

MINUTES

**MONROE COUNTY WATER AUTHORITY
REGULAR MEETING
FRIDAY, December 18, 2020 @ 9:30 a.m.
Main Conference 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, R. Hurlbut, W. Bleier-Mervis, J. Rulison
Members Absent (1): A. Bernstein

Staff present: N. Noce, Executive Director; D. Hendrickson, Director of Human Resources

General Counsel present: John Jennings – Harter, Secrest & Emery

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

#20-226 Approve minutes of the Authority's Regular Meeting held on November 25, 2020.

On a motion made by Mr. Hurlbut, seconded by Mr. Rulison, the foregoing resolution #20-226 was put to a voice vote and unanimously carried. AYES: 6; NAYS: 0

#20-227 Approve list of disbursements on check registers dated November 18, November 24, and December 2, 2020, which were forwarded to the Authority Members for their review.

On a motion made by Mr. Rulison, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-227 was put to a voice vote and unanimously carried. AYES: 6; NAYS: 0

#20-228 Accept Purchase Order List of materials and supplies for the period November 17 through December 9, 2020 in the amount of \$1,108,181.44.

On a motion made by Mr. Hurlbut, seconded by Mr. Rulison, the foregoing resolution #20-228 was put to a voice vote and unanimously carried. AYES: 6; NAYS: 0

COMMUNICATIONS/NOTIFICATIONS

Mr. Noce gave a brief overview of the Genesee County Rate Consolidation Study, a copy of which was included in Board folders. Currently, MCWA customers in eastern Genesee County and western Genesee County are charged different rates because some of the water must be purchased from neighboring Erie County. The Genesee County Legislature requested the Authority perform an analysis of maintaining the current rate structure versus merging the two rates into one county-wide rate. This will ultimately be decided by the Genesee County Legislature, and the Authority has no further involvement.

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COMPENSATION COMMITTEE REPORT – Presented by Ms. Bleier-Mervis, Chairperson

Ms. Bleier-Mervis gave a briefing on the Compensation Committee Meeting held December 3, 2020. She stated that the Committee met in Executive Session to discuss the performance appraisals of the Executive Director and Executive Staff. No formal action was taken.

After returning to open session, the next item on the Agenda was a review by Mr. Noce and Ms. Hendrickson of Burke Group's recommended modifications to the Compensation Philosophy. She said that after some discussion, the Committee unanimously approved forwarding to the full Board the recommended revisions for their review and approval.

Ms. Bleier-Mervis concluded her reporting by stating that the Compensation Committee agreed to schedule their next meeting as warranted and that a copy of the Minutes is posted on the MCWA website.

#20-229 Upon recommendation of the Monroe County Water Authority's Compensation Committee, the Board hereby approves the **MCWA Compensation Philosophy**, as revised.

On a motion made by Mr. Rulison, seconded by Mr. Hurlbut, the foregoing resolution #20-229 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-230 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Kyle Milner to the title of Electrical & Instrumentation Mechanic III, effective January 4, 2021 at Salary Schedule 4, Group 3.

On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #20-230 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-231 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Provisional Appointment of Justin Moore to the title of Director of Information Technology, effective January 19, 2021 at Salary Schedule 3, Group 9.

On a motion made by Mr. Rulison, seconded by Mr. Hurlbut, the foregoing resolution #20-231 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-232 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Provisional Appointment of Bruce Cavallaro to the title of Senior Network Technician, effective December 30, 2020 at Salary Schedule 3, Group 5.

On a motion made by Mr. Hurlbut, seconded by Mr. Rulison, the foregoing resolution #20-232 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-233 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Promotional Appointment of Catherine Zachary to the title of Office Clerk III, effective December 21, 2020 at Salary Schedule 5, Group 2.

On a motion made by Mr. Fero, seconded by Mr. Hurlbut, the foregoing resolution #20-233 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

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For Item #20-234, Mr. Noce briefed the Board for authorization to utilize the New York State Contract for the as-needed purchase of Ultra Low Sulfur Diesel Fuel for Authority vehicles and equipment. He stated the estimated amount is through the contract period ending August 26, 2021.

#20-234 Authorize the use of **New York State OGS Contract, Group #05602, Award #23216, Contract #PC69219** – for the purchase of **Ultra Low Sulfur Diesel Fuel** for Authority vehicles and equipment from vendor-awarded Noco Energy Corporation, for an estimated amount of \$200,000 through the contract period ending August 26, 2021.

On a motion made by Mr. Hurlbut, seconded by Mr. Fero, the foregoing resolution #20-234 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-235, Mr. Noce addressed the Members; he summarized the terms and recapped the bid results for this unit price contract and stated that the Water Authority has successfully done business with this vendor for many years.

#20-235 Authorize a unit price contract for **Curb Boxes**, purchased as needed from low responsive, responsible bidder, **T. Mina Supply East, Inc.** in the bid amount of \$67,939 for an initial one year term, renewable for up to four additional one year terms upon mutual consent. The bid amount is based upon estimated quantities, and the contract includes the option of a 5% increase in pricing per year of extension.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-235 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-236, Mr. Noce briefed the Board for authorization in purchasing of office supplies from W.B. Mason Co, Inc., utilizing the City of Rochester Contract with its advantageous terms for cost savings. He indicated these are standard office supplies used in daily office operations.

#20-236 Authorize the purchase of **Office Supplies** to be ordered as needed from **W.B. Mason Co., Inc.** for an estimated amount of \$30,000 utilizing the City of Rochester Contract #504270/133520, through the contract period ending November 30, 2021.

On a motion made by Mr. Hurlbut, seconded by Mr. Rulison, the foregoing resolution #20-236 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-237, Mr. Noce informed the Board that an amendment to this resolution was necessary as the original contained an error in the name of the vendor.

#20-237 Authorize the **Amendment of Resolution #20-213** (ref. 11/25/2020) to reflect the purchase of a new **Software Licensing and Support Agreement** from **Wonderware North, a Q-Mation Company** for the Authority's SCADA system **Wonderware®** and **ThinManager®** software, including onsite assistance to implement software upgrades, for an estimated total cost up to \$20,000 for the three year term beginning December 30, 2020 through December 29, 2023.

On a motion made by Mr. Rulison, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-237 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

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For Items #20-238, #20-239 and #20-240, Mr. Noce briefed the Board regarding the as-needed procurement of electrical materials and equipment utilized by Shoremont personnel in maintenance and repair of Water Authority equipment and facilities.

#20-238 Authorize a Blanket Purchase Order for the procurement of **various electrical materials and equipment** for maintenance and repair of the Authority's equipment and facilities, to be ordered as needed from **Graybar Electrical Supply** for an estimated total cost of \$50,000 for the term January 1, 2021 through December 31, 2021.

On a motion made by Mr. Hurlbut, seconded by Mr. Fero, the foregoing resolution #20-238 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-239 Authorize a Blanket Purchase Order for the procurement of **various electrical materials and equipment** for maintenance and repair of the Authority's equipment and facilities, to be ordered as needed from **Kovalsky-Carr Electrical Supply Company, Inc.**, for an estimated total cost of \$50,000 for the term January 1, 2021 through December 31, 2021.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-239 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-240 Authorize a Blanket Purchase Order for the procurement of **various electrical materials and equipment** for maintenance and repair of the Authority's equipment and facilities, to be ordered as needed from **Horizon Solutions, LLC** for an estimated total cost of \$50,000 for the term January 1, 2021 through December 31, 2021.

On a motion made by Mr. Hurlbut, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-240 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-241, Mr. Noce briefed the Board for authorization in purchasing a Caterpillar Diesel Emergency Generator Set utilizing Sourcewell Purchasing Cooperative. This generator will enhance Water Authority generators currently used at our Treatment Plants during power outages. Sourcewell was established by the State of Minnesota Legislature and available to educational institutions, governmental entities, and non-profit organizations throughout the United States. By utilizing this Cooperative, the Authority will realize a savings of nearly \$200,000 on this generator.

#20-241 Authorize the purchase of a **1500 kW Caterpillar Model 3512C Diesel Emergency Packaged Generator Set** for the Lake Water Pump Station from **Milton-CAT** (Batavia, NY) utilizing **Sourcewell Purchasing Cooperative Contract #120617-CAT**, for an estimated amount of \$650,000.

On a motion made by Mr. Rulison, seconded by Mr. Hurlbut, the foregoing resolution #20-241 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-242, Mr. Noce sought Board authorization for the as-needed purchase of repair parts, services, and proprietary diagnostic software to supplement Authority staff for maintenance of the above-referenced Caterpillar emergency generator.

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#20-242 Authorize the as-needed purchase of **repair parts, services, and diagnostic software for the Authority's Caterpillar Emergency Electrical Power Generator equipment** from **Milton-CAT** at the quoted unit prices for an estimated total cost of \$25,000 per contract term. The initial term is January 1 through September 30, 2021, which may be extended for two additional one-year terms upon mutual consent.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Rulison, the foregoing resolution #20-242 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-243, Mr. Noce informed the Members on the use of this County Contract for General Construction Term Services, explaining MCWA has utilized it for a number of years for construction trades labor and materials – on a time and materials basis – for individual projects as needed, although not very often.

#20-243 Authorize the purchase of **General Construction Labor Services** from **C.P. Ward, Inc.** under the terms of **Monroe County Contract EP#1108-17 for General Construction Term Services** for an estimated total amount of \$30,000 for the contract term January 1, through December 31, 2021.

On a motion made by Mr. Rulison, seconded by Mr. Hurlbut, the foregoing resolution #20-243 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-244, Mr. Noce sought Board authorization for this unit price contract, stating that Liquid Carbon Dioxide is critical to the production of potable water. He summarized the bid results, indicating the bid amount is based on estimated quantities and that we have successfully done business with this vendor.

#20-244 Authorize the award of a unit price contract for the as-needed purchase of **Liquid Carbon Dioxide** to the low responsive, responsible bidder, **Irish Welding Supply Corporation**, for the bid amount of \$66,750 for an initial one year term, renewable for up to four additional one-year terms upon mutual consent. The bid amount is based upon estimated quantities, and the contract includes the option of a 3% increase in pricing per year of extension.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-244 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-245, Mr. Noce addressed the Board for authorization to execute a Professional Services Agreement for confined space monitors and related service program. The service program will provide continuous remote monitoring of the equipment via the internet, routine maintenance, and ready-to-use replacement instruments, including automatic calibration gas replenishment.

#20-245 Authorize the execution of a Professional Services Agreement with **Industrial Scientific Corporation** for **Confined Space Monitors with Service Program** at the unit prices proposed for a five year term.

On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #20-245 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For item #20-246, Mr. Noce briefed the Members for authorization to execute a five year Professional Services Agreement for support services related to the negotiation of cellular antenna leases on Water Authority properties. The firm will receive compensation on a success-fee basis.

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#20-246 Authorize the Executive Director to enter into a Professional Services Agreement with **Bench Strength Partners, Inc. for Cellular Antenna Installation Support Services**, with the fee earned for providing services on a success-fee basis.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Rulison, the foregoing resolution #20-246 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-247, Mr. Noce sought Board authorization for the as-needed use of New York State Contract for the procurement of various laptop and desktop computers and related equipment and supplies. This is part of our yearly renewal and replacement program for existing equipment as well as the likely purchase of new equipment.

#20-247 Authorize the as-needed use of **New York State OGS Contract, Group #73600, Award #22802 – Information Technology Umbrella Contract**, for the procurement of **various Laptop and Desktop computers and other related equipment and supplies** throughout year 2021 for an estimated total cost of \$175,000.

On a motion made by Mr. Hurlbut, seconded by Mr. Rulison, the foregoing resolution #20-247 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-248, Mr. Noce notified the Board that requirements have been met with respect to changes to the water rates and charges schedule effective January 1, 2021. He reported that the Public Information Meeting was held December 14, 2020, and that no one from the public attended.

#20-248 **RESOLVED:** That the Authority hereby ratifies and confirms in every respect the change in the Authority's *Rules for the Sale of Water and the Collection of Rents and Charges*, as presented to this meeting and made a part of the minutes hereof, which change is effective **January 1, 2021** and is subject of a Resolution of the Authority adopted at its November 25, 2020 meeting; and the Authority hereby finds and determines that the requirements of Section 1096-a of the Public Authorities Law in connection therewith have been accomplished.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-248 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

AUDIT COMMITTEE REPORT – Presented by Mr. Rulison, Chairman

Mr. Rulison gave a briefing on the Audit Committee Meeting held December 3, 2020. He said Mr. Douglas Zimmerman and Mr. Thomas Smith of EFPR Group started the meeting by presenting a scope of services, timetable, and detailed plan for conducting their audit of the Authority's financial statements for the year ending December 31, 2020. This presentation was for informational purposes only and did not require any further action by the Committee.

Mr. Rulison continued his reporting by stating that the next item on the Agenda was review and approval of Excess Workers' Compensation Insurance. He said Ms. Hendrickson addressed this item with the Committee, indicating that NCAComp, our Broker of Record for this insurance, presented the Authority with a proposal from Midwest Employers Casualty Company. After some discussion and based on NCAComp's recommendation, the Audit Committee unanimously approved the purchase of Excess Workers' Compensation Insurance through Midwest Casualty Company, as proposed for the period January 1, 2021 through December 31, 2021 in the estimated amount of \$90,994 and to forward this item to the full Board for approval.

Mr. Rulison stated that the next item before the Committee was the review and approval of the Workers' Compensation Third Party Administrator. He reported that Ms. Hendrickson informed the Committee that Requests for Proposals were solicited from six firms, to which she received three responses. She summarized her analysis of the proposals and discussed proposed terms and options. After some discussion, the Audit Committee unanimously approved the acceptance of the proposal from NCAComp

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for a term of three years, renewable up to two additional one year terms, and to forward to the full Board for approval.

Mr. Rulison said the next item on the Agenda was the review and approval of Employee Life and Long Term Disability Insurances. He informed the Board that Ms. Hendrickson stated that our Broker of Record, Brown & Brown, presented the Authority with a proposal for these insurances from Cigna Corporation. Following some discussion and based on Brown & Brown's recommendation, the Audit Committee unanimously approved the purchase of Employee Life and Long Term Disability Insurance through Cigna Corporation for a two year guaranteed rate, estimated at \$42,000 per year and to forward to the full Board for approval.

Next on the Agenda was the review and approval of MassMutual's offer of a one year contract extension to administer the Authority's 457 Deferred Compensation Plan. Mr. Rulison stated that Ms. Hendrickson informed the Committee that all terms and pricing would remain unchanged, and that Requests for Proposals will be solicited next year to secure a Plan Administrator. After some discussion, the Committee unanimously approved the one year contract extension with MassMutual and to forward to the full Board for approval.

Mr. Rulison concluded his report by stating that the next Audit Committee is scheduled for Tuesday, March 2, 2021 at 8:00 a.m. and that minutes of the December 3 meeting are posted on the MCWA website.

For Items #20-249, #20-250, and #20-251, Ms. Hendrickson responded to several questions posed by Board Members regarding these insurances.

#20-249 Authorize the Executive Director to enter into an agreement for the **purchase of Excess Workers' Compensation Insurance through Midwest Employers Casualty Company**, as brokered through NCAComp, Inc. in accordance with the terms of such firm's written proposal, for the period of January 1, 2021 through December 31, 2021, in the estimated amount of \$90,994.

On a motion made by Mr. Rulison, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-249 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-250 Based upon the review by MCWA staff, in consultation with the Authority's outside Insurance Consultant, and upon the further recommendation of the Audit Committee, the Authority hereby authorizes the Executive Director to enter into an agreement with **NCAComp, Inc.** as **Third Party Administrator for Worker's Compensation Claims** from January 1, 2021 through December 31, 2023 with an option for two additional one-year extensions upon mutual agreement in accordance with the terms of such firm's written proposal.

On a motion made by Mr. Rulison, seconded by Mr. Hurlbut, the foregoing resolution #20-250 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-251 Authorize the Executive Director to enter into an agreement for the **purchase of MCWA Group Life and Long Term Disability Insurances with Cigna Health & Life Insurance Company**, as brokered through Brown & Brown Insurance, for applicable employees at a two year guaranteed rate, as proposed, estimated at \$42,000/year based on present MCWA census.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-251 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-252, Mr. Noce and Ms. Hendrickson addressed the Board for authorization to extend the Authority's contract with MassMutual as administrator of its 457 Deferred Compensation Plan one additional year to maintain stability of the Plan's administration while preparing for the solicitation and evaluation of competitive proposals. Ms. Hendrickson answered a follow-up question posed by a Board member.

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#20-252 WHEREAS, the Monroe County Water Authority contracts with MassMutual and Reliance Trust to administer a Deferred Compensation Plan for its employees; and

WHEREAS, the purpose of such plan is to provide employees with a convenient and tax-favored method of saving on a regular and long-term basis, and thereby provide for their retirement; and

WHEREAS, the contract will expire on December 31, 2020; and

WHEREAS, Section 9003-5(b) of the Rules and Regulations of the New York State Deferred Compensation Board allows for an additional one-year extension from the expiration date of the contract; and

WHEREAS, the Monroe County Water Authority's Deferred Compensation Committee recommends that it is in the best interest of the Authority to extend its contract with MassMutual and Reliance Trust for a period of one year from the expiration date for reasons which include, but are not limited to, the preservation of the stability of the Plan's administration, and to prepare for the solicitation and evaluation of competitive proposals in accordance with Section 9003.3 of the Rules and Regulations of the New York State Deferred Compensation Board.

NOW, THEREFORE BE IT

RESOLVED; That the Monroe County Water Authority Board of Directors hereby authorizes the Executive Director, or his designee, to **extend, for a one-year period from expiration date, its Deferred Compensation Plan Administration contract with MassMutual** in conjunction with Reliance Trust as trustee.

On a motion made by Mr. Hurlbut, seconded by Mr. Rulison, the foregoing resolution #20-252 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-253 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.

On a motion made by Mr. Hurlbut, seconded by Mr. Rulison, the foregoing resolution #20-253 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-254, Mr. Noce addressed the Board regarding New York State's records retention policy for disposal of valueless records described in the Schedule. He deferred to Mr. Jennings, Counsel to the Authority, who gave a brief overview of the policy and fielded questions posed by several Board Members.

#20-254 RESOLVED by the Board of Directors of the Monroe County Water Authority that **Retention and Disposition Schedule for New York Local Government Records (LGS-1)** issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby

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adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED: That in accordance with Article 57-A:

(a) Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein; and

(b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

On a motion made by Mrs. Volpe, seconded by Mr. Hurlbut, the foregoing resolution #20-254 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

GOVERNANCE COMMITTEE REPORT – Presented by Ms. Bleier-Mervis, Chairperson

Ms. Bleier-Mervis gave a briefing on the Governance Committee meeting held Thursday, December 3, 2020, at which all of the items on the Agenda were Water Authority policies needing review and approval or re-adoption.

Ms. Bleier-Mervis stated that Mr. Noce gave a brief description of the following policies, which were previously reviewed by Executive Staff and recommended for re-adoption without revisions: Procurement Disclosure Policy, Professional Services Policy & Procedures, Internal Controls and Financial Accountability Policy, and Policy for Tracking and Disposal of Fixed Assets. She said that Committee members voted unanimously to re-adopt these policies, as presented, and to forward them to the full Board for re-adoption.

Ms. Bleier-Mervis continued her reporting by informing the Board that Mr. Noce also gave a detailed summary of recommended revisions to the following policies, which were reviewed by Executive Staff and recommended for approval as revised: Purchasing & Procurement Guidelines and Responsibilities of Members. She said that Committee members voted unanimously to approve these revised policies, as presented, and to forward them to the full Board for approval.

Ms. Bleier-Mervis concluded her reporting by stating that the next Governance Committee meeting is scheduled for Monday, March 8, 2021 at 9:00 a.m. and that minutes of the December 3 meeting are posted on the MCWA website.

For Item #20-255, Mr. Noce discussed with the Board the use of "Best Value" which was added to the Purchasing & Procurement Guidelines as an option to be utilized during the competitive bidding process to award purchase contracts, including contracts for services, to other than the lowest responsible bidder or offerer if factors such as lower cost of maintenance, durability, high quality, and longer product life can be documented. He explained that if the Best Value option is to be applied, it will be clearly specified in the bidding documents.

#20-255 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby approves the Authority's **Purchasing and Procurement Guidelines**, as revised and presented.

On a motion made by Mr. Fero, seconded by Mr. Hurlbut, the foregoing resolution #20-255 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-256 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby re-adopts the **Procurement Disclosure Policy**, as presented.

On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #20-256 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

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#20-257 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby re-adopts the **Professional Services Policy and Procedures**, as presented.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-257 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-258 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby re-adopts the **Internal Controls and Financial Accountability Policy**, as presented.

On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #20-258 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-259 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby re-adopts the **Policy for Tracking and Disposal of Fixed Assets**, as presented.

On a motion made by Mr. Hurlbut, seconded by Mr. Rulison, the foregoing resolution #20-259 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-260 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby approve the **Responsibilities of Members**, as revised and presented.

On a motion made by Mr. Rulison, seconded by Mr. Hurlbut, the foregoing resolution #20-260 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-261 Approve **travel for selected Board Members and Staff to attend AWWA National Convention and AWWA Conferences, NY Section – AWWA Meetings, GFOA Annual Conference, NYS-WA Meeting, NYS Department of State Educational Unit training programs, NPERLA, AMWA, and other mission-related training seminars, conferences, and meetings during 2021**. The Authority will pay for expenses in accordance with its Travel and Reimbursement Policy.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-261 was put to a roll call vote and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

Item #20-262 was Tabled at the November 25, 2020 Board Meeting. After some discussion, the Board revised the 2021 Board Meeting schedule as previously presented in Resolution #20-225.

On a motion made by Mr. Rulison, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-262 was put to a roll call vote to **Take From the Table** and unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-262 IT IS HEREBY RESOLVED: That the Monroe County Water Authority Board Meeting dates for 2021 be as follows:

JANUARY	THURSDAY	14	9:30 A.M. – REGULAR MEETING
FEBRUARY	THURSDAY	11	9:30 A.M. – REGULAR MEETING

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MARCH	THURSDAY	11	9:30 A.M. – REGULAR MEETING
APRIL	THURSDAY	08	9:30 A.M. – REGULAR & ANNUAL MEETING
MAY	THURSDAY	13	9:30 A.M. – REGULAR MEETING
JUNE	THURSDAY	10	9:30 A.M. – REGULAR MEETING
JULY	THURSDAY	08	9:30 A.M. – REGULAR MEETING
AUGUST	THURSDAY	12	9:30 A.M. – REGULAR MEETING
SEPTEMBER	THURSDAY	09	9:30 A.M. – REGULAR MEETING
OCTOBER	THURSDAY	14	9:30 A.M. – REGULAR MEETING
NOVEMBER	WEDNESDAY	10	9:30 A.M. – REGULAR MEETING
DECEMBER	THURSDAY	09	9:30 A.M. – REGULAR MEETING

On a motion made by Mr. Hurlbut, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-262 was put to a voice vote and unanimously carried.

EXECUTIVE SESSION

#20-ES 10:06 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 full Board to discuss the employment performance history and performance evaluations of the Executive Director and Department Directors and Officers.

Moved by Mr. Hurlbut, seconded by Mr. Fero, and put to a roll call vote, the Board unanimously agreed to enter Executive Session. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

10:35 a.m. – Motion to conclude Executive Session: Moved by Ms. Bleier-Mervis, seconded by Mr. Hurlbut, the Board upon voice vote unanimously agreed to conclude Executive Session.

Chairman Nasca called this Regular Meeting back in open session with formal action taken in adding Resolutions ES#20-263 and ES#20-264 to the Agenda in Open Session.

ES #20-263 WHEREAS, pursuant to the MCWA By-Laws, the Board has completed its annual review of Senior Staff and the Executive Director; and

WHEREAS, the Board has reviewed the MCWA Compensation Philosophy, which was updated and re-adopted by Resolution #20-229.

NOW, THEREFORE, BE IT RESOLVED: That the Authority approves and adopts the recommendations submitted to the Board regarding compensation of the Authority's Senior Management Staff for 2021.

On a motion made by Mr. Hurlbut, seconded by Mr. Rulison, and duly put to a roll call vote, the foregoing resolution ES #20-263 unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

ES #20-264 WHEREAS, on March 1, 2020, the Governor of the State of New York ("Governor") declared a State disaster emergency in response to the outbreak and spread of the COVID-19 virus and the ensuing pandemic; and

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WHEREAS, on March 12, 2020, the Governor issued an Executive Order suspending Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed, and the Governor has since extended the suspension by subsequent Executive Orders (collectively, the "Emergency Orders"); and

WHEREAS, beginning in October 2020, Monroe County experienced an increase of COVID-19 infections, and the Department of Health designated areas within the County as pandemic "micro-clusters"; and

WHEREAS, the Monroe County Water Authority ("Authority") is committed to conducting its proceedings with the utmost openness and transparency, while recognizing the unique risk to public safety created by the COVID-19 pandemic; and

WHEREAS, pursuant to the Authority's Amended and Restated By-Laws, the Chairperson of the Authority presides over all meetings of the Members of the Authority and establishes the time and place of meetings of the Members; and

WHEREAS, the Authority may, pursuant to its enabling legislation, delegate to the Chairperson, Members, Officers, and Employees such other powers and duties it may deem proper.

NOW, THEREFORE, BE IT RESOLVED, that so long as the Emergency Orders continue to suspend Article 7 of the Public Officers Law to allow remote meetings and action without allowing public in-person access – but in no event after a year from the effective date hereof – the Chairperson of the Authority is authorized to conduct any regular meeting or special meeting of the Members of the Authority by conference call or similar service, including internet-based video conferencing, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed, and provided further that the Chairperson of the Authority determines that such remote meetings will protect the health and safety of the Authority, its members, officers, and employees, and the general public.

AND, THEREFORE BE IT FURTHER RESOLVED, that so long as the Emergency Orders continue to suspend Article 7 of the Public Officers Law to allow remote meetings and action without allowing public in-person access – but in no event after a year from the effective date hereof – the Chair of any subcommittee or standing committee of the Authority may, with the approval of the Chairperson of the Authority, conduct any meeting of such subcommittee or standing committee by conference call or similar service, including internet-based video conferencing, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed, and provided further that the Chairperson of the Authority determines that such remote meetings will protect the health and safety of the Authority, its members, officers and employees, and the general public.

AND THEREFORE BE IT FURTHER RESOLVED, that the Executive Director of the Authority, or his designee, is authorized to develop criteria for the selection of a remote meetings platform, considering matters of security, reliability, accessibility, training, and cost (if any), and may designate such employees as necessary to implement and support the use of a remote meetings platform, providing such assistance to the Members of the Authority, its officers and employees, and the public as necessary to allow for the secure, reliable, and accessible use of such remote meetings platform.

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AND THEREFORE BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and shall expire one year thereafter.

On a motion made by Mr. Rulison, seconded by Ms. Bleier-Mervis, and duly put to a roll call vote, the foregoing resolution ES #20-264 unanimously carried. AYES: 6 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, W. Bleier-Mervis, J. Rulison); NAYS: 0

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In Board folders for review:

- Notification – Rate Consolidation Study for Genesee County Customers
- Minutes of December 14, 2020 Public Information Meeting
- RFP Recipients for 457 Plan Audit
- 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 10:43 a.m.



Diane L. Hendrickson, Recording Secretary



Scott D. Nasca, Chairman