

MINUTES OF THE REGULAR MEETING

OF THE

BUFFALO SEWER AUTHORITY

JULY 29, 2020

57236.....57268

BUFFALO SEWER AUTHORITY

July 29, 2020

REGULAR MEETING **9:00 A.M.** **VIA TELECONFERENCE**
+ 1 929-229-5044 United States, New York City (Toll)
Conference ID: 290 565 810#

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ATTACHMENT A: Purchasing Guidelines

ITEM NO. 2

INFORMATIVE: TEMPORARY INVESTMENTS (CERTIFICATES OF DEPOSIT AND TREASURY BILLS)
MARKET VALUE

As of June 30, 2020

ISSUE DATE	MATURITY DATE	TOTAL DAYS	AMOUNT	BANK	RATE	INTEREST AMOUNT
CONSTRUCTION/CAPITAL IMPROVEMENT FUND						
31-Jul-12	Money Market		\$3,988,423.34	Key	0.01%	Public NOW
01-Nov-19	Money Market		\$17,480,189.77	Bank on Buffalo	0.60%	
02-Apr-20	02-Jul-20	91	\$4,078,965.98	Key Banc Capital	1.91%	\$19,693.64
27-Apr-20	27-Jul-20	91	\$1,987,776.35	Key Banc Capital	1.31%	\$6,583.04
30-Apr-20	03-Aug-20	95	\$2,229,684.08	Key Banc Capital	1.22%	\$7,179.36
29-May-20	28-Sep-20	122	\$7,991,202.38	Key Banc Capital	0.20%	\$5,418.83
29-Jun-20	30-Sep-20	93	\$5,826,573.24	Key Banc Capital	0.40%	\$6,024.33
			\$43,582,815.14			
LIABILITY AND CASUALTY RESERVE FUND						
31-Jul-12	Money Market		\$103,154.42	Key	0.01%	Public NOW
11-Dec-19	Money Market		\$916,245.06	Bank on Buffalo	0.60%	
			\$1,019,399.48			
OPERATING FUND						
31-Jul-12	Super NOW		\$2,483,163.22	Key	0.01%	Public NOW
TRUST & AGENCY FUND						
31-Jul-12	Super NOW		\$5,745.64	Key	0.01%	Public NOW
SURPLUS FUND						
			\$14,599.63	Wilmington US Treasury		
16-Jun-20	14-Sep-20	90	\$9,990,000.00	J.P. Morgan Securities	0.40%	\$10,000.00
			\$1,666.82	Accrued Income		
			\$10,006,266.45			
NET REVENUE FUND						
			\$302.50	Wilmington US Treasury		
28-Apr-20	30-Jul-20	93	\$6,899,571.41	Key Banc Capital	1.31%	\$23,428.59
05-May-20	10-Aug-20	97	\$2,901,845.53	Key Banc Capital	1.04%	\$8,154.47
06-May-20	10-Aug-20	96	\$2,389,355.09	Key Banc Capital	1.04%	\$6,644.91
29-May-20	28-Aug-20	91	\$5,372,826.11	J.P. Morgan Securities	0.16%	\$2,173.89
22-Jun-20	22-Sept-20	92	\$2,298,824.44	Key Banc Capital	0.20%	\$1,175.56
30-Jun-20	30-Sept-20	92	\$1,099,578.33	Key Banc Capital	0.15%	\$421.67
			\$25,698.81	Accrued Income		
			\$20,988,002.22			

DEBT RESERVE FUND

				SERIES J	
02-Jul-14	15-Nov-33	7076	\$515,879.00	UST State/Local Govt	2.70%
			\$1,778.94	Accrued Income	
			\$517,657.94		
				Series K	
02-Jul-14	15-Feb-33	5803	\$361,415.00	UST State/Local Govt	2.70%
			\$3,672.73	Accrued Income	
			\$365,087.73		
				Series L	
12-Nov-15	01-Oct-35	7263	\$689,547.00	UST State/Local Govt	2.44%
			\$4,183.25	Accrued Income	
			\$693,730.25		
				Series M	
27-Jun-14	01-May-44	10901	\$595,613.00	US State/Local Govt	2.70%
			\$2,665.69	Accrued Income	
			\$598,278.69		
				Series N	
15-Nov-12	15-Apr-32	7091	\$2,167,157.00	UST State/Local Govt	2.42%
			\$11,033.55	Accrued Income	
			\$2,178,190.55		
			\$0.01	DSF PRIN & INT	
				Wilmington Fund	

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Board Meeting of July 29, 2020

ITEM NO. 3

INFORMATIVE: REALLOCATION OF FUNDS

The following budgetary transfers have been made to cover unforeseen shortages. These transfers do not change the total amount of the Buffalo Sewer Authority's operating budget.

Wastewater Treatment Plant

6/2/2020	00450106 KELF Building Repairs	\$4,600.00	00360105 DEWA Equipment Maintenance	-\$4,600.00
6/2/2020	00450105 KELF Building Repairs	\$500.00	00520105 MAIN Equipment Maintenance	-\$500.00
6/2/2020	00450105 KELF Equipment Maintenance	\$5,200.00	00520105 MAIN Equipment Maintenance	-\$5,200.00
6/4/2020	00350105 FILT Equipment Maintenance	\$18,100.00	00200105 PLAN Clothing Safety	-\$18,100.00
6/15/2020	00520105 MAIN Office Supplies	\$16,600.00	00220105 SCRE Equipment Maintenance	-\$16,600.00
6/15/2020	00650106 SWRM Ed Licenses & Training	\$20,000.00	00660105 SWRR Road and Highway	-\$20,000.00
6/16/2020	00520107 MAIN Cars and Other Vehicle	\$7,200.00	00700105 Centrifuge Equipment Maintenance	-\$7,200.00
6/25/2020	00520106 MAIN Auto Repairs	\$15,500.00	00200105 Main Supplies	-\$15,500.00
6/26/2020	00200106 PLAN ENG and TECH	\$16,025.60	00550105 PLAN Office Equipment	-\$16,025.60

Sewer Maintenance Division

6/17/2020	00690106 Auto Automotive Repair	\$2,500.00	00670105 SWRC Equipment Maintenance	-\$2,500.00
6/18/2020	00690106 Auto Automotive Repair	\$1,000.00	00650106 SWRM Laundry and Towel	-\$1,000.00

General Financial Charges

6/23/2020	00800183 FIN Contingency	\$1,500.00	00110105 Admin Office Supplies	-\$1,500.00
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Board Meeting of July 29, 2020

ITEM NO. 4

DISTRIBUTION OF GRANT FUNDS TO FOREST LAWN (THE BUFFALO CITY CEMETERY, INC.)

- WHEREAS: On July 27, 2016, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into and execute a contract with Mark Cerrone, Inc. for Shoreline Buffer and Wetland Restoration in Scajaquada Creek and Forest Lawn; and
- WHEREAS: On December 16, 2016, the Board of the Buffalo Sewer Authority authorized the General Manager to enter into an agreement with Forest Lawn, to pay \$796,155.00 to the Buffalo Sewer Authority to support the execution of bid alternatives excluded from the original contract with Mark Cerrone, Inc.; and
- WHEREAS: On December 8, 2017, the agreement with Forest Lawn was amended to include additional wetland and green infrastructure improvements adjacent to Scajaquada Creek within Forest Lawn, and increasing Forest Lawn's betterment contribution to the Buffalo Sewer Authority to \$1,666,909.89; and
- WHEREAS: In partnership, the Buffalo Sewer Authority and Forest Lawn applied for two (2) \$300,000.00 grants from the Dormitory Authority of New York State (DASNY) that would be used to supplement resources on behalf of Forest Lawn to cover expenses for betterments outside of the Buffalo Sewer Authority water quality project; and
- WHEREAS: The Buffalo Sewer Authority has received reimbursement for the initial \$300,000.00 grant from DASNY; and
- WHEREAS: As part of the project betterment, Forest Lawn has funded \$1,566,909.89 for their betterment portion leaving a remaining balance of \$100,000.00.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves distribution of \$200,000.00 to Forest Lawn, which is the amount in exceedance of the remuneration due to the Buffalo Sewer Authority while the \$100,000.00 balance shall be utilized to satisfy the remaining betterment portion.

MOTION TO APPROVE

MADE BY MR. ROOSEVELT

2ND BY MS. PETRUCCI

AYES 3 NOES 0

Board Meeting of July 29, 2020

ITEM NO. 5

PAYMENT FROM JUDGMENT AND CLAIMS

WHEREAS: Board Approval is required for charges made against the Buffalo Sewer Authority's current budget for services and/or materials received during a prior fiscal year; and

WHEREAS: The following commodity was received during a prior fiscal year and charged to the 2020-2021 budget account no. 00800108-480214:

VENDOR	AMOUNT
Securitas Security Services	\$18,139.68

; and

WHEREAS: The Executive Secretary and staff recommend the above payment from the Judgment and Claims account.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby approves the above payment from the Judgment and Claims account.

MOTION TO _____ APPROVE _____

MADE BY _____ MS. PETRUCCI _____

2ND BY _____ MR. ROOSEVELT _____

AYES _____ 3 _____ NOES _____ 0 _____

Board Meeting of July 29, 2020

ITEM NO. 6

**REVISION TO BUFFALO SEWER AUTHORITY POLICY – PURCHASING GUIDELINES
(ATTACHMENT A)**

- WHEREAS: The Buffalo Sewer Authority purchases goods and services according to its enabling legislation granted by the State of New York; and
- WHEREAS: The Authority has developed Purchasing Guidelines for the procurement of goods and services that comply with State and Local Laws governing public bidding, including the New York State General Municipal Law; and
- WHEREAS: The Purchasing Guidelines shall be annually reviewed and approved by the Board of the Buffalo Sewer Authority; and
- WHEREAS: It is the Authority's intent to implement and strictly enforce purchasing guidelines to openly promote fair competition, to acquire goods and services that provide the best product from a responsible vendor at the most reasonable price, to provide greater opportunities for disadvantaged businesses to provide goods and services for the Authority, and to guard against favoritism, improvidence, extravagance, fraud and corruption; and
- WHEREAS: The New York State General Municipal Law provides that purchase and service contracts, other than purchase contracts necessary to complete construction contracts, may be awarded on the basis of best value; and
- WHEREAS: New York State Law defines "best value" as the basis for awarding contracts that optimizes quality, cost and efficiency, and provides that such basis may identify a quantitative factor for bidders that are small businesses, certified minority - or women-owned business enterprises (M/WBEs), or service-disabled veteran-owned business enterprises (SDVOBs); and
- WHEREAS: Buffalo Sewer Authority staff have revised the Purchasing Guidelines to allow for the use of a best value methodology in determining the award of purchase and service contracts, other than those purchase contracts necessary to complete construction contracts, and to make other minor updates; and

WHEREAS: Under the revised Purchasing Guidelines, to determine best value, the Authority may consider factors including, but not limited to: reliability of products; responsibility of the supplier; efficiency and/or ease of use; useful lifespan; ability to meet the Authority’s needs regarding timeliness of delivery or performance; durability; availability of replacement parts or maintenance contractors; quality of craftsmanship; warranty; and the vendor’s status as a M/WBE, small business, or SDVOB, with such factors specified in the bidding documents; and

WHEREAS: Under the revised Purchasing Guidelines, for all purchase and service contracts where a best value methodology could be utilized, bids from businesses that are certified as an M/WBE, as a Small Business, and/or an SDVOB will be evaluated as if their bid price were 10%-20% lower, with the specific percentage used specified in the bid announcement.

NOW THEREFORE
BE IT RESOLVED: That the Board of the Buffalo Sewer Authority hereby approves the following “Purchasing Guidelines” (Attachment A), which establishes the basis for the procurement of goods and services by the Buffalo Sewer Authority.

MOTION TO	<u>TABLE</u>	
MADE BY	<u>MS. PETRUCCI</u>	
2 ND BY	<u>MR. ROOSEVELT</u>	
AYES	<u>3</u>	NOES <u>0</u>

Board Meeting of July 29, 2020

ITEM NO. 7

CONTRACT APPROVAL - LEGAL SERVICES

WHEREAS: The Buffalo Sewer Authority has many complex regulatory, enforcement, and environmental matters that require the skills of a specialized attorney; and

WHEREAS: Charles C. Martorana, of Barclay Damon, LLP, has extensive expertise in these areas; and

WHEREAS: Barclay Damon, LLP, has historically represented the Buffalo Sewer Authority in these areas as well as litigation and arbitration matters as needed; and

WHEREAS: Upon request, Barclay Damon, LLP, has submitted a proposed retainer agreement to continue to provide legal services for the Buffalo Sewer Authority. The billing rates are as follows:

Partners & Counsel	\$295.00 per hour
Associates	\$265.00 per hour
Paralegal Services	\$190.00 per hour

; and

WHEREAS: The General Manager, General Counsel, Executive Secretary and staff recommend approval to retain Barclay Damon, LLP, for legal services on an as-needed basis for the 2020-2021 fiscal year.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the General Manager to retain Barclay Damon, LLP, for legal services on an as-needed basis in an amount not to exceed \$95,000.00 for the period July 1, 2020 through June 30, 2021. Expenses for these services will be charged to account no. 00550106-432003.

MOTION TO APPROVE

MADE BY MS. PETRUCCI

2ND BY MR. ROOSEVELT

AYES 3 NOES 0

Board Meeting of July 29, 2019

ITEM NO. 8

CONTRACT APPROVAL - AUDIT AND ACCOUNTING SERVICES

WHEREAS: The use of independent Certified Public Accountants is necessary in order that the Buffalo Sewer Authority submits financial statements in accordance with generally accepted auditing standards, prepares a Comprehensive Annual Financial Report for submission to the New York State Comptroller and develops accurate cost allocation schedules of operation at the Bird Island Treatment Facility; and

WHEREAS: Drescher & Malecki LLP, Certified Public Accountants, has proposed to extend their service contract with the Buffalo Sewer Authority for accounting and auditing services for a one-year period, beginning July 1, 2020 for a fee not to exceed \$45,500.00, and to prepare a cost allocation schedule for a fee not to exceed \$5,000.00. The cost for these services remains the same as last fiscal year's contract; and

WHEREAS: The Audit Committee of the Board of Directors of the Buffalo Sewer Authority recommends renewing this contract for the fiscal year beginning July 1, 2020.

NOW THEREFORE
BE IT RESOLVED:

That the Board of the Buffalo Sewer Authority hereby authorizes the Chairman of the Audit Committee to enter into an agreement with Drescher & Malecki LLP, Certified Public Accountants, to perform the required auditing of the Buffalo Sewer Authority's affairs for a cost not to exceed \$45,500.00, and to develop the cost allocation schedule for a cost not to exceed \$5,000.00, for the period July 1, 2020 through June 30, 2021. Account no. 00110106-432001 will be charged for the financial audit. Account no. 00550106-432001 will be charged for the cost allocation schedule.

MOTION TO	<u>APPROVE</u>
MADE BY	<u>MS. PETRUCCI</u>
2 ND BY	<u>MR. ROOSEVELT</u>
AYES	<u>3</u> NOES <u>0</u>

Board Meeting of July 29, 2020