

MINUTES

**MONROE COUNTY WATER AUTHORITY
REGULAR MEETING
THURSDAY, April 8, 2021 @ 9:30 a.m.
Board Room
General Offices, 475 Norris Drive, Rochester, New York
And Live-Streamed Via WebEx**

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 (3): S. Nasca, S. Volpe, M. Fero

Members Present Via WebEx (1): A. Bernstein

Members Absent (3): R. Hurlbut, W. Bleier-Mervis, J. Rulison

Staff present: N. Noce, Executive Director; D. Hendrickson, Director of Human Resources; L. Magguilli, Assistant to the Executive Director; A. Molinari, Director of Finance & Business Services; S. Savage, Director of Engineering; C. LaManna, Director of Production & Transmission; S. Trotta, Manager of Distribution; J. Moore, Manager of Information Technology

General Counsel present: Andrew Dean, Esq. – Harter, Secrest & Emery

Monroe County Legislative Liaison present: Hon. 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

#21-053 Approve minutes of the Authority's Regular Meeting held on March 11, 2021.

On a motion made by Mr. Fero, seconded by Mrs. Volpe, the foregoing resolution #21-053 was put to a voice vote and unanimously carried. AYES: 4; NAYS: 0

#21-054 Approve list of disbursements on check registers dated March 3, March 10, March 17, and March 24, 2021, which were forwarded to the Authority Members for their review.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #21-054 was put to a voice vote and unanimously carried. AYES: 4; NAYS: 0

#21-055 Accept Purchase Order List of materials and supplies for the period March 4, 2021 through March 31, 2021 in the amount of \$1,257,033.44.

On a motion made by Mr. Fero, seconded by Mrs. Volpe, the foregoing resolution #21-055 was put to a voice vote and unanimously carried. AYES: 4; NAYS: 0

COMMUNICATIONS/NOTIFICATIONS

Mr. Noce informed the Board that an RFP/Q will be solicited for administration of on-site hearing tests for MCWA employees. The value of this professional services agreement is not expected to exceed \$15,000 for the length of the contract.

#21-056 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Drey Piedmont to the title of Microcomputer Maintenance Technician, effective May 3, 2021 at Salary Schedule 3, Group 1.

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On a motion made by Mr. Bernstein, seconded by Mr. Fero, the foregoing resolution #21-056 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

- #21-057** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:
Provisional Appointment of Samuel Priem, P.E. to the title of Construction Engineer, effective April 12, 2021 at Salary Schedule 3, Group 6.

On a motion made by Mrs. Volpe, seconded by Mr. Fero, the foregoing resolution #21-057 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

- #21-058** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:
Appointment of Nathan Sanborn to the title of Laborer, effective April 26, 2021 at Salary Schedule 4, Group 1.

On a motion made by Mrs. Volpe, seconded by Mr. Fero, the foregoing resolution #21-058 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

- #21-059** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:
Appointment of Andrew Vara to the title of Laborer, effective April 26, 2021 at Salary Schedule 4, Group 1.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, the foregoing resolution #21-059 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

- #21-060** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:
Promotional Appointment of Douglas Noah to the title of Distribution Maintenance Mechanic, effective April 12, 2021 at Salary Schedule 4, Group 6.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #21-060 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

For Items #21-061 and #21-062, Mr. Magguilli addressed the Board for authorization to purchase off of New York State OGS Contract a new Dell vSAN Server and related VMware software, licensing, and production support. This expansion will allow for more data and VMware servers to be stored and hosted.

- #21-061** Authorize the use of **New York State OGS Contract, Group #73600, Award #22802, Lot 2, Contract #PM20820**, for the purchase of a **Dell vSAN Server** and associated equipment from **Mercury Networks** in the amount of \$23,959. This purchase comes with a three-year warranty.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, the foregoing resolution #21-061 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

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#21-062 Authorize the use of **New York State OGS Contract, Group #73600, Award #22802, Lot 1, Contract #PM67310**, for the purchase of **VMware software, licensing, and one year of production support** from **Dell Technologies** in the amount of \$30,371.65. Production Support will be renewed annually.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #21-062 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

For Items #21-063 and #21-064, Mr. Magguilli sought Board authorization to award Professional Services Agreements for Oracle Database Administration to two firms. He summarized the RFP/Q process and outlined the scope of services.

#21-063 Authorize the award of a Professional Services Agreement for **Oracle Database Administration Services** for ongoing maintenance and support of daily operations to **Two Coast Consulting** for an estimated annual amount of \$50,000 for the term May 1, 2021 through April 30, 2022, renewable up to four additional one-year terms upon mutual agreement and in accordance with the terms of such firm's written proposal.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #21-063 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

#21-064 Authorize the award of a Professional Services Agreement for **Oracle Database Administration Services** for conversion and upgrade of existing systems to **eConsultants, Inc.** for an estimated annual amount of \$50,000 for the term May 1, 2021 through April 30, 2022, renewable for up to four additional one-year terms upon mutual agreement and in accordance with the terms of such firm's written proposal.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #21-064 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

For Item #21-065, Mr. Magguilli briefed the Board for authorization in leasing 14 Canon Multi-Function Printers through the PEPPM Cooperative Purchasing Program to replace the same number of Xerox printers whose leases are expiring.

#21-065 Authorize the procurement of 14 **Canon Multi-Function Printers (MFPs)** from **United Business Systems** and leased through De Lage Landen Financial Services, Inc., utilizing the **PEPPM MPS Contract No. 528897-044**. The estimated total five-year cost is \$92,000.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #21-065 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

For Item #21-066, Ms. Molinari addressed the Board for authorization to enter into a Professional Services Agreement for Auditing Services of the Water Authority's Deferred Compensation Plan. She recapped the RFP results and noted that this agreement will cover fiscal years ending 2020 through 2022.

- #21-066** Authorize the Executive Director to enter into a Professional Services Agreement with **EFPR Group, CPAs**, as proposed, to provide **Auditing Services of the Deferred Compensation Plan for Employees of the Monroe County Water Authority** for fiscal years ending December 31, 2020, 2021, and 2022.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, the foregoing resolution #21-066 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

- #21-067** 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 Mrs. Volpe, seconded by Mr. Fero, the foregoing resolution #21-067 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

For Item #21-068, Ms. Molinari again addressed the Board regarding the Water Authority's 2020 Annual Report, previously e-mailed to each Member for their prior review. She stated the report is filed with the New York State Authorities Budget Office each year to maintain accountability and transparency.

- #21-068** Resolved: The Board hereby approves the **Monroe County Water Authority's 2020 Annual Report**, submitted in accordance with Section 2800 of the Public Authorities Law and entered electronically into the Public Authorities Reporting Information System (PARIS) as required by the New York State Authorities Budget Office.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, the foregoing resolution #21-068 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

For Item #21-069, Andrew Dean, Counsel to the Authority, addressed the Members regarding remote meetings. He gave an overview of COVID-related events that prompted the passage of a resolution in 2020 by the Board of Directors pertaining to hosting meetings via videoconferencing. He stated that due to the availability of COVID vaccines, the Chairman felt it was appropriate at this time to introduce a resolution rescinding the former 2020 videoconferencing resolution.

- #21-069** **RESOLUTION CONCERNING REMOTE MEETINGS OF THE MONROE COUNTY WATER AUTHORITY**

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

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, on December 18, 2020, the Monroe County Water Authority ("Authority") adopted a resolution authorizing the Chairperson of the Authority to conduct meetings of the Authority, subcommittee meetings, and standing committee meetings via conference call or similar service, including internet-based videoconferencing, 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

WHEREAS, though authorized to conduct meetings remotely, the Authority has endeavored to continue to conduct meetings of the Authority in-person to the extent practicable and safe, while ensuring the practice of social distancing, wearing of masks, and other measures to reduce the potential for spread of the COVID-19 virus; and

WHEREAS, the Authority is committed to conducting its proceedings with the utmost openness and transparency and desires to encourage public attendance at Authority meetings, while simultaneously safeguarding against the risks to public health created by the COVID-19 pandemic; and

WHEREAS, the State of New York has made available to all persons over the age of 16 years vaccines to inoculate against the COVID-19 virus, while encouraging all persons to continue to practice social distancing and other requirements to slow the spread of the COVID-19 virus; and

WHEREAS, public bodies have generally resumed the in-person conduct of meetings, while observing all public health and social distancing requirements.

NOW, THEREFORE, BE IT RESOLVED, that the COVID-19 vaccine having become available to adults within the State, and to encourage public attendance at Authority meetings, the Board hereby rescinds its resolution, dated December 18, 2020, which authorized meetings, subcommittee meetings, and standing committee meetings to be conducted remotely.

AND, THEREFORE, BE IT FURTHER RESOLVED, that so long as the Emergency Orders and related declarations proclaim a state of emergency in response to the COVID-19 pandemic, the Authority shall endeavor to conduct all meetings, subcommittee meetings, and standing committee meetings in accordance with public health and social distancing measures.

AND, THEREFORE, BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

On a motion made by Mrs. Volpe, seconded by Mr. Bernstein, the foregoing resolution #21-069 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

EXECUTIVE SESSION

#21-ES 09:50 a.m. – Chairman Nasca requested a motion to enter Executive Session pursuant to Section 105 (1) (f) of the New York Public Officers Law in order for the Board to discuss the employment performance history of a particular employee.

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Moved by Mr. Fero, seconded by Mrs. Volpe, and put to a roll call vote, the Board unanimously agreed to enter Executive Session. AYES: 4 (S. Nasca, S. Volpe, M. Fero, A. Bernstein); NAYS: 0

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

Chairman Nasca called this Regular Meeting back in open session.

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In Board folders for review:

- 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 10:03 a.m.



Diane L. Hendrickson, Recording Secretary



Scott D. Nasca, Chairman