

MINUTES

**MONROE COUNTY WATER AUTHORITY
REGULAR MEETING
THURSDAY, September 3, 2020 @ 9:30 a.m.
Main Conference Room
General Offices, 475 Norris Drive, Rochester, New York**

9:32 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 (7): S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison

Staff present: N. Noce, Executive Director; L. Magguilli, Assistant to the Executive Director; D. Hendrickson, Director of Human Resources; S. Savage, P.E., Director of Engineering; C. LaManna, P.E., Director of Production; A. Molinari, Director of Finance & Business Services; R. Benschhoff, Executive Director of Operations; S. Trotta, Distribution Manager

General Counsel present: John M. Jennings – Harter, Secrest & Emery
Andrew Dean – Harter, Secrest & Emery

Monroe County Legislative Liaison present: Honorable Frank X. Allkofer

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

Pledge of Allegiance – Lead by Chairman Nasca

#20-158 Approve minutes of the Authority's Regular Meeting held on August 13, 2020.

On a motion made by Mr. Rulison, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-158 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

#20-159 Approve list of disbursements on check registers dated August 5, August 12, and August 19, 2020, which were forwarded to the Authority Members for their review.

On a motion made by Mr. Fero, seconded by Mr. Hurlbut, the foregoing resolution #20-159 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

#20-160 Accept Purchase Order List of materials and supplies for the period August 5 through August 26, 2020 in the amount of \$301,377.80.

On a motion made by Mr. Hurlbut, seconded Mr. Bernstein, the foregoing resolution #20-160 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

EXECUTIVE SESSION

#20-ES 09:35 a.m. Chairman Nasca requested a motion to enter Executive Session pursuant to Section 105(l)(f) of the New York Public Officers Law in order for the Board to discuss the employment performance history of a particular employee.

Moved by Mr. Rulison, seconded by Mr. Hurlbut, and put to a roll call vote, the Board unanimously agreed to enter Executive Session. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

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09:52 a.m. Motion to conclude Executive Session: Moved by Mr. Rulison, seconded by Ms. Bleier-Mervis, the Board upon voice vote unanimously agreed to conclude Executive Session. No formal action was taken.

#20-ES 09:53 a.m. Mr. Nasca requested a motion to re-enter Executive Session pursuant to Section 105 (l)(h) of the New York Public Officers Law in order to discuss the proposed acquisition, sale, or lease of real property.

Moved by Mr. Hurlbut, seconded by Mr. Fero, and put to a roll call vote, the Board unanimously agreed to re-enter Executive Session. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

10:00 a.m. Motion to conclude Executive Session: Moved by Mr. Rulison, seconded by Mr. Bernstein, the Board upon voice vote unanimously agreed to conclude Executive Session. No formal action was taken.

10:00 a.m. Chairman Nasca called this Regular Meeting back in Open Session.

COMMUNICATIONS/NOTIFICATIONS

Mr. Noce read a letter from Mr. Raymond Benschhoff, Executive Director of Operations, on his intent to retire later this month, having previously provided verbal notice of such for succession planning purposes. Mr. Noce voiced his regard and appreciation for Mr. Benschhoff's many years of dedicated service with the Water Authority.

Mr. Savage, Director of Engineering, addressed the Board regarding the 2020 Tank Painting Contract. In June 2020, the Board authorized the award of this Contract to Amstar of Western NY. Amstar was not the apparent low bidder at the time of the bid opening. MGM Insulation was the apparent low bidder; however, MGM Insulation did not demonstrate they possess the required experience in order to successfully complete the project. Shortly after the award of the Contract, MGM petitioned the Court with an order to show cause and a preliminary injunction in an effort to reverse the Board's decision to award to Amstar. The Court determined the Water Authority did not deviate from the requirements defined in the *Instructions to Bidders* and, therefore, acted in a reasonable manner. The Court denied MGM's petition.

For Item 20-161, Board Member Hurlbut and Board Member Bernstein offered the following resolution and moved its adoption:

20-161

RESOLUTION #20-161

**EXPRESSING APPRECIATION FOR YEARS OF SERVICE AND
BEST WISHES OF THE MONROE COUNTY WATER AUTHORITY BOARD
TO THOMAS J. USCHOLD UPON HIS RETIREMENT**

*WHEREAS, Thomas J. Uschold, a longtime employee of the Water Authority,
has retired as of August 20, 2020; and*

*WHEREAS, Thomas J. Uschold is a highly skilled and knowledgeable 11+ year
veteran of the Water Authority; and*

*WHEREAS, Thomas J. Uschold will be remembered for his dedicated service
by his fellow employees and management of the Water Authority.*

NOW, THEREFORE, BE IT RESOLVED, MCWA extends its appreciation
and best wishes for a happy, fulfilling retirement; and

BE IT FURTHER RESOLVED, the Recording Secretary of the Board is
*hereby requested to forward a copy of this Resolution to
Thomas J. Uschold, MCWA Retiree.*

~ This resolution adopted unanimously. ~

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For Item #20-162 Mr. Benshoff briefed the Board for authorization to award a unit price contract for the purchase of Ductile Iron Pipe used for water main repairs and construction projects. He summarized the bid results and stated that the Water Authority has successfully done business with this vendor for many years.

#20-162 Authorize the award of a unit price contract for the purchase of **Ductile Iron Pipe** from low responsive, responsible bidder, **Core & Main, LP** in the bid amount of \$307,371.60. This is a one year, unit price contract with the option to extend for up to four additional one year terms upon mutual consent. The bid amount is based on estimated quantities, and all items will be purchased as needed.

On a motion made by Mr. Bernstein, seconded by Mr. Hurlbut, the foregoing resolution #20-162 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-163, Mr. Benshoff addressed the Board for authorization in purchasing Weber plate tampers. These tampers are used by our Distribution Maintenance crews for compaction purposes after water main repairs. We have determined that the larger, heavier tamper compacts better, resulting in less settlement, thereby diminishing the likelihood of damage to vehicles and/or having to return to repair a pavement restoration. We have successfully done business with this vendor.

#20-163 Authorize the purchase of four (4) **Weber Plate Tampers** and one (1) Weber Jumping Jack from low responsive, responsible bidder, **Altra Rental & Supply, Inc.** in the bid amount of \$17,915.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Bernstein, the foregoing resolution #20-163 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-164, Mr. Benshoff sought Board authorization in utilizing Monroe County Contract for the as-needed rental of traffic control devices. Rental of these devices is used by our Distribution Maintenance crews for various repair projects and by our Engineering Department's Construction crews on water main installation projects. Comet Flasher has proven to be a reliable vendor.

#20-164 Authorize the use of Monroe County Contract #0917-19 (4700007552) for **Rental of Traffic Control Devices**, as needed, from vendor-awarded **Comet Flasher, Inc.** through the current term ending August 31, 2021, and for an estimated amount of \$150,000.

On a motion made by Mr. Hurlbut, seconded by Mr. Bernstein, the foregoing resolution #20-164 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-165, Mr. Benshoff again briefed the Board for authorization to amend Resolution #18-211 to extend the New York State OGS contract period for the purchase of Ultra-Low Sulfur Diesel Fuel from August 27, 2020 to November 27, 2020. The Water Authority utilizes this contract for procurement of diesel fuel for our vehicles and equipment. The State Contract expired the end of August; however, because no bid was submitted from a vendor in our area, the State extended this contract for three months while it endeavors to secure a new contract with a local vendor.

#20-165 Authorize an **amendment to Resolution #18-211** to extend the New York State OGS contract period for the purchase of **Ultra-Low Sulfur Diesel Fuel** from August 27, 2020 to November 27, 2020.

On a motion made by Mr. Rulison, seconded by Mr. Hurlbut, the foregoing resolution #20-165 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

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For Item #20-166, Mr. Magguilli addressed the Board for authorization to purchase Cisco switches as part of routine computer network maintenance. These switches will be procured utilizing New York State Contract.

#20-166 Authorize the use of New York State OGS Contract, Group #73600, Award #22802, Contract #PM20800 for the purchase of **Cisco Switches and Interconnect Modules** from **ePlus Technology** in the amount of \$22,125.75.

On a motion made by Mr. Hurlbut, seconded by Mr. Fero, the foregoing resolution #20-166 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-167, Mr. Savage briefed the Board for authorization to award a unit price contract for the 2020 Cathodic Protection Program. He gave a brief overview of the program, and stated that one bid was received from Villager Construction, who has successfully completed projects for the Water Authority for many years.

#20-167 Authorize the award of a unit price contract for the **2020 Cathodic Protection Program** contract to the low responsive, responsible bidder, **Villager Construction, Inc.** in the bid amount of \$474,800.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #20-167 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-168, Mr. Savage sought Board authorization for the award of unit price contract for the second phase of the concrete repair project at our Shoremont Water Treatment Plant. He discussed project scope, summarized the bid results, and responded to follow-up questions from several Board members.

#20-168 Authorize the award of a unit price contract for the **Shoremont Water Treatment Plant Concrete Repairs – Phase II** project to the low responsive, responsible bidder, **Patterson-Stevens, Inc.** in the bid amount of \$281,500.

On a motion made by Mr. Fero, seconded by Mrs. Volpe, the foregoing resolution #20-168 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-169, Mr. Savage addressed the Board regarding a Negative Declaration for environmental impacts associated with the pending construction of a Solar Farm on Water Authority property located at 2842 Penfield Road. Following Mr. Savage's overview of the project and review of the SEQR process in which it was determined the environmental impacts will not be significant, he and Mr. LaManna fielded several follow-up questions from a Board member.

#20-169 WHEREAS, on June 12, 1995, the Monroe County Water Authority (the "Authority") declared itself Lead Agency in accordance with the State Environmental Quality Review Act (SEQR) and its corresponding regulations found at 6 NYCRR 617.6 (b) regarding the Eastside Water Supply Project (the "Project"); and

WHEREAS, on June 12, 1995, the Authority issued a Positive Declaration in accordance with SEQR and directed that an Environmental Impact Statement be prepared; and

WHEREAS, on December 11, 1996, the Authority completed its review of the Environmental Impact Statement and issued its Findings Statement in accordance with SEQR and its corresponding regulations found at 6 NYCRR 617; and

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WHEREAS, a change has been made to the Project to add a **PV Solar Array** at 2842 Penfield Road in the Town of Penfield, which is the site of a future finished water storage reservoir that is a component of the Eastside Water Supply Project; and

WHEREAS, on July 22, 2020, Part 1 of the Environmental Assessment Form was distributed to all Interested and Involved Agencies for review and comment; and

WHEREAS, the environmental impacts associated with the Project change have been assessed and included in the Full Environmental Assessment Form; and

WHEREAS, Sol Systems, the Authority's Consultant for the Project, and Authority staff have compared all impacts which may be reasonably expected to result from this proposed action against the criteria set forth in 6 NYCRR 617.7.

NOW, THEREFORE, BE IT RESOLVED by the Members of the Monroe County Water Authority Board:

Section I: Based upon our previous determination of significance, the review of the environmental impacts associated with the change to the Project, and Authority staff comments related thereto, if any, in accordance with 6 NYCRR 617.7, the Authority determines that the identified environmental impacts of the Project will not be significant.

Section II: This Board determines that the proposed action will not have a significant impact on the environment and, therefore, an environmental impact statement will not be prepared. This determination constitutes a Negative Declaration for purposes of SEQR.

Section III: Authority staff is hereby directed to give notice of this determination in accordance with 6 NYCRR 617.12.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #20-169 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-170, Mr. LaManna addressed the Board for authorization in the award of the Webster Water Treatment Plant Filter GAC Replacement contract. He recapped the bid results, and stated that the winning bid amount was 10 percent below our estimate.

#20-170 Authorize the award of the Webster Water Treatment Plant **Filter GAC Replacement** contract to the low responsive, responsible bidder, **Carbon Activated Corporation**, for the bid amount of \$777,700.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Rulison, the foregoing resolution #20-170 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

AUDIT COMMITTEE REPORT – Presented by Mr. Fero, Committee Member

Mr. Fero gave a briefing on the Audit Committee meeting held Thursday, August 13, at 10:15 a.m. The first item on the Agenda was a review of a proposed revision to the Accounting Policies and Procedures Manual, which is the addition of ACH payments as a method of remittance to vendors. Following some discussion, the Committee voted unanimously to approve the revised Accounting Policies and Procedures Manual, as presented, and to forward to the full Board for its approval.

Mr. Fero continued his reporting with the second item on the Agenda, which was the review of proposals submitted and the selection of a firm to provide auditing services to the Authority. The Committee entered into Executive Session pursuant to Public Officers Law §105(f) to discuss matters leading to the appointment of one or more particular persons or corporations, and after the conclusion of Executive Session, the Committee unanimously agreed to recommend to the full Board for its approval the

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appointment of EFPR Group, LLP as the Authority's audit firm for the fiscal years ending December 31, 2020, 2021, and 2022, all in accordance with a Proposal to Provide Audit and Related Services submitted on July 13, 2020 by EFPR Group, LLP.

Mr. Fero concluded his reporting by mentioning that the next scheduled meeting of the Audit Committee is slated for Thursday, October 1, at 8:00 a.m. and that minutes of the August 13 meeting are posted on the MCWA website.

For Item #20-171, Ms. Molinari addressed the Board regarding the addition to the Accounting Policies & Procedures Manual of ACH payments as a method of remittance to our vendors. She responded to a follow-up question from a Board member.

#20-171 Upon recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the Authority's **Accounting Policies & Procedures Manual**, as revised and presented.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #20-171 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-172 WHEREAS, the Water Authority issued a *Request for Qualifications and Proposal for Auditing Services* to 15 certified public accounting firms on June 15, 2020 and posted on the Water Authority's website; and

WHEREAS, the Authority received six proposals; and

WHEREAS, the Audit Committee has carefully reviewed all the proposals submitted and has recommended it is in the best interest of the Water Authority to award the auditing services contract to **EFPR Group, LLP** as the most qualified proposer.

NOW, THEREFORE, it is

RESOLVED, that the Executive Director is authorized to enter into an **Agreement for Professional Auditing Services** with **EFPR Group, LLP** with principal offices at 100 South Clinton Avenue, Suite 1500, Rochester, New York 14604, all in accordance with a Proposal to Provide Audit and Related Services, dated July 13, 2020, submitted by EFPR Group LLP. All inclusive fees for conducting recurring services shall be based as submitted in their Proposal dated July 13, 2020. This Agreement is to provide Auditing Services for the fiscal years ending December 31, 2020, 2021, and 2022.

FURTHER RESOLVED, that this resolution shall take effect immediately.

On a motion made by Mr. Hurlbut, seconded by Mr. Fero, the foregoing resolution #20-172 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis); NAYS: 0; ABSTAIN: 1 (J. Rulison)

#20-173 The Members of the Authority expressly make the following determination 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.

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On a motion made by Mr. Bernstein, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-173 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-174, Mr. Noce notified the Board that in compliance with the State Archives and Records Administration, a new Records Retention Officer must be appointed due to the retirement of Thomas Uschold. He stated that Mr. Magguilli has agreed to assume the role.

#20-174 The **Records Retention Officer** for the Monroe County Water Authority as required for State Archives and Records Administration (SARA) procedures shall hereby be: **Larry M. Magguilli**, Assistant to the Executive Director.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-174 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

In Board folders for review:

- MCWA Preliminary 2021 Budget
- Routine monthly informational updates

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There being no further business to come before the Authority, Chairman Nasca adjourned this Regular Meeting at 10:40 a.m.



Diane L. Hendrickson, Recording Secretary



Scott D. Nasca, Chairman