

BUFFALO WATER BOARD MINUTES
ANNUAL MEETING
July 10, 2024

MEMBERS PRESENT:
Oluwole A. McFoy
William Sunderlin
Gerald Kelly
Denine N. Jackson
Raymour P. Nosworthy

OTHERS PRESENT:
Peter Merlo
Jack McMahon
David Hill
Doug Fultz
Charlie Martorana
Fouad Arab
Stephen Waldvogel
Damond Rand
Kelly Leeb
Ryan Stotz
Lisa Foti
Bill Ferguson
Damon Sykes
Porsha Parson
Dr. John D. Craig, Ph.D.

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

1. Motion by Mr. Sunderlin, seconded by Ms. Jackson, to approve the agenda. Approved.
2. Motion by Mr. Kelly, seconded by Ms. Jackson to approve the minutes of the June 18, 2024, meeting. Approved.
3. Public Comment: After the Chair offered an opportunity for public comments, Dr. John D. Craig, Executive Director of the Eighth District Dental Society (for Western New York), who attended the meeting in person, expressed his support to the Buffalo Water Board for the addition of fluoride to the Buffalo Water system and indicated his interest in receiving an update regarding the restoration of fluoride in the water system. The Principal Engineer of the Division of Water provided an update and stated that the fluoride project was on schedule with implementation scheduled for the end of the summer. No other comments were received.
4. Staff Update: Mr. Hill, 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. Kelly, seconded by Ms. Jackson to nominate and elect 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. Kelly to nominate and elect Mr. McMahon as Assistant Secretary of the Buffalo Water Board. Approved. The City Comptroller continues pursuant to the Buffalo Municipal Water Finance Authority Act as the Chief Financial Officer of the Buffalo Water Board.

7. Governance Committee: Motion by Mr. Sunderlin, seconded by Ms. Jackson to nominate and elect Mr. Nosworthy as Chair, Ms. Jackson as Vice Chair and Mr. Sunderlin as member of the Governance Committee of the Buffalo Water Board. Approved.
8. Audit Committee: Motion by Mr. Sunderlin, seconded by Ms. Jackson to nominate and elect Mr. Nosworthy as Chair, Mr. Kelly as Vice Chair and Ms. Jackson as member 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 adopt and approve the Buffalo Water Board's 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. Upon the recommendation of the City of Buffalo Department of Law, motion made by Mr. Sunderlin to approve the Judgment and Claims payment of \$1,700.00 to Mr. Larry Caver, seconded by Ms. Jackson. Approved.
12. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Sunderlin, seconded by Ms. Jackson to authorize a contract with CHA Consulting, Inc. (CHA) for Engineering Services for the Water Distribution Improvements Various Locations 4 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 \$270,900.00. Approved.
13. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Ms. Jackson, seconded by Mr. Sunderlin to authorize a contract with Labella Associates, DPC for Engineering Services for the Water Distribution Improvements Various Locations 5 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 \$232,000.00. Approved.
14. Upon the recommendation of the Principal Engineer of the Division of Water, motion made by Mr. Sunderlin, seconded by Ms. Jackson to authorize a contract increase of \$107,033 with CHA Consulting, Inc. (CHA) for Engineering Services for the Water Distribution Improvements Various Locations 2 Project (contract #93002734). The project and contract will continue to be administered by the City of Buffalo, Division of Water, and the contract increase is approved in an amount not-to-exceed \$107,033.00. Approved
15. Mr. Waldvogel, and Mr. Stotz 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) Mr. Waldvogel reported that GHD is assisting with the completion of a comprehensive rate review with Ms. Foti and will present findings to the Buffalo Water Board at a future meeting;
(b) GHD and others are continuing to work with the Community Care Coalition regarding the two groups selected from the Request for Qualifications;
(c) GHD has been involved with press release information regarding the flow meter installations for the Fluoride System Installation;
(d) GHD continues to update materials, utilize the interactive map and monitor activity of the Get Water Wise website;
(e) GHD with Veolia Water and 120 Water have updated the Water Survey to make water quality data collection more user friendly and easy for the customer, rendering the data more usable for water assessment;
(f) GHD is continuing to provide engineering and oversight services at Colonel Ward Treatment Facility, for among other

matters, the electrical upgrades at the plant, and construction of the Berm project to protect the Colonel Ward Treatment Facility. Weekly contractor meetings for work at the Ralph C. Wilson Centennial Park are continuing.

16. Mr. Hill of Veolia Water presented Veolia Water's monthly management report. Mr. Hill reported that Veolia has received over \$5.8 million from the New York State Buffalo East Side Homeowner Assistance Fund through June 2024. These funds have assisted a total of 2,691 Buffalo Water Board customers. The Buffalo Water Board collected \$52,513 in the month of June 2024 through the Promise Pay program while the total amount collected throughout the fiscal year was nearly \$982,000. Total Budgeted Revenues for June 2024 were approximately \$49.4 million, compared to the collected revenue amount of approximately \$49.1 million. Mr. Hill indicated Veolia Water has had the Harris and Enhance Team in for training of the Customer Service employees to assist make their workstations more efficient.

Motion by Mr. Sunderlin to enter Executive Session to discuss litigation matters. Seconded by Mr. Nosworthy. 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 10:16 A.M. Approved.

Next meeting is scheduled for Wednesday, August 21, 2024, 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.

Authorities Budget Office Policy Guidance



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 10, 2024

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