

MINUTES

**MONROE COUNTY WATER AUTHORITY**

**REGULAR MEETING**

**Thursday, July 12, 2018**

**9:30 a.m.**

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

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

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

Members present (5): S. Nasca, S. Volpe, M. Fero, A. Bernstein, W. Bleier-Mervis

Members absent (2): J. Rulison, R. Hurlbut

Staff present:

N. Noce, Executive Director; K. Eisenmann, Secretary to the Authority; R. Metzger, P.E., Chief Engineer; R. Benschhoff, Exec. Dir. of Operations; S. M. Savage, P.E., Dir. of Engineering; L. Magguilli, Assistant to Exec. Dir.; D. Hendrickson, Human Resource Manager; G. Jablonsky, Dir. of Information Technology; L. Rawlins, Asst. Dir. of Finance; M.A. Hussar, Admin. Clerk

General Counsel present: R. Miller, Esq. of HS&E

Monroe County Legislative Liaison present: Hon. Frank X. Allkofer

Guest presenters: Terrance Madden and Michelle McEntire of O'Brien & Gere Engineers

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

Pledge of Allegiance to the Flag – lead by Chairman Nasca

#18-142 Approve minutes of the Authority's Regular Meeting held on June 7, 2018.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Bernstein, the foregoing resolution #18-142 was put to a voice vote and unanimously carried. Ayes: 5; Nays: 0.

#18-143 Accept list of disbursements on check registers dated June 6, June 13, June 20, June 27, and July 3, 2018 which were forwarded to the Authority Members for their review.

On a motion made by Mr. Bernstein, seconded by Ms. Volpe, the foregoing resolution #18-143 was put to a voice vote and unanimously carried. Ayes: 5; Nays: 0.

#18-144 Accept Purchase Order List of materials and supplies for the period May 30, 2018 through July 3, 2018 in the amount of \$282,094.47.

On a motion made by Ms. Volpe, seconded by Ms. Bleier-Mervis, the foregoing resolution #18-144 was put to a voice vote and unanimously carried. Ayes: 5; Nays: 0.

**COMMUNICATIONS**

Chairman Nasca and Mr. Noce announced a presentation to the Board to be delivered at this meeting on the **Infrastructure Renewal Evaluation** ("100 Year Plan"), as updated in 2018. This report, prepared by the Authority's Consulting Engineer, O'Brien & Gere Engineers ("OBG"), would be presented today by Terrance Madden, with Michelle McIntyre, both of OBG. And also at today's meeting, Messrs. Noce and Metzger would follow with an additional presentation to the Board, giving an overview on rate-setting protocols.

#18-145 WHEREAS, as permitted by Section 1095 of the New York Public Authorities Law and by resolution dated April 29, 1991, the Members of the Monroe County Water Authority (the "Authority") delegated to the Executive Director the power to appoint any employee of the Authority, while reserving to the Members the power and authority to confirm or deny confirmation of any such appointment of any permanent employees; and

WHEREAS, the Executive Director normally appoints permanent employees on the date the Members confirm such appointment; and

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WHEREAS, on June 26, 2018, as a matter of urgency, the Executive Director appointed Timothy Murphy, Jr. to the position of heavy motor equipment operator; and

WHEREAS, the matter of urgency arose because (i) most emergency response calls require at least one ten-wheel, 20-ton dump truck, (ii) the only job title permitted to drive this type of vehicle is a heavy motor equipment operator, which position requires an “A” commercial driver’s license, (iii) the Authority had immediate vacancies in the heavy motor equipment operator position, and (iv) although the Authority posted for the job internally, the one employee that applied refused the position.

NOW, THEREFORE, BE IT RESOLVED:

1. The Members of the Authority hereby confirm the appointment of Timothy Murphy, Jr. to the position of heavy motor equipment operator, effective as of June 26, 2018 (the “Effective Date”), and ratify and approve all prior actions taken by the Executive Director and Authority staff in furtherance thereof. The appointment of Mr. Murphy is made pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission.
2. As of the Effective Date, Mr. Murphy will be placed in Salary Schedule 4, Group 6, Step 1.
3. The Members and staff of the Authority are hereby authorized and directed for and on behalf of the Authority and in its name to do all 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.

On a motion made by Mr. Fero, seconded by Ms. Volpe, and duly put to a vote on roll call, the foregoing resolution #18-145 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

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

Ms. Bleier-Mervis gave a detailed briefing on the Compensation Committee meeting held on June 28, 2018 at 9:30 a.m. She reported that the first item on the agenda was review of the Recommendation for MCWA Director of Finance & Business Services position, for which Messrs. Noce and Magguilli and Ms. Hendrickson fully discussed the recommendation of Paul Liess, Jr. to fill this position, salary as expertized; and that after thorough review, discussion and all questions from the Committee addressed, the Committee voted unanimously in concurrence with staff’s recommendation to fill the vacant Director of Finance position and to forward this item to the full Board for its consideration. Ms. Bleier-Mervis reported the only other item on the agenda was to set the next meeting date for the Compensation Committee. She concluded her reporting saying that it was agreed the next scheduled meeting of the Compensation Committee will be Thursday, August 30, 2018 at 3:00 p.m., and that minutes of the June 28 meeting would be distributed as soon as available.

#18-146 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Paul Liess, Jr. to the title of Director of Finance and Business Services, effective August 6, 2018, at Salary Schedule 6, Group 3.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, and duly put to a vote on roll call, the foregoing resolution #18-146 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

#18-147 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Tamara Blanchard to the title of Office Clerk IV, effective July 23, 2018, at Salary Schedule 5, Group 1, Step 1.

On a motion made by Mr. Bernstein, seconded by Ms. Volpe, and duly put to a vote on roll call, the foregoing resolution #18-147 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

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#18-148 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Megan Pieper to the title of Office Clerk IV, effective July 23, 2018, at Salary Schedule 5, Group 1, Step 1.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, and duly put to a vote on roll call, the foregoing resolution #18-148 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

#18-149 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Provisional Appointment of Tamara Coyne to the title of Assistant Credit Manager, effective July 16, 2018, at Salary Schedule 3, Group 2.

On a motion made by Mr. Fero, seconded by Ms. Bleier-Mervis, and duly put to a vote on roll call, the foregoing resolution #18-149 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

In discussion of Item #18-150, both Mr. Benschhoff and Mr. Miller briefed the Board on this Joint Services Agreement with the County of Monroe, explaining this is for mutual assistance on an as-needed basis, whereby the County provides services in lawn mowing certain MCWA properties, and the Authority provides services in water main repair and maintenance of existing water supply systems in County Parks.

#18-150 **RESOLUTIONS AUTHORIZING A JOINT SERVICES AGREEMENT WITH COUNTY OF MONROE**

WHEREAS, under Section 1096(16) of the Public Authorities Law, the Authority has the power to enter into cooperative agreements with municipalities for shared services arrangements; and

WHEREAS, pursuant to Authority resolution #13-064, the Monroe County Water Authority (the "Authority") and the County of Monroe (the "County") entered into a Joint Services Agreement dated June 10, 2013 (the "Prior Agreement") whereby the parties agreed to mutually assist each other and provide lawn mowing and water main repair services, as needed; and

WHEREAS, the parties intend to enter into a new agreement for joint services (the "2018 Joint Services Agreement"), such agreement to contain terms substantially similar to those in the Prior Agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. The Members of the Authority hereby approve the form and substance of the 2018 Joint Services Agreement.
2. The Members of the Authority hereby authorize the Executive Director to sign the 2018 Joint Services Agreement for an initial term of one (1) year with the option to extend for up to four (4) additional terms of one (1) year upon mutual consent.
3. The Members of the Authority hereby ratify all actions and expenditures taken with regard to joint services between the expiration of the Prior Agreement and the date of this resolution.
4. The Members and staff of the Authority are hereby authorized and directed for and on behalf of the Authority and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Authority with the provisions of the foregoing resolutions.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Bernstein, and duly put to a vote on roll call, the foregoing resolution #18-150 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

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For Item #18-151, Mr. Savage addressed the Members for authorization on this unit price contract award. He provided a detailed summary overview on the scope of South Avenue Tank Rehabilitation project, along with photo illustration of the elevated water storage tank located in the Village of Webster. He fully recapped and discussed bid results and experience/qualifications required. Mr. Bernstein had a follow up inquiry on a related project from the prior month which was also addressed by Mr. Savage.

#18-151 Authorize the award of a **unit price contract for the South Avenue Tank Rehabilitation project** to the low responsive, responsible bidder, Amstar of Western New York, Inc. in the bid amount of \$1,682,100.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Fero, and duly put to a vote on roll call, the foregoing resolution #18-151 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

For Item #18-152, Mr. Metzger addressed the Board for authorization of a change order to the purchase order for rock salt for the Corfu Water Treatment Plant softening process, extending its term by up to two months. He explained that our current purchase order ends in July and bids received this month had to be rejected due to bidder error. He further explained this procurement is being rebid.

#18-152 Authorize a **change order to the current purchase order with Compass Minerals for bulk and toted rock salt** from its current Total Price of \$14,733.39 to a new Total Price of \$22,000, and extending its term by up to two months.

On a motion made by Ms. Bleier-Mervis, seconded by Ms. Volpe, and duly put to a vote on roll call, the foregoing resolution #18-152 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

For Item #18-153, Mr. Metzger again addressed the Members, this for authorization in utilizing the Monroe County Contract for Overhead & Garage Door Maintenance and Repair. He reported that this contract, currently held by Alliance Door and Hardware, Inc., will enable the Authority to leverage their outside technical assistance and obtain materials and replacement parts.

#18-153 Authorize the **use of the Monroe County Contract for Overhead & Garage Door Maintenance & Repair under the terms of Monroe County Contract #4700007460**, currently held by Alliance Door & Hardware, Inc., through its term ending April 30, 2019, for an estimated amount of \$20,000.

On a motion made by Mr. Bernstein, seconded by Ms. Bleier-Mervis, and duly put to a vote on roll call, the foregoing resolution #18-153 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

For Items #18-154, #18-155 and #18-156, Mr. Jablonsky addressed the Board for authorization on each of these agenda items for purchasing various Dell computers under NYS OGS Contract Group 73600, indicated as estimated in each resolution; he explained these purchases are as part of the Authority's annual refresh program. The requested equipment was also outlined in Mr. Jablonsky's recommendation memorandum provided to the Board for their prior review. There was discussion on average life use of various computers – desktop and laptop – and Mr. Jablonsky responded to a few remaining questions from Chairman Nasca and Mr. Bernstein.

#18-154 Authorize the **purchase of an estimated thirty (30) Dell Optiplex 3050 desktop computers under NYS OGS Contract Group 73600 – Award 22802 – Information Technology Umbrella Contract #PM20820 – Manufacturer Based, Dell Marketing LP, Lot 2**, at an estimated total cost of \$31,000.

On a motion made by Mr. Fero, seconded by Ms. Volpe, and duly put to a vote on roll call, the foregoing resolution #18-154 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

#18-155 Authorize the following **purchases from Dell under NYS OGS Contract Group 73600 Award 22802 – Information Technology Umbrella Contract #PM20820 – Manufacturer Based, Dell Marketing LP, Lot 2: An estimated four (4) Dell XPS-15 office laptop computers** at an estimated total cost of \$12,000; **AND** **an estimated four (4) Dell Latitude 5580 laptop computers** at an estimated total cost of \$8,000.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, and duly put to a vote on roll call, the foregoing resolution #18-155 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

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#18-156 Authorize the **purchase of an estimated five (5) Dell Latitude Rugged 14 laptop computers under NYS OGS Contract Group 73600 – Award 22802 – Information Technology Umbrella Contract #PM20820 – Manufacturer Based, Dell Marketing LP, Lot 2, at an estimated total cost of \$18,000.**

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Fero, and duly put to a vote on roll call, the foregoing resolution #18-156 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

In discussion of Item #18-157, Mr. Metzger further briefed the Members on this item to Standardize on Hydro Instruments Vacuum Regulators – as detailed in the memorandum provided to the Board Members in advance of this meeting in justification for this Standardization. He reported that staff has conducted a thorough, extensive review and determined that Hydro Instruments provides the most durable and safest vacuum regulators. He brought a demo model for illustration purposes and discussed the next planned purchase of this class of equipment and its approximate cost.

#18-157 **WHEREAS**, the Monroe County Water Authority (the “Authority”) has studied whether it should now **standardize on Hydro Instruments Vacuum Regulators** in order to maintain efficiency, compatibility and the reliability of our emergency chlorination and sulfur dioxide feed systems at the Authority’s treatment plants, and

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

**WHEREAS**, the Authority currently has other compatible equipment which will result in lower parts inventory, and

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

**WHEREAS**, upon the recommendation of the Authority’s Production and Transmission Department, the Authority has determined that Hydro Instruments Vacuum Regulators are the most efficient and economic equipment currently available.

**NOW, THEREFORE, BE IT RESOLVED that:**

1. In order to provide for the most efficient and economic source of vacuum regulators and for the reasons stated above, **all purchases or procurements by the Authority of vacuum regulators and any ancillary equipment must be Hydro Instruments.**
2. The Members and staff of the Authority are hereby authorized and directed for and on behalf of the Authority and in its name to do all acts and things required or as may be necessary, or in the opinion of the officer so acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Authority with all of the provisions of the foregoing resolutions.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, and duly put to a vote on roll call, the foregoing resolution #18-157 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

#18-158 The Members of the Authority expressly make the following determinations for all awards of Procurement Contracts made during this meeting: (i) the proposed awardee has been found to be responsible; (ii) the proposed awardee complied with the State Finance Law provisions regarding Permissible Contacts (as defined in the Authority's Procurement Disclosure Policy); (iii) the proposed awardee has (or will prior to the final award being effective) complied with the State Finance Law provisions that require disclosure of all information required to be in the Authority's Solicitation Materials (as such term is defined in the Authority's Procurement Disclosure Policy); and (iv) the procurement process did not involve conduct that is prohibited by the Public Officers Law, the Authority's Procurement Disclosure Policy, and the Authority's Code of Ethics and Conflict of Interest Policies.

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On a motion made by Mr. Bernstein, seconded by Ms. Bleier-Mervis, and duly put to a vote on roll call, the foregoing resolution #18-158 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

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

Ms. Bleier-Mervis gave a briefing on the Governance Committee meeting held June 28, 2018 at 8:30 a.m., reporting that all of the items on the agenda for that meeting were policies needing review and re-adoption or approval as revised.

She stated the following policies were reviewed by staff members and were recommended for re-adoption with no revisions: the Whistleblower Policy, the Policy Regarding Service Awards Program, the Food Expenditure and Reimbursement Policy, and the Policy Regarding Time and Attendance for Management Employees. She reported that Mr. Noce gave a brief description and intent of each policy, and having reviewed and discussed, the Governance Committee voted unanimously to readopt each of these policies as presented and to forward them on to the full Board for its approval.

Ms. Bleier-Mervis continued her reporting with the policies before the Committee for which staff recommended revisions. She listed the Policy Regarding Acquisition and Assignment of Mobile Communication Devices and the Travel and Expense Reimbursement Policy, for which the revisions were minor housekeeping changes.

She stated that also recommended for revision is the 2-part policy known as Policy Regarding Time and Attendance for Department Heads and Executive Employees / Policy Regarding Compensation and Reimbursement for Department Heads and Executive Employees, for renaming as: Policy Regarding Time and Attendance for Executive Staff / Policy Regarding Compensation and Reimbursement for Executive Staff. She reported that Mr. Noce explained this is in keeping with the recent revision of MCWA's By-Laws in now referring to those positions collectively as "Executive Staff." Ms. Bleier-Mervis said the Governance Committee voted unanimously to approve each of these policies as revised and presented, and to forward them on to the full Board for its approval.

She concluded her reporting by mentioning the next scheduled meeting of the Governance Committee is slated for November 1, 2018 and that minutes of the June 28 meeting would be distributed as soon as they become available.

#18-159        Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby approves the **Policy Regarding Acquisition and Assignment of Mobile Communications Devices**, as revised and presented.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, and duly put to a vote on roll call, the foregoing resolution #18-159 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

#18-160        Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby approves the **Travel and Expense Reimbursement Policy**, as revised and presented.

On a motion made by Mr. Bernstein, seconded by Ms. Volpe, and duly put to a vote on roll call, the foregoing resolution #18-160 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

#18-161        Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Whistleblower Policy**, as presented.

On a motion made by Mr. Bernstein, seconded by Ms. Volpe, and duly put to a vote on roll call, the foregoing resolution #18-161 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

#18-162        Upon recommendation of the Monroe County Water Authority's Governance Committee the Board hereby readopts the **Policy Regarding Service Awards Program**, as presented.

On a motion made by Mr. Bernstein, seconded by Ms. Volpe, and duly put to a vote on roll call, the foregoing resolution #18-162 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

#18-163        Upon recommendation of the Monroe County Water Authority's Governance Committee the Board hereby readopts the **Food Expenditure and Reimbursement Policy**, as presented.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Fero, and duly put to a vote on roll call, the foregoing resolution #18-163 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

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#18-164 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Policy Regarding Time and Attendance for Management Employees / Policy Regarding Compensation and Reimbursement for Management Employees**, as presented.

On a motion made by Ms. Volpe, seconded by Ms. Bleier-Mervis, and duly put to a vote on roll call, the foregoing resolution #18-164 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

#18-165 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby approves the **Policy Regarding Time and Attendance for Executive Staff / Policy Regarding Compensation and Reimbursement for Executive Staff**, as revised and presented.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, and duly put to a vote on roll call, the foregoing resolution #18-165 unanimously carried. AYES: 5 (Nasca, Volpe, Fero, Bernstein, Bleier-Mervis); NAYS: 0.

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Presented for Board Members' informational purposes:

- There was a presentation to the Board at this meeting on the **Infrastructure Renewal Evaluation** ("100 Year Plan"), as updated in 2018. This report, prepared by the Authority's Consulting Engineer, O'Brien & Gere Engineers (OBG), was delivered by Terrance Madden, with Michelle McIntyre, both of OBG.
- Also at this meeting, Messrs. Noce and Metzger delivered a presentation to the Board Members, providing an overview on rate-setting protocols.

For Board Members' notification purposes:

- Notification of proposed recipients of Requests for Qualifications and Proposals (RFQ/Ps) to perform training instruction services in Cardiopulmonary Resuscitation, Automated External Defibrillator, Preventing Disease Transmission and First Aid Training for those employees that have elected to take this training.
- Notification of proposed recipients of Requests for Qualifications and Proposals (RFQ/Ps) to vendors for IT Security Pen Testing.
- Notification of hiring Temporary Seasonal Laborers at this time.
- Reminder of upcoming Board Members' Budget Workshop Sessions & annual in-house Board training to be conducted in the month of August.

In Board folders for review:

- MCWA Quarterly Claims Report – Period Ending: June 30, 2018
- Any routine monthly informational reports and/or updates.

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There being no further business to come before the Authority, Chairman Nasca adjourned the meeting at 10:29 a.m.

  
Kathleen A. Eisenmann, Secretary to the Authority

  
Scott D. Nasca, Chairman