

BUFFALO SEWER AUTHORITY

REGULAR MEETING

January 26, 2024

9:00 A.M.

**Bird Island Treatment Facility, 90 West Ferry St.
Teleconference +1 917- 933-2166, ID #117 091 776**

<u>ITEM NO.</u>	<u>CONTENTS</u>	<u>PAGE NO.</u>
	Roll Call	
1	Motion to Adopt the Minutes of December 6, 2023	1
2	Informative: Temporary Investments	2-3
3	Informative: Reallocation of Funds	4
4	Payment From Judgment and Claims	5
5	Claim Against Liability and Casualty Reserve Fund	6
6	Claim Against Liability and Casualty Reserve Fund	7
7	Claim Against Liability and Casualty Reserve Fund	8
8	Contract Approval – Legal Services	9
9	Travel Authorization - Portland, OR	10
10	Travel Authorization - New Orleans, LA	11
11	Travel Authorization - Miami, FL	12
12	Travel Authorization- Syracuse, NY	13
13	Travel Authorization - Hartford, CT	14
14	Travel Authorization - Milwaukee, WI	15
15	Authorization For Purchase of Parts and Repair Services for Compressor	16
16	Report On Bids Received - Purchase of Various New & Unused Steel Products	17

17	Reports On Bids Received-Purchase of Various New and Unused Gray Iron Castings	18
18	Authorization To Enter into An Agreement with Arcadis, LLC., For Construction Administration and Construction Inspection Services for Primary System Rehabilitation and Upgrades	19
19	Change Order No. Cr-C-02, Bird Island Wastewater Treatment Facility Secondary System Rehabilitation and Upgrades, Contract C – Gates Contract No. 82000048	20-22
20	Authorization To Renew a Professional Services Agreement with The Research Foundation for The State University Of New York	23-24
21	Seqra Type II Determination Regarding the Jefferson Avenue RTC Smart Sewer System (Delavan Trunk Sewer Improvements at Florida Street (SPP 229a)) Project	25-26
22	Authorization To Obtain Coverage Under State Pollutant Discharge Elimination System (SPDES) Ms4 General Permit Gp-0-24-001	27-29
23	Agreement Between Buffalo Sewer Authority and Communication Workers of America AFL-CIO Local No. 1186	30
24	Tuition Reimbursement	31
25	Amendment To Schedule of Job Classification Plan	32
26	Amendment To Schedule of Job Classification Plan	33
27	Confirmation of Appointments	34-35
28	Adjournment of Meeting	36

CALL OF THE ROLL

Present: _____

Absent: _____

The meeting was called to order at _____. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of December 6, 2023

MOTION TO _____
 MADE BY _____
 2ND BY _____
 AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 2

INFORMATIVE: TEMPORARY INVESTMENTS

As of November 30th, 2023

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	MONEY MARKET		\$2,494,654.84	Key	0.01%	Public NOW
28-Sep-23	7-Dec-23	70	\$6,875,812.55	Key Banc Capital	5.27%	\$71,187.45
12-Oct-23	19-Dec-23	68	\$6,558,676.39	Key Banc Capital	5.30%	\$66,323.61
26-Oct-23	5-Jan-24	71	\$5,096,192.84	Bank on Buffalo	5.39%	\$54,807.16
9-Nov-23	18-Jan-24	70	\$4,252,228.53	Key Banc Capital	5.24%	\$43,771.47
21-Nov-23	1-Feb-24	72	\$1,434,862.00	M&T Securities	5.22%	\$15,138.00
			\$26,712,427.15			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	MONEY MARKET		\$91,183.98	Key	0.01%	Public NOW
19-Oct-23	18-Jan-24	91	\$942,157.37	Key Banc Capital	5.32%	\$12,842.63
			\$1,033,341.35			
OPERATING FUND						
31-Jul-12	Super NOW		\$5,638,253.37	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	Super NOW		\$10,802.40	Key	0.01%	Public NOW
SURPLUS FUND						
30-Nov-23	30-May-24	182	\$548.84	Wilmington U.S. Treasury	4.79%	
			\$10,004,297.41	Key Banc Capital	5.15%	\$267,702.59
			\$10,004,846.25			
NET REVENUE FUND						
26-Sep-23	26-Dec-23	91	\$194,970.50	Wilmington U.S. Treasury		
			\$7,498,930.34	M&T Securities	5.26%	\$101,069.66
13-Oct-23	30-Jan-24	109	\$7,499,157.28	Key Banc Capital	5.32%	\$122,842.72
26-Oct-23	29-Feb-24	126	\$5,697,511.17	Key Banc Capital	5.58%	\$113,488.83
28-Nov-23	26-Mar-24	119	\$6,499,438.17	Key Banc Capital	5.24%	\$114,561.83
			\$27,390,007.46			

BSA 2021 EIB FUND

			\$318,635.39	Cash	0.00%	
29-Sep-23	21-Dec-23	83	\$9,986,461.42	M&T Securities	5.30%	\$123,538.58
31-Oct-23	31-Jan-24	92	\$10,102,649.20	Key Banc Capital	5.55%	\$145,350.80
24-Nov-23	23-May-24	181	\$32,617,080.26	Key Banc Capital	5.19%	\$873,919.74
			\$53,024,826.27			

DEBT RESERVE FUND**Series J**

02-Jul-14	13-Nov-33	7076	\$515,879.00	UST State/Local Govt	2.70%	
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Series K

02-Jul-14	15-Feb-33	6803	\$361,415.00	UST State/Local Govt	2.70%	
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Series L

12-Nov-15	1-Oct-35	7263	\$689,547.00	UST State/Local Govt	2.44%	
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Series M

27-Jun-14	1-May-44	10901	\$595,613.00	UST State/Local Govt	2.70%	
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Series N

15-Nov-12	15-Apr-32	7091	\$2,167,157.00	UST State/Local Govt	2.42%	
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EFC 2021

			\$715.85	Wilmington U.S. Treasury	4.79%	
5-Sep-23	29-Feb-24	177	\$332,248.24	Key Banc Capital	5.22%	\$8,751.76
			\$332,964.09			

\$0.01**DSF PRIN &INT**

Wilmington Fund

DSF 2021 EIB

			\$1,153,764.66	Wilmington Fund	4.79%	
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RECEIVE & FILEBoard Meeting of January 26th, 2024

ITEM NO. 3

INFORMATIVE: REALLOCATION OF FUNDS

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

Wastewater Treatment Plant

12/7/2023	00200106 PLAN Eng & Tech	-48,309.00	00200107 PLAN Office Equipment	\$48,309.00
12/7/2023	00200106 PLAN Eng & Tech	-\$70,151.00	00200107 PLAN Office Equipment	\$70,151.00
12/7/2023	00400103 SOUTH Water	-\$830.00	00430103 BAB Water	\$830.00

Sewer Maintenance

12/4/2023	00650103 SWRM Gas	-\$1,400.00	00650105 SWRM Office Supplies	\$1,400.00
12/4/2023	00650103 SWRM Elec Light & Power	-\$3,700.00	00690106 AUTO Automotive Repair	\$3,700.00
12/4/2023	00650106 SWRM ED License & Training	-\$5,000.00	00690106 AUTO Automotive Repair	\$5,000.00
12/4/2023	00690107 AUTO Cars & Other Vehicles	-\$1,900.00	000700107 Vehicles	\$1,900.00
12/4/2023	00690105 AUTO Automotive Repair	-\$5,000.00	00690106 AUTO Automotive Repair	\$5,000.00

General Financial Charges

12/7/2023	00800183 FIN Contingency	-\$2,000.00	00120104 HR Travel Expense	\$2,000.00
12/7/2023	00800183 FIN Contingency	-\$8,000.00	00800108 FIN Judgement & Claims	\$8,000.00
12/18/2023	00800183 FIN Contingency	-\$2,000.00	00110107 ADMIN Office Equip	\$2,000.00

RECEIVE & FILE
Board Meeting of January 26, 2024

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 prior fiscal year; and

WHEREAS: The following services were received during a prior fiscal year and charged to the 2022-2023 budget account no. 00800108-480214

VENDOR	INVOICE	AMOUNT
Crown Castle	468951	\$1,314.50
White Cap	50022690128	\$1,176.12
Environmental Products & Access	266892	\$22.04
National Grid-Payable to the City of Buffalo	800122578	\$1,345.23
National Grid-Payable to the City of Buffalo	800114335	\$2,211.27
National Grid-Payable to the City of Buffalo	800143843	\$621.05

; 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 _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 5

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: Plaintiff Kevin Weiss sued the Buffalo Sewer Authority, City of Buffalo and a Buffalo Sewer Authority employee for injuries arising out of an alleged motor vehicle-pedestrian accident occurring on or about January 4, 2019 at the Bird Island Treatment Facility, which is the subject of the lawsuit filed in New York State Supreme Court, County of Erie, Index No. 806281/2019.

WHEREAS: The City of Buffalo Corporation Counsel has negotiated a settlement of this matter which the General Counsel (BSA) has reviewed and agrees that the final settlement amount of \$185,000.00 is in the best interest of the Buffalo Sewer Authority.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to make payment to Kevin Weiss and his attorney, Penberthy Law Group LLP, in the final settlement amount of \$185,000.00 in full and complete settlement of this matter. This claim will be paid out of the Liability and Casualty Reserve Fund.

MOTION
TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 6

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: Danielle Rizzo of 10 Frontenac Avenue filed a Claim on November 2, 2023 with the Buffalo Sewer Authority for damage to her personal property; and

WHEREAS: The City of Buffalo Corporation Counsel and General Counsel reviewed this Claim and supporting documentation and agree that the final settlement in the amount of \$9,418.05 in full and complete settlement of this matter is appropriate. And because time was of the essence, the General Manager authorized partial payment in the amount of \$7,489.47. Said partial payment was made on or about December 21, 2023.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby ratifies the General Manager’s authorization to make partial payment to Danielle Rizzo of 10 Frontenac Avenue, Buffalo, NY 14216 in the amount of \$7,489.47 and further authorizes additional payment in the amount of \$1,928.58 to Danielle Rizzo in full and complete settlement of this matter. This Claim is paid out of the Liability and Casualty Reserve Fund.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 7

CLAIM AGAINST LIABILITY AND CASUALTY RESERVE FUND

WHEREAS: Moussa Fazili of 89 18th Street filed a Claim on September 22, 2023 with the Buffalo Sewer Authority for damage to his personal property; and

WHEREAS: The City of Buffalo Corporation Counsel and General Counsel reviewed this Claim and supporting documentation and agree that the final settlement in the amount of \$5,325.42 in full and complete settlement of this matter.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Sewer Authority hereby authorizes the General Manager to make payment to Moussa Fazili of 89 18th Street, Buffalo, NY 14213 in the final settlement amount of \$5,325.42 in full and complete settlement of this matter. This Claim is paid out of the Liability and Casualty Reserve Fund.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 8

CONTRACT APPROVAL – LEGAL SERVICES

WHEREAS: The Buffalo Sewer Authority has many complex regulatory, enforcement and environmental matters that require the skills of a specialized attorney; and

WHEREAS: Erika K. Powers, of Barnes & Thornburg LLP, has extensive expertise in these areas; and

WHEREAS: Barnes & Thornburg LLP has a national team of attorneys who have significant experience in such areas for example as combined sewer overflow, sanitary sewer overflow, Municipal Separate Storm Sewer System (MS4) strategy and in negotiating agreements with state and federal agencies; and

WHEREAS: Upon request, Barnes & Thornburg LLP, has submitted a proposed retainer agreement to provide legal services for the Buffalo Sewer Authority; and

WHEREAS: The General Manager and General Counsel recommend approval to retain Barnes & Thornburg LLP for legal services on an as-needed basis for the 2023-2024 fiscal year.

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain Barnes & Thornburg LLP for legal services on an as-needed basis in an amount not to exceed \$150,000.00 for the period January 1, 2024 through June 30, 2024. Expenses for these services will be charged to account no. 00550106-432003.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO.9

TRAVEL AUTHORIZATION - PORTLAND, OR

WHEREAS: The Buffalo Sewer Authority seeks to embark on a strategic effort, focused on effective utility management approach endorsed by the US Environmental Protection Agency, Water Environment Federation (WEF) and American Water Works Association (AWWA); and

WHEREAS: WEF and AWWA are holding their annual Young Professionals (YP) Summit from February 11 –13, 2024 along with the Utility Management Conference (UMC) from February 14 –16, 2024 in Portland, OR; and

WHEREAS: YP Summit will provide opportunities to engage in leadership development and workforce development sessions and to connect with innovative utility leaders and young professionals in the water sector from across North America; and

WHEREAS: The GIS Specialist I has been selected as one of ten Young Water Professionals to receive a scholarship from the Water Environment Federation as part of their delegation for full registration for the 2024 YP Summit and UMC events, hotel, travel, and meals to attend this summit; and

WHEREAS: The General Manager recommends attendance for the GIS Specialist I to attend the YP Summit and the UMC 2024.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the GIS Specialist I to travel to Portland, OR from February 11 - 17, 2024, to attend the YP Summit and the UMC and to accept this scholarship. Ancillary costs not to exceed \$500.00 shall be charged to account no. 00600104-458010 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 10

TRAVEL AUTHORIZATION - NEW ORLEANS, LA

WHEREAS: The General Manager serves on the board of directors for the US Water Alliance, an organization dedicated to managing water in a sustainable and inclusive manner to build strong economies, vibrant communities and healthy environments; and

WHEREAS: The US Water Alliance is holding its Value of Water Campaign Development Workshop in New Orleans, LA February 27th and February 28, 2024; and

WHEREAS: The General Manager serves as a steering committee member for this initiative that seeks to educate and inspire Americans about how water is essential, invaluable, and in need of investment, which remains a principle of Buffalo Sewer’s education initiative; and

WHEREAS: The Chairman of the Board recommends that the General Manager attend the US Water Alliance Value of Water Campaign Development Workshop; and

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to New Orleans, LA February 26th - February 28th to attend the US Water Alliance Value of Water Campaign Development Workshop at a total cost not to exceed \$1,300.00. Account nos. 00110104-458010, 00110104-458012, 00600104-458010 and 00600104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 11

TRAVEL AUTHORIZATION - MIAMI, FL

WHEREAS: The General Manager is a member and serves on the board of directors for the US Water Alliance, an organization dedicated to managing water in a sustainable and inclusive manner to build strong economies, vibrant communities and healthy environments; and

WHEREAS: The US Water Alliance and Miami-Dade County Water and Sewer Department are holding a Climate Action Leadership Institute in Miami, Florida February 29th and March 1st, 2024; and

WHEREAS: The Leadership Institute serves as an opportunity for peer exchange, and best practice exploration as it relates to nature based green infrastructure solutions, energy recovery, adaptation, and mitigation strategies; and

WHEREAS: The General Manager has been invited to present on utility management, integrated planning, and resilience in the Great Lakes; and

WHEREAS: The Chairman of the Board recommends attendance for the General Manager to attend the US Water Alliance and Miami-Dade County Water and Sewer Department Climate Action Leadership Institute.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to Miami, FL from February 28 – March 2, 2024, to attend the US Water Alliance and Miami-Dade County Water and Sewer Department Climate Action Leadership Institute at a total cost not to exceed \$1,500.00. Account nos. 00110104-458010, 00110104-458012, 00600104-458010 and 00600104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 12

TRAVEL AUTHORIZATION - SYRACUSE, NY

WHEREAS: The American Public Works Association (APWA) New York State Chapter Annual Conference is being held in Syracuse, NY from March 21 – 22, 2024; and

WHEREAS: The Senior Engineer is an active member of the Western branch of the New York State Chapter of APWA and needs to remain current on state-of-the-art practices and the latest regulatory issues; and

WHEREAS: The General Manager recommends that the Senior Engineer attend the APWA Annual State Conference.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Senior Engineer to travel to Syracuse, NY from March 20-23, 2024, to attend the 2024 American Public Works Association New York State Chapter Annual Conference at a total cost not to exceed \$1,050.00. Account nos. 00600104-458010 and 00600104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 13

TRAVEL AUTHORIZATION - HARTFORD, CT

WHEREAS: The Water Environment Federation (WEF) is hosting a Collection Systems Conference and Stormwater Summit in Hartford, Connecticut from April 9-12, 2024; 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 Hartford, CT from April 9-12, 2024, to attend the WEF Collection Systems Conference and Stormwater Summit at a total cost not to exceed \$9,000.00. Account nos. 00600104-458010 and 00600104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 14

TRAVEL AUTHORIZATION - MILWAUKEE, WI

WHEREAS: The Environmental & Water Resources Institute (EWRI) of the American Society of Civil Engineering (ASCE) is hosting the World Environmental & Water Resources Congress at the Baird Center in Milwaukee, WI, May 19- 22, 2024, and

WHEREAS: The Principal Sanitary Engineer is a member of EWRI an ASCE; and

WHEREAS: The Principal Sanitary Engineer has been invited to speak on Operationalizing Equity in Long Term Control Plan (LTCP) Planning – Case Study of the Buffalo Sewer Authority” and to be officially inducted as a Board-Certified Water Resources Engineer at this Congress; and

WHEREAS: The Principal Sanitary Engineer wishes to remain current with the latest climate change research on the Great Lakes, mitigation strategies, funding mechanisms, resiliency issues, regulatory trends, sustainability, stormwater and flood modeling, and emerging technologies; and

WHEREAS: The General Manager recommends attendance by the Principal Sanitary Engineer at the World Environmental & Water Resources Congress.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer to travel to Milwaukee, WI to attend the Environmental & Water Resources Institute (EWRI) of the American Society of Civil Engineering (ASCE) World Environmental & Water Resources Congress from May 18- 23, 2024, at a total cost not to exceed \$2,500.00. Account nos. 00600104-458010 and 00600104-458012 will be utilized for this travel.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 15

AUTHORIZATION FOR PURCHASE OF PARTS AND REPAIR SERVICES FOR COMPRESSOR

WHEREAS: On July 29, 2015, the Board of the Buffalo Sewer Authority designated Comairco Equipment, Inc., the original equipment manufacturer, and/or their authorized local service representative, as a sole source provider for replacement parts, supplies and services for the Cooper Turbo Air and Series 8 Compressors installed at the Bird Island Treatment Facility; and

WHEREAS: The Acting Principal Chief Stationary Engineer has determined a need for parts and repair services on the #4 Compressor; and

WHEREAS: The Treatment Plant Superintendent and Acting Principal Chief Stationary Engineer and staff reviewed the quote received and recommend the purchase of parts and repair services in the amount of \$131,916.00; and

WHEREAS: Monies payable to date to Comairco Equipment, Inc., for service and parts for the Cooper Turbo Air and Series 8 compressors in fiscal year 2023-2024 are \$34,926.41. This purchase will bring the total monies payable to Comairco Equipment, Inc., for purchase to \$166,842.41; 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 utilize the services of Comairco Equipment, Inc., for the needed repair services and parts for the #4 compressor in the amount of \$131,916.00. Account no. 00380106-443301 will be charged for these parts and repair services. The Board further authorizes total monies payable to Comairco Equipment, Inc., of \$166,842.41 for fiscal year 2023-2024.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 16

REPORT ON BIDS RECEIVED - PURCHASE OF VARIOUS NEW & UNUSED STEEL PRODUCTS

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

- 1.) (20) Receiver bottom sections w/slides
 - 2.) (25) 4" Dark Curb Box
 - 3.) (50) 5" Dark Curb Box
 - 4.) (50) 6" Dark Curb Box
 - 5.) (25) 8" Dark Curb Box
- ; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on November 21,2023:

Vendor	Cost
Melius Welding	\$70,975.00
EJ USA	\$34,705.00 **Did not bid line #1

; and

WHEREAS: The Director of Sewer Maintenance and staff carefully reviewed the quotes received for each item needed and recommend the following awards, to the low bidder for each item:

Vendor	Items to award	Cost
Melius Welding	#1	\$29,600.00
EJ USA	#2, 3, 4 & 5	\$34,705.00

; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above listed various steel products from the low bidders for the items listed: Melius Welding for Item no. 1 and EJ USA for item no. 2, 3, 4 & 5 at a total cost of \$64,305.00. These purchases will be charged to account no. 00660105-466269.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 17

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.) (100) Dark 12” x 18 1/8” Cast Iron Receiver Grate
- 3.) (100) Dark 13” x 18 1/8” Cast Iron Receiver Grate

;and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on November 21,2023:

Vendor	Total Cost:
EJ USA	\$28,274.00 ** did not bid item nos. 2 & 3
Neenah Foundry	NO RESPONSE

;and

WHEREAS: The Director of Sewer Maintenance and staff reviewed the quotes received for each item needed and recommend the following awards, to the low bidder:

Vendor	Items to award:	Cost:
EJ USA	#1 – Standard Manhole Frames & Covers	\$28,274.00

; and

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 low bidder for the items listed: EJ USA for item no. 1 at a total cost of \$28,274.00. This purchase will be charged to account no. 00660105-466269.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 18

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH ARCADIS INC., FOR CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES FOR PRIMARY SYSTEM REHABILITATION AND UPGRADES

WHEREAS: The Buffalo Sewer Authority (BSA) issued a request for proposals (RFP) on October 20, 2023, for construction administration and construction inspection services for the Buffalo Sewer Authority Primary System Rehabilitation and Upgrades project; and

WHEREAS: The RFP was issued to multiple firms including AECOM USA, Inc., Arcadis, GHD, Ramboll, and Greeley and Hansen, LLC; and

WHEREAS: Arcadis, and Greeley & Hansen, LLC responded to the RFP by the specified deadline of 10:00 AM October 20, 2023; and

WHEREAS: A consultant selection committee appointed by the General Manager reviewed and ranked the proposals received; and

WHEREAS: Based upon the proposal review and interviews, the consultant selection committee recommends retaining Arcadis Inc, for the professional services outlined in the RFP at an agreed upon cost not to exceed \$5,305.92500.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute an agreement with Arcadis, at a cost not to exceed \$5,305,925.00. to complete the professional services defined in the proposal dated October 20, 2023. The cost of this contract will be funded from account no. 02000579-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 19

**CHANGE ORDER NO. CR-C-02, BIRD ISLAND WASTEWATER TREATMENT FACILITY
SECONDARY SYSTEM REHABILITATION AND UPGRADES, CONTRACT C – GATES
CONTRACT NO. 82000048**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$6,744,000.00
American Contracting & Environmental Services, Inc. 11075 Stratfield Court Marriottsville, MD 21104	PREVIOUS CHANGE ORDERS	\$2,853,798.00
	THIS CHANGE ORDER	<u>\$959,586.66</u>
	TOTAL ADJUSTED COST	\$10,557,384.66
VENDOR NO. 17697	ACCOUNT NO.	02000533-490740

WORK: Contract C – Sluice Gates: This contract includes the installation of ninety (90) 54” stainless steel sluice gates, three (3) 120” cast iron Ni-Resist sluice gates, and eight (8) cast iron 72” sluice gates.

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Furnish and install four (4) new stainless steel sluice gates in the aeration tank influent channels. Two (2) 7-foot wide by 10-foot-tall gates to be installed in each Battery A and Battery B influent channels just downstream from the existing stop log gates.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Inspection of the existing stop log gates in the aeration tank influent channels revealed they are incapable of providing watertight isolation due to a lack of structural integrity. A significant portion of the Phase I Secondary Rehabilitation work is to occur in the interior portions of the tanks and channels and cannot be completed without a safe, secure, and reliable watertight shutdown of the entire battery. Thus, the installation of two new stainless steel slide gates per each Battery will allow for isolation of the battery for the full 26-week shutdown duration and will allow work in the channels to commence safely.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$959,586.66

The Total INCREASE to the Contract as a result of this Change Order is \$959,586.66

WHEREAS: On June 23, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with American Contracting & Environmental Services, Inc. (ACE), for Bird Island Treatment Facility Secondary System Rehabilitation and System Upgrades project as the responsible low bidder at a cost not to exceed \$6,744,000.00; and

WHEREAS: On September 27, 2022, Notice to Proceed was issued for Contract No. 82000048 in accordance with the above Board approval; and

WHEREAS: On July 26, 2023, the Board of the Buffalo Sewer Authority authorized Change Order CR-C-01 in the amount of \$2,853,798.00 under Board Item No. 13 for escalated bid pricing and installation and maintenance of temporary stormwater underdrainage systems; and

WHEREAS: The Senior Instrumentation Technician, Treatment Plant Superintendent and AECOM reviewed Change Order No. CR-C-02 to Contract No. 82000048 in the amount of \$959,586.66 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, resulting in a final completion date of **March 31, 2027.**
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. CR-C-02 to Contract No. 82000048 as written in the above Agenda Item, increasing the contract cost in the amount of \$959,586.66 making the adjusted contract cost \$10,557,384.66. Expenses from this contract will be paid from Account No. 02000533-490740.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 20

AUTHORIZATION TO RENEW A PROFESSIONAL SERVICES AGREEMENT WITH THE RESEARCH FOUNDATION FOR THE STATE UNIVERSITY OF NEW YORK

- 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: The State University of New York at (SUNY) at Buffalo, also known as SUNY at Buffalo and/or University at Buffalo (UB) Research and Education in eNergy, Environment and Water (RENEW) is a university-wide and interdisciplinary program created in 2014 with a focus on complex urban energy and environmental issues; and
- WHEREAS: The UB RENEW faculty team includes national experts in the field of model calibration, environmental engineering and water systems modeling industry leading "super-computing" facilities that enable the expeditious processing of complex, data rich modeling programs and testing facilities for a large variety of water-borne pathogens and contaminants; and
- WHEREAS: The Authority has an interest in partnering with UB RENEW to update the environmental water quality model to better quantify the impacts of LTCP impacts to date, pollutant loading from upstream sources, and emerging water quality and environmental hydrodynamic issues; and
- WHEREAS: The Research Foundation for the SUNY serves as the contracting and fiscal agent for UB RENEW; and
- WHEREAS: Upon request, UB RENEW submitted a multi-year renewable proposal for developing and implementing a water quality sampling, monitoring, and modeling program for the Buffalo and Niagara Rivers, Scajaquada Creek, and the Block Rock Canal for \$268,000.00 for the 2023 calendar year, \$412,000.00 for the 2024 calendar year, and \$466,000.00 for the 2025 calendar year; and
- WHEREAS: Whereas for continuation of this work as previously approved by the Board of the Buffalo Sewer Authority on December 14, 2022, into 2024, an authorization of \$412,000.00 for the 2024 calendar year is required; and
- WHEREAS: The Principal Sanitary Engineer and staff have reviewed this proposal submitted by UB RENEW and recommend approving renewal for the 2024 calendar year upon Board authorization at costs not to exceed those provided above; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew an agreement with UB RENEW, at a cost not-to-exceed \$412,000.00 to complete the professional engineering services defined in the letter proposal dated November 30, 2022, for the 2024 calendar year with the option to extend this contract for the 2025 calendar year upon additional authorization. The cost of this contract will be funded from account no. 02000561-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 21

SEQRA TYPE II DETERMINATION REGARDING THE JEFFERSON AVENUE RTC SMART SEWER SYSTEM (DELAVAN TRUNK SEWER IMPROVEMENTS AT FLORIDA STREET (SPP 229A)) PROJECT

WHEREAS: On March 18, 2014, the United States Environmental Protection Agency, with concurrence by the New York State Department of Environmental Conservation, issued an Amended Administrative Order which approved the Buffalo Sewer Authority's Combined Sewer Overflow Long Term Control Plans (LTCP); and

WHEREAS: The Buffalo Sewer Authority, as lead agency pursuant to the New York State Environmental Quality Review Act (SEQRA), undertook a coordinated review of the LTCP, and on July 18, 2012, issued a Negative Declaration with respect to the LTCP; and

WHEREAS: The State Environmental Quality Review Act (SEQRA) with reference to 6 NYCRR §617.5, provides that certain classes of actions termed "Type II Actions", have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under New York Environmental Conservation Law; and

WHEREAS: 6 NYCRR 617.5 (c) (29) provides for the classification "a course of action specifically required to be undertaken pursuant to a judgment or order" as a Type II Action; and

WHEREAS: The Buffalo Sewer Authority is implementing the LTCP in conformance with an Administrative Order; and

WHEREAS: The Principal Sanitary Engineer and staff recommend that the Delavan Trunk Sewer Improvements at Florida Street (SPP 229A) Project be declared a Type II action; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby constitutes the Delavan Trunk Sewer Improvements at Florida Street (SPP 229A) Project as a Type II Action in accordance with 6 NYCRR 617.5 (c) (29). Accordingly, no further review under SEQRA is required.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

CERTIFICATE

I, Oluwole A. McFoy, General Manager of the Buffalo Sewer Authority in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing attached extract from the Minutes of a meeting of the Board of Directors of said Authority, duly called and held on January 26, 2024, and at which a quorum was present and acting throughout and the resolution contained therein is a true and complete copy of the resolution thereupon adopted on January 26, 2024, and recorded in the Minutes of said Authority and that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Authority and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract, and that said resolution has not been amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Authority this 26th day of January 2024

(SEAL)

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

ITEM NO. 22

AUTHORIZATION TO OBTAIN COVERAGE UNDER STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) MS4 GENERAL PERMIT GP-0-24-001

- WHEREAS: The Buffalo Sewer Authority (the “Authority”) is a public benefit corporation created pursuant to the Public Authorities Law, Article 5, Title 8, Section 1177. Among other powers, the Authority has jurisdiction, control, possession and supervision over the sewage treatment plant, storm water and sewage collection system constituting the sewer system that serves the City of Buffalo and neighboring communities; and
- WHEREAS: In exercising its powers, the Authority is required to obtain and maintain permits that the New York State Department of Environmental Conservation (NYSDEC) issues. On December 13, 2023, the NYSDEC issued a permit entitled “Municipal Separate Storm Sewer Systems (MS4s), Permit No. GP-0-24-001.” Permit No. GP-0-24-001 became effective on January 3, 2024; and
- WHEREAS: Permit No. GP-0-24-001 expires in 2029 and replaces the prior permit that was issued in 2015; and
- WHEREAS: In order to maintain its permit status, the Authority is required to notify the NYSDEC of its intent to do so by filing a Notice of Intent within forty-five (45) calendar days from the January 3, 2024 effective date; and
- WHEREAS: The Notice of Intent requires the General Manager to sign an attestation that the Authority, has read and understands the SPDES MS4 General Permit-0-24-001, as it pertains to permit requirements as well as the timeframes for compliance set forth in the permit; and
- WHEREAS: The General Manager is further required to certify that “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations”; and
- WHEREAS: It is recommended that the General Manager be authorized to make these certifications and obtain continuing coverage under GP-0-21-001.

THEREFORE BE IT
RESOLVED:

The Authority hereby authorizes and directs the General Manager, and its appropriate officers to execute and deliver to NYSDEC the Notice of Intent.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

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 26th day of January 2024, 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 26th day of January 2024.

Eleanor C. Petrucci
 Secretary of the Board

ITEM NO. 23

AGREEMENT BETWEEN BUFFALO SEWER AUTHORITY AND COMMUNICATION WORKERS OF AMERICA AFL-CIO LOCAL NO. 1186

WHEREAS: Negotiations have concluded, and an agreement has been reached for a four (4) year contract retroactive to July 1, 2022, and ending June 30, 2026; and

WHEREAS: Changes from the expired contract include the following increases in wages:

- Effective 7/1/22 - 4%
- Effective 7/1/23 - 3%
- Effective 7/1/24 - 3%
- Effective 7/1/25 - 3%; and

WHEREAS: In addition, the contribution to health insurance for employee hired after ratification of the contract will increase from 15% to 20%; and

WHEREAS: Other changes are detailed in a Tentative Agreement, including those related to an increase in longevity increments, safety shoes, compensatory time, vacation time, and weather emergencies.

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, this Agreement with the Communication Workers of America, AFL-CIO Local 1186, for the four (4) year period ending June 30, 2026.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 24

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>
Zachary Isch	Buffalo State University	Organization Development	100%	\$1,486.32
Zachary Isch	Buffalo State University	International Business	100%	\$1,430.83

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$2,917.15. These Reimbursements will be charged to account no. 00200106-421026.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024.

ITEM NO. 26

AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN

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

NOW THEREFORE

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

One (1) Typist

00110121 411001

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024

ITEM NO. 27

CONFIRMATION OF APPOINTMENTS

LABORATORY ASSISTANT (PERMANENT)
 SEWAGE TREATMENT PLANT
 \$23.39 PER HOUR
 EFFECTIVE: DECEMBER 11, 2023

LYNDA BRUNDIGE
 26 18TH ST
 BUFFALO, NY

SENIOR ADMINISTRATIVE ASSISTANT (PROVISIONAL)
 ADMINISTRATION
 \$88,117 PER ANNUM
 EFFECTIVE: DECEMBER 25.2023

LORI SCALETTA
 35 LINCOLN BLVD
 BUFFALO, NY

SEWER CONSTRUCTION INSPECTOR (PROVISIONAL)
 SEWAGE TREATMENT PLANT
 \$72,949 PER ANNUM
 EFFECTIVE: DECEMBER 25.2023

DENIS DEEGAN
 11 HEUSSY AVE.
 BUFFALO, NY

WHEREAS: The preceding appointments were made by the General Manger 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 _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting January 26, 2024

ITEM NO. 28

ADJOURNMENT OF MEETING

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 26, 2024