

**MONROE COUNTY WATER AUTHORITY
REGULAR MEETING
THURSDAY, December 12, 2019
9:30 a.m.
Board Room
General Offices, 475 Norris Drive, Rochester, New York**

Roll Call

Pledge of Allegiance

#19-229 Approve minutes of the Authority's Regular Meeting held on November 14, 2019.

Moved By:

Seconded By:

Voice Vote:

#19-230 Accept list of disbursements on check registers dated November 6, November 13, November 20, and November 26, 2019, which were forwarded to the Authority Members for their review.

Moved By:

Seconded By:

Voice Vote:

#19-231 Accept Purchase Order List of materials and supplies for the period November 7 through December 4, 2019 in the amount of \$318,199.11.

Moved By:

Seconded By:

Voice Vote:

COMMUNICATIONS/NOTIFICATIONS

#19-232 Upon recommendation of the Monroe County Water Authority's Compensation Committee, the Board hereby approves MCWA's **Compensation Philosophy**, as revised and presented.

Move to **Take from Table**:

Moved By:

Seconded By:

Roll Call Vote to Take From Table:

And **Thereafter**:

Moved By:

Seconded By:

Roll Call Vote:

MONROE COUNTY WATER AUTHORITY

REGULAR MEETING – December 12, 2019

Page 2

#19-233 Confirm the following promotional appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:
Promotional Appointment of Jessica Pugsley to the title of Office Clerk II, effective December 16, 2019, at Salary Schedule 5, Group 3.

Moved By:
Seconded By:
Roll Call Vote:

#19-234 Authorize the Executive Director to enter into any and all agreements with the New York State Department of Transportation for the **Route 96 MbC from Mitchell Road to Garnsey Road, Towns of Perinton and Pittsford, Monroe County, P.I.N. 4096.68.321.**

Moved By:
Seconded By:
Roll Call Vote:

#19-235 WHEREAS, the New York State Department of Transportation proposes the **Route 96 MbC from Mitchell Road to Garnsey Road, Towns of Perinton and Pittsford, Monroe County, P.I.N. 4096.68.321,** and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project the elevation adjustments of approximately six (6) water valve boxes, one (1) manhole and (3) water main relocations pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans and Utility Special Notes relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the adjusted and/or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans and Utility Special Notes, relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the **Monroe County Water Authority** approves of the adjustments to water line valve boxes and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the **Monroe County Water Authority** will maintain, or cause to be maintained, the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that the **Executive Director** has the authority to sign, with the concurrence of the **Monroe County Water Authority Board of Directors**, any and all documentation that may become necessary as a result of this project as it relates to the **Monroe County Water Authority**, and

BE IT FURTHER RESOLVED: That the **Monroe County Water Authority** is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Moved By:
Seconded By:
Roll Call Vote:

#19-236 Authorize the Executive Director to enter into any and all agreements with the New York State Department of Transportation for the **NY-252 MbC from Lowenthal Road to Marketplace Drive, Town of Henrietta, Monroe County, P.I.N. 4252-12.321.**

Moved By:
Seconded By:
Roll Call Vote:

#19-237 WHEREAS, the New York State Department of Transportation proposes the **NY-252 MbC from Lowenthal Road to Marketplace Drive, Town of Henrietta, Monroe County, P.I.N. 4252.12.321**, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project **the verification of location and depth or relocation of approximately (9) sections of water main** pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans and Utility Special Notes relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the adjusted and/or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans and Utility Special Notes, relating to the above mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the **Monroe County Water Authority** approves of the adjustment to water line valve boxes and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the **Monroe County Water Authority** will maintain, or cause to be maintained, the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that the **Executive Director** has the authority to sign, with the concurrence of the **Monroe County Water Authority Board of Directors**, any and all documentation that may become necessary as a result of this project as it relates to the **Monroe County Water Authority**, and

BE IT FURTHER RESOLVED: That the **Monroe County Water Authority** is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Moved By:
Seconded By:
Roll Call Vote:

#19-238 Authorize the Executive Director to enter into any and all agreements with the New York State Department of Transportation for the **NY-941B (Empire Blvd) Rehabilitation from Culver Road to Helendale Road, Town of Irondequoit, City of Rochester, Monroe County, P.I.N. 4404.19.321.**

Moved By:
Seconded By:
Roll Call Vote:

#19-239 WHEREAS, the New York State Department of Transportation proposes the **NY-941B (Empire Blvd) Rehabilitation, from Culver Road to Helendale Road, Town of Irondequoit, City of Rochester, Monroe County, P.I.N. 4404.19.321,** and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above-mentioned project **the relocation of (4) hydrants, elevation adjustments of approximately (28) water valve boxes, and verify location, depth or relocate (8) services** pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans and Utility Special Notes relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the adjusted and/or replaced utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans and Utility Special Notes, relating to the above-mentioned project.

NOW, THEREFORE,

BE IT RESOLVED: That the **Monroe County Water Authority** approves of the adjustment to water line valve boxes and the above-mentioned work performed on the project and shown on the contract plans relating to the project and that the **Monroe County Water Authority** will maintain, or cause to be maintained, the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that the **Executive Director** has the authority to sign, with the concurrence of the **Monroe County Water Authority Board of Directors**, any and all documentation that may become necessary as a result of this project as it relates to the **Monroe County Water Authority**, and

BE IT FURTHER RESOLVED: That the **Monroe County Water Authority** is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Moved By:
Seconded By:
Roll Call Vote:

#19-240 Authorize the use of Monroe County Contract #BP-0917-19 (4700007552) for **Rental of Traffic Control Devices**, as needed, from vendor awarded **Comet Flasher, Inc.** through the current term ending August 31, 2020, for an amount not to exceed \$150,000.

Moved By:
Seconded By:
Roll Call Vote:

#19-241 Authorize the award of a unit price contract for the **Carbon Monoxide Detection Installation Project to Technical Systems Group, Inc.**, in the estimated amount of \$82,968.

Moved By:
Seconded By:
Roll Call Vote:

#19-242 Authorize the award of a unit price contract for the **Trailer-Mounted Portable Pump** to the low responsive, responsible bidder, **Xylem Dewatering Solutions, Inc.**, in the bid amount of \$67,372.

Moved By:
Seconded By:
Roll Call Vote:

#19-243 Authorize the purchase of **various parts and/or supplies**, as needed, for maintenance and repair of Water Authority **Dump Trucks and Crew Trucks** throughout year 2020 from **Kenworth Northeast Group** for an estimated total cost of \$40,000.

Moved By:
Seconded By:
Roll Call Vote:

#19-244 Authorize the purchase of **various parts and/or supplies**, as needed, for maintenance and repair of the Authority's **John Deere Backhoes and Loaders** throughout year 2020 from **Five Star Equipment, Inc.**, for an estimated total cost of \$20,000.

Moved By:
Seconded By:
Roll Call Vote:

#19-245 Authorize the purchase of **various parts and/or supplies**, as needed, for maintenance and repair of the Authority's **Caterpillar Backhoes** throughout year 2020, from **Milton CAT**, for an estimated total cost of \$30,000.

Moved By:
Seconded By:
Roll Call Vote:

#19-246 Authorize a unit price contract for **Valve Box Risers**, purchased as needed from **T. Mina Supply, East, Inc.**, the low responsive, responsible bidder, in the bid amount of \$19,418.60 for an initial term of one year with the option to extend, upon mutual consent, for up to four additional one-year terms. The bid amount is based on estimated quantities, and the contract includes the option of a 5% increase in pricing per year of extension.

Moved By:
Seconded By:
Roll Call Vote:

#19-247 Authorize the purchase of a **Cisco SmartNet Maintenance and Support Agreement** for existing MCWA devices from **ComSource, Inc.**, in the total bid amount of \$22,268.69. This Agreement is for an initial term of one year, renewable up to four additional one-year terms upon mutual consent. There is also an option of a 5% increase in pricing per year of extension.

Moved By:
Seconded By:
Roll Call Vote:

#19-248 Authorize the purchase of **Dell Latitude Laptop Computers** under NYS OGS Contract Group 73600, Award 22802 – Information Technology Umbrella Contract #PM20820 - Manufacturer Based, **Dell Marketing LP**, Lot 2, for an estimated total cost of \$82,500 for year 2020.

Moved By:
Seconded By:
Roll Call Vote:

#19-249 Authorize the Executive Director to execute a two year service contract with **Frontier Communications Corporation** for an estimated \$25,440 (\$12,720 annually). This contract includes analog and SIP trunks for voice communications for all local and long distance **business telephone service** for the East Side Operations Center and Shoremont Water Treatment Plant. This contract will have the option to extend up to three additional one-year terms upon mutual consent.

Moved By:
Seconded By:
Roll Call Vote:

#19-250 Authorize the Executive Director to execute a two year contract with **Frontier Communications Corporation** for an estimated \$19,200 (\$9,600 annually) to provide 100 MB **internet service** for the East Side Operations Center. This contract will have the option to extend up to three additional one-year terms upon mutual consent.

Moved By:
Seconded By:
Roll Call Vote:

#19-251 Authorize the Executive Director to execute a two year contract with **Charter Communications Operating, LLC**, a subsidiary of Charter Communications, Inc., for an estimated \$19,008 (\$9,504 annually) to provide 100 MB **internet service** for the Shoremont Water Treatment Plant. This contract will have the option to extend up to three additional one-year terms upon mutual consent.

Moved By:
Seconded By:
Roll Call Vote:

#19-252 Authorize the award of a unit price contract for **Crane and Hoist Services** to the low responsive, responsible bidder, **Han-Tek, Inc.**, for the bid amount of \$59,645 for an initial term of one year with the option to extend the contract up to four additional one-year terms upon mutual consent and at a maximum increase in price of three (3%) percent annually.

Moved By:
Seconded By:
Roll Call Vote:

#19-253 Authorize the purchase of materials and services for implementation of **upgrades to the medium voltage variable frequency drive equipment** located at the Webster Water Treatment Plant and the Lake Water Pump Station by the equipment manufacturer, **ABB Inc.**, for an estimated amount of \$85,000.

Moved By:
Seconded By:
Roll Call Vote:

#19-254 WHEREAS, the Authority desires to retain qualified and competent attorneys to advise and represent the Authority on **corporate, litigation, and state regulatory matters**; and

WHEREAS, the Authority issued a Request for Qualifications and Proposals for **Legal Services** on October 1, 2019; and

WHEREAS, the Authority received six (6) proposals; and

WHEREAS, the Selection Committee has carefully reviewed all the proposals submitted and has recommended it is in the best interest of the Authority to award the Legal Services contract to Harter, Secrest & Emery LLP as the most qualified proposer.

NOW, THEREFORE, it is

RESOLVED, that the Executive Director is authorized to enter into a Professional Services Agreement for corporate, litigation, and state regulatory legal services with Harter, Secrest & Emery LLP, attorneys and counselors, with principal offices at 1600 Bausch & Lomb Place, Rochester, NY 14604-2711, all in accordance with a *Proposal to Provide Legal Services to the Monroe County Water Authority and Statement of Qualifications*, dated November 13, 2019, submitted by Harter, Secrest & Emery LLP. Fees for legal services shall be based upon the hourly rates set forth in the separate Cost Proposal. The Agreement is for a two (2) year term commencing January 1, 2020 through December 31, 2021.

FURTHER RESOLVED, that the Executive Director is authorized to extend the Agreement for an additional one-year term upon hourly rates to be agreed upon, but any increase in rates shall not exceed 3% from the previous year.

Moved By:
Seconded By:
Roll Call Vote:

#19-255 WHEREAS, the Authority desires to retain qualified and competent attorneys to advise and represent the Authority on **property and real estate matters**; and

WHEREAS, the Authority issued a Request for Qualifications and Proposals for **Legal Services** on October 1, 2019; and

WHEREAS, the Authority received six (6) proposals; and

WHEREAS, the Selection Committee has carefully reviewed all the proposals submitted and has recommended it is in the best interest of the Authority to award the Legal Services contract to Boylan Code LLP as the most qualified proposer.

NOW THEREFORE, it is

RESOLVED, that the Executive Director, or his designee, is authorized to enter into a Professional Services Agreement for real estate and property services with Boylan Code LLP, attorneys and counselors, with principal offices at the Culver Road Armory, 145 Culver Road, Suite 100, Rochester, NY 14620, all in accordance with a *Statement of Qualifications for the Provision of Legal Services Pertaining to Real Estate & Property Interests to the Monroe County Water Authority*, submitted by Boylan Code LLP dated November 14, 2019. Fees for legal services shall be based upon the hourly rates set forth in the separate Cost Proposal. The Agreement is for a two (2) year term commencing January 1, 2020 through December 31, 2021.

FURTHER RESOLVED, that the Executive Director is authorized to extend the Agreement for one additional term upon hourly rates to be agreed upon, but any increase in rates shall not exceed 3% from the previous year.

Moved By:
Seconded By:
Roll Call Vote:

AUDIT COMMITTEE REPORT

#19-256 Authorize the Executive Director to enter into an agreement for the purchase of **Excess Workers' Compensation Insurance** through **Star Insurance Company** as brokered through NCAComp, Inc. in accordance with the terms of such firm's written proposal for the period of January 1, 2020, through December 31, 2020, in the estimated amount of \$67,323.

Moved By:
Seconded By:
Roll Call Vote:

#19-257 Authorize the Executive Director to enter into an agreement with **Arthur J. Gallagher & Company** to provide **Property and Liability Risk Management & Insurance Consulting Services**, as proposed, for a two year term at an annual estimated cost of \$30,000, with an option to renew for two additional one-year terms upon mutual consent.

Moved By:
Seconded By:
Roll Call Vote:

#19-258 WHEREAS, in November, 2019, the Monroe County Water Authority (the "Authority") sent a Request for Qualifications ("RFQ") to numerous insurance brokerage firms; and

WHEREAS, the Authority formed a Selection Committee to choose one or more firms as a **Broker of Record** for one or more of the Authority's insurance coverages; and

WHEREAS, three firms responded to the RFQ; and

WHEREAS, the Selection Committee reviewed the responses and found all of the firms qualified to serve as a Broker of Record.

NOW THEREFORE, it is

RESOLVED, the Authority hereby appoints Alliant Insurance Services, Inc., Brown & Brown of New York, Inc., and M&T Insurance Agency, Inc. to serve as **Brokers of Record** for the following types of insurance maintained by the Authority: General Liability, Public Officials Liability, Employment Practices Liability, Property, Equipment Breakdown, Inland Marine, Automobile, Crime, DIC-Excess Flood & Earthquake, Pollution, Owners & Contractors Protective

(OCP), Employee Protection – Travel Accident (AD&D), Cyber, Umbrella/Excess Liability.

FURTHER RESOLVED, all appointments for Broker of Record shall be for an initial term of three years with the option for the Authority to extend any of such appointments for up to two additional one-year renewal terms.

FURTHER RESOLVED, regardless of the initial Broker of Record appointments, the Authority reserves the right to modify at any time during an initial term or any renewal term, in its sole discretion, one or all of the appointments (including, but not limited to, adding additional firms).

FURTHER RESOLVED, 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 such further acts and things as may be necessary, or in the opinion of the person so acting, desirable and proper to effect the purposes of the foregoing resolutions.

Moved By:

Seconded By:

Roll Call Vote:

#19-259

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.

Moved By:

Seconded By:

Roll Call Vote:

GOVERNANCE COMMITTEE

#19-260 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.

Moved By:
Seconded By:
Roll Call Vote:

#19-261 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Procurement Disclosure Policy**, as presented.

Moved By:
Seconded By:
Roll Call Vote:

#19-262 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Professional Services Policy and Procedures**, as presented.

Moved By:
Seconded By:
Roll Call Vote:

#19-263 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby approves the **Internal Controls and Financial Accountability Policy**, as revised and presented.

Moved By:
Seconded By:
Roll Call Vote:

#19-264 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby approves the **Policy for Tracking and Disposal of Fixed Assets**, as revised and presented.

Moved By:
Seconded By:
Roll Call Vote:

#19-265 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Policy Regarding Time and Attendance for Executive Staff**, as presented.

Moved By:
Seconded By:
Roll Call Vote:

#19-266 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Policy Regarding Compensation and Reimbursement for Executive Staff**, as presented.

Moved By:
Seconded By:
Roll Call Vote:

#19-267 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Responsibilities of Members**, as presented.

Moved By:
Seconded By:
Roll Call Vote:

#19-268 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, 2020** and is subject of a Resolution of the Authority adopted at its November 14, 2019 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.

Moved By:
Seconded By:
Roll Call Vote:

#19-269 Approve **travel for selected Board Members and Staff** to attend the 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 2020**. The Authority will pay for expenses in accordance with its Travel and Reimbursement Policy.

Moved By:
Seconded By:
Roll Call Vote:

#19-270 BE IT HEREBY RESOLVED: That the Monroe County Water Authority Board Meeting dates for 2020 be as follows:

JANUARY	THURSDAY	09	9:30 A.M. – REGULAR MEETING
FEBRUARY	TUESDAY	04	9:30 A.M. – REGULAR MEETING
MARCH	THURSDAY	12	9:30 A.M. – REGULAR MEETING
APRIL	THURSDAY	02	9:30 A.M. – REGULAR & ANNUAL MEETING
MAY	THURSDAY	14	9:30 A.M. – REGULAR MEETING
JUNE	THURSDAY	11	9:30 A.M. – REGULAR MEETING
JULY	THURSDAY	09	9:30 A.M. – REGULAR MEETING
AUGUST	THURSDAY	13	9:30 A.M. – REGULAR MEETING
SEPTEMBER	THURSDAY	03	9:30 A.M. – REGULAR MEETING
OCTOBER	THURSDAY	08	9:30 A.M. – REGULAR MEETING
NOVEMBER	THURSDAY	12	9:30 A.M. – REGULAR MEETING
DECEMBER	THURSDAY	10	9:30 A.M. – REGULAR MEETING

Moved By:
Seconded by:
Roll Call Vote:

#19-271 Authorize the Executive Director to enter into a contract for **I.T. Services** with **Just Solutions, Inc.**, for an initial period of three months, with one mutually-agreeable three-month extension at an approximate cost of \$24,000 per month, plus an approximate one-time cost of \$24,000 for initial on-boarding and set up.

Moved By:
Seconded By:
Roll Call Vote: