

MINUTES

**MONROE COUNTY WATER AUTHORITY
REGULAR MEETING
THURSDAY, July 11, 2019**

9:30 a.m.

Board Room, General Offices, 475 Norris Drive, Rochester, New York

9:30 a.m. The Chairman called this Regular Meeting to order.

Roll Call of the membership of the Board and determination that a quorum was present.

Members present (6): S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison

Members absent (1): R. Hurlbut

Staff present: N. Noce, Executive Director; M.A. Hussar, Secretary to the Authority; D. Hendrickson, Dir. of Human Resources; S. M. Savage, P.E., Dir. of Engineering; L. Magguilli, Assistant to Exec. Dir.; R. Benshoff, Exec. Dir. of Operations; A. Molinari, Acting Dir. of Finance, C. LaManna, Dir. of Production and Transmission, T. Uschold, Information Technology Dept.

General Counsel present: E. Hebert, Atty. HS&E

Monroe County Legislative Liaison present: (0)

Guest/s: Mr. Matt Hurlbutt, CEO, Greater Rochester Enterprise

Packets containing detailed information on Agenda items were distributed in advance of meeting date to each Member, Executive Staff and Counsel for their prior review.

Pledge of Allegiance - lead by Chairman Nasca

#19-130 Approve minutes of the Authority's Regular Meeting held on June 13, 2019.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #19-130 was put to a voice vote and unanimously carried. Ayes: 6; Nays: 0.

#19-131 Accept list of disbursements on check registers dated June 12, June 19, June 26 and July 2, 2019, which were forwarded to the Authority Members for their review.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #19-131 was put to a voice vote and unanimously carried. Ayes: 6; Nays: 0.

#19-132 Accept Purchase Order List of materials and supplies for the period June 4, 2019 through July 2, 2019 in the amount of \$458,753.

On a motion made by Ms. Mervis, seconded by Mr. Bernstein, the foregoing resolution #19-132 was put to a voice vote and unanimously carried. Ayes: 6; Nays: 0.

PRESENTATION: MR. MATT HURLBUTT, CEO GREATER ROCHESTER ENTERPRISE (GRE)

Mr. Hurlbutt presented to the board an overview of GRE Greater Rochester Enterprise (GRE). GRE is a regional economic development organization supported by a team of private and public sector leaders dedicated to improving economic performance and catalyzing global business attraction, expansion, and industry innovation in the 9-county Rochester/Finger Lakes, New York Region. He reviewed various GRE success stories as well as highlighting some of the current opportunities in the business development pipeline and projections based on current key market factors.

EXECUTIVE SESSION

#19-ES 9:50 a.m. Chairman Nasca requested a motion to enter executive session pursuant to Section 105(1) of the New York Public Officers Law in order to discuss matters related to Attorney-Client Privilege"

Moved by Mr. Fero, seconded by Mr. Rulison, was put to a voice vote, the Board unanimously agreed to enter executive session. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis,); Nays: 0.

10:05 a.m. Motion to conclude executive session

COMMUNICATIONS - NONE

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COMPENSATION COMMITTEE REPORT – presented by Ms. Mervis, Committee Chairperson.

Ms. Mervis gave a briefing on the Compensation Committee meeting held on June 27, 2019 at 9:00 a.m. She stated that Mr. Steve DePerrior from Burke Group addressed the Committee on the status of updating the current Compensation Philosophy so that it reflects the most accurate and updated information pertaining to roles and responsibilities of Management level employees, and that the corresponding salary tables are aligned with position descriptions, and are competitive with current market salary rates. No formal action was needed for this item. Ms. Mervis concluded with confirmation of the next Compensation Committee meeting for August 29, 2019.

#19-133 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Jeffrey Krahe to the position of Laborer in the Facilities, Fleet and Operations Department at Group 1, Schedule 4, Step 1 effective July 29, 2019.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #19-133 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-134 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Andrew Pangrazio to the position of Laborer in the Facilities, Fleet and Operations Department at Group 1, Schedule 4, Step 1 effective July 22, 2019.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #19-134 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-135 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Provisional Appointment of MaryAnn Hussar to the title of Communications Aide, effective July 15, 2019 at Group 4, Schedule 3.

On a motion made by Ms. Mervis, seconded by Mr. Rulison, the foregoing resolution #19-135 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-136 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Permanent Appointment of Amy Molinari to the title of Director of Finance/Business Services effective July 15, 2019 at Group 3, Schedule 6.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #19-136 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

For item #19-137, Mr. Savage addressed the Members stating that this unit price contract is for the system by which much of the information is communicated to and from our facilities in the SCADA system. Frontier Communications of America, Inc. was the only bidder and they have provided services similar to this contract since 1996.

#19-137 Authorize the **award of a unit price contract** for the SCADA Virtual Private Network Telecommunications Services to Frontier Communications of America, Inc., in the amount of \$130,850 per year for a five-year period.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #19-137 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

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For items, #19-138 and #19-139 Mr. Savage provided the members with an overview of the details relating to both of these Resolutions. He indicated the Town originally leased its water system to the Water Authority in 2003. In 2009 the Water Authority contracted to rehabilitate the existing Pavilion water storage tank, however once under contract it was determined that the tank required more work than anticipated. Therefore, the investment into the rehabilitation of the existing tank was determined to be better utilized in funding a replacement water storage tank. Mr. Savage concluded by explaining that item #19-139 requesting authorization to execute The Water District Extension Agreement, will allow the Water Authority to apply budgeted funding towards the construction of the new water storage tank project as the replacement for the existing tank.

#19-138 Authorize execution of 40-year Retail Lease Agreement with the Town of Pavilion.
WHEREAS, the Authority is operating the Town of Pavilion's water system in accordance with the existing Retail Lease Agreement dated September 11, 2003; and

WHEREAS, the Town is seeking federal funding for the new water districts; and

WHEREAS, the Town of Pavilion has requested a renewal of the Retail Lease Agreement with the Authority for a new forty (40) year term.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE MONROE COUNTY WATER AUTHORITY:

To authorize the execution of a 40-year Retail Lease Agreement with the Town of Pavilion.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, the foregoing resolution #19-138 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-139 Authorize the Executive Director to enter into a Water District Extension Agreement with the Town of Pavilion for the construction of a new water storage tank.

On a motion made by Mr. Bernstein, seconded by Ms. Mervis, the foregoing resolution #19-139 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

For item #19-140, Mr. LaManna explained to the Members that this was a re-bid of an earlier project with a reduced scope of work to be completed.

#19-140 Authorize the award of the Standby Generator Optimization – Phase 1 unit price contract to the low responsive, responsible bidder, Concord Electric Corporation for the bid amount of \$243,000.

On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #19-140 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

For item #19-141, Mr. Benschhoff briefed the members stating that this request is for new overhead doors that will be replacing doors that are approximately 20 years old located at the 475 Norris Dr. facility (Headquarters).

#19-141 Authorize re-bid award for the purchase of (3) new Overhead Door Replacements from the low responsive, responsible bidder, Alliance Door in the bid amount, which includes installation, of \$18,817.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #19-141 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

Mr. LaManna informed the Members that item #19-142 is to support additional material and time expenses needed in connection with an in-progress construction project at the Shoremont Water Treatment Plant.

#19-142 Authorize multiple change orders to the Agreement with Crosby-Brownlie, Inc. for construction of the Scrubber Installation at the Shoremont Water Treatment Plant for an estimated maximum cumulative amount of \$30,000.

On a motion made by Mr. Rulison seconded by Mr. Bernstein, the foregoing resolution #19-142 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

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Mr. LaManna again addressed the Members regarding items #19-143 and #19-144 requesting authorization to standardize the authority's small and large chemical pumps. Staff has determined that the "Watson Marlow" chemical pumps (large liquid chemical storage pumps) and the "Blue-White" Industries (small) liquid chemical pumps provide the most durable, reliable, and cost efficient equipment for the Authority, therefore it has been determined that Standardization for both of these items is appropriate and duly warranted.

#19-143 WHEREAS, the Monroe County Water Authority (the "Authority") has studied whether it should now **standardize on Watson Marlow Fluid Technology Group ("Watson Marlow") chemical pumps** in order to maintain the efficiency, compatibility, and reliability of the Authority's large and more complex chemical storage and feed systems ("chemical systems"), primarily located at the Authority's Shoremont and Webster Water Treatment Plants, Denise and Parrish Reservoirs, and other select booster pumping stations and storage facilities, and

WHEREAS, the Production and Transmission Department staff has found this equipment to be significantly more robust, durable, and reliable than other manufacturers' equipment, and

WHEREAS, the Authority currently has other compatible equipment that will result in smaller parts inventory, and

WHEREAS, the operations and maintenance staff are trained in the installation, configuration, and calibration of this equipment, and

WHEREAS, upon the recommendation of the Authority's Production and Transmission Department, the Authority has determined that Watson Marlow chemical pumps are the most efficient and economic equipment currently available for the Authority's large and more complex chemical systems.

NOW, THEREFORE, BE IT RESOLVED that:

1. In order to provide for the most efficient and economic source of chemical pumps and for the reasons stated above, all purchases or procurements by the Authority of chemical pumps, specifically for the Authority's large and more complex chemical systems located at the Shoremont and Webster Water Treatment Plants, Denise and Parrish Reservoirs, and other select booster pumping stations and storage facilities, and any ancillary equipment must be Watson Marlow.
2. The Members and staff of the Authority are hereby authorized and directed for and on behalf of the Authority and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Authority with all of the provisions of the foregoing resolutions.

On a motion made by Mr. Bernstein seconded by Mr. Fero, the foregoing resolution #19-143 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-144 WHEREAS, the Monroe County Water Authority (the "Authority") has studied whether it should now **standardize on Blue-White Industries, LTD ("Blue-White) chemical pumps** in order to maintain the efficiency, compatibility, and reliability of our small and less complex chemical storage and feed systems ("chemical systems") primarily located at the Authority's remote booster pumping stations and storage facilities, and select systems at our water treatment plants, and

WHEREAS, the Production and Transmission Department staff has found this equipment to be significantly more robust, durable, and reliable than other manufacturers' equipment, and

WHEREAS, the Authority currently has other compatible equipment that will result in smaller parts inventory, and

WHEREAS, the operations and maintenance staff are trained in the installation, configuration, and calibration of this equipment, and

WHEREAS, upon the recommendation of the Authority's Production and Transmission Department, the Authority has determined that Blue-White chemical pumps are the most efficient and economic equipment currently available for the Authority's small and less complex chemical systems.

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NOW, THEREFORE, BE IT RESOLVED that:

1. In order to provide for the most efficient and economic source of chemical pumps and for the reasons stated above, all purchases or procurements by the Authority of chemical pumps, specifically for the Authority's small and less complex chemical systems located at the Authority's remote booster pumping stations and storage facilities, and select systems located at the water treatment plants, and any ancillary equipment must be Blue-White.
2. The Members and staff of the Authority are hereby authorized and directed for and on behalf of the Authority and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Authority with all of the provisions of the foregoing resolutions.

On a motion made by Mr. Fero seconded by Mr. Bernstein, the foregoing resolution #19-144 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

Mr. Noce briefed the Members on item #19-145 regarding the circumstances surrounding the necessity of securing legal services to the Authority by special Counsel, Tully Rinckey, PLLC. vs. utilizing the Authority's general counsel, Harter Secrest & Emery LLP.

#19-145 **RESOLUTIONS AUTHORIZING LEGAL COUNSEL PROFESSIONAL SERVICES**

WHEREAS, each year the Monroe County Water Authority (the "Authority") reviews confidential employee disclosure forms; and

WHEREAS, earlier this year, one such form required further review, but the Authority's general counsel firm had to recuse itself; and

WHEREAS, the Authority decided to hire special counsel to conduct a confidential review and advise the Authority; and

WHEREAS, it was estimated that the review would be under \$15,000 and, pursuant to the Authority's Professional Services Policy and Procedures (the "Policy"), could be approved by staff without Board approval; and

WHEREAS, attorneys at the firm of Tully Rinckey PLLC (the "Firm") had previously served as special counsel on Authority matters and were found to have the knowledge and experience necessary to assist with the review; and

WHEREAS, earlier this year, the Firm submitted invoice #273386 for \$8,280, and the Executive Director of the Authority authorized payment thereof; and

WHEREAS, the Firm later submitted invoice #280214 for an additional \$9,712.95, which pushed the total amount above the \$15,000 limit requiring Board approval.

NOW, THEREFORE, BE IT RESOLVED:

1. The Members of the Authority hereby ratify the payment of invoice #273386 and approve the payment of invoice #280214.
2. The Members of the Authority hereby ratify all other actions taken regarding engaging the Firm as special counsel.
3. The Members and staff of the Authority are hereby authorized and directed for and on behalf of the Authority and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Authority with the foregoing resolutions.

On a motion made by Ms. Mervis seconded by Mr. Rulison, the foregoing resolution #19-145 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

For item #19-146, Mr. Uschold explained to the Members that this purchase is for the purpose of updating existing servers so as to maintain compatibility with software updates and upgrades, as well as to sustain overall business operational continuity.

#19-146 **Authorize the purchase of Dell Servers under the NYS OGS Umbrella Hardware Contract Group 73600 – Award 22802 for an estimated total cost of \$50,000.**

On a motion made by Mr. Bernstein seconded by Mr. Rulison, the foregoing resolution #19-146 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays:

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#19-147 The Members of the Authority expressly make the following determinations for all awards of Procurement Contracts made during this meeting: (i) the proposed awardee has been found to be responsible; (ii) the proposed awardee complied with the State Finance Law provisions regarding Permissible Contacts (as defined in the Authority's Procurement Disclosure Policy); (iii) the proposed awardee has (or will prior to the final award being effective) complied with the State Finance Law provisions that require disclosure of all information required to be in the Authority's Solicitation Materials (as such term is defined in the Authority's Procurement Disclosure Policy); and (iv) the procurement process did not involve conduct that is prohibited by the Public Officers Law, the Authority's Procurement Disclosure Policy, and the Authority's Code of Ethics and Conflict of Interest Policies.

On a motion made by Mr. Rulison seconded by Mrs. Volpe, the foregoing resolution #19-147 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

GOVERNANCE COMMITTEE REPORT - presented by Ms. Mervis, Committee Chairperson.

Ms. Mervis reported that the Governance Committee met on Thursday, June 27, 2019 at 8:30 a.m. at which time various policies were presented to the Committee Members. Staff reviewed these policies in advance, with a recommendation that no revisions were needed at this time. Therefore, the Committee voted unanimously to readopt all Policies as presented and to forward on to the full Board for its approval at its July 11, 2019 Regular meeting, as listed on today's Agenda as resolutions currently before you. The Governance Committee also confirmed their next scheduled meeting would be Thursday, October 31, 2019 at 8:30 a.m.

#19-148 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Policy Regarding Service Awards Program**.

On a motion made by Mr. Rulison seconded by Mrs. Volpe, the foregoing resolution #19-148 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-149 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Food Expenditure & Reimbursement Policy**.

On a motion made by Mr. Rulison seconded by Mrs. Volpe, the foregoing resolution #19-149 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-150 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Travel & Expense Reimbursement Policy**.

On a motion made by Mr. Bernstein seconded by Mr. Fero, the foregoing resolution #19-150 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-151 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Policy Regarding Time & Attendance for Management Employees**.

On a motion made by Mr. Bernstein seconded by Mr. Fero, the foregoing resolution #19-151 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-152 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Policy Regarding Compensation & Reimbursement for Management Employees**.

On a motion made by Mr. Bernstein seconded by Ms. Mervis, the foregoing resolution #19-152 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-153 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Policy Regarding Acquisition and Assignment of Mobile Communication Devices**.

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On a motion made by Mr. Rulison seconded by Mr. Bernstein, the foregoing resolution #19-153 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-154 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Whistleblower Policy**.

On a motion made by Mr. Rulison seconded by Mr. Bernstein, the foregoing resolution #19-154 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

#19-155 **Approve the Monroe County Water Authority membership renewal** with the Greater Rochester Enterprise (GRE) at the annual membership rate of \$25,000/year.


On a motion made by Mr. Rulison seconded by Mr. Fero, the foregoing resolution #19-155 was duly put to a vote on roll call and unanimously carried. Ayes: 6 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis, J. Rulison); Nays: 0.

- In Board folders for review:
 - Routine monthly updates.

There being no further business to come before the Authority, Chairman Nasca adjourned the meeting at 10:31 a.m.



Nicholas Noce, Executive Director



Scott D. Nasca, Chairman