

BUFFALO WATER BOARD MINUTES
October 13, 2021

MEMBERS PRESENT:

Oluwole A. McFoy
Gerald Kelly
Jessica Brown
William Sunderlin

OTHERS PRESENT:

Peter Merlo
Jack McMahon
Stephen Waldvogel
Damon Sykes
Dustin Steiner
Charlie Martorana
David Hill
Lisa Foti
William Ferguson
Samantha Podlas
Bill Appenheimer
Michael Ramos
Greg Keyser
Doug Fultz
Kelly Leeb
Ryan Stoltz
William Jackson

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

1. Motion by Mr. Sunderlin, seconded by Mr. Kelly to approve the agenda. Approved
2. Motion by Ms. Brown, seconded by Mr. Sunderlin to approve the minutes from the September 22, 2021 meeting. Approved.
3. Mr. Ramos reported that the City Department of Permits and Inspections continues to support the work of the Buffalo Water Board. He attends various community events and Block Club meetings, making presentations to these groups. He offered to add information pertaining to the American Rescue Act assistance programs and the City's ROLL program into the presentations.
4. Staff Update: Mr. Hill with Veolia Water provided a staffing update to the Buffalo Water Board.
5. Motion by Mr. Sunderlin, seconded by Ms. Brown to adopt Buffalo Water Board Resolution Regarding Adoption of 2021 Capital Improvement Plan and State Environmental Quality Review Act and attached hereto. Approved.
6. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Kelly, seconded by Ms. Brown to authorize and fund an increase to the Veolia Water Specialty Maintenance Limit Account in an amount not-to-exceed \$350,000.00. The project and contract will be administered by the City of Buffalo, Division of Water, as part of the Veolia Water Management Agreement. Approved.
7. Upon the recommendation of the Principal Engineer of the Division of Water and GHD Consulting Services, Inc., motion made by Ms. Brown, seconded by Mr. Sunderlin to authorize and fund a contract with Promise Network Inc. for assistance with the Buffalo Water Board's Affordability and Financial Assistance Programs. The project and contract will be administered

by the City of Buffalo, Division of Water in an amount not-to-exceed \$475,000.00 over a period of three years. Approved.

8. 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: GHD has progressed the RFP process to recommend Promise Network Inc. as a third party vendor to manage the Buffalo Water Board Affordability and Financial Assistance Programs. GHD is also collaborating with Veolia Water and 120 Water with regard to replacing Lead Based water services; and working to complete outfall work. GHD is also engaged in preparing the Engineer's report in support of the Buffalo Water Board and Buffalo Municipal Water Finance Authority's proposed bond refunding and new money bond sale this year.

GHD is also continuing to provide engineering and oversight services at Colonel Ward Treatment Facility, for among other matters, the sodium hypochloride system design, the electrical design at the plant, continued work on the Pipe Loop Project, working on outfalls at the facility, the flood protection model which is nearing completion and finishing filter plant upgrades.

9. Mr. Hill of Veolia Water presented Veolia Water's monthly management report with the Buffalo Water Board. Mr. Hill noted that through the first three months of this fiscal year revenue collected has increased approximately \$225,000 from the same time period last year, despite production rates remaining relatively low. He reported that due to equipment improvements at the Massachusetts Avenue Pumping Station, the Buffalo Water Board is now capable of operating that facility remotely within the next month. The US Army Corps of Engineers has completed its project replacing Outfall #5 from a manhole on site to the outfall wall at the Niagara River. A new 48-inch pipe for Outfall #3 has been installed. This month the City of Buffalo Fire Department will conduct training on site for excavation certifications with shoring and ditch collapse response and rescue training. Customer Service area renovations have been completed at the Exchange Street offices and video monitors have been installed. Veolia Water will schedule and coordinate meetings with Buffalo Water Board to explain in detail the 5th liter sampling program that Veolia Water and 120 Water are developing.

Motion by Ms. Brown, seconded by Mr. Sunderlin to adjourn at 9:30 A.M. Approved.

Next meeting, Wednesday, November 10, 2021 at 8:00 A.M. This meeting will be held in the Colonel Ward Water Treatment Facility Administration Building Conference Room located at 2 Porter Avenue, Buffalo, NY 14201, or by virtual conference call, as authorized by law.

**RESOLUTION OF THE BUFFALO WATER BOARD REGARDING ADOPTION OF
2021 CAPITAL IMPROVEMENT PLAN AND
STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, the Buffalo Water Board (the "Water Board") is authorized to establish and from time to time amend a capital improvement plan pursuant to the New York State Public Authorities Law section 1048-g, and the Financing Agreement (the "Financing Agreement") and the Operation Agreement (the "Operation Agreement") by and among the Water Board, the City of Buffalo (the "City") and the Buffalo Municipal Water Finance Authority (the "Water Authority") dated as of September 24, 1992, as amended, with respect to the water treatment plant, water distribution system and related water facilities of the Water Board (the "Water System"); and

WHEREAS, the Water Board regularly serves as the lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"), to review potential environmental impacts of its capital improvement plans, and works in cooperation with the Water Authority and the City to finance and implement such capital improvement plan; and

WHEREAS, GHD Consulting Services, Inc., as the Consulting Engineer for the Water Board, has recommended a capital improvement plan for 2021, as more particularly set forth and described in Exhibit A, attached hereto and made a part hereof (the "2021 Capital Improvement Plan"), which the Water Board plans to adopt and finance with the assistance of the Water Authority's bonds and the Water Board's own reserves and other resources; and

WHEREAS, the Water Board has reviewed the 2021 Capital Improvement Plan and determined that such projects consist of studies, engineering plans and improvements that constitute planning, maintenance or repair involving no substantial changes in any existing Water System structure or facility, and/or replacement, rehabilitation or reconstruction of such structures, facilities, in kind, on the same site(s), including upgrading buildings, infrastructure and equipment to comply with building and fire codes, and/or improve energy or operational efficiency, without causing any significant adverse impact on the environment, and in accordance with the SEQRA criteria for significant adverse environmental impacts, and 6 NYCRR section 617.5, determined that no further environmental review is necessary or appropriate.

NOW, THEREFORE, be it resolved as follows:

1. The Water Board, as lead agency, hereby determines that the 2021 Capital Improvement Plan constitutes SEQRA Type II action(s), and that the proposed action(s) will not result in any significant adverse environmental impacts, and no further environmental review is necessary or appropriate pursuant to 6 NYCRR section 617.5.

2. The Water Board hereby approves and adopts the 2021 Capital Improvement Plan, and directs the Water Board Secretary or any other officer of the Water Board to publish a notice of public hearing to afford the public an opportunity to comment on the amendment to the Financing Agreement incorporating the 2021 Capital Improvement Plan in compliance with the Buffalo Municipal Water Finance Authority Act.

3. The Water Board expects that it will pay certain capital expenditures in connection with the improvements of the City Water System prior to the issuance of bonds, loans, notes or other instruments of tax-exempt indebtedness issued by the Water Authority ("Obligations"), and reasonably expects to reimburse such expenditures from the proceeds of such Obligations. The Water Board hereby declares its official intent to use proceeds of the Obligations to reimburse itself for future expenditures in connection with such improvements to the City Water System. This section of the Resolution is adopted for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations to enable such reimbursements.

4. The Water Board Chair, or such other officer of the Water Board, and any person as the Chair may designate is authorized to publish such notices and other documents and to execute and deliver all instruments and documents as required by the New York Public Authorities Law, and other applicable law and the Financing Agreement and the Operation Agreement with respect to compliance with SEQRA and the adoption of the 2021 Capital Improvement Plan.

At a meeting of the Buffalo Water Board, convened on October 13, 2021 in public session at the Colonel Ward Water Treatment Plant, Buffalo, New York, and/or, via remote video and sound access, as authorized by the New York State Governor's Executive Order the foregoing resolution, was offered by Mr. Sunderlin and seconded by Ms. Brown, and with a quorum present throughout the meeting, such resolution was duly adopted by unanimous vote of the Buffalo Water Board.

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

I, the undersigned Secretary of the Buffalo Water Board (the "Water Board"), DO HEREBY CERTIFY that I have compared the annexed extract of the minutes of the meeting of the Water Board, including the resolution contained therein, held the 13th day of October, 2021, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Water 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 Water 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 and (D) there was a quorum of the members of the Water 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 on November 9, 2021.



Peter J. Merlo, P. E., Secretary

EXHIBIT A

2021 Buffalo Water Board Capital Improvement Plan

DRAFT

SIX YEAR
CAPITAL IMPROVEMENT PLAN OF THE BUFFALO WATER SYSTEM
(IN THOUSANDS OF DOLLARS)

PROJECT CATEGORY	PROJECT NO.	PROJECT NAME	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27
Colonel Ward Treatment and Pumping Plant	1	Filter Plant Clearwell Optimization	500	1,500				
	2	Filter Plant Lagoon Rehabilitation / Sed. Basin Improvements	3,500					
	3	Flood Control	3,000					
	4	Filter Plant PAC		200	1,000			
	5	Flocculation motors / baffles			200	2,000		
	6	Thickener Rehab including Tube Settlers	300	2,000				
	7	Sodium Hypochlorite System	4,500					
	8	Filter Plant Miscellaneous Improvements*			250	250	2,000	1,000
	9	Colonel Ward Valve House Rehabilitation				200	1,000	1,000
	10	Colonel Ward Pumping Improvements					200	1,500
	11	Colonel Ward Complex Building Improvements		3,000	3,000			
	12	Colonel Ward Miscellaneous Improvements*	500		500	1,000		1,000
	13	Massachusetts Ave. P. S. Power Upgrades	300	25,000				
	14	Massachusetts Ave. Tunnel Rehab.			200	750	1,000	
	15	Massachusetts Ave. P. S. Miscellaneous Improvements*				250	250	250
	16	Manhattan Tank & P. S. Rehabilitation					200	1,000
System Pumping and Storage	17	Manhattan Tank & P. S. Misc. Improvements*				250	250	250
	18	Kensington Tank stabilization	500					
	19	Grover Cleveland Tank & P. S. Rehabilitation / Replacement	1,500			200	8,000	
	20	Hancock Tank Replacement			200	8,000		
	21	Ferry Tank Replacement		300	8,000			
	22	Tank Mixing / System Disinfection Booster Stations						
	23	New Pressure Zone - New Tank & Pump Station***			200	5,000	5,000	5,000
	24	New Pressure Zone - Distribution System Improvements***		500	4,000	3,000	2,000	2,000
Transmission & Distribution	25	Annual Watermain / Valve Replacement / Rehabilitation	29,500	10,000	10,000	10,000	10,000	10,000
	26	Service Line Lead Abatement Program ****		5,000	5,000	5,000	5,000	5,000
Buildings & Other	27	Metering Program	1,000	750	750	750	750	750
	28	System Security			250	250	250	250
	29	Intake Rehabilitation					200	1,000
		Additional Building Improvements**						
	30				2,000	2,000	2,000	1,000
Estimated Total Annual Capital Project Costs:			\$45,100	\$48,250	\$35,550	\$38,900	\$39,100	\$31,000

Notes:

- * This item includes miscellaneous funds to be used to perform additional upgrades in the treatment, pumping, storage, transmission and other systems as required.
- ** This item includes funds to be used to perform improvements to the buildings including structural beams, walls, floors, windows, roofs and other items as required.
- *** This item includes initial projected costs for construction of a new pressure zone. Engineering study currently underway that will determine final requirements and costs.
- **** The Water Board will also pursue Federal and State funding for this objective.