

BUFFALO WATER BOARD MINUTES
October 19, 2017

MEMBERS PRESENT:

Oluwole A. McFoy
Gerald Kelly
Michael Finn
William Sunderlin

OTHERS PRESENT:

Peter Merlo
Jack McMahon
Lisa Foti
Charles Martorana
Stephen Waldvogel
Ken Maving
Patrick Martin
David Hill
Damon Sykes
Michael Wolasz
Douglas Fultz
William Ferguson

The regular monthly meeting of the Buffalo Water Board was called to order at 8:00 a.m.

1. Motion by Mr. Sunderlin to approve the agenda. Seconded by Mr. Finn. Approved.

Motion by Mr. Sunderlin to approve the minutes from the September 13, 2017 meeting. Seconded by Mr. Finn. Approved.
2. Staff Update: Mr. Hill with Veolia Water provided a staffing update to the Buffalo Water Board.
3. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Sunderlin to approve funding for a contract with Wendel Companies as a consultant to provide professional engineering services for the next City-wide Water Cut Restoration to be engaged by the City of Buffalo, in an amount not-to-exceed \$300,000.00. Seconded by Mr. Finn. Approved.
4. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Finn to approve funding for a contract with Arcadis as a consultant to provide professional engineering services for the Coagulant and Corrosion Control Chemical Storage and Delivery System Upgrades to be engaged by the City of Buffalo, in an amount not-to-exceed \$350,000.00. Seconded by Mr. Sunderlin. Approved.
5. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Sunderlin to approve an increase in funding of the current contract with Yarussi Construction Inc. for additional work, equipment and materials required to complete the Water Distribution System Improvements Various Locations #2 project (Contract No. 93001786), currently engaged by the City of Buffalo in an amount not-to-exceed \$107,193.03. Seconded by Mr. Finn. Approved.
6. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Finn to approve an increase in funding of the current contract with Siemens Industry, Inc. for additional work, required at the Colonel Ward Water Treatment Facility project (Contract

No. 93000699, currently engaged by the City of Buffalo in an amount not-to-exceed \$100,000.00. Seconded by Mr. Sunderlin. Approved.

7. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Sunderlin to approve an increase in funding of the current professional services contract with Hazen and Sawyer with respect to the Optimal Corrosion Control Evaluation Project (Contract No. 93002096), currently engaged by the City of Buffalo, in an amount not-to-exceed \$50,000.00. Seconded by Mr. Finn. Approved.
8. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Sunderlin to authorize Veolia Water to contract with Wendel Companies to provide professional engineering services for Clearwell Access Hatch Rehabilitation and Influent Conduit Repairs, in an amount not-to-exceed \$120,000.00, inclusive of Veolia Water's 10% administrative fee. Seconded by Mr. Finn. Approved.
9. Upon the recommendation of the Buffalo Water Board Legal Counsel, motion made by Mr. Sunderlin to ratify the agreement for the advance payment with the New York State Department of Transportation for its acquisition of a Temporary Easement at the Peace Bridge Project (Resolution attached) in an amount of \$1,425.00. Seconded by Mr. Finn. Approved.
10. Mr. Waldvogel of GHD Consulting Services, Inc. delivered a report of GHD's on-going services to assist the Buffalo Water Board on a number of projects, including the battery backup system upgrade projects at the Colonel Ward Water Treatment Facility, the electrical breaker replacement project at Massachusetts Avenue Pumping Station, and the System Hydraulics/Pressure Zone Project.
11. Mr. Hill from Veolia Water presented and reviewed Veolia Water's monthly report with the Buffalo Water Board. He discussed current projects that are progressing at the Colonel Ward Water Treatment Facility, including the Dechlorination System that is now operational, the processing of residuals, an ongoing Asset Management System Review, an update on the Lead and Copper Sampling program and information on the status of laptops for City of Buffalo water distribution system workers.
12. Motion by Mr. Sunderlin to enter Executive Session for Litigation matters. Seconded by Mr. Finn. Approved
13. Motion by Mr. Sunderlin to exit Executive Session for Litigation matters. Seconded by Mr. Finn. Approved.

Motion by Mr. Sunderlin to adjourn at 8:58 A.M. Seconded by Mr. Finn. Approved.

Next meeting, Tuesday, November 14, 2017 at 8:00 a.m. in Room 502 in City Hall.

**RESOLUTION OF THE BUFFALO WATER BOARD CONCERNING
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION'S
ACQUISITION OF A TEMPORARY EASEMENT AT PROPERTY
COMMONLY KNOWN AS 958 BUSTI AVENUE, BUFFALO, NEW YORK**

WHEREAS, the Buffalo Water Board (the "Water Board") was created by New York State Public Authorities Law (the "Public Authorities Law") Section 1049 (the "Water Board Act") and is authorized and empowered by the Buffalo Municipal Water Finance Authority Act, Public Authorities Law Article 2-B (the "Act") to enter into contracts with the City of Buffalo (the "City") and the Buffalo Municipal Water Finance Authority (the "Authority") to provide for the acquisition, financing, improvement, operation, maintenance and repair of the water treatment system, water distribution system and real property, easements and assets constituting the City of Buffalo's water system (the "System"); and

WHEREAS, pursuant to the provisions of the Act and an Acquisition Agreement dated as of September 24, 1992, the Water Board acquired the System from the City and entered into the Financing Agreement with the City and the Authority as of September 24, 1992, which includes an Operation Agreement, dated as of September 24, 1992, whereby, among other things, the Water Board is responsible for the management, operation, maintenance, repair and improvement of the System pursuant to the powers granted by Sections 1048-g and Section 1048-j of the Act and the covenants in such Financing Agreement and Operation Agreement; and

WHEREAS, the Water Board owns certain real property commonly known as 958 Busti Avenue, Buffalo, New York (the "958 Busti Property") which is located in an area being developed by the New York State Department of Transportation (the "State") in connection with the New York Gateway Connections Improvement Project at the United States Peace Bridge Plaza (the "Project") ; and

WHEREAS, the State has notified the Water Board that it has acquired a temporary easement over a portion of the 958 Busti Property pursuant to its powers of eminent domain as referenced in Map 13 at Parcel 20 filed with the office of the Erie County Clerk (the "Easement Area" or "Temporary Easement") to facilitate the State's development of the Project; and

WHEREAS, the State has delivered an Agreement for Advance Payment to the Water Board dated as of September 14, 2016, whereby the State has agreed to pay, and the Water Board has agreed to accept \$1425.00 as compensation for its acquisition of the Temporary Easement; and

WHEREAS, the Water Board by resolution adopted November 12, 2015 authorized the acceptance of the State's offer of \$1425.00 as compensation for the State's acquisition of the Temporary Easement for the Project, and the State has requested that the Water Board ratify and confirm such agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Water Board hereby ratifies and confirms the Agreement for Advance Payment offered by the State with respect to its acquisition, by eminent domain, of the Temporary Easement in consideration of its advance payment of \$1,425.00, subject to the Water Board's reservation of rights as provided by such Agreement for Advance Payment.

2. The Water Board does hereby authorize the Chair or any other officer of the Water Board, in consultation with the Corporation Counsel, and the City Commissioner of Public Works, Parks and Streets, to negotiate, enter into and deliver the Agreement for Advance Payment, and to undertake any and all actions that are necessary or appropriate to enable the Water Board to preserve and protect any and all rights, title and interests in the 958 Busti Property, including but not limited to, execution, delivery and/or acceptance of any easements, rights of way and any other agreements or instruments, the preparation of any reports to the City and/or the State; and any other modifications or additional terms of any other instruments and agreements by and between the Water Board, the City, the State and any other person or entity, upon such terms and conditions reasonably acceptable to the Chair or Water Board officer, in consultation with the Corporation Counsel and City Commissioner of Public Works, Parks and Streets to effectuate the purposes of this resolution.

3. All actions of the Chair or other Water Board officer, the Commissioner of Public Works, Parks and Streets and any other representative or agent of the Water Board in the preparation and negotiation of the instruments and agreements with the State and/or the City to facilitate the Temporary Easement, as herein provided, are hereby ratified, approved and confirmed.

4. This resolution shall take effect immediately.

MOTION TO APPROVE _____

MADE BY *William Sunderland*

2ND BY *Michael J. Finin*

AYES 4 NOES _____

Board Meeting of October 19, 2017

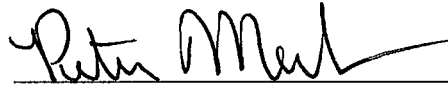
STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

I, the undersigned Secretary of the Buffalo Water Board (the "Board"), DO HEREBY CERTIFY that I have compared the annexed extract of the minutes of the meeting of the Board, including the resolution contained therein, held the 19th day of October, 2017, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Board and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting, said meeting was duly held, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and public notice of the time and place of said meeting was duly given in accordance with such Article 7, and there was a quorum of the members of the Board present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th, day of October, 2017.



Peter J. Merlo,
Secretary of the Buffalo Water Board