

**BUFFALO WATER BOARD MINUTES**  
**May 10, 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**  
**Carol Burns**  
**Diamond Rand**  
**Fouad Arab**  
**Colleen Silver**  
**Barbara Miller-Williams**

The regular monthly meeting of the Buffalo Water Board (BWB) was called to order at 9:00 a.m.

1. Motion by Ms. Jackson, seconded by Mr. Sunderlin to approve the agenda. Approved.
2. Motion by Mr. Sunderlin, seconded by Mr. Kelly to approve the minutes from the April 6, 2023, meeting. Approved.
3. Public Comment: After the Chair offered an opportunity for public comments, no comments were received.
4. Staff Update: Mr. Fultz, with Veolia Water provided a staffing update to the Buffalo Water Board.
5. Motion made by Mr. Sunderlin, seconded by Ms. Jackson, to approve the Resolution of the Buffalo Water Board Regarding Adoption of 2023 Capital Improvement Plan, State Environmental Quality Review Act, and Intent to Reimburse Expenditures for Project Costs from Proceeds of Tax-Exempt Obligations as presented by the Legal Counsel for the Buffalo Water Board (copy attached). Approved.
6. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Kelly, seconded by Mr. Sunderlin to authorize a contract with Wendel for Engineering Services for the 2023/2024 Citywide Water Cut Restoration Program. The project and contract will be administered by the City of Buffalo, Division of Water, and the contract is approved in an amount not-to-exceed \$276,090.00. Approved.
7. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Sunderlin, seconded by Ms. Jackson to authorize a cost increase for Greenman-Pedersen, Inc. for the Grover Water Tank Rehabilitation Project (contract #93002757). The project and

contract will continue to be administered by the City of Buffalo, Division of Water, and the contract, as amended, is approved in an amount not-to-exceed \$32,000.00. Approved.

8. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Sunderlin, seconded by Ms. Jackson to Table further discussions regarding the Wright Alley Rehabilitation Project. Approved.
9. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by s. Jackson, seconded by Mr. Sunderlin, to authorize a contract with Wendel for Professional Services for the Colonel Ward Pump Station Roof, Old Boiler House Roof, and Head House Roof Replacement Project. The project and contract will be administered by the City of Buffalo, Division of Water, and the contract is approved in an amount not-to-exceed \$525,000.00. Approved.
10. Mr. Waldvogel, Mr. Davis, Mr. Stotz 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 is engaged with the State University at Buffalo conducting Corrosion Control Studies to protect water quality in the entire water distribution system; (b) GHD is preparing a corrosion evaluation at the Colonel Ward Valve House; (c) GHD is preparing a proposal to develop an asbestos inventory in the entire Colonel Ward Water Treatment Facility; (d) 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; (c) GHD has engaged a public relations consultant and Facebook page to engage in public outreach relating to water service line protection initiatives; (d) GHD is analyzing the Get Water Wise website to maximize its ability to provide the public with educational information that will be posted in the near future; (e) GHD is working with Promise Network Inc. and reports that several hundreds of customers have agreed to participate in the new payment plan; (f) GHD is continuing to provide engineering and oversight services at Colonel Ward Treatment Facility, and for among other matters, electrical upgrades at the plant have commenced, bids for the Flood Mitigation Berm Project will be bid later this month and is continuing work on the Pipe Loop Project.
11. Mr. Fultz and Mr. Sykes of Veolia Water presented Veolia Water's monthly management report. Mr. Fultz reported successful completion of a major test of the entire Colonel Ward Water Treatment Plant electrical system. The South Basin has been emptied and is in the process of being chlorinated and prepared to be returned to service next week. A meeting with the Buffalo Police Department to review safety procedures and discuss increased patrols is scheduled for this week. Mr. Sykes reported on 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 \$187,000 in April 2023) and the New York State Low Income Household Water Assistance (LIHWA) Program (helping customers with payments, with receipt of approximately \$123,000 in April 2023). Veolia Water is developing a campaign to expand the notice to customers of the benefits of these programs, and will continue distributing notices of the availability of these programs, together with delivery of invoices to customers. Actual revenue received in the ten months of this fiscal year is reported to be \$1.0 million higher as compared with 2022 amounts, however, April 2023 revenue was approximately \$369,000 lower than budgeted revenue.

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 Ms. Jackson, seconded by Mr. Sunderlin to adjourn at 10:20 A.M. Approved.

Next meeting, Wednesday, June 21, 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.

**RESOLUTION OF THE BUFFALO WATER BOARD REGARDING ADOPTION OF  
2023 CAPITAL IMPROVEMENT PLAN, STATE ENVIRONMENTAL QUALITY  
REVIEW ACT AND INTENT TO REIMBURSE EXPENDITURES FOR PROJECT  
COSTS FROM PROCEEDS OF TAX-EXEMPT OBLIGATIONS**

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 certain Water System improvements, as more fully set forth in the capital improvement plan for 2023, as more particularly set forth and described in Exhibit A, attached hereto and made a part hereof (the “2023 Capital Improvement Plan”), which the Water Board plans to adopt; and

WHEREAS, the Water Board anticipates financing or paying all or a portion of the 2023 Capital Improvement Plan with the proceeds of obligations issued by the Water Authority, the interest upon which is excluded from gross income for federal income tax purposes, Water Board reserves and other resources; and

WHEREAS, the Water Board has reviewed the 2023 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 2023 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 2023 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 2023 Capital Improvement Plan in compliance with the Buffalo Municipal Water Finance Authority Act.

3. The Water Board expects that it will pay, on a temporary basis, certain capital expenditures in connection with the improvements of the Water System prior to the issuance of bonds, loans, notes or other instruments of tax-exempt indebtedness issued by the Water Authority (the "Obligations"), and reasonably expects to reimburse such expenditures from the proceeds of such Obligations. The Water Board reasonably expects the Water Authority to issue such Obligations in a maximum principal amount of \$33,670,000. The Water Board hereby declares its official intent to use proceeds of the Obligations to reimburse itself for expenditures in connection with such improvements to the 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 2023 Capital Improvement Plan.

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At a meeting of the Buffalo Water Board, convened on May 10, 2023 in public session at the Colonel Ward Water Treatment Plant, Buffalo, New York, and/or, via remote video and/or sound access, as authorized by the New York State Open Meetings Law the foregoing resolution, was offered by Mr. Sunderlin and seconded by ms. Jackson, 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 10th day of May, 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 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 May 10, 2023.

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Peter J. Merlo, P. E., Secretary

EXHIBIT A

2023 Buffalo Water Board Capital Improvement Plan

Adopted  
4/6/2023

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

PROJECT CATEGORY	PROJECT NO.	PROJECT NAME	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29
Colonel Ward Treatment and Pumping Plant	1	Filter Plant Cleanwell Optimization	500	500	5,000	5,000	300	2,000
	2	Filter Plant Backwash Pump Station rehab.						
	3	Flood Control	3,000					
	4	Filter Plant PAC	300	300	5,000			
	5	Flocculation motors / baffles			500	3,000		
	6	Thickener Rehab including Tube Settlers	300		1,000	1,000		
	7	Sodium Hypochlorite System	9,500					
	8	Filter Plant Miscellaneous Improvements*				500	2,000	2,000
	9	Colonel Ward Valve House Rehabilitation				300	1,000	1,000
	10	Colonel Ward Pumping Improvements					500	5,000
	11	Colonel Ward Complex Building Improvements	500	15,000	3,000	2,000		
	12	Colonel Ward Miscellaneous Improvements*			1,000	1,000	1,000	1,000
System Pumping and Storage	13	Massachusetts Ave. P. S. Power Upgrades	7,700	25,000				
	14	Massachusetts Ave. Tunnel Rehab.				500	2,000	
	15	Massachusetts Ave. P. S. Miscellaneous Improvements*					1,000	500
	16	Manhattan Tank & P. S. Rehabilitation					500	5,000
	17	Manhattan Tank & P. S. Misc. Improvements*				300	300	300
	18	Kensington Tank stabilization	800					
	19	Grover Cleveland Tank & P. S. Rehabilitation / Replacement				500	10,000	
Transmission & Distribution	20	Hancock Tank Replacement			500	10,000		
	21	Ferry Tank Replacement	500	500	10,000			
	22	Annual Watermain / Valve Replacement / Rehabilitation	9,000	25,000	20,000	20,000	20,000	20,000
	23	Service Line Lead Abatement Program		5,000	5,000	5,000	5,000	5,000
	24	Metering Program	1,000	750	750	750	750	750
Buildings & Other	25	System Security			250	250	250	250
	26	Intake Rehabilitation					300	2,000
	27	Additional Building Improvements**				1,000	2,000	2,000
<b>Estimated Total Annual Capital Project Costs:</b>			<b>\$33,100</b>	<b>\$72,050</b>	<b>\$52,000</b>	<b>\$51,100</b>	<b>\$46,900</b>	<b>\$46,800</b>

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.
- \*\*\* The Water Board will also pursue Federal and State funding for this plan.