

**BUFFALO WATER BOARD MINUTES**  
**July 17, 2023**

**MEMBERS PRESENT:**

**Oluwole A. McFoy**  
**Gerald E. Kelly**  
**Denine N. Jackson**  
**William L. Sunderlin**

**OTHERS PRESENT:**

**Peter Merlo**  
**Jack McMahon**  
**Doug Fultz**  
**Charlie Martorana**  
**Delano Dowell**  
**Damon Sykes**  
**Stephen Waldvogel**  
**Lisa Foti**  
**Dustin Steiner**  
**Kelly Leeb**  
**Ryan Stotz**  
**John Davis**  
**Fouad Arab**  
**David Hill**  
**Colleen Silver**  
**David Connors**  
**William Ferguson**  
**Porsha Parson**  
**Beth Scheeler**  
**Jack Durdan**

The regular monthly meeting of the Buffalo Water Board (BWB) was called to order at 9:30 a.m. It also constitutes the Buffalo Water Board's annual meeting in accordance with the Board's By-laws.

1. Motion by Mr. Sunderlin, seconded by Ms. Jackson to approve the agenda, as amended. Approved.
2. Motion by Ms. Jackson, seconded by Mr. Sunderlin to approve the minutes of the June 21, 2023, meeting, as amended. Approved.
3. Public Comment: After the Chair offered an opportunity for public comments, no comments were received.
4. Staff Update: Mr. Hill and Mr. Fultz, with Veolia Water provided a staffing update to the Buffalo Water Board.
5. Election of Officers: Mr. McFoy continues pursuant to Mayoral appointment, as authorized by law, as Chair of the Buffalo Water Board. Motion by Mr. Sunderlin, seconded by Ms. Jackson to approve Mr. McFoy as Chair of the Buffalo Water Board. Approved. Motion by Ms. Jackson, seconded by Mr. Kelly to approve Mr. Sunderlin as Vice Chair of the Buffalo Water Board. Approved.

6. Election of Officers: Motion by Ms. Jackson, seconded by Mr. Sunderlin to nominate and elect Mr. Merlo as Secretary and FOIL Officer of the Buffalo Water Board. Approved. Motion by Ms. Jackson, seconded by Mr. Sunderlin to nominate and elect Mr. McMahon as Assistant Secretary of the Buffalo Water Board. Approved. The City Comptroller is the Chief Financial Officer of the Buffalo Water Board.
7. Governance Committee: Motion by Mr. Sunderlin, seconded by Mr. Kelly to nominate Ms. Jackson as Chair of the Governance Committee of the Buffalo Water Board. Approved.
8. Audit Committee: Motion by Mr. Sunderlin, seconded by Ms. Jackson to nominate Mr. Kelly as Chair of the Audit Committee of the Buffalo Water Board. Approved.
9. PAAA Compliance: The Buffalo Water Board reviewed the Buffalo Water Board's Mission Statement and Performance Goals established pursuant to the New York State Public Authorities Accountability Act, as amended (PAAA), as attached hereto. Motion by Mr. Sunderlin, seconded by Ms. Jackson to confirm and restate the Buffalo Water Board's adoption of such Mission Statement and Performance Goals. Approved.
10. PAAA: Directors Confidential Evaluations are to be completed by each Buffalo Water Board member and delivered to the Buffalo Water Board legal counsel.
11. Motion made by Mr. Sunderlin, seconded by Ms. Jackson to approve a Resolution to Schedule a Public Hearing regarding rate re-structuring on August 16, 2023. Approved.
12. Upon the recommendation of the Associate Engineer of the Division of Water, motion made by Mr. Sunderlin, seconded by Ms. Jackson to approve a water betterment for a portion of the Niagara Streetscape Rehabilitation Project (Niagara 4B). The project and contract will be administered by the City of Buffalo, Division of Engineering, and the contract, as amended, is approved with an increased amount not-to-exceed \$103,945.66. Approved.
13. Motion made by Mr. Sunderlin, seconded by Ms. Jackson to approve the Amendment of the Financing Agreement (including the Approved Capital Improvement Plan). Approved.
14. Mr. Waldvogel, Mr. Stotz, Mr. Davis 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 several projects, including: (a) GHD prepared an engineering report for bond application; (b) GHD is working with the City of Buffalo Rate Consultant developing a six year forecast of water consumption and revenue as well as developing pro-rated rate adjustments to implement this fiscal year; (c) GHD has worked with the Buffalo Water Board Legal Counsel regarding staffing concerns; (d) Mr. Davis reported on the very positive response to the continuing Public Outreach Campaign at the Get Water Wise tent at the recent 716 Community Days and the August 19<sup>th</sup> Puerto Rican Day Parade as well as positive feedback from the social media campaign; (e) Mr. Stotz reported that GHD is tracking metrics traffic focused on affordability from the cloud based environment for the Get Water Wise internet web site; (f) GHD continues to provide guidance to the City of Buffalo, Division of Water on the Replace Old Lead Lines (ROLL) Program and is collaborating with various agencies and vendors who will utilize the Get Water Wise web site to interact with customers through a customer portal; (g) GHD is continuing to provide engineering and oversight services at Colonel Ward Treatment Facility, for among other matters, electrical upgrades at the plant have commenced, bids for the Flood Mitigation Berm Project have been received and are being reviewed and contractor meetings for work at the Ralph C. Wilson Centennial Park have commenced.

15. Mr. Hill and Mr. Sykes of Veolia Water presented Veolia Water's monthly management report. Mr. Hill reported that the Promise Pay Program had enrolled approximately 324 customers and collected \$900,000 over 9 months. The two New York State programs that are assisting customers with payments including the New York State Homeowner Assistance Fund (helping customers with payments, with receipt of approximately \$302,000 this month) and the New York State Low Income Household Water Assistance (LIHWA) Program (helping customers with payments). Mr. Sykes provided the Buffalo Water Board with a detailed summary of the end of the Fiscal Year Review of Actual Revenues versus Budgeted Revenues, charges for this fiscal year versus the previous year, a water consumption summary, and an accounts receivables review.

Motion by Mr. Sunderlin to enter Executive Session to discuss a litigation matter. Seconded by Ms. Jackson. Approved.

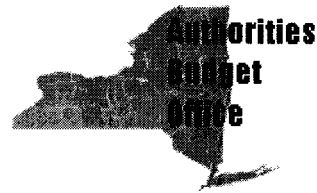
Motion by Mr. Sunderlin to exit Executive Session. Seconded by Ms. Jackson. Approved.

Motion by Mr. Sunderlin, seconded by Ms. Jackson to adjourn at 11:20 A.M. Approved.

Next meeting, Wednesday, August 16, 2023, at 9:00 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, for Board Members and by virtual conference call, as authorized by law.

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## Authorities Budget Office Policy Guidance



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### Authority Mission Statement and Performance Measurements

**Name of Public Authority: Buffalo Water Board**

**Public Authority's Mission Statement:**

The Buffalo Water Board is a public benefit corporation of the State of New York and is dedicated to providing water service to its customers, in fulfillment of its obligations and the exercise of its authorities established by the Buffalo Municipal Water Finance Authority Act of the State of New York and other applicable law. The Buffalo Water Board seeks to protect the health and well being of the personnel who operate and maintain the Buffalo Water System and the people it serves, with an efficient water utility that preserves and protects water infrastructure and the environment for future generations.

**Date Readopted: July 17, 2023**

**List of Performance Goals (If additional space is needed, please attach):**

- **Performance Goal:** Establish and collect equitable water rates, charges and revenues that will satisfy the revenue requirements of the Buffalo Water System.
- **Measurement:** Did the Board manage its rate structure and collect sufficient revenues to operate the Buffalo Water System?
- **Performance Goal:** Establish realistic budgets and capital improvement plans that are current and predictive of future needs of the Buffalo Water System.
- **Measurement Goal:** Did the Board prepare realistic budgets to pay for operations, maintenance and capital projects necessary and appropriate for the provision of services and maintenance of the Buffalo Water System?
- **Performance Goal:** Establish best management practices, in line with industry standards for other public water utilities comparable in size and age to the Buffalo Water System.
- **Measurement Goal:** How do policies and procedures for management, operation and maintenance of the Buffalo Water Board compare to other public water facilities and systems of comparable size and age?

**Additional questions:**

1. Have the board members acknowledged that they have read and understood the mission of the public authority? Yes

2. Who has the power to appoint the management of the public authority?

The Members of the Buffalo Water Board are appointed by the Mayor of the City of Buffalo, and confirmed by the City of Buffalo Common Council. Pursuant to the Financing Agreement by and between the City of Buffalo, the Buffalo Municipal Water Finance Authority and the Buffalo Water Board dated as of September 24, 1992, as amended, the Buffalo Water Board uses the services of the employees and officers of the City of Buffalo, including but not limited to, the Commissioner of Public Works, Parks and Streets and the City Engineer to operate and maintain the Buffalo Water System. In addition, the Buffalo Water Board continues its engagement of Veolia Water North America-Northeast, LLC pursuant to a Management Agreement dated as of July 1, 2020, as its professional manager to manage the operation and maintenance of the Buffalo Water System.

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority?

Yes, the policies are stated in the Buffalo Municipal Water Finance Authority Act of the State of New York, the New York State Public Authorities Law, and other related laws of the State of New York and the Financing Agreement by and between the City of Buffalo, the Buffalo Municipal Water Finance Authority and the Buffalo Water Board dated as of September 24, 1992, as amended.

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

The Buffalo Water Board meets regularly, in public sessions, in compliance with the New York Open Meetings Law and related laws. It regularly receives and reviews reports from the Commissioner of Public Works, Parks and Streets, the City Engineer, its independent Consulting Engineers, Legal Counsel and Auditors, and Rate Consultant regarding the operation and maintenance of the Buffalo Water System to oversee the management of the Buffalo Water System. It also works cooperatively with the United States Environmental Protection Agency, and various departments and agencies of State of New York, County of Erie, City of Buffalo, including but not limited to, City of Buffalo Commissioner of Public Works, Parks and Streets, City of Buffalo Comptroller, City of Buffalo Corporation Counsel and other City of Buffalo officers and employees and Veolia Water North America-Northeast, LLC to implement policies and procedures to achieve the mission of the Buffalo Water Board.

5. Has the Board acknowledged that they have read and understood the responses to each of these questions? Yes

**RESOLUTION FOR SCHEDULING A PUBLIC HEARING  
TO CONSIDER REVISION TO THE BUFFALO WATER  
BOARD SCHEDULE OF RATES, FEES AND CHARGES  
AND DESIGNATION AS LEAD AGENCY PURSUANT TO  
STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, the Buffalo Water Board (the "Board") was created by the New York State Public Authorities Law (the "Public Authorities Law") Section 1049, and is authorized and empowered to establish, fix and revise a Schedule of Rates, Fees and Charges, which Schedule must be at least sufficient so that the water treatment plant, water distribution system and related water facilities of the Board (the "System") shall be self-sustaining in accordance with Public Authorities Law Section 1048-j; and

WHEREAS, the Board is required by the Public Authorities Law to conduct a public hearing before adopting a revision to the Board's Schedule of Rates, Fees and Charges to provide an opportunity to all persons served by the System to comment on any proposed revision to such Schedule of Rates, Fees and Charges;

WHEREAS, the Board plans to conduct a public hearing at which the Board will be present and interested persons will be provided an opportunity to review and comment on the Board's proposal to revise the Board's Schedule of Rates, Fees and Charges; and

WHEREAS, the Board hereby designates itself as the lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"), with respect to the action to adopt a revised Schedule of Rates, Fees and Charges, and a notice of such lead agency designation will be sent to various involved and interested agencies.

NOW, THEREFORE, be it resolved as follows:

1. The Board hereby determines that it will serve as the lead agency pursuant to the State Environmental Quality Review Act ("SEQRA"), with respect to the action to adopt a revised Schedule of Rates, Fees and Charges, which is hereby determined to be an unlisted action pursuant to SEQRA, and the Board has identified potentially involved and interested agencies to whom a notice of this resolution will be delivered.

1. The Board does hereby schedule a public hearing to take place on Wednesday, August 16, 2023 beginning at 9:00 a.m., at the Colonel Ward Treatment Plant Conference room located at the Foot of Porter Avenue, Buffalo, New York, and to the extent feasible by remote video and audio conference at which time the public will have an opportunity to be heard with regard to the Board's proposed revision to the Board's Schedule of Rates, Fees and Charges to become effective October 1, 2023.

2. The Chairperson of the Board, or such other person as he may designate is authorized to publish notice of such public hearing as required by section 1048-j of the Public Authorities Law, and to take such other actions or publish such other notices which may be required or be appropriate to comply with applicable law with respect to such public hearing and revision of the Board's Schedule of Rates, Fees and Charges. A copy of the proposed revision of the Board's Schedule of Rates, Fees and Charges shall be posted on the Buffalo Water Board

website and will be available for inspection at the Office of the Secretary of the Buffalo Water Board at 602 City Hall, Buffalo, New York and the Office of the City Clerk at 1308 City Hall, Buffalo, New York.

3. The question of the adoption of the foregoing resolution was duly put to a vote of the members of the Board which was adopted by unanimous vote of the members present.

At a meeting of the Buffalo Water Board, convened in public session at the Colonel Ward Treatment Plant, Foot of Porter Avenue, Buffalo, New York on July 17, 2023, the foregoing resolution was offered by William L. SWERLIN, and seconded by DENINE N. JACKSON, and with a quorum present throughout such resolution was duly adopted by the Buffalo Water Board.

#### CERTIFICATION

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 17<sup>th</sup> day of July, 2023, 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 17th day of July, 2023.



Peter J. Merlo,  
Secretary of the Board



## NOTICE OF PUBLIC HEARING

Pursuant to Section 1048-j of the New York State Public Authorities Law, the Buffalo Water Board hereby gives notice of a public hearing at which the public will have an opportunity to be heard on a proposed revision of the Buffalo Water Board's Schedule of Rates, Fees and Charges:

Date and Time: Wednesday, August 16, 2023, beginning at 9:00 a.m.

Place: Colonel Ward Water Treatment Plant (Conference Room)  
Foot of Porter Avenue, Buffalo, New York, and also available by remote video and audio conference, by computer access "MS Teams" link: City of Buffalo and Buffalo Water Board Public Hearing Link, or by Toll Free Conference Call: to (347) 918-4875, Conference Code ID: 671 075 192#.

The Colonel Ward Water Treatment Plant has free parking and is accessible for disabled persons. Visitors must register upon arrival at the Security Booth at the entrance to the Plant and will be directed for the parking location and entrance. Please check the Buffalo Water website [www.buffalowater.org](http://www.buffalowater.org) for further instructions or for any changes to the location, date or time of hearing, and any updated information.

Matter and Purpose: The Buffalo Water Board will consider an adjustment and revision of the Schedule of Rates, Fees and Charges to be charged to all persons who use the Buffalo Water System, as of October 1, 2023. A copy of the proposed Schedule of Rates, Fees and Charges is available for public inspection at the office of the City Clerk at 1308 City Hall, Buffalo, New York 14202, the office of the Buffalo Water Board at 602 City Hall, Buffalo, New York 14202 and at [www.buffalowater.org](http://www.buffalowater.org).

Buffalo Water Board  
602 City Hall  
65 Niagara Square,  
Buffalo, New York 14202  
(716) 851-4771  
Contact: Peter J. Merlo, P.E., Secretary  
[pmerlo@city-buffalo.com](mailto:pmerlo@city-buffalo.com)

Additional information will be available at [www.buffalowater.org](http://www.buffalowater.org)

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: Adoption of schedule of rates, fees and charges.							
Project Location (describe, and attach a location map): City of Buffalo in the County of Erie.							
Brief Description of Proposed Action: The Buffalo Water Board, as the owner of the water system that serves the residents of the city of Buffalo is authorized pursuant to the New York State Public Authorities Law (section 1048-j) to adopt and/or revise a schedule of rates fees and charges. The action proposes to revise the existing schedule to become effective October 1, 2023.							
Name of Applicant or Sponsor: Buffalo Water Board		Telephone: 716 – 851 – 5636 E-Mail: pmerlo@city-buffalo.com					
Address: 502 City Hall							
City/PO: Buffalo		State: New York	Zip Code: 14202				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		26,880 acres					
b. Total acreage to be physically disturbed?		none acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		N/A acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Action applies to all property within the city. <input checked="" type="checkbox"/> Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional			
<input checked="" type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input type="checkbox"/> NO <input type="checkbox"/> YES			
If Yes, briefly describe: _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO   <input checked="checked" type="checkbox"/>	YES   <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO   <input checked="checked" type="checkbox"/>	YES   <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO   <input checked="checked" type="checkbox"/>	YES   <input type="checkbox"/>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Buffalo Water Board</u> Date: <u>July 17, 2023</u></p> <p>Signature: <u><i>[Signature]</i></u></p>		

BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023

BUFFALO WATER BOARD  
SCHEDULE OF WATER RATES, FEES AND CHARGES

PART OF 21 NYCRR SECTION 10085.16

EFFECTIVE FOR ALL WATER AND SERVICES USED

ON OR AFTER OCTOBER 01, 2023.

The following annual rates and related fees and charges (in United States Dollars) shall be charged for the use or consumption of water, except where meter rates are herein specified, and other services provided by the Buffalo Water Board.

The water rates for all homeowners who by virtue of their age are eligible for the real estate property tax exemption pursuant to Section 467 of the Real Property Tax Law of the State of New York, are set forth separately.

All rates, fees and charges for water and services supplied which are not enumerated in this section shall be subject to special rates, fees and charges to be fixed by the Commissioner of Public Works, Parks and Streets, subject to the approval of the Buffalo Water Board.

Adjustment of the Schedule. This schedule of rates, fees and charges shall be subject to adjustment, as the Buffalo Water Board may determine, in its discretion, from time to time. Each year the Buffalo Water Board shall consider, as of July 1, any increases, but not decreases, based upon changes in the Consumer Price Index Northeast Urban – Class-size B/C, not seasonally adjusted, (hereinafter referred to as the Index) specified in Series Identification: CUURX100SA0LE, CUUSX100SA0LE, or comparable adjustment Index, as may be selected by the Buffalo Water Board. In the event of such increases, the Buffalo Water Board shall calculate the adjustment for each succeeding fiscal year, using the Index value determined as of June of the preceding fiscal year, which shall be subtracted from the Index value, determined as of June of the current fiscal year. The change in the Index value, if positive, but not negative, shall be multiplied by the stated percentage applied to all of the rates, fees and charges set forth herein. The product of such multiplication shall be used to adjust this schedule of rates fees and charges, together with such other factors as the Buffalo Water Board may determine prudent and appropriate, in the Buffalo Water Board's sole discretion, and in compliance with applicable law.

Residential Consumer Affordable Water Program. Any person who is an occupant of premises served by the Buffalo Water Board, and who qualifies pursuant to the annual income limits and family size schedule set by the United States Department of Housing and Urban Development (HUD), may apply to the Buffalo Water Board, by use of such applications, and procedures as may be established, and modified, from time to time by the Commissioner. Upon certification by the Commissioner that the applicant is qualified as (1) a low income consumer, such person shall be entitled to receive a credit not to exceed \$82.00 per year, or \$20.50 per quarter,

BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023

which will be applied against the capacity charge set forth herein, or (2) a very low income consumer, such person shall be entitled to receive a credit not to exceed \$112.00 per year, or \$28.00 per quarter which will be applied against the capacity charge set forth herein. Such credit shall be applied by the Buffalo Water Board, and shall be stated in the invoices and/or receipts issued by the Buffalo Water Board for water service to such low income consumer or very low income consumer, respectively. The annual income limits are subject to change each year, or whenever the United States Department of Housing and Urban Development announces any modification of such annual income limits, whereupon such change shall become immediately effective and applicable to the Buffalo Water Board and all residential consumers, without any further notice. The 2023 Annual Income Limits are provided by a link below to the United States Housing and Urban Development (HUD) data base and website for Median Family Income Estimates and Income Limits. They are subject to change in the future and when changed will automatically become effective for the Buffalo Water Board Schedule of Rates, Fees and Charges and when changed, such amounts are incorporated herein by reference.

Section 8 – Income Limits: [https://www.huduser.gov/portal/datasets/il.html#documents\\_2023](https://www.huduser.gov/portal/datasets/il.html#documents_2023)

BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**NON-METERED RATES**

**Regular Rates**  
**Yearly Dwelling Rates:**

<b><u>1 story</u></b>	Under 25 feet	\$154.36
	From 25 - 30 feet	\$173.72
	From 31 - 35 feet	\$212.14
	From 36 - 40 feet	\$250.75
	From 41 - 45 feet	\$269.84
	From 46 - 50 feet	\$289.26
<b><u>1.5 Story</u></b>	Under 25 feet	\$173.72
	From 25 - 30 feet	\$212.14
	From 31 - 35 feet	\$250.75
	From 36 - 40 feet	\$269.84
	From 41 - 45 feet	\$289.26
	From 46 - 50 feet	\$327.67
<b><u>2 Story</u></b>	Under 25 feet	\$212.14
	From 25 - 30 feet	\$250.75
	From 31 - 35 feet	\$269.84
	From 36 - 40 feet	\$289.26
	From 41 - 45 feet	\$327.67
	From 46 - 50 feet	\$365.96
<b><u>2.5 Story</u></b>	Under 25 feet	\$250.75
	From 25 - 30 feet	\$269.84
	From 31 - 35 feet	\$289.26
	From 36 - 40 feet	\$327.67
	From 41 - 45 feet	\$365.96
	From 46 - 50 feet	\$404.43
<b><u>3 story</u></b>	Under 25 feet	\$269.84
	From 25 - 30 feet	\$289.26
	From 31 - 35 feet	\$327.67
	From 36 - 40 feet	\$365.96
	From 41 - 45 feet	\$404.43
	From 46 - 50 feet	\$423.73
<b><u>4 story</u></b>	Under 25 feet	\$289.26
	From 25 - 30 feet	\$327.67
	From 31 - 35 feet	\$365.96
	From 36 - 40 feet	\$404.43
	From 41 - 45 feet	\$423.73
	From 46 - 50 feet	\$442.77
<b><u>5 story</u></b>	Under 25 feet	\$327.67
	From 25 - 30 feet	\$365.96
	From 31 - 35 feet	\$404.43
	From 36 - 40 feet	\$423.73
	From 41 - 45 feet	\$442.77
	From 46 - 50 feet	\$482.45

BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**NON-METERED RATES (continued)**

**Qualified Senior Citizen Rate**  
**Yearly Dwelling Rates:**

<b><u>1 story</u></b>	Under 25 feet	\$99.88
	From 25 - 30 feet	\$111.30
	From 31 - 35 feet	\$136.17
	From 36 - 40 feet	\$160.50
	From 41 - 45 feet	\$172.72
	From 46 - 50 feet	\$185.26
<b><u>1.5 Story</u></b>	Under 25 feet	\$111.30
	From 25 - 30 feet	\$136.17
	From 31 - 35 feet	\$160.50
	From 36 - 40 feet	\$172.72
	From 41 - 45 feet	\$185.26
	From 46 - 50 feet	\$209.69
<b><u>2 Story</u></b>	Under 25 feet	\$136.17
	From 25 - 30 feet	\$160.50
	From 31 - 35 feet	\$172.72
	From 36 - 40 feet	\$185.26
	From 41 - 45 feet	\$209.69
	From 46 - 50 feet	\$234.25
<b><u>2.5 Story</u></b>	Under 25 feet	\$160.50
	From 25 - 30 feet	\$172.72
	From 31 - 35 feet	\$185.26
	From 36 - 40 feet	\$209.69
	From 41 - 45 feet	\$234.25
	From 46 - 50 feet	\$258.95
<b><u>3 story</u></b>	Under 25 feet	\$172.72
	From 25 - 30 feet	\$185.26
	From 31 - 35 feet	\$209.69
	From 36 - 40 feet	\$234.25
	From 41 - 45 feet	\$258.95
	From 46 - 50 feet	\$271.27
<b><u>4 story</u></b>	Under 25 feet	\$185.26
	From 25 - 30 feet	\$209.69
	From 31 - 35 feet	\$234.25
	From 36 - 40 feet	\$258.95
	From 41 - 45 feet	\$271.27
	From 46 - 50 feet	\$283.49
<b><u>5 story</u></b>	Under 25 feet	\$209.69
	From 25 - 30 feet	\$234.25
	From 31 - 35 feet	\$258.95
	From 36 - 40 feet	\$271.27
	From 41 - 45 feet	\$283.49
	From 46 - 50 feet	\$308.33



BUFFALO WATER BOARD  
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**NON-METERED RATES (continued)**

**Regular Rates**

When more than 1 family in house	\$154.36
Bathtubs	\$38.94

**Qualified Senior Citizen Rate**

When more than 1 family in house	\$99.88
Bathtubs	\$25.08

**Shower baths**

	\$38.94
Regular Rates - if not attached to bathtub	

**Qualified Senior Citizen Rate**

	\$25.08
Regular Rates - if not attached to bathtub	

**Water Closets**

**Regular Rates**

First self-closing valve	\$77.50
Each additional self-closing valve	\$59.15
Evasive closets	\$116.01
Antifreezing or hopper closet	\$577.14
Urinals in private dwellings	\$77.50

**Qualified Senior Citizen Rate**

First self-closing valve	\$49.83
Each additional self-closing valve	\$37.98
Evasive closets	\$77.50
Antifreezing or hopper closet	\$369.35
Urinals in private dwellings	\$49.83

**Lawn Sprinklers**

**Regular Rates**

	\$192.37
Lawn sprinklers, hose at rest or perforated hose	

**Qualified Senior Citizen Rates**

	\$123.10
Lawn sprinklers, hose at rest or perforated hose	

BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**NON-METERED RATES (continued)**

**Swimming Pools**

**Regular Rates**

Portable pools 12 feet diameter or length by 30 inches deep and smaller, per season	\$96.38
Pools larger than above, per season	\$192.37

**Qualified Senior Citizen Rates**

Portable pools 12 feet diameter or length by 30 inches deep and smaller, per season	\$61.55
Pools larger than above, per season	\$148.17

**Garage and Automobiles**

**Regular Rates**

Autos in garage with water connection, per car, per season	\$77.21
Autos in garage without water connection, per car, per season	\$38.59

**Qualified Senior Citizen Rates**

Autos in garage with water connection, per car, per season	\$49.36
Autos in garage without water connection, per car, per season	\$24.71

**Boarders and Roomers**

**Regular Rates**

In addition to regular family rates for each boarder or roomer	\$29.47
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**Qualified Senior Citizen Rates**

In addition to regular family rates for each boarder or roomer	\$18.83
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BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**NON-METERED RATES (continued)**

**Boilers and Heating**

**Regular Rates**

Private dwelling, water system per season	\$38.59
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**Qualified Senior Citizen Rates**

Private dwelling, water system per season	\$24.71
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**Regular Rates**

Private dwelling, steam system per season	\$38.59
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**Qualified Senior Citizen Rates**

Private dwelling, steam system per season	\$24.71
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**Closets**

**Regular Rates**

In tenements used by more than one family - per family	\$77.29
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**Qualified Senior Citizen Rates**

In tenements used by more than one family - per family	\$49.83
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**Offices**

**Regular Rates**

With Water fixtures	\$170.60
Without water fixtures	\$77.29

**Qualified Senior Citizen Rates**

With Water fixtures	\$98.81
Without water fixtures	\$49.83

BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**NON-METERED RATES (continued)**

**Sprinkling Connections**

**Regular Rates**

For lawns over 5,000 sq.ft. per sq.yd. of lawn sprinkled	\$0.58
For lawns under 5,000 sq.ft. and over 30-ft. frontage, in block, per lineal foot	\$2.28
For lawns under 5,000 sq.ft. on corner lots, measured on frontage, per lineal foot	\$3.20
For lawns under 5,000 sq.ft. and under 30 feet of lot block	\$57.77
For lawns under 5,000 sq.ft. and under 30 feet of lot corner	\$80.01

**Qualified Senior Citizen Rates**

For lawns over 5,000 sq.ft. per sq.yd. of lawn sprinkled	\$0.42
For lawns under 5,000 sq.ft. and over 30-ft. frontage, in block, per lineal foot	\$1.51
For lawns under 5,000 sq.ft. on corner lots, measured on frontage, per lineal foot	\$2.17
For lawns under 5,000 sq.ft. and under 30 feet of lot block	\$37.11
For lawns under 5,000 sq.ft. and under 30 feet of lot corner	\$51.98

**Fire Sprinkler Connections (Billed Quarterly)**

**Regular Rates**

Fire pipelines or sprinkler connections, per year	
4" and under connection	\$516.77
6" – 8" connection	\$1,033.54
10 – 12" connection	\$4,340.86
>12" connection	\$5,891.17

<b><u>Capacity Charge (Billed Quarterly)</u></b>	<b>\$16.50</b>
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BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**METER RATES**

**Monthly Consumption Rates**

<u>Monthly Blocks</u>	<u>\$/ 1,000 cu.ft.</u>
First 0 – 20,000 Cu. Ft.	\$25.11
>20,000 Cu. Ft.	\$23.63

**Monthly Capacity Charge** - Each premises connected to a meter shall be subject to and pay a capacity charge plus charge for water use as follows:

<u>Meter Size</u>	<u>Monthly</u>
5/8"	\$18.30
3/4"	\$27.45
1"	\$45.74
1-1/2"	\$91.48
2"	\$146.37
3"	\$292.75
4"	\$457.42
6"	\$914.83
8"	\$1,463.73
10"	\$3,842.30

**Quarterly Consumption Rates**

<u>Quarterly Blocks</u>	<u>\$/ 1,000 cu.ft.</u>
First 60,000 Cu.Ft.	\$25.11
>60,000 Cu.Ft.	\$23.50

**Quarterly Capacity Charge** - Each premises connected to a meter shall be subject to and pay a capacity charge plus charge for water use as follows:

<u>Meter Size</u>	<u>Quarterly</u>
5/8"	\$54.89
3/4"	\$82.34
1"	\$137.23
1-1/2"	\$274.45
2"	\$439.12
3"	\$878.24
4"	\$1,372.25
6"	\$2,744.50
8"	\$4,391.20
10"	\$11,526.90

BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**METER RATES**

**Qualified Senior Citizen Consumption Rates**

<u>Quarterly Blocks</u>	<u>\$/ 1,000 cu.ft.</u>
First 60,000 Cu.Ft.	\$15.07
>60,000 Cu.Ft.	\$13.56

**Qualified Senior Citizen Quarterly Capacity Charge** - Each premises connected to a meter shall be subject to and pay a capacity charge plus charge for water use as follows:

<u>Meter Size</u>	<u>Quarterly</u>
5/8"	\$32.93
3/4"	\$49.40
1"	\$82.34
1-1/2"	\$164.67
2"	\$263.47

**BUFFALO WATER BOARD**  
**EFFECTIVE OCTOBER 01, 2023**  
**MISCELLANEOUS WATER RATES, FEES AND CHARGES**

The following miscellaneous rates, fees and charges shall be charged per year for the use or consumption of water, except where meter rates are herein specified.

The water rates for all homeowners who by virtue of their age are eligible for the real estate property tax exemption pursuant to Section 467 of the Real Property Tax Law of the State of New York, are set forth separately.

All water supplied which is not enumerated in this section shall be subject to special rates, to be fixed by the Commissioner of Public Works, Parks and Streets, subject to the approval of the Buffalo Water Board.

**Water Rates**

Additional trip by tapper because pipe is not ready. Billed directly to the plumber if the pipe is not ready for the tap at the time.	\$235.00
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Turn On Service Fee for any reason	\$45.00
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Turn Off Service Fee for any reason	\$45.00
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Turn On 4" or larger supply valve	\$180.00 RT / \$275.00 OT
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Turn Off 4" larger supply valve	\$180.00 RT / \$275.00 OT
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Theft of Service Turn Off Fee	\$200.00
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Failure of consumer to keep scheduled appointment. Consumer must cancel 24 hours before appointment.	\$55.00
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Shut off and turn on water Service for repairs, 1 trip charge (wait less than 15 minutes)	\$71.50 / \$192.00 OT
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Shut off and turn on water Supply Valve 4" or larger for repairs, 1 trip charge (wait less than 15 minutes)	\$209.00 RT / \$357.50 OT
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**Hydrant permits for use of water**

Daily rate per hydrant	\$293.19
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Weekly rate per hydrant	\$879.58
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Monthly rate per hydrant	\$1,759.17
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Seasonal (4/15 - 11/15)	\$7,036.66
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Pumping out charge (11/16 - 4/14)	\$167.30
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Additional charge to thaw hydrant if required	\$167.30
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Failure to have hydrant permit fee	\$2,200.00
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Failure to comply with hydrant permit conditions	\$220.00 per violation
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Failure to get service work inspected charge	\$220.00 per location
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Unauthorized operation of a curb stop or supply charge	\$220.00 per occurrence
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BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023

**MISCELLANEOUS WATER RATES, FEES AND CHARGES (continued)**

**Connection and Disconnection Fees**

All billings for disconnection and reconnections will be billed as follows:

Disconnection fee to pull meter and turn off water off – 2" meter or less	\$152.19
Disconnection fee to pull meter and turn off water off – 3" meter or less	\$194.34
Connection fee to reinstall meter & turn on – 2" meter or less	\$101.13
	+material cost
	+20% admin.
Connection fee to reinstall meter & turn on – 3"-4" meter	\$185.14
	+material cost
	+20% admin.
Connection fee to reinstall meter & turn on – 6" meter or larger	\$403.35
	+material cost
	+20% admin.

**Charges for Plugs and Taps**

Termination Fee	\$475.53
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**Tapping charges - With or Without Meter**

**Tap Sizes**

	\$495.00
1x1-1/4" and under	+material cost
	+20% admin.
	\$962.50
1-1/4" and above	+material cost
	+20% admin.



BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**MISCELLANEOUS WATER RATES, FEES AND CHARGES (continued)**

The following are the charges for Smith Patents Installation & Removal:

<u>Main Pipe Size</u>	<u>New Installation/ Replace Existing</u>	<u>Removal</u>
Under 10"	\$ 1306.45	\$ 1306.45 +material cost +20% admin.
10" and above	\$ 1850.99	\$ 1850.99 +material cost +20% admin.

**Meter Labor Repair Charges**

2" meter and less	\$ 58.69 +material cost +20% admin.
3" meter	\$ 185.14 +material cost +20% admin.
4" meter	\$ 185.14 +material cost +20% admin.
6" meter	\$ 185.14 +material cost +20% admin.
8" meter	\$ 403.35 +material cost +20% admin.
10" meter	\$ 403.35 +material cost +20% admin.

**Water Meters**

Meter	Material Cost + 20% Admin.
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BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**MISCELLANEOUS WATER RATES, FEES AND CHARGES (continued)**

**Hourly Rate for Billing Purposes (Labor)**

The real cost of any City employee that the Commissioner deems necessary or appropriate to perform labor at any property or for any person serviced by the Buffalo Water Board, shall be calculated using the then current hourly rate of such employee plus forty percent (40%) of such hourly rate to cover for fringe benefits of such employee. Such employee job titles include, but are not limited to, Caulker Supervisor, Caulker, Machine Operator-Water, Heavy Equipment Operator-Water, Truck Driver, Senior Water Service Worker, Water Service Worker and Water Meter Mechanic Supervisor I.

**Hourly Rate for Billing Purposes (Materials)**

The real cost of any materials that the Commissioner deems necessary or appropriate to perform any services or work at any premises serviced by the Buffalo Water Board, shall be calculated using the actual material cost plus 20% for handling and processing.

BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**MISCELLANEOUS WATER RATES, FEES AND CHARGES (continued)**

**Charges for Use of Equipment:**

<u>Item</u>	<u>Description</u>	<u>Rate per Hour</u>
Service repair trucks	Includes 2-way radio, valve turner, crane, tools, pumps	\$63.61
Compressor trucks	Includes 2-way radio, pavement breaker, pumps, diesel engine, tools, 185 Cu.Ft.	\$85.96
Portable compressor	Includes pavement breaker, pumps 3-wheel trailer, 185 cu./ft./min.	\$19.78
6-wheel flat deck	2 WD diesel	\$89.20
Large crane truck	6-wheel, 15-ton telescoping	\$242.10
6-wheel 4x4 with Vactor	Includes 2-way radio Vac tools and keys	\$105.58
3/4-ton pickup trucks	Includes 2-way radio	\$21.49
3/4 Van	Includes 2-way radio	\$21.49

**DUMP TRUCKS - Includes 2-way Radio:**

<u>Wheel</u>	<u>Door</u>	<u>Yard</u>	<u>Diesel/Gas</u>	<u>Rate per Hour</u>
4-wheel	4WD	1-2	Gas	\$47.28
6-wheel	4WD	2-3	Gas	\$66.19
6-wheel	2WD	8-10	Diesel	\$66.19
10-wheel	2WD	14-18	Diesel	\$128.94

**BACKHOES:**

Includes 2-way radio, boom extension, diesel engines and buckets

<u>Wheel/Drive</u>	<u>Bucket 4 &amp; 1</u>	<u>Diesel/Gas</u>	<u>Rate per Hour</u>
4-wheel 2WD	7/8 Cu.Yd. 1 Cu.Yd. heaped	Diesel	\$71.50
Excavator 10,000 lbs. with Trailer and Truck		Diesel	\$71.50
Excavator 20,000 lbs. with Trailer and Truck		Diesel	\$93.50

**\$/Sq.Ft**

**Concrete Replacement:**

Plus cost of gravel to fill excavation.

Material cost  
+20% admin.

BUFFALO WATER BOARD  
EFFECTIVE OCTOBER 01, 2023  
**MISCELLANEOUS WATER RATES, FEES AND CHARGES (continued)**

<b><u>Warning Barricades and Lights:</u></b>		<b><u>Rate per Day</u></b>
Regular:		Material cost +20% admin.
Standard Double		Material cost +20% admin.
Double High Intensity		Material cost +20% admin.
<b><u>Street Asphalt Cut</u></b>	Includes new concrete base, binder, and asphalt, plus cost of gravel to fill excavation	<b><u>\$/Sq.Ft.</u></b> Material cost +20% admin.
<b><u>Plumbers' Bond</u></b>	All plumbers shall execute and deliver a bond in the total sum of \$25,000, or a greater amount the Commissioner determines to be appropriate, under the circumstances, and property conditions, to indemnify and hold harmless the Buffalo Water Board and the city from all claims, damages, and losses suffered by the Buffalo Water Board in accordance with 21 NYCRR section 10085.6(c).	
<b><u>Convenience Payment Fee</u></b>	All persons who pay any rates, fees and charges by credit card or debit card through the City of Buffalo website will be charged a \$2.00 fee for each transaction, and all persons who pay any rates, fees and charges on the City of Buffalo website by check/ACH from their bank accounts will be charged \$2.00 for each such transaction. These fees will be added automatically to each transaction to defray the cost of such transaction.	