

BUFFALO SEWER AUTHORITY

REGULAR MEETING

December 4, 2024

9:00 A.M.

**Bird Island Treatment Facility, 90 West Ferry St.
Teleconference +1 917- 933-2166, ID #382 944 649#**

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ATTACHMENTS

A1-A3 SEQR Attachments

Project: Breckenridge Street CSO Control Project

B1-B3 SEQR Attachments

Project: Genesee St - CSO053_8 SPP341A Modification

C1-C3 SEQR Attachments

Project: CSO-053 Sewer Patrol Point (SPP) Modification at Colorado Avenue at Scajaquada Street (CSO053_2.5 SPP337 Modification)

D1-D3 SEQR Attachments

Project: South Bailey - CSO053_3.1 SPP338 Modification

E1-E3 SEQR Attachments

Project: East Delavan at Humboldt Parkway - CSO053_13 SPP165B Modification

F1-F3 SEQR Attachments

Project: SPP336B Modification (CSO053_1.5)

G1-G3 SEQR Attachments

Project: Michigan Ave - CSO053_14 SPP175, 176, 177 Modification

CALL OF THE ROLL

Present:

Absent:

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

ITEM NO. 1

Motion to Adopt the Minutes of the Meeting of September 25, 2024

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 2

APPROVAL OF CONSENT AGENDA

CONTENTS

- A. Informative: Temporary Investments
- B. Informative: Reallocation of Funds
- C. Payment From Judgment and Claims
- D. Confirmation Of Appointments
- E. Amendment To Schedule of Job Classification Plan
- F. Amendment To Schedule of Job Classification Plan
- G. Request for Leave of Absence
- H. Travel Authorization - New York, NY
- I. Schedule Of Board Meetings for Calendar Year 2025
- J. Informative: Buffalo Municipal Housing Authority Memorandum of Understanding Negotiations
- K. Informative: Buffalo Public Schools Memorandum of Understanding Negotiations

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

2-A

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

As of October 31st, 2024

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	MONEY MARKET		\$3,841,393.43	Key	0.01%	Public NOW
8-Oct-24	7-Nov-24	30	\$2,999,282.19	Key Banc Capital	4.67%	\$11,717.81
10-Oct-24	21-Nov-24	42	\$1,833,953.27	M&T Securities	4.67%	\$10,046.73
24-Oct-24	5-Dec-24	42	\$5,499,192.24	Key Banc Capital	4.62%	\$29,807.76
			\$14,173,821.13			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	MONEY MARKET		\$242,814.24	Key	0.01%	Public NOW
17-Oct-24	16-Jan-25	91	\$771,166.93	Key Banc Capital	4.48%	\$8,833.07
			\$1,013,981.17			
OPERATING FUND						
31-Jul-12	SUPER NOW		\$4,763,755.64	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	SUPER NOW		\$23,739.23	Key	0.01%	Public NOW
SURPLUS FUND						
			\$762.10	Wilmington U.S. Treasury	4.79%	
30-May-24	21-Nov-24	175	\$10,004,118.72	Key Banc Capital	5.15%	\$256,881.28
			\$10,004,880.82			
NET REVENUE FUND						
			\$226,970.99	Wilmington U.S. Treasury		
29-Aug-24	26-Nov-24	89	\$7,499,280.59	Key Banc Capital	4.94%	\$92,719.41
26-Sep-24	26-Dec-24	91	\$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
			\$38,773,392.33			

BSA 2021 EIB FUND

			\$321,787.97	Cash	0.00%	
23-May-24	14-Nov-24	175	\$32,616,488.40	Key Banc Capital	5.15%	\$837,511.60
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
			\$53,024,826.30			

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		
			\$557.73	Wilmington U.S. Treasury	4.79%	
22-Aug-24	13-Feb-25	175	\$349,820.69	Key Banc Capital	4.70%	\$8,179.31
			\$350,378.42			
				DSF PRIN &INT		
			\$0.01	Wilmington Fund		

DSF 2021 EIB

			\$974,415.65	Wilmington Fund	4.79%	
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RECEIVE & FILEBoard Meeting of December 4th, 2024

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

10/17/2024	00390103 HAMBURG Drain Float Water	-\$800.00	00430103 BAB Electric Light & Power	\$800.00
10/17/2024	00230106 PRIM Equipment Maintenance	-\$20,000.00	00360103 DEWA Water	\$20,000.00
10/17/2024	00200105 PLAN Equipment Maintenance	-\$15,000.00	00520106 MAIN Building Repairs	\$15,000.00
10/17/2024	00200105 PLAN Clothing & Safety	-\$15,000.00	00520106 MAIN Building Repairs	\$15,000.00
10/17/2024	00210105 RWWP Equipment Maintenance	-\$20,000.00	00520106 MAIN Building Repairs	\$20,000.00
10/17/2024	00250105 SECO Equipment Maintenance	-\$20,000.00	00520106 MAIN Building Repairs	\$20,000.00
10/17/2024	00270105 GAS Equipment Maintenance	-\$20,000.00	00520106 MAIN Building Repairs	\$20,000.00
10/17/2024	00320105 CHEM Equipment Maintenance	-\$15,000.00	00520106 MAIN Building Repairs	\$15,000.00
10/17/2024	00350105 FILT Equipment Maintenance	-\$20,000.00	00520106 MAIN Building Repairs	\$20,000.00
10/17/2024	00390105 HAMB DR FLT Equipment	-\$20,000.00	00520106 MAIN Building Repairs	\$20,000.00
10/17/2024	00400105 SOUT Equipment Maintenance	-\$40,000.00	00520106 MAIN Building Repairs	\$40,000.00
10/17/2024	00370105 CENT Equipment Maintenance	-\$10,000.00	00520106 MAIN Building Repairs	\$10,000.00
10/30/2024	00410105 HAMB Equip. Maintenance	-\$780.00	00200106 PLAN Non-Professional	\$780.00
10/30/2024	00380106 INCIN Refuse Disposal	-\$97,839.65	00360103 DEWA Water	\$97,839.65
10/30/2024	00360105 DEWA Chemicals & Gases	-\$52,119.00	00360103 DEWA Water	\$52,119.00

Sewer Maintenance

10/25/2024	00660105 SWRR Equip Maintenance	-\$1,500.00	00650105 SWRM Office Supplies	\$1,500.00
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Financial Contingency

10/10/2024	00800183 Financial Contingency	-\$40,000.00	00800108 FIN Judgements & Claims	\$40,000.00
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Board Meeting of December 4, 2024

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 charge to the 2023-2024 budget account no. 00800108-480214:

VENDOR	INVOICE	AMOUNT
Biel's Information Tech Systems	5096147-IN	\$2,191.00
Comairco Equipment, Inc.	S0062158	\$6,404.40
Airgas USA, LLC	9151349342	\$1,176.00
Airgas USA, LLC	9151349343	\$504.00
Airgas USA, LLC	1604797375	\$30.15
Airgas USA, LLC	1604811384	\$59.19

; 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

CONFIRMATION OF APPOINTMENTS

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

ANDREW STRUG
16 CAMBRIA ST.
BUFFALO, NY

CHIEF SEWER CONSTRUCTION INSPECTOR (PROVISIONAL)
SEWAGE TREATMENT PLANT
\$90,071 PER ANNUM
EFFECTIVE: SEPTEMBER 30, 2024

DOUGLAS SMITH
44 FAIRVALE DRIVE
CHEEKTOWAGA, NY

GIS SPECIALIST I (PROVISIONAL)
ENGINEERING
\$53,539 PER ANNUM
EFFECTIVE: NOVEMBER 4, 2024

NICHOLAS BRANDJES
759 RICHMOND 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

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 positions to the Job Classification Plan:

One (1) Preventive Maintenance Coordinator	00650131	411001
One (1) Senior Resiliency Grants Manager	00600161	411001
One (1) Resiliency Grants Manager	00600161	411001
One (1) Account Clerk Typist	00120121	411001
One (1) Senior Personnel Clerk	00120121	411001
One (1) Clerk	00600121	411001
One (1) Clerk	00200121	411001
Two (2) Laborer I (Seasonal)	00380161	411001

AMENDMENT TO SCHEDULE OF JOB CLASSIFICATION PLAN

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

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

- | | | |
|----------------------------------|----------|--------|
| One (1) Administrative Assistant | 00650121 | 411001 |
| One (1) Senior Clerk | 00600121 | 411001 |

2-G

REQUEST FOR LEAVE OF ABSENCE

WHEREAS: Maha Alabbadi, an Assistant Computer Programmer (provisional), has requested a non-medical leave of absence beginning October 23, 2024, and extending until April 23, 2025.

WHEREAS: The General Manager has reviewed this request and recommends approving this leave of absence request for a period of six (6) months.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby grants Maha Alabbadi a six (6) month unpaid non-medical leave of absence without pay beginning October 23, 2024, and extending until April 23, 2025.

2-H

TRAVEL AUTHORIZATION - NEW YORK, NY

WHEREAS: The Buffalo Sewer Authority must be up-to-date on current environmental regulations in order to maintain compliance; and

WHEREAS: The 97th Annual Meeting of the New York Water Environment Association, Inc., (NYWEA) will be held in New York, N.Y. from February 3 – 5, 2025, covering an overview of environmental requirements and aging infrastructures; and

WHEREAS: The Chairman, Vice-Chairman, Secretary, Principal Sanitary Engineer, Treatment Plant Superintendent, Director of Sewer Maintenance, Industrial Waste Administrator, Senior Engineer, Senior Instrument Technician, two Shift Supervisors, and Forester , find it necessary to attend board and committee meetings to remain current with regulations affecting their respective areas of expertise; and

WHEREAS: The Chairman of the Board recommends attendance at the 97th Annual Meeting of NYWEA.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Principal Sanitary Engineer, Senior Engineer, Senior Instrument Technician, two Shift Supervisors, Forester, Director of Sewer Maintenance, Industrial Waste Administrator and Treatment Plant Superintendent to travel to New York, N.Y. from February 2 – 6, 2024, to attend the 97th Annual Meeting of the New York Water Environment Association, Inc., at a total cost not to exceed \$29,800.00. Account nos. 0010104-458010, 00100104-458012, 00200104-458010, 00200104-458012, 00650104-458010, 00650104-458012, 00600104-458010, and 00600104-458012 will be utilized for this travel.

SCHEDULE OF BOARD MEETINGS FOR CALENDAR YEAR 2025

WHEREAS: It is proposed that the new Board Meeting schedule for the calendar year 2025 be approved as follows:

January 8, 2025	July 30, 2025
February 19, 2025	September 24, 2025
March 12, 2025	October 15, 2025
April 2, 2025	November 12, 2025
May 7 & 28 2025	December 10, 2025
June 25, 2025 (Annual Meeting)	

All meetings are scheduled for Wednesdays at 9:00 AM. The location of the meetings will be announced.

NOW THEREFORE

BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the above Schedule of Board Meetings for the calendar year 2025.

2-J

INFORMATIVE: BUFFALO MUNICIPAL HOUSING AUTHORITY MEMORANDUM OF UNDERSTANDING NEGOTIATIONS

On June 3, 2021, the Board of the Buffalo Sewer Authority Approved the Pricing and other Details of the Sewer System Environmental Impact Revenue Bonds, Series 2021 to fund the Raincheck 2.0 Green Infrastructure Program.

As a term of these bonds, green infrastructure constructed through this funding mechanism are required to be on publicly owned lands.

The Kenfield-Langfield and Ferry-Grider properties owned and operated by the Buffalo Municipal Housing Authority were identified as cost effective and efficient use of these bonds on public lands.

As a condition of constructing green infrastructure on these lands, a Memorandum of Understanding between the Buffalo Municipal Housing Authority and Buffalo Sewer Authority will be required.

On November 21, 2024, the Board of the Buffalo Municipal Housing Authority authorized the Executive Director to enter into such a Memorandum of Understanding.

Upon finalization of terms between the Buffalo Sewer Authority and the Executive Director, a finalized Memorandum of Understanding shall be brought to the Board of the Buffalo Sewer Authority for approval and authorization to sign by the designated Authorized Representative of the Buffalo Sewer Authority.

RECEIVE & FILE

Board Meeting of December 4, 2024

2-K

**INFORMATIVE: BUFFALO PUBLIC SCHOOLS MEMORANDUM OF UNDERSTANDING
NEGOTIATIONS**

On June 3, 2021, the Board of the Buffalo Sewer Authority Approved the Pricing and other Details of the Sewer System Environmental Impact Revenue Bonds, Series 2021 to fund the Raincheck 2.0 Green Infrastructure Program.

As a term of these bonds, green infrastructure constructed through this funding mechanism are required to be on publicly owned lands.

Twenty Buffalo Public School properties were identified as cost effective and efficient use of these bonds on public lands.

As a condition of constructing green infrastructure on these lands, a Memorandum of Understanding between the Buffalo Public Schools and Buffalo Sewer Authority will be required.

On November 20, 2024, the Board of the Buffalo Public Schools authorized the Superintendent to enter into such a Memorandum of Understanding.

Upon finalization of terms between the staff of the Buffalo Sewer Authority and the Superintendent, a finalized Memorandum of Understanding shall be brought to the Board of the Buffalo Sewer Authority for approval and authorization to sign by the designated Authorized Representative of the Buffalo Sewer Authority.

RECEIVE & FILE

Board Meeting of December 4, 2024

ITEM NO.3

TRAVEL AUTHORIZATION - NASHUA, NH

WHEREAS: The New England Regional Pretreatment Coordinators Association (NERPCA) is hosting the 2024 Annual Workshop and Training in Nashua, New Hampshire from October 29 - 31, 2024; and

WHEREAS: The Pretreatment Workshop and Training will highlight the regulatory issues that are important to pretreatment programs and on topics that impact the day-to-day management of pretreatment programs. Featured speakers and panel presentations will address PFAS, SIU Inspections, Enforcement Response Plans, source reduction, enforcement strategies, and case studies; and

WHEREAS: The Industrial Waste Administrator needs to stay current in the latest innovations, procedures, and methodologies in these areas; and

WHEREAS: The EPA Region 2 will be present to address State Updates, the NEW Annual Report Electronic Format, and to answer any questions; and

WHEREAS: The EPA strongly encourages municipal and state industrial pretreatment coordinators to attend this NERPCA Annual Workshop and Training.

WHEREAS: Due to time constraints, members of the Board were individually polled on October 10, 2024, and authorized acceptance of this proposal; and

WHEREAS: It is now necessary to formally ratify that authorization.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the Buffalo Sewer Authority Industrial Waste Administrator to travel to Nashua, NH from October 28-31, 2024, to attend the NERPCA Annual Workshop at a cost not to exceed \$2,000.00. Expenses for this travel shall be charged to account nos. 00200104-458010 and 00200104-458012

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 4

AUTHORIZATION FOR RENEWAL PURCHASE OF MICROSOFT OFFICE 365

WHEREAS: The Buffalo Sewer Authority utilizes Microsoft Office 365, a cloud-based software that includes Microsoft Outlook, Word, Excel, Teams, and OneDrive; and

WHEREAS: This software requires an annual subscription that is due for renewal; and

WHEREAS: Upon request SHI International submitted a quote utilizing NYS contract PM69723, in the amount of \$74,595.60 for the necessary software; and

WHEREAS: Board approval is required for purchases of goods over \$20,000; and

WHEREAS: The Executive Secretary and the Director of Information Technology recommend this purchase.

WHEREAS: Due to time constraints, members of the Board were individually polled on November 21, 2024, and verbally authorized acceptance of this proposal; and

WHEREAS: It is now necessary to formally ratify that authorization.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase a renewal subscription of Microsoft Office 365 software from SHI International utilizing NYS contract PM69723 in the amount of \$74,595.60. This purchase will be charged to account no. 00200107-474300

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 5

AUTHORIZATION TO PURCHASE A VEHICLE UNDER THE ONONDAGA BID 106-19 2025

WHEREAS: The Director of Sewer Maintenance and Head Motor Equipment Mechanic, request approval to purchase the following vehicle, with additional options, available under Onondaga County Contract to add to the existing fleet for Green Infrastructure:

County Contract	Vendor	Vehicle	Cost
Bid No. 2024 Award No. 7974	Van Bortel Ford	One (1) 2024 Ford F-450 XL Crew Cab 4x4 203 WB 84 CA Oxford White	\$55,051.07
		With various options as listed on quote#36075: 19' 130USD Steel Dump Body w18" sides 24" Gate. Stop/Turn with flashers in rear post. Cabshield with 8 flashers: 2-Forward, 2-side, 4 rear facing 4 grill flashers. Ladder driver/passenger side of body. Elec/HD subframe hoist poly fenders. Aluminum back pack tool box under body aluminum tool boxes. 10 Ton pintle hitch body painted to match fleet..	\$29,993.00
		Delivery Charge:	\$ 110.00
		Total Vehicle Cost:	\$85,154.07

WHEREAS: The Director of Sewer Maintenance, Forester and Head Motor Equipment Mechanic recommend the purchase of the above vehicle at the total cost of \$85,154.07

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority authorizes the General Manager to purchase the above vehicle and additional options indicated from Van Bortel Ford, at a total cost of \$85,154.07 This purchase will be charged to account no. 00700107-474200.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 6

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.) (50) Receiver Top Section; 6 inches; Steel; Dark
- 2.) (25) 4" Dark Curb Box
- 3.) (50) 5" Dark Curb Box
- 4.) (50) 6" Dark Curb Box

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department on October 21,2024 at 2:00 PM

Vendor	Cost
Melius Welding	No bid
EJ USA	\$43,722.00

; 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
EJ USA	ALL	\$43,722.00

; and

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to purchase the above listed various steel products from the low bidder for all items listed from EJ USA at a total cost of \$43,722.00. These purchases will be charged to account no. 00660105-466269.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 7

REPORTS ON BIDS RECEIVED - PURCHASE OF THREE (3) NEW AND UNUSED 2025 RAM 1500 4X4 TRADESMAN QUAD CAB

WHEREAS: New York State Vehicle Marketplace Mini bids were advertised and solicited for the purchase of three (3) new and unused 2025 Ram 1500 4X4 Tradesman Quad Cab; and

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department:

VENDOR	BID RESULT	COST EACH	EXTENDED COST
Empire Automotive of Northern New York Inc DBA Empire CDJR	Ram 1500 4x4 Tradesman Quad Cab	\$38,740.80	\$116,222.40
Central Dodge Inc	Ram 1500 4x4 Tradesman Quad Cab	\$38,358.00	\$115,074.00
Maguire Motors LLC	Ram 1500 4x4 Tradesman Quad Cab	\$39,057.88	\$117,173.64
Sawyer Chrysler Dodge Inc DBA Sawyer Motors	Ram 1500 4x4 Tradesman Quad Cab	\$37,608.00	\$112,824.00
BJA 1695 LLC Bob Johnson CDJR	Ram 1500 4x4 Tradesman Quad Cab	\$37,800.00	\$113,400.00

; and

WHEREAS: The Director of Sewer Maintenance, Head Motor Equipment Mechanic, and staff reviewed the bids received and recommended the purchase to the lowest bidder, Sawyer Chrysler Dodge Inc., DBA Sawyer Motors, at a total cost of \$112,824.00; and

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 SAWYER CHRYSLER DODGE INC DBA SAWYER MOTORS for the purchase of three (3) new and unused 2025 Ram 1500 4X4 Tradesman Quad Cab at a total cost not to exceed \$112,824.00. This purchase will be charged to account nos. 00600107-474200 and 00700107-474200.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 8

REPORTS ON BIDS RECEIVED - PURCHASE OF FIVE (5) NEW AND UNUSED 2025 FORD MAVERICK XL AWD

WHEREAS: New York State Vehicle Marketplace Mini bids were advertised and solicited for the purchase of Five (5) new and unused 2025 Ford Maverick XL AWD

WHEREAS: The following bids were received and opened by the Buffalo Sewer Authority Purchase Department:

VENDOR	BID RESULT	COST EACH	EXTENDED COST
Nielsen Ford	Ford Maverick XL Awd	\$28,220.00	\$141,544.20
C Basil Ford Inc	Ford Maverick XL Awd	\$27,524.16	\$137,590.60
Delacy Ford	Ford Maverick XL Awd	\$27,518.12	\$137,620.80
Van Bortel Ford	Ford Maverick XL Awd	\$27,542.27	\$137,711.35
Scorpio LLC Motors DBA Greenwich Ford	Ford Maverick XL Awd	\$27,254.59	\$136,272.95
Bob Johnson	Ford Maverick XL Awd	\$28,220.00	\$141,100.00

; and

WHEREAS: The Director of Sewer Maintenance, Head Motor Equipment Mechanic, and staff reviewed the bids received and recommended the purchase to the lowest bidder, Scorpio LLC DBA Greenwich Ford, at a total cost of \$136,272.95; and

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 Scorpio LLC DBA Greenwich Ford for the purchase of five (5) new and unused 2025 FORD Maverick XL AWD at a total cost not to exceed \$136,272.95. This purchase will be charged to account nos. 00200107-474200 and 00520107-474200 .

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 9

CHANGE ORDER NO. 2- CONTRACT NO. 82000042

CONTRACTOR:	ORIGINAL CONTRACT COST	\$4,512,455.00
Kandey Company, Inc.	PREVIOUS CHANGE ORDERS	\$920,915.04
19 Ransier Drive	THIS CHANGE ORDER	(\$60,000.00)
West Seneca, NY 14224	ADJUSTED CONTRACT COST	\$5,373,370.04

VENDOR# 4603 ACCOUNT# 02000497-490740

WORK: Mill Race 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 (\$60,000.00)

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: (\$60,000.00)

The Total DECREASE to the Contract as a result of this Change Order is \$60,000.00

WHEREAS: On November 22, 2021, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Kandey Construction, Inc., for the Mill Race Real Time Control project at a cost not to exceed \$4,512,455.00; and

WHEREAS: On October 19, 2022, the Board of the Buffalo Sewer Authority authorized a \$482,585.83 Change Order No. 1 to this contract for costs associated with easement delays and inflationary forces, Carroll Street sewer interconnection, and flowmeter redesign; and

WHEREAS: On September 28, 2023 a Change Order No. 2 to Contract No. 82000042 was approved by the Board for additional work.

WHEREAS: The Principal Sanitary Engineer and staff and GHD have reviewed a Change Order No. 3 to Contract No. 82000042 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 194 calendar days to set a new final completion date of December 4, 2024.

- 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. 3 to Contract No. 82000042 as written in the above Agenda Item, increasing the contract cost in the amount of \$60,000.00 making the adjusted contract cost \$5,373,370.04.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 10

CERTIFICATE OF ACCEPTANCE AND OCCUPANCY

PROJECT: Mill Race Real Time Control Project

BID: \$4,512,455.00

CONTRACTOR:
Kandey Company, Inc.
19 Ransier Drive
West Seneca, NY 14224

WHEREAS: The Principal Sanitary Engineer and staff have certified that the Contractor completed the work in accordance with the plans and specifications on December 4, 2024 and

WHEREAS In Item 10 of the Board meeting of December 4, 2024, the contract value was decreased by \$60,000.00

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 December 4, 2024;
- c. The maintenance period commence on December 4, 2024;
- d. The Board approved Change Order No. 3 on December 4, 2024 resulting in a net increase of \$860,915.04, thereby making the adjusted contract cost \$5,737,370.04.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 11

CHANGE ORDER NO. 2 CONTRACT RENEWAL AND MODIFICATIONS CONTRACT NO. 82000026 WET WEATHER OPERATIONAL OPTIMIZATION AND REAL TIME CONTROL COORDINATION SYSTEM IMPLEMENTATION

CONSULTANT:	ORIGINAL CONTRACT COST	\$4,293,633.00
EmNet/Xylem/Xylem Vue, Inc.	PREVIOUS CHANGE ORDERS	\$475,000.00
121 S. Niles Ave Ste 22	THIS CHANGE ORDER	<u>\$1,573,400.00</u>
South Bend, IN 46617	ADJUSTED CONTRACT COST	\$6,342,033.00

VENDOR NO. 15497	ACCOUNT NO. 82000026	02000514-432004
Wet Weather Operational Optimization and Real Time Control Coordination System		
PROJECT: Implementation		

DESCRIPTION OF CHANGE OR EXTRA WORK:

- Item #1 Sensor Network and Data Acquisition
- Item #2 System Analysis and Data Analytics
- Item #3 Globally Coordinated Control Strategy
- Item #4 Optimization of Long Term Control Plan
- Item #5 RTC Program Management

REASON FOR CHANGE OR EXTRA WORK:

Item #1	Additional year of maintenance of existing telemetry, flow metering, level sensors, and rain gauges including replacement of obsolete equipment.
Item #2	Integration of output data from facility to expand analytics and align functionality of pumping stations with RTCs as well as integrate Sewage Pollution Right to Know reporting into Xylem Vue platform.
Item #3	Creation of forecast model for facility to advise operators on modifications to modes of treatment to optimize throughput and treatment capacity.
Item #4	Provide design checks to various Queen City Clean Waters projects as they progress through engineering phases to verify achievement of performance goals.
Item #5	Standardization and upgrading of existing Real Time Control facility software and hardware.

COST OF CHANGE OR EXTRA WORK:

Item #1 \$756,300.00
 Item #2 \$98,100.00
 Item #3 \$117,300.00
 Item #4 \$106,700.00
 Item #5 \$495,000.00

THE TOTAL COST OF THE CHANGE OR EXTRA WORK: \$1,573,400.00

WHEREAS: In Item No. 19, on May 27, 2020, the Board of the Buffalo Sewer Authority awarded a three (3) year term agreement with optional three (3) one (1) year renewals thereafter for Wet Weather Operational Optimization and Real Time Control Coordination System Implementations to EmNet, LLC; and

WHEREAS: The original three (3) year term period expired in 2023; and

WHEREAS: On November 1, 2023, the Board approved the first of up to three one year extensions to this contract; and

WHEREAS: Upon request from the Principal Sanitary Engineer, Xylem, Inc. has submitted a change order proposal to incorporate these changes and to extend this contract for the second of three (3) one (1) year renewals; and

WHEREAS: The Principal Sanitary Engineer and staff have reviewed this Change Order No. 1 request to Contract No. 82000026 in the amount of \$1,573,400.00 as detailed above and recommend its approval.

NOW THEREFORE
 BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves Change Order No. 1 to Contract No. 82000026 as written in the above Agenda Item, increasing the contract cost in the amount of \$1,573,400.00, making the adjusted contract cost \$6,342,033.00. These funds shall be drawn from account number 02000514-432004.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 12

EXTENSION OF THE CONTRACT FOR AGREEMENT WITH GREELEY AND HANSEN, A TYLIN COMPANY FOR CAPITAL PROJECTS PROGRAM MANAGEMENT SERVICES

- WHEREAS: The Buffalo Sewer Authority issued a request for proposals (RFP) for the purposes of securing the services of a consulting firm to provide Capital Projects Program Management Services for an initial five (5) year guaranteed period with up to five (5) additional one-year extensions on July 11, 2023; and
- WHEREAS: Four (4) firms responded to this RFP; and
- WHEREAS: A consultant selection committee appointed by the General Manager reviewed the submitted proposals and interviewed each team and ranked the firms on the basis of both their interviews and proposals; and
- WHEREAS: The RFP provided a contract value not to exceed \$6,000,000.00 (six million dollars) with future year's contract values to be negotiated between the Authority and the Consultant on the basis of work anticipated and the wage and fee structures provided in the Consultant's cost proposal; and
- WHEREAS: On December 6, 2023, the Board of the Buffalo Sewer Authority approved Item No.18 on the Agenda authorizing the General Manager to enter into an agreement with Greeley and Hansen, a TYLin Company for these services as detailed in their proposal of August 18, 2023, at a cost not to exceed \$6,000,000.00 for the first year with subsequent year's contract amounts to be approved for the first four years and up to five additional one-year contract extensions to be approved by the Board of the Buffalo Sewer Authority in the future.
- WHEREAS: On January 1, 2025 the second year of the contract will commence and the General Manager, Executive Secretary, and Principal Sanitary Engineer have negotiated a budget in the amount of \$9,998,903.00 for the 2025 calendar year with Greeley and Hansen/TYLin; and
- WHEREAS: The Principal Sanitary Engineer now recommends a budget in the amount of \$9,998,903.00 be extended for the 2025 calendar year bringing the total contract amount to \$15,998,903.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to extend the contract with Greeley and Hansen/TYLin to provide capital projects program management services at a cost not to exceed a total of \$15,998,903.00 through December 31, 2025. Account no. 02000557-432004 will be utilized for these services.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 13

ADOPTION OF NEGATIVE DECLARATION OF STATE ENVIRONMENTAL QUALITY REVIEW FOR THE BRECKENRIDGE STREET COMBINED SEWER OVERFLOW (CSO) CONTROL PROJECT

WHEREAS: The Buffalo Sewer Authority (the “Authority”) was created by New York Public Authorities Law (the “Public Authorities Law”) Section 1177 (the “Authority Act”) and is authorized and empowered by the Public Authorities Law Article 5, Title 8 to provide for the jurisdiction, control, possession, supervision and use of the “facilities”, as defined in Section 1176(10) of the Authority Act, including but not limited to the sewage treatment plant, storm water and sewage collection system constituting the sewer system that serves the City of Buffalo and neighboring communities (the “Sewer System”); and

WHEREAS: Pursuant to Section 1179 of the Authority Act, the City of Buffalo (the “City”) assigned, transferred and dedicated to the Authority the jurisdiction, control, supervision, possession and use of the Sewer System; and

WHEREAS: In accordance with Article 8 (State Environmental Quality Review Act a/k/a “SEQRA”) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6 NYCRR Part 617) (the “Regulations”), the Authority has considered the proposed construction and implementation of the Breckenridge Combined Sewer Overflow (CSO) Project which is designed to address and abate combined sewer overflows to area waterways which occur during wet weather, typically rain and/or snow melt events (the “Action”); and

WHEREAS: This project will serve to protect the environment, water quality and the public health, safety and welfare by reducing discharges of pollutants from combined sewer overflows which would otherwise occur without construction and implementation of this project; and

WHEREAS: On August 9, 2024, 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 August 9, 2024; 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 Forms, 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 Authority has deemed appropriate (Attachments A-1, A-2, A-3) , the Authority 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 Authority 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.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 14

ADOPTION OF NEGATIVE DECLARATION OF STATE ENVIRONMENTAL QUALITY REVIEW FOR CSO-053 SEWER PATROL POINT (SPP) MODIFICATION AT GENESEE STREET (CSO053_8 SPP 341A MODIFICATION) PROJECT

WHEREAS: The Buffalo Sewer Authority (the “Authority”) was created by New York Public Authorities Law (the “Public Authorities Law”) Section 1177 (the “Authority Act”) and is authorized and empowered by the Public Authorities Law Article 5, Title 8 to provide for the jurisdiction, control, possession, supervision and use of the “facilities”, as defined in Section 1176(10) of the Authority Act, including but not limited to the sewage treatment plant, storm water and sewage collection system constituting the sewer system that serves the City of Buffalo and neighboring communities (the “Sewer System”); and

WHEREAS: Pursuant to Section 1179 of the Authority Act, the City of Buffalo (the “City”) assigned, transferred and dedicated to the Authority the jurisdiction, control, supervision, possession and use of the Sewer System; and

WHEREAS: In accordance with Article 8 (State Environmental Quality Review Act a/k/a “SEQRA”) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6 NYCRR Part 617) (the “Regulations”), the Authority has considered the proposed construction and implementation of the Genesee Street CSO053_8 SPP 341A Modification Project which is designed to address and abate combined sewer overflows to area waterways which occur during wet weather, typically rain and/or snow melt events (the “Action”); and

WHEREAS: This project will serve to protect the environment, water quality and the public health, safety and welfare by reducing discharges of pollutants from combined sewer overflows which would otherwise occur without construction and implementation of this project; and

WHEREAS: On August 8, 2024, 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 August 8, 2024; 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 Forms, 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 (Attachments B-1, B-2, B-3), if any, as the Authority has deemed appropriate, the Authority 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.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

ITEM NO. 15

ADOPTION OF NEGATIVE DECLARATION OF STATE ENVIRONMENTAL QUALITY REVIEW FOR CSO-053 SEWER PATROL POINT (SPP) MODIFICATION AT COLORADO AVENUE AT SCAJAQUADA STREET (CSO053_2.5 SPP 337 MODIFICATION) PROJECT

WHEREAS: The Buffalo Sewer Authority (the “Authority”) was created by New York Public Authorities Law (the “Public Authorities Law”) Section 1177 (the “Authority Act”) and is authorized and empowered by the Public Authorities Law Article 5, Title 8 to provide for the jurisdiction, control, possession, supervision and use of the “facilities”, as defined in Section 1176(10) of the Authority Act, including but not limited to the sewage treatment plant, storm water and sewage collection system constituting the sewer system that serves the City of Buffalo and neighboring communities (the “Sewer System”); and

WHEREAS: Pursuant to Section 1179 of the Authority Act, the City of Buffalo (the “City”) assigned, transferred and dedicated to the Authority the jurisdiction, control, supervision, possession and use of the Sewer System; and

WHEREAS: In accordance with Article 8 (State Environmental Quality Review Act a/k/a “SEQRA”) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6 NYCRR Part 617) (the “Regulations”), the Authority has considered the proposed construction and implementation of the Colorado Avenue CSO053_2.5 SPP 337 Modification Project which is designed to address and abate combined sewer overflows to area waterways which occur during wet weather, typically rain and/or snow melt events (the “Action”); and

WHEREAS: This project will serve to protect the environment, water quality and the public health, safety and welfare by reducing discharges of pollutants from combined sewer overflows which would otherwise occur without construction and implementation of this project; and

WHEREAS: On August 8, 2024, 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 August 8, 2024; 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 Forms, 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 Authority has deemed appropriate (Attachments C-1, C2, C3), the Authority 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:

- c) 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
- a) 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.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024

ITEM NO. 16

ADOPTION OF NEGATIVE DECLARATION OF STATE ENVIRONMENTAL QUALITY REVIEW FOR CSO-053 SEWER PATROL POINT (SPP) MODIFICATIONS AT EAST DELEVAN AVENUE (CSO053 13 SPP 165B MODIFICATION), BAILEY AVENUE (CSO-053 3.1 SPP 338 MODIFICATION), KENSINGTON EXPRESSWAY (CSO-053 1.5 SOO 336B MODIFICATION) AND MICHIGAN AVENUE (CSO-053 14 SPP 175 MODIFICATION) PROJECT

WHEREAS: The Buffalo Sewer Authority (the “Authority”) was created by New York Public Authorities Law (the “Public Authorities Law”) Section 1177 (the “Authority Act”) and is authorized and empowered by the Public Authorities Law Article 5, Title 8 to provide for the jurisdiction, control, possession, supervision and use of the “facilities”, as defined in Section 1176(10) of the Authority Act, including but not limited to the sewage treatment plant, storm water and sewage collection system constituting the sewer system that serves the City of Buffalo and neighboring communities (the “Sewer System”); and

WHEREAS: Pursuant to Section 1179 of the Authority Act, the City of Buffalo (the “City”) assigned, transferred and dedicated to the Authority the jurisdiction, control, supervision, possession and use of the Sewer System; and

WHEREAS: In accordance with Article 8 (State Environmental Quality Review Act a/k/a “SEQRA”) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6 NYCRR Part 617) (the “Regulations”), the Authority has considered the proposed construction and implementation of the East Delevan Avenue CSO 053_13 SPP 165B, Bailey Avenue CSO 053_3.1 338, Kensington Expressway CSO 053_1.5 SPP 336B, and Michigan Avenue CSO-053_14 SPP 175 Modification Projects which are designed to address and abate combined sewer overflows to area waterways which occur during wet weather, typically rain and/or snow melt events (the “Action”); and

WHEREAS: This project will serve to protect the environment, water quality and the public health, safety and welfare by reducing discharges of pollutants from combined sewer overflows which would otherwise occur without construction and implementation of this project; and

WHEREAS: On August 8, 2024, 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 August 8, 2024; 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 Forms, 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 Authority has deemed appropriate (Attachments D-1, D-2, D-3, E-1, E-2, E-3, F-1, F-2, F-3, G-1, G-2, and G-3) the Authority 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.

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

ITEM NO. 17

ADJOURNMENT OF MEETING

MOTION TO _____

MADE BY _____

2ND BY _____

AYES _____ NOES _____

Board Meeting of December 4, 2024