

BUFFALO WATER BOARD MINUTES
December 17, 2025

MEMBERS PRESENT:

William L. Sunderlin
Debbie Lombardo
Scott Billman
Bill Hanley
Tim Donovan
Brian Gould - Remote

OTHERS PRESENT:

Peter J. Merlo
John D. McMahon
David Hill
Fouad Arab
Charles C. Martorana
Stephen Waldvogel
Doug Fultz
Damond Rand
Kelly Leeb
Bill Ferguson
Dustin Steiner
Connor Bannochie
Matthew Adam
Jeff Mays
Pat Thornton
Bill Jackson

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

1. Motion by Mr. Billman, seconded by Ms. Lombardo, to approve the agenda. Approved.
2. Motion by Mr. Hanley, seconded by Mr. Donovan, to approve the minutes of the November 12, 2025, meeting. Approved.
3. Public Comment: After the Vice Chair offered an opportunity for public comments, no comments were received.
4. Motion by Mr. Hanley, seconded by Mr. Billman to approve the Buffalo Water Board draft audited financials for the Fiscal Year ending June 30, 2025, as presented by Bill Ferguson, City of Buffalo Accountant. Approved.
5. Motion by Mr. Sunderlin, seconded by Mr. Donovan to engage R.A. Mercer & Co., P.C. as the Buffalo Water Board Rate Consultant for the upcoming bond sale. The total contract fee payable to R. A. Mercer & Co., P.C. is in an amount not to exceed \$35,000.00 and the contract duration will not exceed one year. The project and contract will be administered by the City of Buffalo, Division of Water. Approved.
6. Motion by Mr. Billman, seconded by Ms. Lombardo, to approve the 2026 Water Board meeting schedule. Approved. A copy of the Resolution is attached.
7. Motion by Ms. Lombardo, seconded by Mr. Hanley, to approve the Discontinuance of Water Service for Non-Payment Policy. Approved. A copy of the Policy is attached.
8. The Buffalo Water Board Legal Counsel, Mr. Martorana, led a discussion regarding relocating the Buffalo Water Board Spoils Facility presently at DAR Drive to a location at Dart Street, and development of a lease agreement between the Buffalo Water Board and the City for such relocation. He reported that GHD Consulting Services and several City personnel are working

in cooperation with The Ralph Wilson Conservancy, Inc. to develop plans for use of land adjacent to the Colonel Ward Treatment Facility. In addition, they are examining land records and survey maps to address land title issues concerning the Colonel Ward Treatment Facility.

9. Motion made by Mr. Hanley, seconded by Mr. Billman, to authorize and fund an increase for services as part of the Management Agreement dated as of July 1, 2020, with Veolia Water, specifically the Spoils Limit Account in an amount not-to-exceed \$60,000.00 to extend through June 30, 2026. These projects and services will continue to be administered by the City of Buffalo, Division of Water, as part of the Management Agreement with Veolia Water. Approved.
10. Motion made by Mr. Donovan, seconded by Mr. Hanley, to authorize and fund an increase for services as part of the Management Agreement dated as of July 1, 2020, with Veolia Water, specifically the Specialty Preventive Maintenance Limit Account in an amount not-to-exceed \$775,000.00 to extend through June 30, 2026. These projects and services will continue to be administered by the City of Buffalo, Division of Water, as part of the Management Agreement with Veolia Water. Approved.
11. Motion made by Mr. Donovan, seconded by Mr. Billman, to authorize and fund an increase for services as part of the Management Agreement dated as of July 1, 2020, with Veolia Water, specifically the High Priority Repairs & Lead Services Limit Account in an amount not-to-exceed \$1,900,000.00 to extend through June 30, 2026. These projects and services will continue to be administered by the City of Buffalo, Division of Water, as part of the Management Agreement with Veolia Water. Approved.

Motion by Mr. Donovan to enter Executive Session to discuss litigation matters. Seconded, by Ms. Lombardo. Approved.

Motion by Mr. Hanley to exit Executive Session. Seconded, by Ms. Lombardo. Approved.

Motion by Mr. Billman, seconded by Mr. Donovan adjourn at 10:44 A.M. Approved.

The Buffalo Water Board members and staff will be present in person at the next meeting, which is scheduled for Wednesday, January 14, 2026, at 9:00 A.M.

Buffalo Water Board meetings are held in accordance with the New York State Open Meetings Law, Article 7 of the Public Officers' Law. The agenda will be posted on www.Buffalowater.org in advance of the meeting and will provide time for public comment. The public are invited to attend in person or by remote video and audio conference. A computer access "MS Teams" link and a Toll-Free Conference Call Telephone Number will be provided in advance of the meeting. See www.Buffalowater.org or call 716-851-9626 for more information.

RESOLUTION OF THE BUFFALO WATER BOARD FOR COMPLIANCE WITH THE PAAA SCHEDULE OF BOARD MEETINGS FOR CALENDAR YEAR 2026

WHEREAS: The suggested schedule for the calendar year 2026 be approved as follows:

2026 *

January 14	July 8 (Annual Meeting)
February 11	August 12
March 11	September 9
April 8	October 14
May 13	November 11
June 10	December 9

**Tentative dates*

Buffalo Water Board meetings are held in accordance with the New York State Open Meetings Law, Article 7 of the Public Officers Law. The meetings will be held in the Colonel Ward Water Treatment Facility Administration Building Conference Room located at 2 Porter Avenue, Buffalo, New York 14201 at 9:00 am. The agenda and any documents to be considered by the Buffalo Water Board, will be posted on www.Buffalowater.org in advance of the meeting. The agenda will provide an opportunity and time for public comment. The public is invited to attend in person or by remote video and audio conference, information to be provided at a later date.

Please check the Buffalo Water website www.Buffalowater.org or call 716-851-9626 for further instructions or for any changes to the location, date or time of the meeting, and any updated information. Contact Peter J. Merlo, Secretary to the Buffalo Water Board pmerlo@buffalony.gov, or John D. McMahon, Assistant Secretary to the Buffalo Water Board jmcmahon@buffalony.gov for more information.

NOW THEREFORE
BE IT RESOLVED:

That the Buffalo Water Board hereby approves the above Schedule of Board Meetings for the calendar year 2026.

MOTION TO _____ Approve _____

MADE BY: _____ Mr. Billman _____

2nd BY: _____ Ms. Lombardo _____

AYES ____ 5 ____ NOES ____ 0 ____

Board Meeting of December 17, 2025

Originally Approved September 2025

Revised Draft December 2025

Policies and Practices: Discontinuance of Water Service for Non-Payment Policy

Purpose: The purpose of this policy is to outline the steps for the notification and discontinuance of water service process for Buffalo Water accounts. This policy ensures that customers receive timely and proper communication prior to any service interruption, while maintaining compliance with applicable regulations and established guidelines. This policy may be amended from time to time by the Buffalo Water Board.

Trigger(s): All accounts that have a total balance of \$1000.00 or greater of which some charges are greater than 360 days old. Any delinquent account may qualify for discontinuation, but the Buffalo Water Board is limiting turn offs to accounts with a balance of \$1000.00 or greater at this time – subject to change in the future.

Scope: This policy applies to all Buffalo Water accounts and covers the framework and established steps within the notification and discontinuance of water service for non-payment process.

Notification and Turn-off Process for discontinuance water of service for nonpayment:

1. Review customer accounts to **identify those eligible** for discontinuance based on non-payment or other qualifying criteria. Current criteria include accounts that have charges greater than 360 days old and a total balance of \$1000 or greater.
2. (Day 1) Provide the customer with a **first notice invoice** outlining the current balance, water/sewer usage, and payment due date. Due date is 30 days from invoice date. USPS mail
3. (Day 31 of after) Issue a **second written notice** if payment has not been received. Include customer service contact information and available payment options. USPS Mail
4. (Day 61 or after) Provide a **final written notice** specifying the scheduled discontinuance date range. Include customer service contact information and available payment options. USPS Mail
5. **Discontinuation of Service** (After day 75 at least 15 days from final written notice) - Disconnect water service if no resolution is achieved by the stated deadline. Provide clear instructions for restoring water service. This policy does not guarantee that all qualifying water services will be disconnected. Turnoffs will be limited to only those accounts that can be properly serviced by distribution staff. No turn-offs will be completed after 12pm on Fridays or on weekends.
6. **Reinstatement of Service** – Water service will be restored once full payment, or an approved payment plan has been confirmed. Turn-ons following full payment or payment plan confirmation will be completed within the next business day (see approved payment plan terms below).

Exceptions to the discontinuation of water service for non-payment policy requirements:

1. *If a customer has a **medical condition** that requires water supply, the water service will be turned on and the Buffalo Water Board notified. Alternate collections activities may be pursued.*
2. *If an account has a **heating system** that cannot operate without an active water supply an exception may be made on a case-by-case basis.*
3. *The discontinuation of services for non-payment will continue during **inclement weather**. Exceptions to this may be made if weather conditions do not permit water crews to perform their duties safely.*
4. ***Any other exceptions** may be granted only upon Buffalo Water Board or Representative approval/direction.*

Payment Plans - Terms

Purpose: The payment plan is for customers who are delinquent and wish to avoid termination of service and/or for customers who wish to restore water service after termination. To implement installment payments for delinquent balances for eligible customers, which will not accrue additional interest charges while the payment plan is active and not in default.

Decision Rules for Eligibility

Eligibility requirements:

- Water account must have a delinquent balance and customer indicates they cannot pay in full.
 - New Payment Plan - 25% down plus turn off/on fees will be required for turn on. Customer Service Agents will be permitted to negotiate down to 10% for hardship cases.
- Duration of the payment plan must not exceed 12 months. Customer Service Agents will be permitted to negotiate up to 24 months for hardship cases.
- Customers that have defaulted on a payment plan in the last 12 months may be eligible for another payment plan under limited circumstances.
 - One default – 50% down will be required plus turn off/on fees will be required for turn on. Customer Service Agents will be permitted to negotiate down to 25% for hardship cases.
 - Two default – 75% down will be required for turn on. Customer Service Agents will be permitted to negotiate down to 50 % for hardship cases.

Payment requirements:

- Payment plan does not become active until the customer returns a signed agreement and the first payment has been received.
- Payment plan will include 12 to 24 equal monthly payments for delinquent debt. No interest will be added to the delinquent debt while a payment plan is active.
- All current and future charges must be paid on time for the duration of the payment plan.
- Late payments of monthly payment plan amounts will terminate the payment plan and all outstanding balances will be subject to interest and any other applicable charges.
- No monthly reminders will be generated by Buffalo Water.

Hardship Definition

- If a household contains a member who receives Supplemental Security Income (SSI), Public Assistance, Supplemental Nutrition Assistance Program (SNAP sometimes referred to as Food Stamps), or Home Energy Assistance Program (HEAP) benefits, the household is considered automatically eligible for hardship consideration.
- The eligibility of all other applicants will be based off of household income relative to federal low-income guidelines used in Residential Water Affordability program defined in the Water Board's Schedule of Rates, Fees and Charges.

Additional Supporting Policy and Practices for Discontinuance Water of Service for Nonpayment:

1. **Theft of Water** - In the event that a water service account is found to be turned on illegally, Buffalo Water will turn off, add theft of service fee and report to Buffalo Water Board, Commissioner, City Council, Corp Counsel, and Buffalo Police.
2. **Damaged Lead Service Line** - In the event that a lead service line (LSL) breaks during a turn-off for non-payment, Buffalo Water will replace or have replaced, the LSL at no cost to the customer as part of its LSLR Plan in compliance with the unfunded federally mandated Lead and Copper Rule Improvements (LCRI). The property will only be turned on when the customer complies with the turn-on terms above.
3. **Damaged non-Lead Service Line** - In the event that a non-lead service line breaks during a turn-off for non-payment, Buffalo Water will notify the customer that they must use a licensed plumber to repair their service line. If it becomes a public health and safety risk, Buffalo Water will dig up and repair the service and bill the customer for the work based on the current Buffalo Water Board's Schedule of Rates, Fees and Charges. The property will only be turned on when the customer complies with the turn-on terms above.
4. **Leaking Service Line** - In the event that Buffalo Water is made aware of a leaking service line (lead or non-lead), they will notify the customer that they must use a licensed plumber to repair their service line. If it becomes a public health and safety risk, Buffalo Water will dig up and repair or terminate service at the watermain and bill the customer for the work based on the current Buffalo Water Board's Schedule of Rates, Fees and Charges. If a more cost-effective remedy is available Buffalo Water may pursue.