

BUFFALO WATER BOARD MINUTES
November 12, 2020

MEMBERS PRESENT:

Oluwole A. McFoy
Gerald Kelly
Steven Stepniak
William Sunderlin

OTHERS PRESENT:

Peter Merlo
Jack McMahon
Stephen Waldvogel
Bill Ferguson
Dustin Steiner
Charlie Martorana
David Hill
Damon Sykes
Lisa Foti
Greg Keyser
Samantha Podlas
Delano Dowell
Doug Fultz
Barbara Miller-Williams
Michael Ramos
Kelly Leeb

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

1. Motion by Mr. Stepniak, seconded by Mr. Sunderlin to approve the agenda. Approved.

Motion by Mr. Sunderlin, seconded by Mr. Stepniak to approve the minutes from the October 21, 2020 meeting. Approved.
2. During the public comments portion of this meeting Mr. Ramos reported to the Buffalo Water Board gave an update on information pamphlets, new legislation, and coordination with the ROLL program.
3. Mr. McFoy, the Buffalo Water Board Chairman updated the Water Board on the Water Affordability Program.
4. Motion by Mr. Kelly, seconded by Mr. Stepniak to approve Resolution on Moratorium on Terminations and Disconnections of Residential Utility Customers During COVID-19 Pandemic (see attached). Approved.
5. Staff Update: Mr. Hill with Veolia Water provided a staffing update to the Buffalo Water Board.
6. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Sunderlin, seconded by Mr. Stepniak to authorize a contract extension with the University of Buffalo until July 1, 2021. Approved.
7. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Stepniak, seconded by Mr. Sunderlin, to authorize and fund a professional services contract with CHA, Clough Harbour & Associates, for professional engineering services for the Watermain Improvements 2021 – Various Locations 2 project. The project and contract will be administered by the City of Buffalo, Division of Water in an amount not-to-exceed \$316,400.00. Approved

8. Upon the recommendation of the Principal Engineer of the Division of Water, the Buffalo Water Board approved payment of outstanding invoices for legal services, which pursuant to City of Buffalo and Buffalo Water Board procedures is managed as a settlement of a claim:
 - a) Motion made by Mr. Sunderlin, seconded by Mr. Stepniak, to authorize payment of two outstanding invoices as a claim in the total amount of \$21,533.00 due to Barclay Damon, LLP. Approved

9. Mr. Steiner of GHD Consulting Services, Inc. presented a summary of the invoices to be paid to Veolia Water and recommended payment to Veolia Water for services rendered as follows:
 - a) Motion by Mr. Kelly, seconded by Mr. Sunderlin, to approve payment of \$37,229.65, inclusive of Veolia Water's 10% administrative fee for services by Great Lakes Plumbing for the Buffalo Water Board ROLL Program. Approved.

10. Mr. Waldvogel and Mr. Steiner of GHD Consulting Services, Inc. delivered a report of GHD's on-going professional services to assist the Buffalo Water Board on a number of projects, including: the work on delineating the boundaries of LaSalle Park in order to realign the fencing to properly enclose and protect the Buffalo Water Board's Infrastructure and assets, providing engineering and oversight services at the Filter Plant where 25 out of 40 sweep filter pipe installations are completed and topped off with anthracite by November 16, 2020, the new Uninterrupted Power Supply (UPS) Replacement project will be completed on November 13, 2020, the repairs in the chlorine room are nearly completed, and new instrumentation work at both the Colonel Ward Water Treatment Facility and Mass Avenue Pumping Plant is nearly completed.

11. Mr. Hill of Veolia Water presented Veolia Water's monthly management report with the Buffalo Water Board. He reported that through the first four months of the fiscal year, the Buffalo Water Board revenue receipts have been below budget by \$2 million. Veolia Water continues to search for collections as much as possible. He indicated that the Limit Account for the High Priority Repairs and Lead Services has spent 83% of the budget and Veolia Water plans to request an increase from the Buffalo Water Board at the next meeting. Mr. Hill further reported that Veolia Water is working with Arcadis to finalize the Emergency Response Plan and that the Affordability and Amnesty programs are ongoing and that approximately 20,000 door hangers will be distributed in the next two weeks. He also reported that since Home Serve launched in October 2019, there have been 10,000 customers sign up for their program with 6,600 requesting sewer coverage as well. Since the launch in October 2019 through August 2020, the company has completed 106 water service replacements.

Motion by Mr. Sunderlin, seconded by Mr. Kelly to adjourn at 8:59 A.M. Approved.

Next meeting, Wednesday, December 9, 2020 at 8:00 A.M. This meeting will be a MSTeams conference call.

MORATORIUM ON TERMINATIONS AND DISCONNECTIONS OF RESIDENTIAL UTILITY CUSTOMERS DURING THE COVID-19 PANDEMIC

- WHEREAS: On March 7, 2020, New York Governor Andrew M. Cuomo first declared a State of Emergency for the State of New York in response to the COVID-19 Outbreak; and
- WHEREAS: On June 17, 2020, New York Governor Andrew M. Cuomo signed into law amendments to the Public Service Law that ordered a moratorium on terminations and disconnections of residential electricity, gas, steam, telephone, and water customers during the COVID-19 State of Emergency; and
- WHEREAS: These amendments provide that residential customers, in certain circumstances, may be eligible for additional protections from terminations or disconnections if the residential customer had a change in financial circumstances due to the COVID-19 State of Emergency; and
- WHEREAS: These amendments further provide that residential customers that have experienced a change in financial circumstances due to the COVID-19 State of Emergency shall be afforded the opportunity to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties; and
- WHEREAS: The moratorium is in effect from the passage of the amendments until 180 days after the COVID-19 State of Emergency is lifted or expired; and
- WHEREAS: COVID-19 continues to be active throughout New York State, the City of Buffalo, and Erie County; and
- WHEREAS: On November 3, 2020, Governor Andrew M. Cuomo signed Executive Order 202.72 which extended the COVID-19 State of Emergency until December 3, 2020.

**NOW THEREFORE
BE IT RESOLVED:**

That the Buffalo Water Board does hereby determine to refrain from terminating or discontinuing residential service for the provision of water due to the nonpayment of bills, taxes, or fees, for the duration of the COVID-19 State of Emergency plus 180 days pursuant to the amendments to Public Service Law §89-1. This resolution applies only to residential customers who have experienced a change in financial circumstances due to the COVID-19 State of Emergency in which case the residential customer shall be afforded the opportunity to enter into, or restructure, a deferred payment agreement without the requirement of a down payment, late fees, or penalties. The Buffalo Water Board shall provide notice of the aforementioned provisions to residential customers via electronic transmission.

BE IT FURTHER
RESOLVED:

The Buffalo Water Board does hereby authorize the Chair of the Buffalo Water Board and the City of Buffalo Commissioner of Public Works, Parks and Streets to undertake any and all actions that are necessary or appropriate to enable the Buffalo Water Board and/or the City of Buffalo, as the case may be, to refrain from terminating or discontinuing residential service for the provision of water due to the nonpayment of bills, taxes, or fees, for the duration of the COVID-19 State of Emergency plus 180 days, and at the discretion of the Chair of the Buffalo Water Board or the City of Buffalo Commissioner of Public Works, Parks and Streets for the duration of the COVID-19 State of Emergency plus 180 days, in accordance with the terms of and to effectuate the objectives and purposes of this resolution.

MOTION TO Approve

MADE BY Gerald Kelly

2ND BY Steven Stepniak

AYES 4 NOES 0

Buffalo Water Board Meeting of November 12, 2020

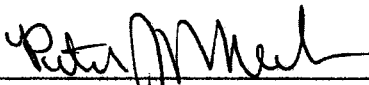
STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

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 12th day of November, 2020, 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 (A) all members of said Board had due notice of said meeting, (B) said meeting was duly held, (C) 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, (D) there was a quorum of the members of the Board present throughout said meeting, and (E) the said resolution was offered by Gerald Kelly, and seconded by Steven J. Stepniak, and was adopted by unanimous vote of the Buffalo Water Board.

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 1st day of December, 2020.



Peter J. Merlo, P.E., Secretary
Buffalo Water Board