

MINUTES OF THE REGULAR MEETING

OF THE

BUFFALO SEWER AUTHORITY

July 27, 2016

BUFFALO SEWER AUTHORITY

July 27, 2016

REGULAR MEETING

9:00 A.M.

1038 CITY HALL

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Attachment: Full Environmental Assessment Form

ITEM NO. 2

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

As of June 30, 2016

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	Money Market		\$10,312,925.01	First Niagara	0.15%	Municipal Premium
			\$824.80	Wilmington Fund		
12-May-16	15-Jul-16	64	\$14,191,806.13	M&T Securities	0.30%	\$7,570.67
20-Jun-16	21-Sept-16	93	\$12,496,954.78	M&T Securities	0.31%	\$10,023.23
06-Jun-16	03-Mar-17	270	\$22,494,115.56	M&T Securities	0.90%	\$152,901.00
			<u>\$59,496,626.28</u>			
LIABILITY AND CASUALTY RESERVE FUND						
31-July-12	Money Market		\$1,077,114.63	First Niagara	0.15%	Municipal Premium
OPERATING FUND						
31-Jul-12	Super NOW		\$2,949,741.67	First Niagara	0.15%	Municipal Premium
TRUST & AGENCY FUND						
31-Jul-12	Money Market		\$34,676.12	First Niagara	0.02%	Municipal Premium
SURPLUS FUND						
			\$782.60	Wilmington Fund		
27-Apr-16	29-Aug-16	124	\$10,008,087.36	M&T Securities	0.50%	\$17,249.78
			<u>\$10,008,869.96</u>			
NET REVENUE FUND						
27-Apr-16	03-Aug-16	98	\$3,001,768.77	M&T Securities	0.42%	\$3,433.43
26-May-16	26-Aug-16	92	\$2,499,124.25	M&T Securities	0.30%	\$1,917.43
30-Jun-16	28-Sept-16	90	\$5,396,650.56	M&T Securities	0.31%	\$4,188.10
			<u>\$10,897,543.58</u>			

DEBT RESERVE FUND**Series J (1004209)**

02-Jul-14	15-Nov-33	7076	\$515,879.00	UST State/Local Govt	2.70%
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Series K (1004925)

02-Jul-14	15-Feb-33	6803	\$361,415.00	UST State/Local Govt	2.70%
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Series L (3001357)

				Federated Treasury Obligation	
			\$0.12		
12-Nov-15	01-Oct-35	7263	\$689,547.00	UST State/Local Govt	2.44%
			\$689,547.12		

Series M (1039308)

27-Jun-14	01-May-44	10901	\$595,613.00	US State/Local Govt	2.70%
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Series N (1002070)

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

Board Meeting July 27, 2016

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

06/02/2016	00360105 DEWA Equip Maintenance	-\$3,705.00	00330105 FINA Equip Maintenance	\$3,705.00
06/03/2016	00520106 Main Membership Dues	-\$31.00	00380106 INCIN Membership Dues	\$31.00
06/16/2016	00360105 DEWA Equip Maintenance	-\$1,000.00	00520105 Main Laundry & Towel Service	\$1,000.00
06/30/2016	00410103 Hamburg Water	-\$1,300.00	00390103 Hamburg Drain Float Water	\$1,300.00

General Financial Charges

06/01/2016	00800183 Financial Contingency	-\$3,338.90	002000105 Plan Clothing Safety	-\$3,338.90
06/30/2016	00800183 Financial Contingency	-\$3,070.55	00600106 Eng Advertising	\$3,070.55

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Board Meeting of July 27, 2016

ITEM NO.4

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

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

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

Fund Balance as of June 30, 2015	\$ 1,094,156.73
Interest Earning	\$ 1,643.82
Transfer from Operating Fund	\$ 0
Claims Paid	<u>\$ 18,685.92</u>
Fund Balance as of June 30, 2016	\$ 1,077,114.63

The Resolution that created the Liability and Casual 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, 2015 – June 30, 2016 the B.S.A. settled thirteen (13) claims; seven (7) claims were denied and six (6) claims were negotiated resulting in cash payments from the BSA totaling \$18,685.92

Total Active Claims Pending

Bodily Injury	0
Property Damage	0
Auto B.I. & P.D.	1
Other Liability	<u>0</u>
Total	1

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Board Meeting of July 27, 2016

ITEM NO. 8

AUTHORIZATION FOR CHANGE ORDER TO BLANKET ORDER NO. 21600115 FOR LEGAL SERVICES

WHEREAS: On July 1, 2015, the Board of the Buffalo Sewer Authority authorized the General Manager to retain Barclay Damon, LLP, for professional legal services for environmental matters, litigation, and arbitration matters on an as-needed basis for the fiscal year July 1, 2015 – June 30, 2016, for a maximum amount not to exceed \$80,000.00; and

WHEREAS: Blanket Order No. 21600115 was established for these legal services; and

WHEREAS: Due to unexpected matters that required immediate attention, it is necessary to increase the maximum amount allowed for these legal services by \$10,295.64, making the total cost not to exceed \$90,295.64 for fiscal year 2015-2016; and

WHEREAS: The General Manager and his staff recommend approval of this change order.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes a change order in the amount of \$10,295.64 to Blanket Order No. 21600115 for legal services provided by Barclay Damon, LLP, for a total cost not to exceed \$90,295.64, for services provided through June 30, 2016. Funds for this change order will be charged to account no. 00550106-432003.

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of July 27, 2016

ITEM NO. 9

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: Charles C. Martorana, of Barclay Damon, LLP, formerly known as Hiscock & Barclay, LLP, has extensive expertise in these areas; and

WHEREAS: Barclay Damon, LLP has historically represented the Buffalo Sewer Authority in these areas as well as litigation and arbitration matters as needed; and

WHEREAS: Upon request, Barclay Damon, LLP has submitted a proposed retainer agreement to continue to provide legal services for the Buffalo Sewer Authority. The billing rates are as follows:

Partners	\$260.00 per hour
Associates & Counsel	\$235.00 per hour
Paralegal Services	\$150.00 per hour

; and

WHEREAS: The General Manager and staff recommend approval to retain Barclay Damon, LLP, for legal services on an as-needed basis for the 2016-2017 fiscal year.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain Barclay Damon, LLP, for legal services on an as-needed basis in an amount not to exceed \$150,000.00 for the period July 1, 2016 through June 30, 2017. Expenses for these services will be charged to account no. 00550106-432003.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. PETRUCCI

AYES 4 NOES 0

Board Meeting of July 27, 2016

ITEM NO. 11

EXTENSION OF CONTRACT FOR IN-PLANT MECHANICAL MAINTENANCE SERVICES

WHEREAS: On May 6, 2015, the Board of the Buffalo Sewer Authority awarded a contract to Mollenberg-Betz, Inc., for in-plant mechanical maintenance services at the Bird Island Wastewater Treatment Plant through June 30, 2016. This contract provides for two (2) one-year renewals; and

WHEREAS: Mollenberg-Betz, Inc., has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend this extension, up to a maximum amount of \$800,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Mollenberg-Betz, Inc., for in-plant mechanical maintenance services at the Bird Island Wastewater Treatment Plant for a one-year period beginning July 1, 2016, up to a maximum amount of \$800,000.00. Expenses for this contract will be charged to account no. 02000342-490740.

MOTION TO	<u>APPROVE</u>		
MADE BY	<u>MS. PETRUCCI</u>		
2 ND BY	<u>MR. KENNEDY</u>		
AYES	<u>4</u>	NOES	<u>0</u>

Board Meeting of July 27, 2016

ITEM NO. 13

EXTENSION OF CONTRACT FOR IN-PLANT STEAM SYSTEM REPAIR SERVICES

WHEREAS: On May 6, 2015, the Board of the Buffalo Sewer Authority awarded a contract to Mollenberg-Betz, Inc., for in-plant steam system repair services at the Bird Island Wastewater Treatment Plant through June 30, 2016. This contract provides for two (2) one-year renewals; and

WHEREAS: Mollenberg-Betz, Inc., has agreed to extend the contract for one (1) additional year with a provision to allow for adjustments to labor rates due to their union contract; and

WHEREAS: The Treatment Plant Superintendent, Treatment Plant Administrator, and staff recommend this extension, up to a maximum amount of \$250,000.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Mollenberg-Betz, Inc., for in-plant steam system repair services at the Bird Island Wastewater Treatment Plant for a one-year period beginning July 1, 2016, up to a maximum amount of \$250,000.00. Expenses for this contract will be charged to account no. 02000342-490740.

MOTION TO	<u>APPROVE</u>	
MADE BY	<u>MR. KENNEDY</u>	
2 ND BY	<u>MR. ROOSEVELT</u>	
AYES	<u>4</u>	NOES <u>0</u>

Board Meeting of July 27, 2016

ITEM NO. 14

**REPORT ON BIDS RECEIVED - SECONDARY SYSTEM CHANNEL CLEANING PROJECT
AT THE BIRD ISLAND WASTEWATER TREATMENT PLANT**

WHEREAS: Formal bids were advertised and solicited for the Secondary System Channel Cleaning Project at the Bird Island Wastewater Treatment Plant. The following bids were received and opened on July 12, 2016:

Vendor	Bid
National Vacuum, Inc.	\$ 332,660.00
Precision Industrial Maintenance, Inc.	\$ 631,575.00
J.A. Brundage The Drain Doctor	\$1,574,000.00

; and

WHEREAS: The bids were received and the contract will be awarded on the basis of lump sum prices. The bids reflect the true amount of the contract; and

WHEREAS: The Buffalo Sewer Authority's staff reviewed the bids and recommend awarding the contract to the second lowest responsible bidder, Precision Industrial Maintenance, Inc., at a cost not to exceed \$631,575.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into and execute a contract with Precision Industrial Maintenance, Inc., for an amount not to exceed \$ 631,575.00 . Expenses for this contract will be charged to account no. 02000428-490740.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of July 27, 2016

ITEM NO. 16

AUTHORIZATION TO AMEND BOARD RESOLUTION NO. 15 OF THE BOARD MEETING OF JUNE 15, 2016

- WHEREAS: On September 24, 2014, following a formal Request for Qualification process in which sixteen (16) firms submitted proposals, the Board of the Buffalo Sewer Authority authorized utilizing Erdman Anthony & Associates, Inc., for professional engineering services for small to medium-sized capital improvement projects in an amount not to exceed \$100,000.00; and
- WHEREAS: The original contract cost of \$100,000.00 was based upon work initially projected with an expectation that a contract budget amendment(s) would be proposed to reflect projected work for later phase(s) of the term agreement; and
- WHEREAS: On July 1, 2015, the Board of the Buffalo Sewer Authority authorized Change Order No. 1 to the Three-Year Engineering Services Contract No. 81500008 with Erdman Anthony & Associates, Inc., increasing the amount by \$32,760.00, making the total adjusted contract cost \$132,760.00; and
- WHEREAS: On June 15, 2016, the Board of the Buffalo Sewer Authority authorized an increase to this Engineering Services Contract in the amount of \$23,000.00, and incorrectly stated that the adjusted total cost of the contract was \$123,000.00; and
- WHEREAS: The total increase to this contract should have been \$55,760.00, thereby making the total adjusted contract cost \$155,760.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes to amend Board Item No. 15 of the Board Meeting of June 15, 2016 to read as follows:

“That the Board of the Buffalo Sewer Authority hereby authorizes Change Order No. 2 in the amount of \$23,000.00 to the three-year Engineering Services Agreement with Erdman Anthony & Associates, Inc. The Board further authorizes the amount of this contract be increased to a total amount not to exceed \$155,760.00. Account no. 02000375-432004 shall be utilized for these services.”

MOTION TO APPROVE
MADE BY MR. KENNEDY
2ND BY MR. ROOSEVELT
AYES 4 NOES 0

Board Meeting of July 27, 2016

ITEM NO. 17

CHANGE ORDER NO. 1 – CONTRACT NO. 81500009

CONTRACTOR:	ORIGINAL CONTRACT COST	\$ 100,000.00
Greenman-Pederson, Inc.	PREVIOUS CHANGE ORDER	0.00
4950 Genesee Street.	THIS CHANGE ORDER	<u>75,000.00</u>
Buffalo, NY 14225	ADJUSTED CONTRACT COST	\$ 175,000.00

WORK: Three Year Engineering Services Agreement

WHEREAS: On September 24, 2014, following a formal Request for Qualification process in which sixteen (16) firms submitted proposals, the Board of the Buffalo Sewer Authority authorized utilizing Greenman-Pederson, Inc., for professional engineering services for small to medium-sized capital improvement projects in an amount not to exceed \$100,000.00; and

WHEREAS: The original contract cost of \$100,000.00 was based upon work initially projected with an expectation that a contract budget amendment(s) would be proposed to reflect projected work for later phase(s) of the term agreement; and

WHEREAS: A number of small projects have been delineated for the collection system and the Wastewater Treatment Plant that require professional engineering services; and

WHEREAS: At the request of the Buffalo Sewer Authority, Greenman-Pederson, Inc., has provided a scope of work for each of the needed projects at the Authority; and

WHEREAS: Buffalo Sewer Authority staff have reviewed the scope of work for additional services and recommend approval of Change Order No. 1 to Contract No. 81500009 in the amount of \$75,000.00.

ITEM NO. 18

CHANGE ORDER NO. 1 – CONTRACT NO. 81500006

CONTRACTOR:	ORIGINAL CONTRACT COST	\$ 100,000.00
Wendel Companies	PREVIOUS CHANGE ORDER	0.00
140 John James Audubon Pkwy.	THIS CHANGE ORDER	<u>\$75,000.00</u>
Amherst, NY 14228	ADJUSTED CONTRACT COST	\$ 175,000.00

WORK: Three Year Engineering Services Agreement

WHEREAS: On September 24, 2014, following a formal Request for Qualification process in which sixteen (16) firms submitted proposals, the Board of the Buffalo Sewer Authority authorized utilizing Wendel Companies, for professional engineering services for small to medium-sized capital improvement projects in an amount not to exceed \$100,000.00; and

WHEREAS: The original contract cost of \$100,000.00 was based upon work initially projected with an expectation that a contract budget amendment(s) would be proposed to reflect projected work for later phase(s) of the term agreement; and

WHEREAS: A number of small projects have been delineated for the collection system and the Wastewater Treatment Plant that require professional engineering services; and

WHEREAS: At the request of the Buffalo Sewer Authority, Wendel Companies has provided a scope of work for each of the needed projects at the Authority; and

WHEREAS: Buffalo Sewer Authority staff have reviewed the scope of work for additional services and recommend approval of Change Order No. 1 to Contract No. 81500006 in the amount of \$75,000.00.

ITEM NO. 19

CHANGE ORDER NO. 1 – CONTRACT NO. 81500026

CONTRACTOR:	ORIGINAL CONTRACT COST	\$1,996,500.00
Mark Cerrone, Inc.	PREVIOUS CHANGE ORDER	N/A
2368 Maryland Avenue	THIS CHANGE ORDER (DEDUCT)	(\$175,524.99)
Niagara Falls, NY 14304	ADJUSTED CONTRACT COST	\$1,820,975.01

WORK: CSO No. 26 Sewer Separation

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Increase in contract due to disposal of contaminated soils in the amount of \$4,926.43
- Item #2 Decrease in contract due to unused quantities in amount of \$180,451.42

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Unanticipated contaminated soils were found while excavating for new storm sewer on Buffalo River Place
- Item #2 Final adjustment

COST OF CHANGE OR EXTRA WORK:

- Item #1 \$4,926.43
- Item #2 (\$180,451.42)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK (\$175,524.99)

The total DECREASE to the contract as a result of this Change Order is \$175,524.99

CONTRACT SUPPLEMENT CONDITIONS:

- 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.
- 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.

ITEM NO. 21

CHANGE ORDER NO. 3 – CONTRACT NO. 81400002

CONTRACTOR:	ORIGINAL CONTRACT COST	\$2,376,000.00
Mark Cerrone, Inc.	PREVIOUS CHANGE ORDER	68,731.42
2368 Maryland Avenue	THIS CHANGE ORDER (DEDUCT)	<u>(\$22,849.12)</u>
Niagara Falls, NY 14304	ADJUSTED CONTRACT COST	\$2,421,882.30

WORK: Real Time Control Demonstration Project, Contract No. RTC-1

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Decrease in contract due to unused quantities in amount of \$22,849.12

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Final adjustment

COST OF CHANGE OR EXTRA WORK:

Item #1 (\$22,849.12)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK (\$22,849.12)

The total DECREASE to the contract as a result of this Change Order is \$22,849.12

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.

ITEM NO. 22

CONTRACT NO. 81400002

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

WORK: Real Time Control Demonstration Project, Contract No. RTC-1

BID: \$2,376,000.00

CONTRACTOR: Mark Cerrone, Inc.
2368 Maryland Avenue
Niagara Falls, NY 14304

WHEREAS: The Principal Sanitary Engineer and staff have certified that the Contractor completed the work in accordance with the plans and specification on May 9, 2016; and

WHEREAS: In Item No. 14, on June 10, 2015 the contract value was increased by \$63,221.55; and

WHEREAS: In Item No. 28, on July 29, 2015 the contract value was increased by \$5,509.87; and

WHEREAS: In Item No. 21, on July 27, 2016 the contract value was decreased by \$22,849.12.

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 May 9, 2016; and
- c. The maintenance period commence on May 9, 2016;
- d. Final payment be made to the Contractor in the amount of \$121,094.13 decreased by \$22,849.12 by Change Order No. 3, making the final cost of the Contract \$2,421,882.30.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MS. PETRUCCI	_____
2 ND BY	_____	MR. ROOSEVELT	_____
AYES	_____	4	NOES _____ 0

Board Meeting of July 27, 2016

ITEM NO. 23

CHANGE ORDER NO. 3 – INFRASTRUCTURE IMPROVEMENTS AS PART OF THE NIAGARA STREET PHASE I STREETScape IMPROVEMENTS

CONTRACTOR:	ORIGINAL CONTRACT COST	\$110,163.05
Nova Site Company, LLC	PREVIOUS CHANGE ORDER	\$410,156.71
6 Lena Court	THIS CHANGE ORDER	<u>\$29,853.82</u>
West Seneca, New York 14224	ADJUSTED CONTRACT COST	\$550,173.58

WORK: Green Infrastructure Betterment as Part of the Niagara Street Phase I Streetscape Improvements

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Installation of 15" PVC Sewer and doghouse manhole

Item #2 Resurfacing of existing curb inlet structure

REASON FOR CHANGE OR EXTRA WORK:

Item #1 The 15" sewer pipe was installed from Station 17+96 to 19+17, 28' Rt. since the existing 12" VCT indicated on the plan did not exist at that location in the field. Per plan, DS-10 was intended to outflow to this existing 12" VCT. 15" PVC was placed to provide an outlet for this structure and a cast in place doghouse manhole was necessary to connect to existing 54" brick sewer that runs perpendicular to Niagara St. at Station 19+17.

Item #2 The existing concrete slab on top of existing curb inlet structure at Sta. 30+03, Lt. was in very poor condition. The concrete was removed down 3" to expose the existing rebar and replaced with structural concrete.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$27,878.82

Item #2 \$ 1,975.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$29,853.82

The total INCREASE to the contract as a result of this Change Order is \$29,853.82

ITEM NO. 24

CHANGE ORDER NO. 4 - NIAGARA STREET STREETScape IMPROVEMENT PROJECT

CONTRACTOR:	ORIGINAL CONTRACT COST	\$108,664.58
Bergmann Associates	PREVIOUS CHANGE ORDER	\$ 98,174.75
40 La Riviere Drive, Suite #150	THIS CHANGE ORDER	<u>\$180,343.10</u>
Buffalo, New York 14202	ADJUSTED CONTRACT COST	\$387,182.43

WORK: Green Infrastructure Betterment as part of the Niagara Street Streetscape Improvements

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Construction support for Niagara Street Phase 2 Green Infrastructure
- Item #2 Construction inspection for Niagara Street Phase 2 Green Infrastructure
- Item #3 Landscape architecture consultation for Niagara Street Phase 2 Green Infrastructure

REASON FOR CHANGE OR EXTRA WORK:

- Item #1 Construction support cost is contingent on final design
- Item #2 Construction inspection cost is contingent on final design
- Item #3 Landscape architecture consultation cost is contingent on final design

COST OF CHANGE OR EXTRA WORK:

- Item #1 \$ 57,323.27
- Item #2 \$110,810.60
- Item #3 \$ 12,209.23

THE TOTAL COST OF THE CHANGE OR EXTRA WORK \$180,343.10

The total INCREASE to the contract as a result of this Change Order is \$180,343.10

ITEM NO. 25

AUTHORIZATION TO ENTER INTO ENGINEERING SERVICES AGREEMENT - GREEN INFRASTRUCTURE BETTERMENT AS PART OF THE CITY OF BUFFALO ALLEN STREET RECONSTRUCTION PROJECT

WHEREAS: In compliance with the requirements of its Long Term Control Plan (LTCP), the Buffalo Sewer Authority (“the Authority”) will be developing green infrastructure stormwater retention systems throughout the City of Buffalo; and

WHEREAS: The City of Buffalo Department of Public Works, Parks and Streets has entered into an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) and their subconsultant, Landscape Architect Halvorson Design Partnership pursuant to Resolution No. 26 of the City of Buffalo Common Council Proceedings of September 3, 2013 to prepare plans and specifications and advertise for sealed bids for the Allen Street Reconstruction project extending from Main Street to Wadsworth; and

WHEREAS: Upon request, Bergmann has submitted a professional services proposal on behalf of Bergmann and Halvorson for the Green Infrastructure Betterment as Part of the Allen Street Reconstruction Project; and

WHEREAS: The Principal Sanitary Engineer and staff of the Authority have reviewed this proposal and recommend retaining Bergmann together with its sub-consultant Halvorson to perform the design services for this project as outlined in Bergmann’s proposal for an amount not to exceed \$216,244.12.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into an agreement with Bergmann to perform design services for the Green Infrastructure Betterment Project as Part of the City’s Allen Street Reconstruction Project in an amount not to exceed \$216,244.12. Account no. 020004444-432004 will be utilized for these services.

MOTION TO	<u>TABLE</u>	
MADE BY	<u>MR. ROOSEVELT</u>	
2 ND BY	<u>MR. KENNEDY</u>	
AYES	<u>4</u>	NOES <u>0</u>

Board Meeting of July 27, 2016

ITEM NO. 26

AUTHORIZATION TO ENTER INTO ENGINEERING SERVICES AGREEMENT - GREEN INFRASTRUCTURE BETTERMENT AS PART OF THE CITY OF BUFFALO NORTHLAND AVENUE STREETSCAPE PROJECT

WHEREAS: In compliance with the requirements of its Long Term Control Plan (LTCP), the Buffalo Sewer Authority (“the Authority”) will be developing green infrastructure stormwater retention systems throughout the City of Buffalo; and

WHEREAS: The City of Buffalo Department of Public Works, Parks and Streets has entered into an agreement with Clark Patterson Lee pursuant to Resolution No. 1891 of the City of Buffalo Common Council Proceedings of September 29, 2015, to prepare plans and specifications and advertise for sealed bids for the Northland Avenue Streetscape project extending from Grider Street to Fillmore Avenue; and

WHEREAS: Upon request, Clark Patterson Lee has submitted a professional services proposal for the Green Infrastructure Betterment as Part of the Northland Avenue Streetscape Project; and

WHEREAS: The Principal Sanitary Engineer and staff of the Authority have reviewed this proposal and recommend retaining Clark Patterson Lee to perform the design services for this project as outlined in Clark Patterson Lee’s proposal for an amount not to exceed \$72,650.00.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to enter into an agreement with Clark Patterson Lee to perform design services for the Green Infrastructure Betterment Project as Part of the City’s Northland Avenue Streetscape Project in an amount not to exceed \$72,650.00. Account no. 02000445-432004 will be utilized for these services.

MOTION TO	_____	APPROVE	_____
MADE BY	_____	MS. PETRUCCI	_____
2 ND BY	_____	MR. ROOSEVELT	_____
AYES	_____	4	NOES _____ 0

Board Meeting of July 27, 2016

CERTIFICATE

I, Eleanor C. Petrucci, Secretary 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 July 27, 2016, 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 July 27, 2016, 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 27th day of July, 2016.

(SEAL)

Eleanor Petrucci
Secretary, Buffalo Sewer Authority Board

ITEM NO. 27

ADOPTION OF NEGATIVE DECLARATION OF STATE ENVIRONMENTAL QUALITY REVIEW FOR SCAJAQUADA CREEK RESTORATION PROJECT

- WHEREAS: The Buffalo Sewer Authority (hereinafter referred to as “BSA”) is public benefit corporation created, in part, to relieve the Niagara River, Buffalo River and Lake Erie from pollution by the sewage and waste of the City; and
- WHEREAS: Stormwater and combined sewer flows into Scajaquada Creek contribute to erosion, sedimentation, trash, algae, and odor issues that undermine the full use and enjoyment of the creek; and
- WHEREAS: BSA was afforded a \$1,815,000 million New York State Environmental Facilities Corporation (EFC) Green Innovations Grant to partner with the City of Buffalo and Forest Lawn Cemetery to implement a Scajaquada Creek shoreline and wetland restoration project between Main Street and Elmwood Avenue in the City of Buffalo to filter and retain stormwater; reduce erosion, sedimentation, stagnation, algae growth, trash accumulation and odors within two of the City’s most treasured historic landscapes.
- WHEREAS: BSA authorized and appropriated a minimum of 10% local match as required by the Green Innovation Grant Program (GIGP) for the Authority’s Scajaquada Creek Shoreline Restoration Project between Main Street and Elmwood Avenue.
- WHEREAS: Pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York ,as amended, the State Environmental Quality Review Act, and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617 as amended (collectively, “SEQRA”) the BSA is required to make a determination whether the project to be undertaken by the Authority may have a significant adverse impact to the environment; and
- WHEREAS: On May 11, 2016, the Authority determined that it would serve as Lead Agency pursuant to SEQRA and engage in a coordinated review process, and a notice of such Lead Agency designation and coordinated review process was mailed to various involved and interested agencies on May 26, 2016; and
- WHEREAS: The Authority, through its appropriate officers has identified and contacted all potentially involved and interested agencies in the Action (the “Agencies”), and all of the identified potentially Involved Agencies, as defined in the SEQRA Regulations, have consented or not objected to the Authority’s proposal to be Lead Agency for the Action; and

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

NOW THEREFORE

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

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

BE IT FURTHER
RESOLVED:

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

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

CERTIFICATE

I, Eleanor C. Petrucci, Secretary 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 July 27, 2016, 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 July 27, 2016, 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 27th day of July, 2016.

(SEAL)

Eleanor Petrucci
Secretary, Buffalo Sewer Authority Board

ITEM NO. 29

AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR UTILITY LOCATION PROFESSIONAL SERVICES

WHEREAS: The Buffalo Sewer Authority (BSA) issued a request for proposals (RFP) for up to a three (3) year term agreement for utility location services on June 21, 2016; and

WHEREAS: The RFP was issued to On the Mark, LLC (OTM), PipeDream Service of WNY, USIC, LLC, Ground Penetrating Radar Services, Inc. (GPRS), and Mark it Rite, LLC; and

WHEREAS: OTM and USIC responded to a request for proposals by the specified deadline of 11:00 am, July 11, 2016; and

WHEREAS: A Consultant Selection Committee, consisting of the General Manager, Principal Sanitary Engineer, Associate Engineer, Assistant Sanitary Engineer, and Junior Sanitary Engineer reviewed and ranked the proposals received; and

WHEREAS: Based upon the proposal review, the Consultant Selection Committee recommends retaining OTM for a one (1) year Professional Services Term Agreement with the option to renew for an additional two (2) years.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to execute an agreement with OTM, at a cost not-to-exceed \$160,000.00 to complete the professional services defined in the proposal dated July 11, 2016. The cost of this contract will be funded from account no. 00600106-432004.

MOTION TO APPROVE
MADE BY MS. PETRUCCI
2ND BY MR. KENNEDY
AYES 4 NOES 0

Board Meeting of July 27, 2016

ITEM NO. 30

AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN

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

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

One (1) Jr. Sanitary Engineer 00600161 411001

MOTION TO APPROVE

MADE BY MR. KENNEDY

2ND BY MR. ROOSEVELT

AYES 4 NOES 0

Board Meeting of July 27, 2016

ITEM NO. 31

CONFIRMATION OF APPOINTMENTS

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$105.00 PER DAY
EFFECTIVE: JUNE 6, 2016

DWIGHT COOK
40 LARK STREET
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$105.00 PER DAY
EFFECTIVE: JUNE 6, 2016

MOUSSA FAZILI
748 PROSPECT
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$105.00 PER DAY
EFFECTIVE: JUNE 6, 2016

MAHAMED YAXYE
452 W. UTICA
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$105.00 PER DAY
EFFECTIVE: JUNE 20, 2016

ALPHONSO KIMBLE JR.
92 FEDERAL AVE.
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$105.00 PER DAY
EFFECTIVE: JUNE 20, 2016

NOLAN MEGNA
177 MARTHA AVE.
BUFFALO, NY

WASTE WATER TREATMENT PLANT OPERATOR I (PERMANENT)
SEWAGE TREATMENT PLANT
\$18.28 PER HOUR
EFFECTIVE: JUNE 27, 2016

ANDREW WILLIAMS
27 LOVERING AVE.
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$105.00 PER DAY
EFFECTIVE: JULY 11, 2016

DYLAN CARBONE
212 GEARY ST.
BUFFALO, NY

LABORER I (SEASONAL)
SEWAGE TREATMENT PLANT
\$105.00 PER DAY
EFFECTIVE: JULY 11, 2016

DEMILO GIBBS
452 SPRING ST.
BUFFALO, NY

EQUIPMENT OPERATOR (PROVISIONAL)
SEWAGE TREATMENT PLANT
\$20.73 PER HOUR
EFFECTIVE: JULY 11, 2016

ROBERT J. WILLIAMS
32 BLAINE AVE.
BUFFALO, NY

ITEM NO. 32

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>
Christopher Bogdon	AMP	Operator II License Exam	100%	\$114.00
Christopher Bogdon	NYWEA	License Fee	100%	\$150.00
Peter Cicero	Buffalo State	Basic Operations	100%	\$1,073.00
Peter Cicero	Buffalo State	Basic Laboratory	100%	\$600.00
Peter Cicero	Buffalo State	Activated Sludge	100%	\$500.00
Peter Cicero	Buffalo State	Grade 3 Supervision	100%	\$564.00
Mark Lewandowski	Buffalo State	Basic Operations	100%	\$1,073.00
Mark Lewandowski	Buffalo State	Activated Sludge	100%	\$526.10
Daniel O'Sullivan	Buffalo State	Basic Operations	100%	\$1,073.00
Daniel O'Sullivan	Buffalo State	Basic Laboratory	100%	\$600.00
Daniel O'Sullivan	Buffalo State	Activated Sludge	100%	\$500.00
Daniel O'Sullivan	Buffalo State	Grade 3 Supervision	100%	\$500.00
Perry Pope	Buffalo State	Human Resource Management	90%	\$863.46

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$8,136.56. These Reimbursements will be charged to account no. 00820102-421026.

MOTION TO APPROVE
MADE BY MR. KENNEDY
2ND BY MR. ROOSEVELT
AYES 4 NOES 0

Board Meeting of July 27, 2016

ITEM NO. 33

ADJOURNMENT OF MEETINGMOTION TO APPROVE MADE BY MR. KENNEDY 2ND BY MR. ROOSEVELT AYES 4 NOES 0

Board Meeting of July 27, 2016