

**MINUTES OF THE REGULAR MEETING
OF THE
BUFFALO SEWER AUTHORITY
February 21, 2024**

58823

58855

BUFFALO SEWER AUTHORITY

REGULAR MEETING

February 21, 2024

9:00 A.M.

**Bird Island Treatment Facility, 90 West Ferry St.
Teleconference +1 917- 933-2166, ID #571 839 354**

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CALL OF THE ROLL

Present:	Herbert Bellamy, Jr.	Chairman of Board
	Christopher Roosevelt	Vice Chairman of the Board
	Eleanor Petrucci	Secretary of the Board
	Oluwole McFoy, P.E.	General Manager
	Adam Sassone	Secretary to General Manager
	Gelea Y. James	Director of Employee Relations
	LaToya Cunningham	Special Assistant
	Charles Riley	Executive Secretary
	Cheryl Colston	General Counsel
	Alexander Emmerson	Treatment Plant Superintendent
	Rosaleen Nogle, P.E.	Principal Sanitary Engineer
	Paul Harris	Superintendent of Mechanical Maintenance
	Laura Surdej	Erie County Department of Sewerage
	Walt Walker	Greeley and Hansen
	Damone Smith	Special Assistant to Comptroller

The meeting was called to order at 9:13 AM.. A quorum was present.

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of January 26, 2024

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

Board Meeting of February 21, 2024

ITEM NO. 2

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

As of December 31st, 2023

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	MONEY MARKET		\$151,629.31	Key	0.01%	Public NOW
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
7-Dec-23	13-Feb-24	68	\$6,375,572.27	M&T Securities	5.22%	\$63,427.73
19-Dec-23	29-Feb-24	72	\$5,557,762.08	Key Banc Capital	5.19%	\$58,237.92
			\$22,868,247.03			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	MONEY MARKET		\$83,758.44	Key	0.01%	Public NOW
19-Oct-23	18-Jan-24	91	\$942,157.37	Key Banc Capital	5.32%	\$12,842.63
			\$1,025,915.81			
OPERATING FUND						
31-Jul-12	Super NOW		\$2,213,840.98	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	Super NOW		\$11,911.90	Key	0.01%	Public NOW
SURPLUS FUND						
30-Nov-23	30-May-24	182	\$558.48	Wilmington U.S. Treasury	4.79%	
			\$10,004,297.41	Key Banc Capital	5.15%	\$267,702.59
			\$10,004,855.89			
NET REVENUE FUND						
13-Oct-23	30-Jan-24	109	\$195,744.41	Wilmington U.S. Treasury		
			\$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
26-Dec-23	25-Apr-24	121	\$6,999,677.67	M&T Securities	5.26%	\$101,069.66
			\$26,891,528.70			

BSA 2021 EIB FUND

			\$319,313.91	Cash	0.00%	
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
21-Dec-23	20-Jun-24	182	\$9,985,782.90	Key Banc Capital	5.08%	\$263,217.10
			\$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%	
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						
			\$718.55	Wilmington U.S. Treasury	4.79%	
5-Sep-23	29-Feb-24	177	\$332,248.24	Key Banc Capital	5.22%	\$8,751.76
			\$332,966.79			
			\$0.01	DSF PRIN &INT		
				Wilmington Fund		

DSF 2021 EIB

			\$660,705.13	Wilmington Fund	4.79%	
				RECEIVE & FILE		

Board Meeting of February 21st, 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

12/19/2023	00360103 DEWA Water	-\$120.00	00500103 Walden Electric Light & Power	\$120.00
01/05/2024	00520107 MAIN Cars & Other	-\$18,518.00	00520106 Main Building Repairs	\$18,518.00
01/05/2024	00680105 EQUIP Maint & Repairs	-\$16,000.00	00520106 Main Building Repairs	\$16,000.00
01/05/2024	00360105 DEWA Equipment Maint	-\$13,000.00	00350105 FILT Equipment Maint	\$13,000.00
01/12/2024	00230105 GRIT Equipment Maint	-\$34,360.00	00520106 MAIN Building	\$34,360.00
01/29/2024	00520106 MAIN Maint Contract	-\$45,000.00	00520105 MAIN Gas and Lubricants	\$45,000.00
01/30/2024	00460105 KELX Equipment Maint	-\$58,900.00	00370105 CENT Equipment Maint	\$58,900.00
01/30/2024	00460105 KELX Equipment Maint	-\$775.00	00370105 Main Office Supplies	\$775.00

Engineering Division

12/19/2023	00650106 ENG & TECH	-\$20,000.00	00600107 ENG Cars & Other	\$20,000.00
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Sewer Maintenance

12/28/2023	00700106 Education, Licenses & Training	-\$12,000.00	00700107 Vehicles	\$12,000.00
12/28/2023	00700105 GI Road & Highway	-\$4,566.00	00700107 Vehicles	\$4,566.00
01/12/2024	00650103 SWRM Water	-\$400.00	00410103 HAMB Water	\$400.00

General Financial Charges

01/29/2024	00800183 FIN Contingency	-\$8,000.00	00800108 FIN Judgment and Claims	\$8,000.00
01/30/2024	00800183 FIN Contingency	-\$150,000.00	00550106 IWS Legal Services	\$150,000.00
12/18/2023	00800183 FIN Contingency	-\$2,000.00	00110107 ADMIN Office Equip	\$2,000.00

RECEIVE & FILE
Board Meeting of February 21, 2024

ITEM NO. 4

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

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

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

Fund Balance as of June 30, 2023	\$1,008,974.92
Interest Earnings	\$24,670.39
Claims Paid	\$7,606.09
Transfer from Operating Fund	\$00.00
Fund Balance as of December 31, 2022	\$1,026,039.22

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

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

During the period of July 1, 2023 – December 31, 2023 the B.S.A. settled two (2) claims, resulting in cash payments from the Buffalo Sewer Authority for \$7,606.09. 0 claims denied in this time period.

Total Active Claims Pending as of December 31st, 2023

Bodily Injury	11
Property Damage	8
Motor Vehicle	2
Auto B.I. & P.D	6
Other Liability	2
Total	29

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Board Meeting of February 21, 2024

ITEM NO. 5

CONSTRUCTION FUND AMENDMENT

WHEREAS: The Buffalo Sewer Authority desires to fund the Five-Year Capital Plan in order to continue its program of improving the sewer system; and

WHEREAS: There is \$10,670,400 available from the 2022-2023 Fund Balance designated for Capital Projects; and

WHEREAS: The General Manager recommends approval of these transfers.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the transfer of funds from the Fund Balance Designated for Capital Projects to the Construction Fund Budget Amendment for 2023-2024 for the funding of the listed projects as designated by the Amendments.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024

**BUFFALO SEWER AUTHORITY
CONSTRUCTION FUND BUDGET AMENDMENT #1
2023-2024 FISCAL YEAR**

This Amendment to the Construction Fund utilizes funds from prior years to provide improvements to the infrastructure of the Buffalo Sewer Authority as designated by the Five-Year Capital Plan.

The funds will be added to the various appropriation accounts as listed below:

REVENUES & RESOURCES

FUND BALANCE DESIGNATED FOR CAPITAL PROJECTS FOR 2023-2024	\$10,670,400
TOTAL REVENUE & RESOURCES	<u>\$10,670,400</u>

APPROPRIATIONS

TREATMENT FACILITY:	
Program Management	\$6,000,000
Ash Exhauster/Silo/Ancillary Ductwork	2,000,000
COLLECTION SYSTEM:	
CSO 053 Edison Martha OLS	1,000,000
CSO 053 SPP336B OLS (Sidney OLS)	1,000,000
Sewer Renovations	670,400
TOTAL APPROPRIATIONS	<u>\$10,670,400</u>

ITEM NO. 6

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
FedEx	4519934996	\$61.00
Cole-Parmer	3347533	\$227.97
Pratt Security	5781 & 5799	\$510.00

; and

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

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

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 7

REPORT ON BIDS RECEIVED-LAPTOPS AND ACCESSORIES

WHEREAS: Bids were advertised and solicited for purchase of Microsoft Laptops & Accessories. The following bid was received and opened by the Buffalo Sewer Authority on December 18, 2023:

VENDOR	DESCRIPTION	TOTAL COST
CDW GOVERNMENT LLC	Laptops & accessories	\$24,639.69

; and

WHEREAS: The System Administrator and staff reviewed the quote received and recommend the purchase be awarded to the lowest and only bidder CDW GOVERNMENT LLC; at a total cost not to exceed \$24,639.69 and

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

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase Microsoft laptops and accessories in the amount of \$24,639.69 from CDW Government LLC. Account no. 00200107-474300 will be charged for the purchase of laptops and accessories.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 8

TRAVEL AUTHORIZATION - AUSTIN, TX

WHEREAS: The Funders Network/ Urban Water Funders Collaborative Spring Convening will be held in Austin, Texas March 26 – March 28, 2024; and

WHEREAS: The convening will bring together funders, government, and nonprofit community leaders to explore pressing issues centered on this year’s theme, Community, Climate, Connections; and

WHEREAS: The General Manager will participate in joint learning engagements focused on cross-cutting themes such as climate adaptation/resilience, access federal infrastructure funds to benefit communities, equitable implementation of these federal investments and more; and

WHEREAS: The General Manager needs to remain active on the latest regulatory issues, infrastructure funding and utility best practices; and

WHEREAS: The Chairman of the Board recommends attendance to The Funders Network Urban Water Funders Green, Mobility and Access Collaborative Spring Convening for the General Manager.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to Austin, TX from March 25 – 29, 2024, to attend the Urban Water Funders Green, Mobility and Access Collaborative Spring Convening at a total cost not to exceed \$1,800.00. 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 February 21, 2024

ITEM NO. 9

TRAVEL AUTHORIZATION - WASHINGTON, D.C.

WHEREAS: The National Association of Clean Water Agencies (NACWA) is holding its Board of Directors meeting in conjunction with Water Week Policy Fly-In in Washington, D.C. from April 8 – 13, 2024; and

WHEREAS: The General Manager serves as President for the Board of Directors for NACWA; and

WHEREAS: The General Manager needs to remain active on the latest regulatory issues, infrastructure funding and utility best practices; and

WHEREAS: The Chairman of the Board recommends attendance to the Water Week Policy Fly-In and Board of Directors Meeting for the General Manager.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to Washington, D.C from April 7 – 14, 2024, to attend the NACWA Board Meeting and Water Week Fly-In at a total cost not to exceed \$2,800.00. 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 February 21, 2024

ITEM NO. 10

TRAVEL AUTHORIZATION - CHAPEL HILL, NC

WHEREAS: The National Association of Clean Water Agencies (NACWA), American Water Works Association (AMWA) and Water Environment Federation (WEF) is holding its Water and Wastewater Leadership Center class April 21 – May 2, 2024 in Chapel Hill, NC; and

WHEREAS: The Center has invited current utility leaders to speak to the group of managers interested in becoming utility general managers in the future; and

WHEREAS: The General Manager serves as President of the Board of Directors for NACWA and has been asked to speak to the group to share perspectives, expertise, and knowledge as a utility leader; and

WHEREAS: The Chairman of the Board recommends attendance to the Water and Wastewater Leadership Center for the General Manager.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to travel to Chapel Hill, N.C. from April 21 – 25, 2024, to attend the Water and Wastewater Leadership Center at a total cost not to exceed \$2,800.00. Account nos. 00110104-458010 and 00110104-458012 will be utilized for this travel.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO.11

TRAVEL AUTHORIZATION - SYRACUSE, NY

WHEREAS: The New York State Floodplain and Stormwater Managers Association (NYSFSMA) is holding their Annual Conference in Glen Falls, NY, May 7-9, 2024; and

WHEREAS: The Buffalo Sewer Authority holds permits as both a Municipal Separate Storm Sewer System (MS4) and Publicly Owned Treatment Works (POTW) with Combined Sewer Overflows (CSOs); and

WHEREAS: Both CSOs and MS4s are impacted by stormwater and flooding risk, mitigation, and regulation; and

WHEREAS: The Principal Sanitary Engineer is a Certified Floodplain Manager and member of the Board of NYSFSMA; and

WHEREAS: The Principal Sanitary Engineer needs to remain up to date on regulations and mitigation strategies in relation to stormwater and flooding; and

WHEREAS: The General Manager recommends that the Principal Sanitary Engineer attends the 2024 NYSFSMA Annual Conference.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer to travel to Glen Falls, NY from May 5 - 10, 2024 attend the 2024 NYSFSMA Annual Conference at a total cost not to exceed \$1,650.00. 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 February 21, 2024

ITEM NO. 12

TRAVEL AUTHORIZATION - SEATTLE, WA

WHEREAS: The Buffalo Sewer Authority has incorporated Green Infrastructure into our approved Combined Sewer Overflow Long-Term Control Plan; and

WHEREAS: The Buffalo Sewer Authority is a member of the Green Infrastructure Leadership Exchange; and

WHEREAS: The Green Infrastructure Leadership Exchange is hosting its 2024 Annual Meeting in Seattle, WA May 6-9, 2024; and

WHEREAS: The GIS Specialist I has been asked to attend to ensure BSA remains up to date on best management design and maintenance practices; and

WHEREAS: The General Manager recommends that the GIS Specialist I attend the 2024 Green Infrastructure Leadership Exchange Annual Meeting.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the GIS Specialist I to travel to Seattle, WA from May 5-10, 2024, to attend the 2024 Green Infrastructure Leadership Exchange Annual Meeting. Ancillary costs not to exceed \$750.00 shall be charged to account no. 00600104-458010 will be utilized for this travel.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 13

TRAVEL AUTHORIZATION - ST. PETERSBURG, FL

WHEREAS: The Buffalo Sewer Authority continues an effective utility management approach as endorsed by US Environmental Protection Agency, Water Environment Federation (WEF) and American Water Works Association (AWWA); and

WHEREAS: The Water Environment Federation Member Association Exchange (WEFMAX) will hold an annual program meeting in St. Petersburg, FL from May 29 - 31, 2024, where participants will exchange ideas and best practices; and

WHEREAS: The Principal Sanitary Engineer is a member of the WEF House of Delegates and needs to remain active on member association and utility best practices innovations; and

WHEREAS: The General Manager recommends that the Principal Sanitary Engineer attend the WEFMAX Conference.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer to travel to St. Petersburg, FL from May 29 - 31, 2024, to attend the WEFMAX Conference at a total cost not to exceed \$1,100.00. 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 February 21, 2024

ITEM NO. 14

AUTHORIZATION FOR CHANGE ORDER TO BLANKET PURCHASE ORDER NO. 22400142

WHEREAS: On March 1, 2023, the Board of the Buffalo Sewer Authority renewed the contract with Mollenberg-Betz, Inc., for Gas Burner System Inspection, Preventive Maintenance and Corrective Repair Services for the period July 1, 2023 to June 30, 2024 at a total cost not to exceed \$40,924.00; and

WHEREAS: Upon inspection, necessary repairs were identified on water softener and boiler tubing.

WHEREAS: Due to an increase in services it is necessary to increase Blanket Purchase Order No. 22400142 in the amount of \$40,000.00 from \$40,924.00 to \$80,924.00 through June 30, 2024;

WHEREAS: The Treatment Plant Superintendent, Principal Chief Stationary Engineer and staff recommend this increase at a total cost not to exceed \$80,924.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to approve a change order in the amount of \$40,000.00, increasing Blanket Purchase Order No. 22400142 with Mollenberg-Betz, from \$40,924.00 to \$80,924.00 through June 30, 2024. Funds for this change order will be charged to account no. 00380106-443421.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 15

AUTHORIZATION FOR PURCHASE OF SIEMENS/TOW BRO CLARIFIER PARTS

WHEREAS: On July 29, 2015, the Board of the Buffalo Sewer Authority designated Evoqua, the original equipment manufacturer, and/or their authorized local service representative, as a sole source provider for the replacement parts, supplies and services for Siemens/Tow Bro Clarifiers at the Buffalo Sewer Authority Treatment Plant Facility; and

WHEREAS: The Superintendent of Mechanical Maintenance has determined a need for various parts for repairs of the Siemens/Tow Bro Clarifiers; and

WHEREAS: Upon request, GP Jager submitted a quote in the amount of \$68,577.32 for the needed parts; and

WHEREAS: Monies payable to GP Jager in the current fiscal year are \$97,077.26. This purchase will bring the total monies payable for purchase/service to \$165,654.58; and

WHEREAS: The Board of the Buffalo Sewer Authority authorized \$90,000.00 to be utilized for fiscal year 2023-2024 on June 28, 2023; and

WHEREAS: This purchase exceeds the prior Board Approval and Board approval is required on purchases of goods over \$20,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the needed parts for the Clarifiers at a total cost not to exceed \$68,577.32. This purchase will be charged to account number 00290105-466107.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 16

REPORTS ON BIDS RECEIVED- PURCHASE OF VARIOUS GRAY CAST IRON CASTINGS

WHEREAS: Formal bids were advertised and solicited for the purchase of the following various gray cast iron castings:
 1.) (100) Dark 12” x 18 1/8” Cast Iron Receiver Grates
 2.) (100) Dark 13” x 18 1/8” Cast Iron Receiver Grates
 ;and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on February 6, 2024:

Vendor	Total Cost:
EJ USA Inc.	\$ 52,894.00
Siewert Equipment	NO RESPONSE
Buck Equipment	NO BID

;and

WHEREAS: The Director of Sewer Maintenance and staff reviewed the quotes received and recommend awarding the entire purchase to the lowest and only bidder, EJ USA Inc. at a total cost of \$52,894.00.

NOW THEREFORE
 BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above listed various gray cast iron castings from EJ USA Inc. at a total cost of \$52,894.00. This purchase will be charged to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 17

ADOPTION OF NEGATIVE DECLARATION OF STATE ENVIRONMENTAL QUALITY REVIEW FOR CORNELIUS CREEK CSO BACKWATER GATE FLOODING MITIGATION PROJECT

- WHEREAS: The Buffalo Sewer Authority (“BSA”) proposes to construct a backwater flow prevention system at CSO 055 (Cornelius Creek) to reduce the frequency of combined sewer overflow events (“the Project”); and
- WHEREAS: The Project area is located in the City of Buffalo North District and within the Black Rock Canal Park; and
- WHEREAS: The Project will reduce discharges of combined sanitary and stormwater to the Niagara River which occurs during significant storm events; and
- WHEREAS: The Project constitutes an “Unlisted Action” under the State Environmental Quality Review Act (“SEQRA”) and its’ implementing regulations; and
- WHEREAS: The BSA acting as Lead Agency in accordance with SEQRA has undertaken a coordinated review with various public agencies; and
- WHEREAS: In accordance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Board has determined that the above project is classified as an Unlisted Action and has caused to be prepared a Short Environmental Assessment Form and has completed Parts 1, 2, and 3 of the Short Environmental Assessment Form;
- WHEREAS: The Project was reviewed by the Office of Parks, Recreation and Historic Preservation (“OPRHP”) in accordance with the New York State Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law) and determined that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Project; and
- WHEREAS: The BSA, as Lead Agency, and its consultant Wendel Companies, has considered the Project and reviewed the Parts 1, 2 and 3 of the Short EAF and the criteria set forth in SEQRA in order to determine whether the Project will have a significant adverse impact on the environment.

NOW THEREFORE

BE IT RESOLVED: Based upon the thorough and careful review of the Project under SEQRA, the Board of the Buffalo Sewer Authority hereby determines that the Project will not result in any significant adverse environmental impacts and hereby issues a negative declaration for the Project pursuant to SEQRA.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 18

CHANGE ORDER NO. 3 FINAL ADJUSTMENT- CONTRACT NO. 82000028 SEWER CLEANING AND INSPECTION OF VARIOUS STREETS

CONTRACTOR:	ORIGINAL CONTRACT COST	\$743,500.00
National Water Main Cleaning Co.	PREVIOUS CHANGE ORDER	\$381,500.00
1806 Newark Turnpike	THIS CHANGE ORDER (DEDUCT)	<u>(\$35,577.50)</u>
Kearny, NY 07032	ADJUSTED CONTRACT COST	\$1,089,422.50

VENDOR # 16172	ACCOUNT # 0200520-490740
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PROJECT: Sewer Cleaning and Internal Televising Inspection in Conjunction with City of Buffalo Street Resurfacing Program

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Final adjustment to the contract amount.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Adjusting contract amount for actual quantities used.

COST OF CHANGE OR EXTRA WORK:

Item #1 (\$35,577.50)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: (\$35,577.50)

The Total DECREASE to the Contract as a result of this Change Order is \$35,577.50

WHEREAS On October 14, 2020, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with National Water Main Cleaning Co., for Sewer Cleaning and Internal Televising Inspection in Conjunction with City of Buffalo Street Resurfacing Program project as the responsible low bidder at a cost not to exceed \$743,500.00; and

WHEREAS On January 12, 2021, Notice to Proceed was issued for Contract No. 82000028 in accordance with the above-Board approval; and

WHEREAS On June 22, 2022, the Board of the Buffalo Sewer Authority authorized Change Order No. 1 in the amount of \$281,500.00 under Board Item No. 31 for additional work in excess of original estimates; and

WHEREAS: On July 26, 2023, the Board of the Buffalo Sewer Authority authorized Change Order No. 2 in the amount of \$100,000.00 under Board Item No. 18 to complete 2023 field season work; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed aa Final Change Order No. 3 to Contract No. 82000028 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, making the final completion date unchanged.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications, and project specifications for the same type of work.
3. This contract supplement unless otherwise provided herein does not relieve the Contractor from strict compliance with the guarantee provisions of the original contract, particularly those pertaining to performance and operation of equipment.
4. The Contractor expressly agrees that he will place under coverage of his performance and payment bonds and Contractor's Insurance all work covered by this contract supplement. The Contractor will furnish to the Owner evidence of increased coverage of his performance and payment bonds for the accrued value of all contract supplements that exceeds the original contract price by twenty percent (20%).
5. The costs established under this contract supplement are acknowledged as including any and all costs associated with the work described herein and including any and all costs associated with any and all work performed or to be performed by the Contractor that may be affected in any manner by the work described herein.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 2 to Contract No. 82000028 as written in the above Agenda Item, DECREASING the contract cost in the amount of \$35,577.50 making the adjusted contract cost \$1,089,422.50. Expenses from this contract will be paid from Account No. 0200520-490740.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 19

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Sewer Cleaning and Internal Televising Inspection in Conjunction with City of Buffalo Street Resurfacing Program

BID: \$743,500.00

CONTRACTOR: National Water Main Cleaning Co.
1806 Newark Turnpike
Kearny, NY 07032

WHEREAS: The Preventative Maintenance Coordinator and staff have certified that the Contractor completed the work in accordance with the plans and specifications on; and

WHEREAS In Item the contract value was decreased by \$35,577.50.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby finds and determines that:

- A. The work to be performed under the terms of the Contract has been complete and is accepted;
- B. The date of entrance and occupancy be fixed as of January 31, 2024;
- C. The maintenance period commence on January 31, 2024;
- D. The Board approved Change Order No. 2 on February 21, 2024 resulting in a net decrease of \$35,577.50, thereby making the adjusted contract cost \$1,089,422.50.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 20

CHANGE ORDER NO. 1 FINAL ADJUSTMENT– CONTRACT NO. 81900003 CORRECTIVE ACTION SEWER CLEANING, INTERNAL TELEVISION INSPECTION AND REPAIR

CONTRACTOR:	ORIGINAL CONTRACT COST	\$1,901,100.00
J. A Brundage, The Drain Doctor	PREVIOUS CHANGE ORDER	\$0.00
1400 College Ave.	THIS CHANGE ORDER	<u>\$15,064.40</u>
Niagara Falls, NY 14305	ADJUSTED CONTRACT COST	\$1,916,164.40
VENDOR: #1944	ACCOUNT	
WORK: Unscheduled Sewer Cleaning and Televising Services and Water Service Replacements	#02000476-490740	

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Final adjustment to the contract amount.

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Adjusting contract amount for actual quantities used.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$15,064.40

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$15,064.40

The Total INCREASE to the Contract as a result of this Change Order is \$15,064.40

WHEREAS: On March 7, 2018 the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with J.A Brundage, The Drain Doctor., for Unscheduled Sewer Cleaning And Televising Services And Water Service Replacements at a cost not to exceed \$1,901,100.00; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed a request for a Final Change Order No. 1 to Contract No. 81900003 in the amount of \$15,064.40 as detailed above and recommend its approval.

CONTRACT SUPPLEMENT CONDITIONS:

1. The contract completion date established in the original contract or as modified by previous contract supplements is hereby changed by 0 calendar days, making the final completion date 09/19/2023.
2. Any additional work to be performed under this contract supplement shall be carried out in compliance with the specifications included in the preceding description of changes involved with the supplemental contract drawings designated none and under the provisions of the original contract, including compliance with applicable equipment specifications, general specifications,

and project specifications for the same type of work.

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

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 81900003 as written in the above Agenda Item, increasing the contract cost in the amount of \$15,064.40 making the adjusted contract cost \$1,916,164.40.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 21

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Unscheduled sewer cleaning and televising services and water service replacements

BID: \$1,916,164.40

CONTRACTOR: J. A Brundage, The Drain Doctor
1400 College Ave.
Niagara Falls, NY 14305

WHEREAS: The Principal Sanitary Engineer and staff have certified that the Contractor completed the work in accordance with the plans and specifications on September 19, 2023; and

WHEREAS In Item the contract value was increased by \$15,064.40

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 September 19, 2023;
- C. The maintenance period commence on September 19, 2023;
- D. The Board approved Change Order No. 1 on February 21, 2024 resulting in a net increase of \$15,064.40, thereby making the adjusted contract cost \$1,916,164.40.

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 22

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH WENDEL ENERGY SERVICES, LLC FOR RENEWABLE NATURAL GAS RECOVERY, PRODUCTION, AND ENERGY EFFICIENCY IMPROVEMENT PROJECT

WHEREAS: The Buffalo Sewer Authority issued a request for qualifications (RFQ) for the delivery of renewable natural gas recovery, production, and energy efficiency improvements on December 6, 2023 to eighteen firms that had been jointly pre-qualified by the U.S. Department of Energy and the National Association of Energy Service Companies as Energy Service Company (ESCO) Consultants; and

WHEREAS: Wendel Energy Services, LLC (Wendel) was the sole responder to the RFQ; and

WHEREAS: There are certain grant, tax abatement, and favorable loan conditions currently available for energy efficiency and renewable natural gas recovery and production that will be expiring throughout the next two years which may make improvements to Buffalo Sewer Authority’s existing infrastructure feasible and improve operability and reduce maintenance issues; and

WHEREAS: Based upon the review of the Statement of Qualifications from Wendel by a committee appointed by the General Manager, it is recommended that a contract for an initial \$715,000.00 be entered into by the Buffalo Sewer Authority to develop design-build energy efficiency and renewable natural gas recovery and production projects.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute an agreement with Wendel Energy Services, Inc. to provide energy service company services in the furtherance of design-build projects at a cost not to exceed \$715,000.00. The cost of this contract will be funded from account no.02000580-432004.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MRS. PETRUCCI

AYES 3 NOES 0

Board Meeting of February 21, 2024

ITEM NO. 23

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>
Zachary Isch	Buffalo State University	Business Administration	\$2,500.00

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 February 21, 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</u>
				<u>TOTAL</u>
Daniel O’Sullivan	SUNY Erie	Calculus & Analytical	75%	\$ 762.00
Daniel O’Sullivan	SUNY Erie	Fee		\$ 150.00
Daniel O’Sullivan	SUNY Erie	Lab Fee		\$ 80.00
Edwin Geter	Buff State University	American Sign Language II	90%	\$ 796.50
Edwin Geter	Buff State University	Advocacy Interp for Hear Imprd	90%	\$ 796.50
Edwin Geter	Buff State University	Fee		\$ 150.00

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$2,735.00. These Reimbursements will be charged to account no. 00200106-421026.

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

Board Meeting of February 21, 2024

ITEM NO. 25

CONFIRMATION OF APPOINTMENTS

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$140 PER DAY
EFFECTIVE: FEBRUARY 5, 2024

ROMAR GAYLES
151 MINNESOTA AVE.
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$140 PER DAY
EFFECTIVE: FEBRUARY 5, 2024

QONDRE WILLIAMS
33 RESERVATION ST. #4
BUFFALO, NY

LABORER II (PERMANENT)
SEWAGE TREATMENT PLANT
\$22.95 PER HOUR
EFFECTIVE: JANUARY 9, 2024

JACK GERARD
298 WEIMER
BUFFALO, NY

DIRECTOR OF INFORMATION TECHNOLOGY (PERMANENT)
TREATMENT PLANT ADMINISTRATION
\$114,419 PER ANNUM
EFFECTIVE: JANUARY 22, 2024

BRIAN HARGRAVE
44 MAPLERIDGE AVE
BUFFALO, NY

PERSONNEL CLERK (PROVISIONAL)
CITY HALL ADMINISTRATION
\$53,261 PER ANNUM
EFFECTIVE: FEBRUARY 5, 2024

LEAH ROSSI
660 CRESCENT AVE
BUFFALO, NY

SUPERVISING ACCOUNTANT (PERMANENT)
CITY HALL ADMINISTRATION
\$ 86, 778 PER ANNUM
EFFECTIVE: FEBRUARY 5, 2024

CARLOS COSTNER
89 SUMNER PLACE
BUFFALO, NY

CLERK (PROVISIONAL)
CITY HALL ADMINISTRATION
\$ 43,899 PER ANNUM
EFFECTIVE: FEBRUARY 26, 2024

YANELIZ TOMASINI SOSA
377 MASSACHUSETTS 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 APPROVE
MADE BY MR. ROOSEVELT
2ND BY MRS. PETRUCCI
AYES 3 NOES 0

Board Meeting February 21, 2024

ITEM NO. 26

ADJOURNMENT OF MEETING

MOTION TO APPROVE

MADE BY MRS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of February 21, 2024