

BUFFALO SEWER AUTHORITY

REGULAR MEETING

January 8, 2025

9:00 A.M.

**Buffalo City Hall, 65 Niagara Square Room 1038
Teleconference +1 917- 933-2166, ID #506 002 605#**

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ATTACHMENTS

Attachment A: The Annual Comprehensive Financial Report

Attachment B: The Annual Investment Report

Attachment C: The Mission Statement and Annual Measurement Report

Attachment D: SEQR
Project: CSO-053 Edison and Martha OLS

CALL OF THE ROLL

Present: _____

Absent: _____

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

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of December 4, 2024

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

ITEM NO. 2

APPROVAL OF CONSENT AGENDA

CONTENTS

- A. Informative: Temporary Investments
- B. Informative: Reallocation of Funds
- C. Payment From Judgment and Claims
- D. Amendment to Board Resolution No. 2-D Of the December 4, 2024, Board Meeting - Confirmation of Appointment for Andrew Strug
- E. Amendment to Schedule of Job Classification Plan
- F. Confirmation of Appointments
- G. Tuition Reimbursement

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 8, 2025

2-A

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

As of November 30th,2024

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	MONEY MARKET		\$1,827,989.74	Key	0.01%	Public NOW
24-Oct-24	5-Dec-24	42	\$5,499,192.24	Key Banc Capital	4.62%	\$29,807.76
7-Nov-24	19-Dec-24	42	\$2,999,206.43	Key Banc Capital	4.49%	\$15,793.53
			\$10,326,388.41			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	MONEY MARKET		\$242,956.31	Key	0.01%	Public NOW
17-Oct-24	16-Jan-25	91	\$771,166.93	Key Banc Capital	4.48%	\$8,833.07
			\$1,014,123.24			
OPERATING FUND						
31-Jul-12	SUPER NOW		\$1,011,889.11	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	SUPER NOW		\$26,234.17	Key	0.01%	Public NOW
SURPLUS FUND						
21-Nov-24	15-May-25	175	\$621.11	Wilmington U.S. Treasury	4.79%	
			\$10,004,262.50	Key Banc Capital	4.50%	\$223,737.50
			\$10,004,883.61			
NET REVENUE FUND						
26-Sep-24	26-Dec-24	91	\$227,913.51	Wilmington U.S. Treasury		
			\$15,549,099.23	Key Banc Capital	4.48%	\$177,900.77
4-Oct-25	28-Jan-25	116	\$7,499,639.87	Key Banc Capital	4.38%	\$107,360.13
31-Oct-24	25-Feb-25	117	\$7,998,401.65	M&T Securities	4.42%	\$116,598.35
26-Nov-24	28-Jan-25	63	\$7,499,174.78	Key Banc Capital	4.37%	\$57,825.22
			\$38,774,229.04			

BSA 2021 EIB FUND

			\$1,159,823.53	Cash	0.00%	
20-Jun-24	12-Dec-24	175	\$9,984,839.11	Key Banc Capital	5.13%	\$255,160.89
5-Jul-24	19-Dec-24	167	\$10,101,710.82	Key Banc Capital	5.09%	\$244,289.18
14-Nov-24	8-May-25	175	\$32,615,964.44	Key Banc Capital	4.26%	\$690,035.56
			\$53,862,337.90			

DEBT RESERVE FUND

				Series J		
02-Jul-14	13-Nov-33	7076	\$278,395.02	UST State/Local Govt	2.70%	
				Series K		
02-Jul-14	15-Feb-33	6803	\$194,245.26	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	\$585,063.94	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		
			\$559.90	Wilmington U.S. Treasury	4.79%	
22-Aug-24	13-Feb-25	175	\$349,820.69	Key Banc Capital	4.70%	\$8,179.31
			\$350,380.59			
				DSF PRIN &INT		
			\$0.01	Wilmington Fund		

DSF 2021 EIB

			\$1,200,301.93	Wilmington Fund	4.79%	
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RECEIVE & FILEBoard Meeting of January 8th, 2025

2-B

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

11/15/2024	00400103 HAMBURG Darin Float Water	-\$5,000.00	00390103 HAMBURG Drain Float	\$5,000.00
11/15/2024	00200106 PLAN Maintenance Contract	-\$74,595.60	00200107 PLAN Office Equipment	\$74,595.60
12/05/2024	00200106 PLAN Maintenance Contract	-\$17,600.00	00200107 PLAN Office Equipment	\$17,600.00
12/11/2024	00370105 CENT. Equipment Maintenance	-\$45,914.09	00520107 MAIN Cars and Equipment	\$45,914.09
12/13/2024	00270105 GAS Equipment Maintenance	-\$7,100.00	00270105 GAS Equipment Maintenance	\$7,100.00

Financial Contingency

12/05/2024	00800183 Financial Contingency	-\$5,000.00	00800108 FIN Judgements & Claims	\$5,000.00
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RECEIVE & FILE

Board Meeting of January 8, 2025

2-C

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 a prior fiscal year; and

WHEREAS: The following services were received during a prior fiscal year and charged to the 2024-2025 budget account no. 00800108-480214:

VENDOR	INVOICE	AMOUNT
New Era Technology	180920-US20	\$697.00
New Era Technology	182880-US20	\$50.00
New Era Technology	CW173525	\$2,997.89

; and

WHEREAS: The Executive Secretary and staff recommend the above payment 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 no. 00800108-480214.

2-D

AMENDMENT TO BOARD RESOLUTION NO. 2-D OF THE DECEMBER 4, 2024, BOARD MEETING - CONFIRMATION OF APPOINTMENT FOR ANDREW STRUG

WHEREAS: On December 4, 2024, the Board of the Buffalo Sewer Authority authorized Resolution No. 2-D: Confirmation of Appointments; and

WHEREAS: After the December 4, 2024 Board Meeting, the it was discovered that there was a clerical error regarding Andrew Strug's classification. The December 4th, 2024 Board item incorrectly classified Andrew Strug as Provisional. The correct classification is Temporary. All other information regarding this appointment remains the same.

WHEREAS: The Director of Human Resources recommends that an amendment to Resolution No. 2-D of the Board Meeting of December 4, 2024, be approved reflecting the information below.

SEWER CONSTRUCTION INSPECTOR (TEMPORARY)
SEWAGE TREATMENT PLANT
\$74,793 PER ANNUM
EFFECTIVE: SEPTEMBER 30, 2024

NOW THEREFORE

BE IT RESOLVED: That the preceding corrected appointment is hereby confirmed by the Board of the Buffalo Sewer Authority.

2-F

CONFIRMATION OF APPOINTMENTS

ACCOUNT CLERK-TYPIST (PERMANENT)
CITY HALL ADMINISTRATION
\$50,365 PER ANNUM
EFFECTIVE: DECEMBER 23, 2024

CRYSTALEE LOZADA
301 GERMANIA ST.
BUFFALO, NY 14220

WHEREAS: The preceding appointments were made by the General Manger since the last Board Meeting; and

WHEREAS: The Executive Secretary 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

2-G

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>
Crystalee Lozada	Empire State University	Human Nutrition	75%	\$1,088.04
Crystalee Lozada	Empire State University	Tools + Strat for Acad Suc	90%	\$1,162.04
Crystalee Lozada	Empire State University	Fees		\$150.00
Daniel O'Sullivan	University At Buffalo	Physics 2	75%	\$945.00
Daniel O'Sullivan	University At Buffalo	Physics 2 Lab	75%	\$295.00
Daniel O'Sullivan	University At Buffalo	Fees		\$150.00

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above applications for Tuition Reimbursement totaling \$3,790.08. These Reimbursements will be charged to account nos. 00120106-421026 and 00200106-421026.

ITEM NO. 3

CONSTRUCTION FUND AMENDMENT

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

WHEREAS: There is \$20,507,711 available from the 2023-2024 Fund Balance designated for Capital Projects; and

WHEREAS: The Executive Secretary 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 2024-2025 for the funding of the listed projects as designated by the Amendments.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 8, 2025

**BUFFALO SEWER AUTHORITY
CONSTRUCTION FUND BUDGET AMENDMENT #1
2024-2025 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 2024-2025	\$20,507,711
TOTAL REVENUE & RESOURCES	<u>\$20,507,711</u>

APPROPRIATIONS

TREATMENT FACILITY:	
Program Management	\$10,000,000
COLLECTION SYSTEM:	
Xylem Wet Weather Optimization	\$1,500,000
Sewer Renovations	\$9,007,711
TOTAL APPROPRIATIONS	<u>\$20,507,711</u>

ITEM NO. 4

APPROVAL OF THE ANNUAL COMPREHENSIVE FINANCIAL REPORT, THE ANNUAL INVESTMENT REPORT, AND MISSION STATEMENT AND ANNUAL MEASUREMENT REPORT THE FOR THE FISCAL YEAR ENDED JUNE 30, 2024

WHEREAS: New York State Public Authorities Law requires the Annual Comprehensive Financial Report, the Annual Investment Report, and the Mission Statement and Annual Measurement Report of the Buffalo Sewer Authority to be approved by the Board; and

WHEREAS: The Annual Comprehensive Financial Report (Attachment A), the Annual Investment Report (Attachment B), and the Mission Statement and Annual Measurement Report (Attachment C) of the Buffalo Sewer Authority have been made available to your Honorable Body; and

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves and adopts the Annual Comprehensive Financial Report, the Annual Investment Report, and the Mission Statement and Annual Measurement Report for the fiscal year ended June 30, 2024.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 8, 2025

ITEM NO. 5

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.) (30) Receiver Bottom Section w/slide; STANDARD; Dark Drawing #20557-RS-2

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on December 13, 2024 at 2:00 PM

Vendor	Cost
Melius Welding	\$49,500.00
EJ USA	NO RESPONSE

; and

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

Vendor	Items to award	Cost
Melius Welding	ALL	\$49,500.00

; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager or his designee to purchase the above listed various steel products from the low bidder for all items listed from Melius Welding at a total cost of \$49,500.00. These purchases will be charged to account no. 00660105-466269.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 8, 2025

ITEM NO. 6

CHANGE ORDER NO.6- CONTRACT NO. 82000017

CONTRACTOR:	ORIGINAL CONTRACT COST	\$2,262,000.00
Nova Site Company, LLC	PREVIOUS CHANGE ORDERS	\$1,149,273.00
6 Lena Court	THIS CHANGE ORDER	<u>(\$84,153.78)</u>
West Seneca, NY 14224	ADJUSTED CONTRACT COST	\$3,327,119.22
VENDOR# 9596	ACCOUNT#	02000507-490740
WORK: Smith St at Eagle St Real Time Control Project		

DESCRIPTION OF CHANGE OR EXTRA WORK:

Item #1 Final Adjustment to Contract Amount

REASON FOR CHANGE OR EXTRA WORK:

Item #1 Adjusting contract amounts for actual quantities used.

COST OF CHANGE OR EXTRA WORK:

Item #1 (\$84,153.78)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: (\$84,153.78)

The Total DECREASE to the Contract as a result of this Change Order is \$84,153.78

- WHEREAS: This project was awarded a Water Quality Improvement Program grant by the New York State Department of Environmental Conservation with a minimum local match of 25% for Construction; and
- WHEREAS: In Item No. 20, on April 1, 2020, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Nova Site Company, LLC for the Smith St. at Eagle St. Real Time Control Project at a cost not to exceed \$2,262,000.00; and
- WHEREAS: Change Order No. 1 to Contract No. 82000017 was approved by the Board on October 20, 2021, with no increase in cost but an increase in the construction schedule of 233 days; and
- WHEREAS: Change Order No. 2 to Contract No. 82000017 was approved by the Board on June 22, 2022, in the amount of \$235,406.63 for additional work and materials; and
- WHEREAS: Change Order No. 3 to Contract No. 82000017 was approved by the Board on September 28, 2022 in the amount of \$0.00 for retention reduction from 5% to 1%; and
- WHEREAS: Change Order No. 4 to Contract No. 82000017 was approved by the Board on May 24, 2023 in the amount of \$81,724.18 for check valve installation and modifications; and

- WHEREAS: Change Order No. 5 to Contract No. 82000017 was approved by the Board on September 28, 2023 in the amount of \$452,607.28 for check valve installation, manhole modifications and sewer extension in Great Arrow; and
- WHEREAS: Change Order No. 6 to Contract No. 82000017 was approved by the Board on June 26, 2024, in the amount of \$379,535.53 for milling and overlay of Clinton and Smith Streets; and
- WHEREAS: The Assistant Principal Engineer and staff and Arcadis have reviewed a Change Order No. 7 to Contract No. 82000017 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 to set a new final completion date of January 8, 2025.
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. 7 to Contract No. 82000017 as written in the above Agenda Item, decreasing the contract cost in the amount of \$84,153.78 making the adjusted contract cost \$3,327,119.22.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 8, 2025

ITEM NO. 7

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Smith Street at Eagle Street Real Time Control Project
 BID: \$2,262,000.00
 NET CHANGE: \$1,065,119.22
 FINAL CONTRACT AMOUNT: \$3,327,119.22

CONTRACTOR:
 Nova Site Company, LLC
 6 Lena Court
 West Seneca, NY 14224

WHEREAS: The Assistant Principal Engineer and staff have certified that the Contractor completed the work in accordance with the plans and specifications on January 8, 2025 and

WHEREAS In Item 6 the contract value was decreased by \$84,153.78

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 8, 2025;
- c. The maintenance period commence on January 8, 2025;
- d. The Board approved Change Order No. 7 on January 8, 2025 resulting in a net increase of \$1,065,119.22, thereby making the adjusted contract cost \$3,327,119.22.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 8, 2025

ITEM NO. 8

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

- WHEREAS: The Buffalo Sewer Authority (BSA) has negotiated with the United States Environmental Protection Agency, the United States Department of Justice and the New York State Department of Environmental Conservation to address sewer system improvements to comply with the Federal Clean Water Act through the Combined Sewer Overflow Long-Term Control Plan (LTCP) which was approved by the agencies on March 18, 2014; and
- WHEREAS: The State University of New York at (SUNY) at Buffalo, also known as SUNY at Buffalo and/or University at Buffalo (UB) Research and Education in eNergy, Environment and Water (RENEW) is a university-wide and interdisciplinary program created in 2014 with a focus on complex urban energy and environmental issues; and
- WHEREAS: The UB RENEW faculty team includes national experts in the field of model calibration, environmental engineering and water systems modeling industry leading "super-computing" facilities that enable the expeditious processing of complex, data rich modeling programs and testing facilities for a large variety of water-borne pathogens and contaminants; and
- WHEREAS: The Authority has an interest in partnering with UB RENEW to update the environmental water quality model to better quantify the impacts of LTCP impacts to date, pollutant loading from upstream sources, and emerging water quality and environmental hydrodynamic issues; and
- WHEREAS: The Research Foundation for the SUNY serves as the contracting and fiscal agent for UB RENEW; and
- WHEREAS: Upon request, UB RENEW submitted a multi-year renewable proposal for developing and implementing a water quality sampling, monitoring, and modeling program for the Buffalo and Niagara Rivers, Scajaquada Creek, and the Block Rock Canal for \$268,000.00 for the 2023 calendar year, \$412,000.00 for the 2024 calendar year, and \$466,000.00 for the 2025 calendar year; and
- WHEREAS: Whereas for continuation of this work as previously approved by the Board of the Buffalo Sewer Authority on December 14, 2022, into 2025, an authorization of \$466,000.00 for the 2025 calendar year is required; and
- WHEREAS: The Assistant Principal Engineer and staff have reviewed this proposal submitted by UB RENEW and recommend approving renewal for the 2025 calendar year upon Board authorization at costs not to exceed those provided above; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager or his designee to renew an agreement with UB RENEW, at a cost not to exceed \$466,000.00 to complete the professional engineering services defined in the letter proposal dated November 30, 2022, for the 2025 calendar year. The cost of this contract will be funded from account no. 02000561-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 8, 2025

ITEM NO. 9

DECLARATION OF LEAD AGENCY FOR STATE ENVIRONMENTAL QUALITY REVIEW FOR CSO-053 EDISON AND MARTHA OLS PROJECT

WHEREAS: The Buffalo Sewer Authority (“BSA”) proposes to modify BSA’s sewer collection system through an offline storage facility (CSO053_5.2 Edison Martha OLS) located along the East side of Roosevelt Park, to control combined sewer overflow (CSO) discharges to the Scajaquada Creek (“the Project”); and

WHEREAS: The Project area is located in the City of Buffalo’s University District; and

WHEREAS: The Project will reduce both the number of CSO activation events to Scajaquada Creek and the total combined sewage discharge to Scajaquada Creek, the Black Rock Canal and Niagara River; 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 Assistant Principal Engineer and TY Lin/ Greeley and Hansen, as Consulting Engineer have determined that the above project will be treated as a Type I Action; and

WHEREAS: Part 1 of the SEQRA Long Environmental Assessment Form (EAF) has been completed (See Attachment D); and

WHEREAS: The Buffalo Sewer Authority has identified Involved Agencies for the Project; NOW

NOW THEREFORE
BE IT RESOLVED: The Board of the Buffalo Sewer Authority hereby announces its intent that the BSA will serve as Lead Agency to conduct an environmental review of the Project in accordance with SEQRA and will notify the Involved Agencies of BSA’s intention to act as Lead Agency.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 8, 2025

ITEM NO. 10

ADJOURNMENT OF MEETING

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of January 8, 2025