's Entertainment District project limits were required to facilitate this project and Mark Cerrone, Inc. was the contractor for that project.
- Item #2 A section of sewer over twenty feet in depth with multiple utilities laid over-top collapsed under East Huron Street near Washington Street and required both pumping to maintain stormwater and sanitary sewage drainage and a complex repair with engineered plans and shoring and coordination with several utility owners to be undertaken.
- Item #3 A 96" diameter segmented block sewer under Swan Street between Emslie Street and Hagerman Street collapsed on November 15, 2023, precipitating an engineered repair, significant pumping, extensive traffic control, and site maintenance through two major winter storm events.
- Item #4 Adjusting contract amount for actual quantities used.

COST OF CHANGE OR EXTRA WORK:

- Item #1 \$115,206.62
- Item #2 \$274,755.99
- Item #3 \$397,971.21
- Item #4 (\$414,388.53)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$373,545.29

The Total INCREASE to the Contract as a result of this Change Order is \$373,545.29

- WHEREAS: On May 25, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Mark Cerrone, for the Albany Street Overflow Sewer Improvement project as the responsible low bidder at a cost not to exceed \$1,953,644.00; and
- WHEREAS: On August 20, 2021, Notice to Proceed was issued for Contract No. 82000031 in accordance with the above Board approval; and
- WHEREAS: The Principal Sanitary Engineer and staff and Wendel have reviewed a request for a Change Order No. 1 to Contract No. 82000031 in the amount of \$373,545.29 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 228 calendar days.
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. 1 to Contract No. 82000031 as written in the above Agenda Item, increasing the contract cost in the amount of \$373,545.29 making the adjusted contract cost \$2,327,189.29. Expenses from this contract will be paid from Account No. 02000529-490740.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 25

CONTRACT NO. 82000031

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Albany Street Overflow Sewer Improvement Project

BID: \$1,953,644.00

CONTRACTOR: Mark Cerrone, Inc.
P.O. Box 3009
Niagara Falls, NY 14304

WHEREAS: The Principal Sanitary Engineer and staff have certified that the Contractor completed the work in accordance with the plans and specification on April 5, 2023; and

WHEREAS In Item No. 25, on April 5, 2023 the contract value was increased by \$373,545.29.

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 April 5, 2023;
- c. The maintenance period commence on April 5, 2023;
- d. The final cost of the Contract is \$2,327,189.29.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 26

CHANGE ORDER NO. 2 – REGULATORY AGENCY REQUESTS AND PROJECT DESIGNS
CONTRACT NO. 81600025 CONTINUED HYDRAULIC MODELING REQUIRED FOR LTCP
RELATED PROJECT DESIGNS

CONSULTANT:	ORIGINAL CONTRACT COST	\$138,000.00
Arcadis CE, Inc.	PREVIOUS CHANGE ORDERS	\$44,560.00
50 Fountain Plaza Suite 600	THIS CHANGE ORDER	\$48,112.00
Buffalo, NY 14202	ADJUSTED CONTRACT COST	\$230,672.00

VENDOR NO. 1652	ACCOUNT NO. 81600025	02000417-432004
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WORK: Continued Hydraulic Modeling Required for LTCP Related Project Designs

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Continued hydraulic modeling required for Long Term Control Plan (LTCP) related project designs through September 1, 2023.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The regulatory agencies have requested multiple model runs for compliance and planning purposes as has Buffalo Sewer and our consultants for the design and post-construction monitoring of LTCP projects.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$48,112.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$48,112.00

WHEREAS: In Item No. 6, on January 12, 2000, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into an agreement with Malcolm Pirnie, Inc. at a cost not to exceed \$2,740,000.00 to develop a computer model of the Buffalo Sewer Authority Sewer System with funds to be charged to 02000160-432004; and

WHEREAS: On February 28, 2000, Contract No. 83900014 was executed between the Buffalo Sewer Authority and Malcolm Pirnie, Inc. pursuant to the aforementioned Item No. 6 of the January 12, 2000, Board Meeting in the amount of \$2,738,674.00; and

WHEREAS: In Item No. 14 of the March 21, 2001, Board Meeting, the Board of the Buffalo Sewer Authority approved a Change Order No. 1 to Contract No. 83900014 in the amount of \$945,000.00 for additional work, data collection, and a time extension making the contract total \$3,683,674.00; and

- WHEREAS: In Item No. 11 of the March 19, 2003, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 2 to Contract No. 83900014 in the amount of \$779,343.00 for a financial capability assessment and development of a comprehensive, system-wide Long Term Control Program, making the total cost of the contract \$4,463,017.00; and
- WHEREAS: In Item No. 14 of the July 19, 2006, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 3 to Contract No. 83900014 in the amount of \$28,900.00 for additional engineering services, making the total cost of the contract \$4,491,917.00; and
- WHEREAS: In Item No. 21 of the November 7, 2007, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 4 to Contract No. 83900014 in the amount of \$38,760.00 for additional engineering services, and address comments from the United States Environmental Protection Agency (USEPA) and the New York State Department of Environmental Conservation (NYSDEC) making the total cost of the contract \$4,530,677.00; and
- WHEREAS: In Item No. 13, on May 21, 2008, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into an agreement with Malcolm Pirnie, Inc. at a cost not to exceed \$1,175,000.00 to provide water quality modeling and monitoring services as furtherance of Contract No. 83900014 with funds to be charged to 02000293-432004; and
- WHEREAS: On September 5, 2008, Contract No. 84900006 was executed between the Buffalo Sewer Authority and Malcolm Pirnie, Inc. pursuant to Item No. 13 of the May 21, 2008, Board Meeting in the amount of \$1,175,000.00; and
- WHEREAS: In Item No. 19 of the March 18, 2009, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 1 to Contract No. 84900006 in the amount of \$145,386.46 for the subcontracting of metering to ADS Environmental Services upon the bankruptcy of the original subcontractor, Geotivity, Inc. in the fall of 2008, making the total cost of the contract \$1,320,348.46; and
- WHEREAS: In Item No. 20 of the October 13, 2010, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 2 to Contract No. 84900006 in the amount of \$349,919.00 for eight (8) additional tasks required under an increased scope of work mandated by the USEPA, United States Department of Justice, and NYSDEC making the total cost of the contract \$1,715,267.46; and
- WHEREAS: In Item No. 13 of the December 1, 2010, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 3 to Contract No. 84900006 in the amount of \$785,000.00 for eleven (11) additional tasks to comply with terms of the proposed USEPA/NYSDEC Consent Decree making the total cost of the contract \$2,500,267.46; and

- WHEREAS: In Item No. 19 of the September 7, 2011, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 4 to Contract No. 84900006 in the amount of \$550,000.00 for six (6) additional tasks required under an increased scope of work mandated by the USEPA, United States Department of Justice (USDOJ), and NYSDEC making the total cost of the contract \$3,050,267.46; and
- WHEREAS: In Item No. 12 of the March 7, 2012, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 5 to Contract No. 84900006 in the amount of \$430,000.00 for five (5) additional tasks to complete the Long-Term Control Plan making the total cost of the contract \$3,480,267.46; and
- WHEREAS: In Item No. 14 of the October 10, 2012, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 6 to Contract No. 84900006 in the amount of \$384,000.00 for four (4) additional tasks to complete the Long-Term Control Plan making the total cost of the contract \$3,864,267.46; and
- WHEREAS: In Item No. 17 of the October 9, 2013, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 7 to Contract No. 84900006 in the amount of \$550,000.00 for four (4) additional tasks to complete the Long-Term Control Plan making the total cost of the contract \$4,414,267.46; and
- WHEREAS: The Buffalo Sewer Authority negotiated an Administrative Order on March 8, 2014 with the USEPA, USDOJ, and NYSDEC to address sewer system improvements to comply with the Federal Clean Water Act through the Combined Sewer Overflow Long-Term Control Plan (LTCP); and
- WHEREAS: In Item No. 16 of the July 23, 2014, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 8 to Contract No. 84900006 in the amount of \$235,000.00 for four (4) additional tasks to comply with the LTCP including updated hydraulic modeling making the total cost of the contract \$4,649,267.46; and
- WHEREAS: In Item No. 21 of the February 11, 2015, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 9 to Contract No. 84900006 in the amount of \$90,000.00 for additional hydraulic modeling making the total cost of the contract \$4,739,267.46; and
- WHEREAS: In Item No. 27 of the May 6, 2015, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 10 to Contract No. 84900006 in the amount of \$100,000.00 for three (3) tasks to comply with the LTCP including updated hydraulic modeling and LTCP implementation assistance making the total cost of the contract \$4,839,267.46; and
- WHEREAS: In Item No. 17 of the February 17, 2016, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 11 to Contract No. 84900006 in the amount of \$119,541.50 for three (3) additional tasks to comply with the LTCP including updated hydraulic modeling making the total cost of the contract \$4,958,808.96; and

WHEREAS: On June 17, 2013, Malcolm Pirnie, Inc., was acquired by Arcadis CE, Inc.; and

WHEREAS: In Item No. 20 of the February 17, 2016, Board Meeting, the Board of the Buffalo Sewer Authority approved a new contract with Arcadis for continued hosting in furtherance of Contract Nos. 83900014 and 84900006 in the amount of \$138,000.00 with costs to be funded from account no. 02000417-432004; and

WHEREAS: On October 6, 2021, the United States Environmental Protection Agency and New York State Department of Conservation approved a revised Hydraulic Model that is currently hosted by Arcadis CE, Inc.; and

WHEREAS: In Item No. 18 of the February 15, 2022, Board Meeting, the Board of the Buffalo Sewer Authority approved Change Order No. 1 to Contract No. 81600025 in the amount of \$44,560.00 for additional hydraulic modeling services making the total approved contract \$182,560.00; and

WHEREAS: Upon request, Arcadis CE, Inc. has submitted a proposal for Change Order No. 2 to Contract No. 81600025 to continue hydraulic modeling services for design and compliance purposes through September 1, 2023; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed said proposal for Change Order No. 2 to Contract No. 81600025 in the amount of \$48,112.00 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. 2: Regulatory Agency Requests and Project Designs to Contract No. 81600025: Continued Hydraulic Modeling Required for LTCP Related Project Designs as written in the above Agenda Item, increasing the contract cost in the amount of \$48,112.00, making the adjusted contract cost \$230,672.00. Expenses from this contract will be funded from Account No. 02000417-432004.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO.27

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

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

WHEREAS: Wendel Companies, Inc., as a prequalified firm, submitted a proposal for delivery preliminary design services for a Green Infrastructure capital project within and in the neighborhood of Hennepin Park; and

WHEREAS: Wendel Companies Inc., brings extensive experience working with the Buffalo Sewer Authority and within the City of Buffalo with both the traditional gray infrastructure and, in recent years, with Green Infrastructure capital projects ; and

WHEREAS: Based upon the review of the Principal Sanitary Engineer and staff, it is recommended to proceed with the proposal and scope of work for professional services at an agreed upon cost not to exceed \$35,000.00 for this first phase.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute an agreement with Wendel Companies, Inc. to provide professional engineering services at a cost not to exceed \$35,000.00. The cost of this contract will be funded from account no.02000569-432004.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 28

ADOPTION OF NEGATIVE DECLARATION OF STATE ENVIRONMENTAL QUALITY REVIEW FOR THE SCAJAQUADA AND BLACK ROCK SMART SEWER PROJECT

- WHEREAS: The Buffalo Sewer Authority (the “Authority”) was created by New York Public Authorities Law (the “Public Authorities Law”) Section 1177 (the “Authority Act”) and is authorized and empowered by the Public Authorities Law Article 5, Title 8 to provide for the jurisdiction, control, possession, supervision and use of the “facilities”, as defined in Section 1176(10) of the Authority Act, including but not limited to the sewage treatment plant, storm water and sewage collection system constituting the sewer system that serves the City of Buffalo and neighboring communities (the “Sewer System”); and
- WHEREAS: Pursuant to Section 1179 of the Authority Act, the City of Buffalo (the “City”) assigned, transferred and dedicated to the Authority the jurisdiction, control, supervision, possession and use of the Sewer System; and
- WHEREAS: In accordance with Article 8 (State Environmental Quality Review Act a/k/a “SEQRA”) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6 NYCRR Part 617) (the “Regulations”), the Authority has considered the proposed construction and implementation of the Scajaquada-Black Rock Smart Sewer Project which is designed to address and abate combined sewer overflows to area waterways which occur during wet weather, typically rain and/or snow melt events (the “Action”); and
- WHEREAS: This project will serve to protect the environment, water quality and the public health, safety and welfare by reducing discharges of pollutants from combined sewer overflows which would otherwise occur without construction and implementation of this project; 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: On October 19, 2022, the Authority determined that it would serve as Lead Agency pursuant to SEQRA and engage in a coordinated review process, and a notice of such Lead Agency designation and coordinated review process was mailed to various involved and interested agencies on January 13, 2023; and
- WHEREAS: The Authority, through its appropriate officers has identified and contacted all potentially involved and interested agencies in the Action (the “Agencies”), and all of the identified potentially Involved Agencies, as defined in the

SEQRA Regulations, have consented or not objected to the Authority's proposal to be Lead Agency for the Action; and

WHEREAS:

The Authority, as Lead Agency, in making a Determination of Significance with respect to the Action, has considered the Action as a "Type 1 Action" pursuant to the Regulations, has examined the completed Full Environmental Assessment Form and has reviewed and discussed each and every criteria for determining significance set out in Part 617.7 of the SEQRA Regulations.

NOW THEREFORE
BE IT RESOLVED:

Based upon a consideration of the Action, an examination of the completed Full Environmental Assessment Forms, a review and discussion of each and every criteria for making a Determination of Significance set out in Part 617.7 of the SEQRA Regulations, and such further investigation of the Action and its environmental effects, if any, as the BSA has deemed appropriate, the BSA makes the following findings with respect to the Action:

- a) No potentially large impacts on the environment from the Action are identified in the Environmental Assessment Form.
- b) The Action is not expected to trigger any significant adverse impacts, including those examples of impacts listed in Part 617.7 of the SEQRA Regulations.

BE IT FURTHER
RESOLVED:

Based upon the foregoing investigation of the potential environmental impacts of the Action and considering both the magnitude and importance of each potential environmental impact, as more particularly stated in the attached Environmental Assessment Form and Negative Declaration attached hereto and made a part hereof, the BSA makes the following determinations:

- a) The Action will not have a significant adverse impact on the environment and an environmental impact statement will not be prepared with respect to the Action; and
- b) The Authority hereby authorizes and directs the General Manager, and its appropriate officers to execute and deliver a Notice of Determination of Non-Significance ("Negative Declaration"), in form and substance as attached hereto and made a part hereof, and to file such Notice, in accordance with the requirements of the SEQRA Regulations, and to take such other actions, upon the advice of legal counsel, in furtherance of this resolution as may be necessary or appropriate.

All actions of the General Manager, other Authority officers and any other representative or agent of the Authority in the preparation of the LTCP are hereby ratified, approved and confirmed.

This resolution shall take effect immediately.

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

Board Meeting of April 5, 2023

STATE OF NEW YORK)
) SS.:
 COUNTY OF ERIE)

I, the undersigned Secretary of the Buffalo Sewer Authority (the “Authority”), DO HEREBY CERTIFY that I have compared the annexed extract of the minutes of the meeting of the Authority, including the resolution contained therein, held the 5th day of April, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Authority and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Authority Board had due notice of said meeting, said meeting was duly held, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was duly given in accordance with such Article 7, and there was a quorum of the members of the Authority Board present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of April, 2023.

Eleanor C. Petrucci
 Secretary of the Board

ITEM NO. 29

AUTHORIZATION TO ENTER INTO ACCESS AGREEMENT WITH AGC, INC.

- WHEREAS: On November 22, 2021, the Board of the Buffalo Sewer Authority approved a bid in the amount of \$4,512,455.00 for the Mill Race Real Time Control Project; and
- WHEREAS: On October 19, 2022, a contract amendment in the amount of \$482,585.83 was approved by the Board of the Buffalo Sewer Authority to account for easement delays, inflationary forces, Carroll Street sewer interconnections, and flowmeter redesign; and
- WHEREAS: The Buffalo Sewer Authority and AGC, Inc. have negotiated an access agreement (Attachment B) to grant the Authority the right, privilege and authority to enter upon, use and occupy lands required to complete the construction of this project; and
- WHEREAS: By a separate agreement, AGC, Inc. intends to convey to the City of Buffalo, for the benefit of the Authority for the Mill Race Real Time Control Project, a portion of AGC, Inc.'s Real Property; and
- WHEREAS: AGC, Inc. has agreed under the terms of the access agreement to grant the Authority the right, privilege and authority to enter upon, use and occupy the site, in advance of the conveyance to the City of Buffalo; and
- WHEREAS: The term of the access agreement shall be for an initial period of twelve (12) months at an agreed to fee of Twelve Thousand Dollars (\$12,000.00) with the right to extend this agreement and the access rights for up to an additional twelve (12) months at a fee of Fifteen Hundred Dollars (\$1,500.00) per month (up to a possible Eighteen Thousand Dollars, \$18,000.00, for a full second year); and
- WHEREAS: In addition to payment of the access fee (\$12,000.00) and additional access fee (\$18,000.00), under the terms of the access agreement, the Authority shall agree to reimburse AGC, Inc. for attorney fees and costs that AGC, Inc. has incurred in connection with the conveyance of AGC's Real Property to the City of Buffalo and the access agreement in an amount not to exceed Forty Thousand Dollars (\$40,000.00). The Authority shall pay such attorney fees and costs to AGC, Inc. at the time of the closing of the conveyance of the Real Property.

NOW THEREFORE
BE IT RESOLVED:

The Board of the Buffalo Sewer Authority does hereby authorize the BSA General Manager, in consultation with Barclay Damon, Outside Counsel and City of Buffalo Corporation Counsel, to execute an agreement with AGC, Inc. at a cost not-to-exceed \$30,000.00 for access and an additional cost not-to-exceed \$40,000.00 for attorney's fees and costs to AGC, Inc. in furtherance of the Mill Race Real Time Control Project. The cost of this agreement, not-to-exceed Seventy Thousand Dollars (\$70,000.00) will be funded from account no. 00110106-444101.

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

Board Meeting of April 5, 2023

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

I, the undersigned Secretary of the Buffalo Sewer Authority (the “Authority”), DO HEREBY CERTIFY that I have compared the attached board resolution of the meeting of the Authority held the 5th day of April 2023, with the original thereof on file in my office.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

I FURTHER CERTIFY that all members of said Authority Board had due notice of said meeting, said meeting was duly held, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was duly given in accordance with such Article 7, and there was a quorum of the members of the Authority Board present throughout said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of April, 2023.

Eleanor C. Petrucci
Secretary of the Board

ITEM NO. 30

**AUTHORIZATION TO PROVIDE PERMANENT EASEMENT FOR CONSTRUCTION OF
MILL RACE REAL TIME CONTROL PROJECT**

- WHEREAS: The Buffalo Sewer Authority has committed to the construction of the Mill Race Real Time Control Project (the “Project”) in order to retain combined sewage within the existing system which would otherwise overflow during wet weather events to the Buffalo River; and
- WHEREAS: The location for construction of this facility is land in an area located within 236 Larkin Street (the “Property”); and
- WHEREAS: Based on examination of public records for this area, ownership of the Property is held by AGC, Inc.; and
- WHEREAS: Within 236 Larkin Street, the City of Buffalo acquired title to an approximately forty (40) foot strip of land in 1873 for the construction and maintenance of the Mill Race; and
- WHEREAS: In 1935, under Article 5 Title 8 Section 1179 of the New York State Public Authorities Law, authority over the city’s sewer system including the Mill Race was transferred to the Buffalo Sewer Authority; and
- WHEREAS: AGC, Inc. as a condition of sale of a portion of 236 Larkin Street to facilitate the construction of the Mill Race Real Time Control Project has proposed that an easement agreement be established for the forty (40) foot strip of City owned land over the Mill Race for the surface use by AGC, Inc.; and
- WHEREAS: The New York State Public Authorities Law Sections 1178(7) and 1182 authorizes the Buffalo Sewer Authority to acquire lands, or any right, title, interest, or easement therein in the name of the City of Buffalo, and upon such acquisition, any such fee, right, title, interest, or easement shall become dedicated to the uses and purposes of the Buffalo Sewer Authority; and
- WHEREAS: AGC, Inc. and the Buffalo Sewer Authority through Outside Counsel and in concurrence with the Corporation Counsel of the City of Buffalo, the Buffalo Sewer Authority and the City of Buffalo have negotiated an Easement Agreement (Attachment C); and
- WHEREAS: The Principal Sanitary Engineer and staff have reviewed the Easement Agreement and recommends its approval by the Buffalo Sewer Authority’s Board and the submittal of this Easement Agreement to the Common Council of the City of Buffalo for their approval; and

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager and any other representative or agent of the Buffalo Sewer Authority including, but not limited to, the Corporation Counsel of the City of Buffalo and Outside Counsel, to execute and deliver the Easement Agreement with AGC, Inc. at no cost to the Authority, and to execute and deliver such other documents and instruments, and perform all other actions necessary and appropriate to effectuate this resolution.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

I, the undersigned Secretary of the Buffalo Sewer Authority (the “Authority”), DO HEREBY CERTIFY that I have compared the annexed extract of the minutes of the meeting of the Authority, including the resolution contained therein, held the 5th day of April, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Authority and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

I FURTHER CERTIFY that all members of said Authority Board had due notice of said meeting, said meeting was duly held, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was duly given in accordance with such Article 7, and there was a quorum of the members of the Authority Board present throughout said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of April, 2023.

Eleanor C. Petrucci
Secretary of the Board

(SEAL)

ITEM NO. 31

AUTHORIZATION TO ACQUIRE PROPERTY RIGHTS FOR MILL RACE REAL TIME CONTROL PROJECT

- WHEREAS: The Buffalo Sewer Authority has committed to the construction of the Mill Race Real Time Control Project (the “Project”) in order to retain combined sewage within the existing system which would otherwise overflow during wet weather events to the Buffalo River; and
- WHEREAS: The location for construction of this facility is land in an area located within 236 Larkin Street (the “Property”); and
- WHEREAS: Based on examination of public records for this area, ownership of the land Property is held by AGC, Inc.; and
- WHEREAS: In order to implement the Project, it is necessary for Real Property to be acquired from said owner within the 236 Larkin Street parcel for use by the Buffalo Sewer Authority; and
- WHEREAS: The New York State Public Authorities Law Sections 1178(7) and 1182 authorizes the Buffalo Sewer Authority to acquire lands, or any right, title, interest, or easement therein in the name of the City of Buffalo, and upon such acquisition, any such fee, right, title, interest, or easement shall become dedicated to the uses and purposes of the Buffalo Sewer Authority; and
- WHEREAS: AGC, Inc. and the Buffalo Sewer Authority through Outside Counsel and in concurrence with the Corporation Counsel of the City of Buffalo, the Buffalo Sewer Authority and the City of Buffalo have negotiated a Purchase and Sale Agreement (Attachment D) for the land which is required for permanent use by the Authority for this project; and
- WHEREAS: The Principal Sanitary Engineer and staff have reviewed the Purchase and Sale Agreement and recommends its approval by the Buffalo Sewer Authority’s Board and the submittal of this Purchase and Sale Agreement to the Common Council of the City of Buffalo for their approval at a cost not-to-exceed forty thousand dollars (\$40,000.00) and an additional cost of survey of twenty-five hundred dollars (\$2,500.00) ; and

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager and any other representative or agent of the Buffalo Sewer Authority including, but not limited to, the Corporation Counsel of the City of Buffalo and Outside Counsel, to execute and deliver the Purchase and Sale Agreement with AGC, Inc. at a cost not-to-exceed \$40,000.00 and an additional cost of \$2,500.00 for survey fees in furtherance of the Mill Race Real Time Control Project. The cost of this agreement will be funded from account no. 00110106-444101.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

I, the undersigned Secretary of the Buffalo Sewer Authority (the “Authority”), DO HEREBY CERTIFY that I have compared the annexed extract of the minutes of the meeting of the Authority, including the resolution contained therein, held the 5th day of April, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Authority and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

I FURTHER CERTIFY that all members of said Authority Board had due notice of said meeting, said meeting was duly held, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was duly given in accordance with such Article 7, and there was a quorum of the members of the Authority Board present throughout said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of April, 2023.

Eleanor C. Petrucci
Secretary of the Board

(SEAL)

ITEM NO. 32

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: The Buffalo Sewer Authority has received a request from Clayton Maynard, a permanent Laborer I, who was granted an unpaid personal leave of absence beginning September 19, 2022 through March 19, 2023 to pursue an employment opportunity with the Erie County Sheriff’s Department. He has requested an extension through the end of his probationary period ending July 10, 2023; and

WHEREAS: The General Manager has reviewed this request and recommends approval.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants Clayton Maynard an extension of his personal leave of absence without pay beginning March 20,2023 and extending until July 10, 2023.

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

Board Meeting of April 5, 2023

ITEM NO. 33

TUITION ASSISTANCE

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 Assistance:

<u>EMPLOYEE</u>	<u>SCHOOL</u>	<u>COURSE</u>	<u>TUITION</u>
Lisa Yaeger	Buffalo State University	Environmental Science	\$3106.00

WHEREAS: No Funds will be expended at this time.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Assistance.

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

Board Meeting of April 5, 2023

ITEM NO. 34

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 position to Job Classification Plan:

Five (5) Sewer Construction Workers	00660171 411001
One (1) Clerk	00650121 411001

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 35

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 positions in the Job Classification Plan:

One (1) Dispatcher	00650161 411001
Two (2) Maintenance Assistant's (Sewer Cleaning)	00670161 411001

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023

ITEM NO. 36

CONFIRMATION OF APPOINTMENTS

ASSISTANT SHIFT SUPERINTENDENT (PROVISIONAL)
TREATMENT PLANT OPERATIONS
\$72,321 PER ANNUM
EFFECTIVE: MARCH 13, 2023

MARK LEWANDOWSKI
7 COBURG
BUFFALO, NY 14216

ASSISTANT SHIFT SUPERINTENDENT (PROVISIONAL)
TREATMENT PLANT OPERATIONS
\$72,321 PER ANNUM
EFFECTIVE: MARCH 13, 2023

ROSCOE HILL
147 BRUNSWICK BLVD
BUFFALO, NY 14208

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 0

Board Meeting of April 5, 2023

ITEM NO. 37

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of April 5, 2023