

**MINUTES OF THE REGULAR MEETING  
OF THE  
BUFFALO SEWER AUTHORITY  
March 7, 2012**



# BUFFALO SEWER AUTHORITY

March 7, 2012

**REGULAR MEETING**

**9:00 A.M.**

**1038 CITY HALL**

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**CALL OF THE ROLL**

Present:	<u>Herbert Bellamy, Jr.</u>	<u>Chairman</u>
	<u>John D. Kennedy, Sr.</u>	<u>Vice Chairman</u>
	<u>Christopher Roosevelt</u>	<u>Assistant Vice Chairman</u>
	<u>Eleanor Wilson-DiVincenzo</u>	<u>Secretary</u>
	<u>John E. Kennedy, Jr.</u>	<u>Assistant Secretary</u>
	<u>David Comerford</u>	<u>General Manager</u>
	<u>Oluwole McFoy, P.E.</u>	<u>Secretary to the General Manager</u>
	<u>Ronald Brown</u>	<u>Executive Secretary</u>
	<u>Scott Steinwald</u>	<u>Intergovernmental Coordinator</u>
	<u>Roberta Gaiek, P.E.</u>	<u>Treatment Plant Superintendent</u>
	<u>Thomas Caulfield</u>	<u>Administrator of Capital</u>
	<u>Yusef Myrick</u>	<u>Improvements &amp; Development</u>
	<u>Darryl McPherson</u>	<u>Superintendent of Mechanical</u>
	<u>Tim Ball</u>	<u>Maintenance</u>
	<u>Laura Surdej</u>	<u>City Auditor</u>
	<u>Aaron Besecker</u>	<u>Corporation Counsel</u>
Absent:	<u>none</u>	<u>Erie Co. Dept. of Environment &amp; Planning</u>
		<u>Buffalo News</u>

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

## ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of February 15, 2012

MOTION TO	<u>ADOPT</u>
MADE BY	<u>MS. WILSON-DIVINCENZO</u>
2 <sup>ND</sup> BY	<u>MR. KENNEDY, JR.</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of March 7, 2012

## ITEM NO. 2

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

February 24, 2012

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>CAPITAL IMPROVEMENT FUND</b>						
15-Apr-02	Money Market		\$500,000.00	Chase	0.30%	High Yield
<b>CONSTRUCTION FUND</b>						
08-Apr-02	Money Market		\$38,583,825.87	Chase	0.30%	High Yield
<b>LIABILITY AND CASUALTY RESERVE FUND</b>						
22-Apr-02	Money Market		\$1,000,266.06	Chase	0.30%	High Yield
<b>OPERATING FUND</b>						
08-Apr-02	Money Market		\$3,802,009.39	Chase	0.30%	High Yield
<b>TRUST &amp; AGENCY FUND</b>						
06-May-02	Money Market		\$34,783.02	Chase	0.30%	High Yield
<b>SURPLUS FUND</b>						
			\$529.67	MTB Funds		
30-Dec-11	29-Mar-12	90	\$6,049,308.15	M&T Securities	0.31%	\$4,691.85
			<u>\$6,049,837.82</u>			
<b>NET REVENUE FUND</b>						
			\$293.61	MTB Funds		
30-Nov-11	28-Feb-12	90	\$5,500,000.00	M&T Commercial	0.22%	\$3,025.00
30-Dec-11	29-Mar-12	90	\$1,599,759.23	M&T Securities	0.31%	\$1,240.77
26-Jan-12	26-Apr-12	91	\$4,199,706.48	M&T Securities	0.31%	\$3,293.52
			<u>\$11,299,759.32</u>			

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
<b>DEBT RESERVE FUND</b>						
<b>Series F</b>						
03-Jun-11	03-May-12	335	\$245,000.00	FDIC Brokered CD	0.45%	
01-Jun-11	01-June-12	366	\$245,000.00	FDIC Brokered CD	0.60%	
03-Jun-11	01-Jun-12	364	\$245,000.00	FDIC Brokered CD	0.45%	
13-Jun-11	13-Jun-12	366	\$245,000.00	FDIC Brokered CD	0.35%	
15-Jun-11	13-Jun-12	364	\$245,000.00	FDIC Brokered CD	0.30%	
15-Jun-11	15-Jun-12	366	\$132,000.00	FDIC Brokered CD	0.30%	
			<b>\$1,357,000.00</b>			
<b>Series I</b>						
01-Aug-08	06-Sep-13	1862	<b>\$8,240,877.50</b>	FHLB	4.00%	
<b>Series H</b>						
13-Mar-03	15-Apr-32		<b>\$2,825,593.00</b>	SLG	4.35%	
<b>Series J</b>						
04-Mar-04	15-Nov-33		<b>\$774,061.00</b>	SLG	3.82%	
<b>Series K</b>						
22-Jul-04	15-Feb-33		<b>\$498,654.00</b>	SLG	4.63%	
<b>Series L</b>						
27-Jul-06	01-Oct-35		<b>\$952,666.00</b>	SLG	4.52%	

**RECEIVE & FILE**

Board Meeting of March 7, 2012

## 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 Buffalo Sewer Authority's operating budget.

**Wastewater Treatment Plant**

2/6/2012	00520105 Maintenance Supplies	-\$355.30	00200105 Plant Supplies	\$355.30
2/6/2012	00520105 Maintenance Supplies	-\$46.00	00200105 Plant Supplies	\$46.00
2/14/2012	00340105 Thickener Supplies	-\$5,848.86	00240105 Primary Sedimentation Supplies	\$5,848.86
2/16/2012	00220105 Screen Supplies	-\$1,325.00	00290105 Aeration Supplies	\$1,325.00
2/16/2012	00380105 Incineration Supplies	-\$340.00	00520105 Maintenance Supplies	\$340.00
2/23/2012	00380105 Incineration Supplies	-\$3,117.50	00200105 Plant Supplies	\$3,117.50
2/23/2012	00520105 Maintenance Supplies	-\$474.50	00210102 RWWP Supplies	\$474.50
2/23/2012	00260105 Primary Supplies	-\$1,175.00	00290105 Aeration Supplies	\$1,175.00
2/23/2012	00230105 Grit Supplies	-\$5,452.00	00290105 Aeration Supplies	\$5,452.00
2/24/2012	00530107 Yards Capital Outlay	-\$164.54	00380107 Incinerator Capital Outlay	\$164.54
2/24/2012	00530107 Yards Capital Outlay	-\$1,289.64	00520107 Maintenance Capital Outlay	\$1,289.64

**Sewer Maintenance Division**

2/8/2012	00660105 Sewer Repair Supplies	-\$6,000.00	00690105 Auto Supplies	\$6,000.00
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**General Financial Charges**

2/13/2012	00800183 Financial Contingency	-\$7,065.04	00600107 Engineering Capital Outlay	\$7,065.04
2/13/2012	00800183 Financial Contingency	-\$2,071.61	00110107 Administration Capital Outlay	\$2,071.61
2/13/2012	00800183 Financial Contingency	-\$50.00	00110106 Administration Services	\$50.00

**RECEIVE & FILE**

Board Meeting of March 7, 2012



## ITEM NO. 4

**PRELIMINARY OUTLINE OF OPERATING BUDGET FOR THE FISCAL YEAR  
COMMENCING JULY 1, 2012**

A proposed Operating Budget, with full details, for the fiscal year beginning July 1, 2012, will be presented for formal consideration by your Honorable Body at the next scheduled meeting on April 4, 2012. This proposed budget will be in an amount not to exceed \$53,750,000 which is a \$1,384,000 increase over the current budget of \$52,366,000.

At this time, an outline of the proposed budget is submitted for your tentative approval. Once approved, we will proceed in the preparation of a formal budget document complete with comparison charts and exhibits. Attached to this outline are the following exhibits:

A comparison of Appropriation by Division for the years 2009-10 to 2012-13 Proposed;

A revenue estimate and comparison for the years 2009-10 to 2012-13 Proposed;

Capital Budget Projects for 2012-2013.

Sewer rents based on assessed valuation will not be increased to fund this proposed budget. The final rate for sewer rent will be dependent upon the final City assessed valuation. Sewer rents based upon water usage will not be increased. The estimate of sewer rents based on water use and the final budget appropriation estimates will be detailed at the scheduled meeting of April 4, 2012.

WHEREAS: The preliminary budget presented herein reflects a balanced plan to fund the necessary operations of the Buffalo Sewer Authority for the fiscal year beginning July 1, 2012.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to proceed in preparing a detailed budget not to exceed \$53,750,000 to be submitted to this Body at the meeting of April 4, 2012.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MS. WILSON-DIVINCENZO</u>
2 <sup>ND</sup> BY	<u>MR. KENNEDY, SR.</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of March 7, 2012

**BUFFALO SEWER AUTHORITY  
CAPITAL PROJECTS  
2012 - 2013 PRELIMINARY BUDGET**

<b><u>PROJECT TITLE:</u></b>	<b>ESTIMATED COST</b>
<b><u>TREATMENT PLANT:</u></b>	
FINAL CLARIFIER BUILDINGS REHAB	1,800,000
POWER DISTRIBUTION SYSTEM SURVEY AND IMPLEMENTATION	200,000
MISCELLANEOUS PIPE REPLACEMENT	200,000
ANNUAL DIGESTER CLEANING	200,000
SWW PUMPS, SWITCHGEAR AND CONTROLS UPGRADE	400,000
DOOR AND WINDOW REPLACEMENT	150,000
NEW SCREENS IN TWO NORTH MLSS TROUGHS	60,000
WASTE HAULER MUFFIN MONSTER	150,000
DIGESTER AND MIXING IMPROVEMENT	1,200,000
HVAC REMOVE/REPAIR PRIMARY HHWS-HHWR LINES FOR MEGA- STRUCTURE	250,000
HVAC REMOVE/REPLACE AHU 1D, 2D, 3D & 4D	500,000
REMOVE/REPLACE AHU L-1 & L-2	300,000
INTERIOR LIGHTING	1,600,000
ASH SYSTEM MODIFICATION STUDY/IMPLEMENTATION AND SCADA SYSTEM CONTROLS	3,000,000
BLOWER INSPECTION AND REPLACEMENT	50,000
PUMP STATION REHAB-ALL STATIONS	1,000,000
COMBINED HEAT AND POWER (THERMAL HYDROLYSIS)	700,000
ARC FLASH MODIFICATIONS	1,150,000
ENGINEERING TERM CONTRACTS	450,000
CHILLER REPLACEMENT AND HVAC IMPROVEMENTS	640,000
TERM PLANT ENGINEERING CONTRACTS (IN-PLANT SERVICE)	480,000
MIX TANK CLEANING	200,000
ALTERNATE LOCATION FOR POLYMER STORAGE	75,000
VFD REPLACEMENT	100,000
CONDENSATE TRANSFER TANK-SUB-BASEMENT	100,000

**COLLECTION SYSTEM:**

SEWER CLEANING/TV INSPECTION	500,000
UNANTICIPATED SEWER REPLACEMENTS	500,000
SWAN TRUNK SYSTEM MODIFICATIONS	500,000
CSO 010 SEWER SEPARATION	2,000,000
ERIE BASIN CSO PROJECTS	100,000
BUFFALO RIVER BASIN PROJECTS	150,000
SCAJAQUADA CREEK BASIN RTC	400,000
CSO 053 SEWER SEPARATION	300,000
SCAJAQUADA CREEK BASIN CSO PROJECTS	200,000
BLACK ROCK CANAL BASIN PROJECTS	400,000
NIAGARA RIVER BASIN PROJECTS	100,000
GREEN INFRASTRUCTURE CITYWIDE PROJECTS	400,000
<b><u>GRAND TOTAL</u></b>	<b><u>\$20,505,000</u></b>

**BUFFALO SEWER AUTHORITY  
REVENUE ESTIMATE  
2012-2012 PRELIMINARY BUDGET**

<b>Revenue</b>	<b>2009-2010 Actual</b>	<b>2010-2011 Actual</b>	<b>2011-2012 Budget</b>	<b>2012-2013 Budget</b>
Assessment Sewer Rents	12,050,286	12,053,431	\$12,057,600	\$12,082,600
Water Use Sewer Rents	27,362,677	27,212,053	27,250,000	27,580,500
Outside City-Sewer Connection	12,322,894	10,322,482	9,225,000	10,500,000
Industrial Waste	1,992,467	2,050,716	1,852,000	1,772,500
Interest Income	1,184,315	811,936	997,900	870,900
Miscellaneous	996,431	1,130,869	983,500	943,500
<b>Total Revenues</b>	<b><u>\$55,909,070</u></b>	<b><u>\$53,581,487</u></b>	<b><u>\$52,366,000</u></b>	<b><u>\$53,750,000</u></b>

**BUFFALO SEWER AUTHORITY  
APPROPRIATIONS BY DIVISION  
2012-2013 PRELIMINARY BUDGET**

<b>Division</b>	<b>2009-2010 Actual</b>	<b>2010-2011 Actual</b>	<b>2011-2012 Budget</b>	<b>2012-2013 Budget</b>
General Offices	\$1,140,518	1,161,674	\$1,603,898	\$1,401,516
Wastewater Treatment Facility	18,018,680	18,027,494	22,054,433	24,256,373
Industrial Waste	568,124.03	543,074	614,991	549,720
Engineering	737,214	683,679	933,223	838,960
Sewer Maintenance	2,906,835	3,133,386	4,375,541	4,428,546
Miscellaneous Financial Chgs	3,157,403	4,123,581	5,228,690	5,228,690
Fringe Benefits	5,946,912	6,478,895	7,220,174	9,451,774
Debt Service & Reserve	11,650,397	11,625,650	10,335,050	7,594,421
<b>Total Appropriations</b>	<b><u>\$44,126,083</u></b>	<b><u>\$45,777,433</u></b>	<b><u>\$52,366,000</u></b>	<b><u>\$53,750,000</u></b>

ITEM NO. 5

**AUTHORIZATION FOR RENEWAL OF ANNUAL CUSTOMER SUPPORT PLAN**

WHEREAS: The Buffalo Sewer Authority has been utilizing Maximo Maintenance System software for its work order tracking, purchasing, and inventory control program; and

WHEREAS: An annual customer support plan is beneficial in order to keep current, receive the latest releases of this program, and receive unlimited telephone support; and

WHEREAS: The Treatment Plant Superintendent, Computer Systems Engineer Coordinator, and staff recommend renewal of the annual customer support plan with International Business Machines Corporation for the period April 1, 2012 through March 31, 2013, at a cost of \$59,394.28; and

WHEREAS: Board approval is required on services over \$20,000.00.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to renew the annual customer support plan with International Business Machines Corporation for a one-year period, April 1, 2012 through March 31, 2013, at a cost of \$59,394.28. Account no. 00200106-443420 will be charged for this service.

MOTION TO APPROVE

MADE BY MR. KENNEDY, SR.

2<sup>ND</sup> BY MS. WILSON-DIVINCENZO

AYES 5 NOES 0

Board Meeting of March 7, 2012

## ITEM NO. 6

**CHANGE ORDER NO. 1 – CONTRACT NO. 85100024**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$615,700.00
Jameson Roofing	PREVIOUS CHANGE ORDER	N/A
3761 East Lake Road	THIS CHANGE ORDER	\$ 20,350.00
Dunkirk, New York 14048	ADJUSTED CONTRACT COST	\$636,050.00

WORK: Roof Replacement and Brick Repair – Phase V

**DESCRIPTION OF CHANGE OR EXTRA WORK:**

Item #1 Repair brick damaged by lightning strike on Main Pump Building.

Item #2 Repair deteriorated limestone base on Screen Building.

Item #3 Repair selected stair treads and nosings .

**REASON FOR CHANGE OR EXTRA WORK:**

Item #1 Loose brickwork was causing a safety hazard.

Item #2 Repair of building base stone will prevent further deterioration.

Item #3 Deteriorated stair treads and nosings became a safety concern.

**COST OF CHANGE OR EXTRA WORK:**

Item #1 \$ 2,904.00

Item #2 \$ 11,616.00

Item #3 \$ 5,830.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$20,350.00

The total INCREASE to the contract as a result of this Change Order is \$20,350.00

**CONTRACT SUPPLEMENT CONDITIONS:**

1. The contract completion date established in the original contract or as modified by previous contract supplements remains unchanged.



## ITEM NO. 7

CONTRACT NO. 85100000

**CERTIFICATE OF ACCEPTANCE AND OCCUPANCY**

WORK: Protected Water System Modifications

BID: \$279,880.00

CONTRACTOR: Colgate Heating Corporation  
142 Colgate Avenue  
Buffalo, NY 14220

WHEREAS: The Administrator of Capital Improvements &amp; Development and staff of the Buffalo Sewer Authority have certified that the Contractor completed the work in accordance with the plans and specifications on August 17, 2011.

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 August 17, 2011;
- c. The maintenance period commence on August 17, 2011;
- d. Final payment be made to the Contractor in the amount of \$13,994.00, making the final cost of the contract \$279,880.00.

MOTION TO APPROVEMADE BY MR. KENNEDY, JR.2<sup>ND</sup> BY MS. WILSON-DIVINCENZOAYES 5 NOES 0

Board Meeting of March 7, 2012



## ITEM NO. 8

**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.) (10) Receiver bottom sections w/slides
  - 2.) (20) 6" Dark Receiver Top Section
  - 3.) (20) 6" Dark Curb Box
  - 4.) (20) 7" Dark Curb Box
- ; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on February 23, 2012:

Neenah Foundry Co.	\$26,900.00
Syracuse Castings	\$6,000.00 *did not quote item #1
Buffalo Metal Forming, Inc.	\$14,220.00
Goergen-Mackwirth Co., Inc.	\$14,050.00

; 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
Syracuse Castings	#3 & 4	\$3,940.00
Buffalo Metal Forming	#2	\$1,900.00
Goergen-Mackwirth Co., Inc.	#1	\$3,490.00

; and



## ITEM NO. 9

**REPORT ON BIDS RECEIVED - PURCHASE OF VARIOUS CAST IRON CASTINGS**

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

- 1.) (50) Standard Manhole Frames and Covers
  - 2.) (50) Dark Receiver Grates: 12" x 18 1/8"
  - 3.) (50) Dark Receiver Grates: 13" x 18 1/8"
  - 4.) (25) Dark Receiver Grates: 18" x 18 1/8"
  - 5.) (50) McConnell Grates: 11 1/2" x 23"
  - 6.) (25) McConnell Grates: 23" x 23"
- ; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on February 23, 2012:

Neenah Foundry Co.	\$36,025.00
Syracuse Castings	\$32,635.00

; 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
Neenah Foundry Co.	#2	\$3,300.00
Syracuse Castings	#1,3,4,5 & 6	\$28,885.00

; 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 cast iron castings from the low bidders for the items listed: Neenah Foundry for item no. 2 and Syracuse Castings for item nos. 1,3,4,5 & 6 at a total cost of \$32,185.00. These purchases will be charged to account no. 00660105-466269.

MOTION TO APPROVE

MADE BY MS. WILSON-DIVINCENZO

2<sup>ND</sup> BY MR. KENNEDY, JR.

AYES 5 NOES 0

Board Meeting of March 7, 2012

## ITEM NO. 10

**AUTHORIZATION FOR THE BUFFALO SEWER AUTHORITY TO SERVE AS LEAD AGENCY FOR THE LONG TERM CONTROL PLAN – CSO ABATEMENT PROJECT**

WHEREAS: The Buffalo Sewer Authority (the “Authority”) is responsible for the development of a Long Term Control Plan (“LTCP”) and implementation of related capital improvement projects to address and abate combined sewer overflows (“CSO”) within the Authority’s sewer system (the “Project”); and

WHEREAS: The Authority is currently preparing the LTCP to be submitted to the New York State Department of Environmental Conservation (“NYSDEC”) and the United States Environmental Protection Agency (“USEPA”) for review and approval; and

WHEREAS: Pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the NYSDEC promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the Authority is required to make a determination whether the Project to be undertaken by the Authority may have a significant adverse impact on the environment; and

WHEREAS: In order to aid the Authority in determining whether undertaking the Project may have a significant adverse impact on the environment, the Authority’s environmental consultant has prepared a Full Environmental Assessment Form-Part I (the “EAF”) and the New York State Coastal Assessment Form with respect to the Project, a copy of which is attached here as Exhibit “A”; and

WHEREAS: The Authority has examined the EAF in order to classify the Project in accordance with the requirement of SEQRA; and

WHEREAS: The SEQRA provides for designation of a Lead Agency to undertake a coordinated review of the Project and the EAF with other public agencies that may be involved or interested in the environmental impacts of the Project; and

WHEREAS: The Authority is prepared to serve as the Lead Agency with respect to the Project and has identified various public agencies that may be involved in the approval and/or funding of the Project or interested in such approval, funding, and the Authority’s undertaking of the Project.

NOW THEREFORE  
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby constitutes the Buffalo Sewer Authority Long Term Control Plan – CSO Abatement Project a “Type I Action” (as defined in SEQRA) and designates the Authority to serve as “Lead Agency” for coordinated SEQRA review.

BE IT FURTHER  
RESOLVED:

That the Authority shall maintain copies of the EAF in the main office of the Authority in a file that will be readily accessible to the public.

BE IT FINALLY  
RESOLVED:

That the Authority's General Manager is hereby authorized to sign and distribute the Notice of "Lead Agency" designation, the EAF, and the Coastal Assessment Form for and on behalf of the Authority, and is hereby further authorized to take such actions as deemed necessary and/or appropriate, upon advice of the Authority's legal counsel and its environmental consultants, and to otherwise assist the Authority in fulfilling the requirements of SEQRA and other applicable laws with respect to the Long Term Control Plan – CSO Abatement Project. This resolution shall take effect immediately.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MR. KENNEDY, SR.</u>
2 <sup>ND</sup> BY	<u>MR. KENNEDY, JR.</u>
AYES	<u>5</u> NOES <u>0</u>

Board Meeting of March 7, 2012



## ITEM NO. 11

**AUTHORIZATION FOR THE BUFFALO SEWER AUTHORITY TO SERVE AS LEAD AGENCY FOR THE CSO OUTFALL NO. 060 GREEN INFRASTRUCTURE PROJECT**

WHEREAS: The Buffalo Sewer Authority (“BSA”) is about to begin construction on new storm sewers and retention areas within the existing street rights-of-way in the City of Buffalo to minimize storm water runoff to Scajaquada Creek through the existing CSO Outfall No. 060 Green Infrastructure Project (the “Project”); and

WHEREAS: The Project, which will reduce discharges of combined sanitary and storm water to Scajaquada Creek during significant storm events, incorporates “Green” Infrastructure design; and

WHEREAS: As the Project demonstrates direct environmental benefits and will improve the water quality in New York State, the Authority was awarded a grant through the Green Innovation Grant Program (GIGP) in the amount of \$712,500.00 to subsidize funding; and

WHEREAS: The GIGP requires an environmental impact assessment as prescribed by 6 NYCRR Part 617 State Environmental Quality Review Act (SEQRA); and

WHEREAS: In order to aid the Authority in determining the environmental impact, the Authority’s environmental consultant has prepared a Full Environmental Assessment Form-Part I (the “EAF”), a copy of which is attached here as Exhibit “B”; and

WHEREAS: The SEQRA provides for designation of a Lead Agency to undertake a coordinated review of the Project and the EAF with other public agencies that may be involved or interested in the environmental impact of the Project; and

WHEREAS: The Authority is prepared to serve as the Lead Agency with respect to the Project and has identified various public agencies that may be involved in the approval and/or funding of the Project or interested in such approval, funding, and the Authority’s undertaking of the Project.

NOW THEREFORE  
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby constitutes the Buffalo Sewer Authority CSO Outfall No. 060 Green Infrastructure Project an “Unlisted Action” (as defined in SEQRA) and designates the Authority to serve as “Lead Agency” for coordinated SEQRA review.

BE IT FURTHER  
RESOLVED: That the Authority shall maintain copies of the EAF in the main office of the Authority in a file that will be readily accessible to the public.





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 7<sup>th</sup> day of March, 2012, 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 7th day of March, 2012.

Eleanor C. Wilson-DiVincenzo  
Secretary of the Board

## ITEM NO. 12

**CHANGE ORDER NO. 5- CONTRACT NO. 84900006**

CONTRACTOR:	ORIGINAL CONTRACT COST	\$1,175,000.00
Malcolm Pirnie, Inc.	PREVIOUS CHANGE ORDER	\$1,875,267.46
50 Fountain Plaza, Suite 600	THIS CHANGE ORDER	<u>\$ 430,000.00</u>
Buffalo, New York 14202	ADJUSTED CONTRACT COST	\$3,480,267.46

WORK: Long Term Control Plan Water Quality and Sewer System Modeling and Monitoring  
Professional Services

WHEREAS: The Buffalo Sewer Authority (BSA) is negotiating with the United States Environmental Protection Agency (USEPA), the United States Department of Justice, and the New York State Department of Environmental Conservation (NYSDEC) to address sewer system improvements to comply with the Federal Clean Water Act; and

WHEREAS: On May 21, 2008, the Board of the Buffalo Sewer Authority authorized the General Manager to execute an agreement with Malcolm Pirnie, Inc., to assist with negotiations and to complete work planning efforts to define the extent of the water quality and sewer system monitoring and modeling per negotiations with the USEPA, United States Department of Justice, and the NYSDEC at a cost of \$1,175,000.00; and

WHEREAS: Additional work is required to comply with the terms of the proposed USEPA/ NYSDEC and BSA Consent Decree (CD); and

WHEREAS: The proposed work builds upon Phase 2 Long Term Control Plan (LTCP) activities to satisfy the CD requirement for submitting an updated CSO LTCP document; and

WHEREAS: The scope of the project has grown to include additional work associated with the LTCP preparation that was not within the approved LTCP scope of work; and



ITEM NO. 13

**ADJOURNMENT OF MEETING**MOTION TO                     APPROVE                    MADE BY                     MR. KENNEDY, SR.                    2<sup>ND</sup> BY                     MR. ROOSEVELT                    AYES           5           NOES           0          

Board Meeting of March 7, 2012