

MINUTES

DRAFT – Subject to and Pending Monroe County Water Authority Board approval.

**MONROE COUNTY WATER AUTHORITY
REGULAR MEETING
THURSDAY, October 8, 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 (7): S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison

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

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

#20-175 Approve minutes of the Authority's Regular Meeting held on September 3, 2020.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-175 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

#20-176 Approve list of disbursements on check registers dated August 26, September 2, September 9, September 16, and September 23, 2020, which were forwarded to the Authority Members for their review.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Rulison, the foregoing resolution #20-176 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

#20-177 Accept Purchase Order List of materials and supplies for the period August 27 through September 30, 2020 in the amount of \$718,395.13.

On a motion made by Mr. Hurlbut, seconded Mr. Bernstein, the foregoing resolution #20-177 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

COMMUNICATIONS/NOTIFICATIONS

Chris King, Senior Production Engineer at our Shoremont Water Treatment Plant, gave Board Members a brief presentation on the Authority's energy conservation practices. He outlined the various measures implemented by the Authority to reduce electrical and natural gas consumption, as well as discussed our participation in various energy savings programs and the resultant cost savings.

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For Item 20-178, Board Treasurer Rulison and Board Member Bleier-Mervis offered the following resolution and moved its adoption:

20-178

**RESOLUTION #20-178
EXPRESSING APPRECIATION FOR YEARS OF SERVICE AND
BEST WISHES OF THE MONROE COUNTY WATER AUTHORITY BOARD
TO RAYMOND W. BENSHOFF UPON HIS RETIREMENT**

***WHEREAS**, Raymond W. Benshoff, a longtime employee of the Water Authority,
has retired as of September 25, 2020; and*

***WHEREAS**, Raymond W. Benshoff is a highly skilled and knowledgeable 24 year
veteran of the Water Authority; and*

***WHEREAS**, Raymond W. Benshoff will be remembered for his dedicated service
by his fellow employees and management of the Water Authority.*

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

***BE IT FURTHER RESOLVED**, the Recording Secretary of the Board is
hereby requested to forward a copy of this Resolution to
Raymond W. Benshoff, MCWA Retiree.*

~ This resolution adopted unanimously. ~

#20-179 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Kerry Sharp to the position of Communications Aide effective November 2, 2020, at Salary Schedule 3, Group 3.

On a motion made by Mr. Bernstein, seconded by Mr. Hurlbut, the foregoing resolution #20-179 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-180 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Promotional Appointment of Jeffrey Krahe to the position of Utility Worker effective October 12, 2020, at Salary Schedule 4, Group 3.

On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #20-180 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-181, Mr. Magguilli addressed the Board for authorization in the purchase of a new server off of New York State Contract. This purchase is in our budget and is part of normal computer system maintenance.

#20-181 Authorize the use of New York State OGS Contract, Group #73600, Award #22802, Contract #PM20820, for the purchase of one (1) new **Dell Power Edge vSan Server** from **Quality & Assurance Tech Corp.** in the amount of \$32,382.76.

On a motion made by Mr. Bernstein, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-181 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

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For Item #20-182, Mr. Magguilli addressed the Board on this item in addition to their having received his memorandum in advance of the meeting detailing justification for Standardization on Amazon Web Services (AWS), which we have utilized in the hosting of our website and customer portal. Information Technology staff have been trained and certified by AWS for its use and determined that the AWS platform is the best venue for this purpose. He also noted that our current website, customer portal, and associated programs are all designed specifically and uniquely for AWS, and conversion to another provider would create a hardship in the significant time and expense of re-writing of programs. He answered a follow-up question posed by a Board Member.

#20-182 WHEREAS, the Monroe County Water Authority has utilized **Amazon Web Services (AWS)** for the past several years **in hosting the former and newly-revised MCWA website and customer portal**; and

WHEREAS, our current website, customer portal, and associated programs are all designed specifically and uniquely for AWS, and conversion to another provider would result in significant time and expense in the re-writing of programs; and

WHEREAS, Information Technology staff have been trained and certified by AWS for its use and have determined that AWS is the best venue for this purpose; and

WHEREAS, the Authority's *Purchasing and Procurement Guidelines* has Appropriate Circumstances for **Standardization of Goods and Services** under which such a provision would be satisfied.

NOW, THEREFORE BE IT RESOLVED that:

In order to provide for the most efficient and economic hosting of the MCWA website and customer portal as outlined above, Amazon Web Services will be the platform utilized for this purpose.

FURTHER RESOLVED, that 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 Ms. Bleier-Mervis, seconded by Mr. Rulison, the foregoing resolution #20-182 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-183, Mr. Trotta briefed the Board for authorization the as-needed use of Monroe County Contract for sprinkler inspection, testing and maintenance, in an estimated annual amount of \$40,000 and for the term ending 10/31/2021 with the option to extend for up to four additional one-year periods in accordance with the terms of the Monroe County Contract. We have used this vendor in the past, and they have performed well.

#20-183 Authorize the as-needed use of **Monroe County Contract** No. 0911-18 (4700007496) for **Sprinkler Inspection, Testing and Maintenance** (currently awarded to **Davis-Ulmer Sprinkler Company**) through the initial contract period ending 10/31/2021, with the option to extend for up to four additional one-year periods in accordance with the terms of the Monroe County Contract, for an estimated annual amount of \$40,000.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #20-183 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

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For Item #20-184, Mr. Trotta sought Board authorization for the as-needed use of Monroe County Contract for Heavy Equipment Rental in an estimated annual amount of \$200,000 through the initial contract period ending 09/30/2021, with the option to extend for up to four additional one year periods in accordance with the terms of the Monroe County Contract. We have successfully done business with this vendor for many years.

#20-184 Authorize the as-needed use of **Monroe County Contract BP #0809-17 (4700007419) – Heavy Equipment Rental** (currently awarded to **CP Ward, Inc.**) through the initial contract period ending 09/30/2021, with the option to extend for up to four additional one-year periods in accordance with the terms of the Monroe County Contract, for an estimated annual amount of \$200,000.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, the foregoing resolution #20-184 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Items #20-185 and #20-186, Mr. Savage briefed the Board for authorization to execute agreements with the New York State Department of Transportation for two of their projects: the *NY-286 (Atlantic Avenue) at Five Mile Line Road Intersection Improvements* in the Town of Penfield and the *NY-390 Corridor Multi-Use Trail System*, located in the Town of Greece. These projects will involve adjustments and/or relocations of some of our facilities (i.e., water main, valves), and the State will carry out this work at no cost to the Water Authority.

#20-185 Authorize the Executive Director to enter into any and all agreements with the New York State Department of Transportation for the **NY-286 (Atlantic Avenue) at Five Mile Line Road Intersection Improvements, Town of Penfield, Monroe County, P.I.N. 4286.06.321**.

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the relocation of approximately **2 hydrants and the adjustment of 7 valves**, 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 relocated 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.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Bernstein, the foregoing resolution #20-185 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

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#20-186 Authorize the Executive Director to enter into any and all agreements with the New York State Department of Transportation for the **NY-390 Corridor Multi-Use Trail System, Town of Greece, Monroe County, P.I.N. 4390.08.321.**

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project **the elevation of approximately five (5) water valve boxes, one meter vault cover, and verification of location and depth or relocation of water main at approximately three (3) locations**, 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 relocated 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.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-186 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

FINANCE COMMITTEE REPORT – Presented by Mr. Hurlbut, Committee Chairman

Mr. Hurlbut gave a briefing on the Finance Committee meeting held Thursday, October 1, at 9:00 a.m., at which time the first item was a review of the 2021 Budget. Director of Finance, Amy Molinari, gave a detailed presentation and responded to questions posed by Committee Members. Following the review and some discussion, the Finance Committee unanimously agreed to recommend approval of the 2021 Budget, as presented, by the full Board at the October 8, 2020 Regular Meeting.

Mr. Hurlbut continued with the second item on the Agenda, which was the recommendation of a firm to perform Financial Advisory Services. Ms. Molinari provided the Committee with details about a Request for Proposals the Authority issued on August 16, soliciting firms to provide Financial Advisory Services. She stated that an evaluation committee reviewed the five proposals received and recommended that Capital Markets Advisors, LLC be selected to act in this capacity for a term of three years. After some discussion, the Committee unanimously agreed to approve Capital Markets Advisors, LLC as provider of these services and to forward to the full Board for their approval at the October 8 meeting.

Mr. Hurlbut continued his reporting by stating that Ms. Molinari proceeded to give the Committee an overview of the Authority's investment practices. After some discussion, Chairman Hurlbut made a recommendation that the Audit Committee review the Authority's Annual Statement of Investment Policy, to be followed by further discussion at a future Board Meeting, in order to explore new avenues whereby the Authority can potentially yield maximum return on investments. No formal action was taken.

Mr. Hurlbut concluded his reporting by stating that the Committee confirmed its next meeting, which is scheduled for November 5, 2020, at 8:00 a.m., and that minutes of the October 1 meeting are posted on the MCWA website.

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For Item #20-187, Ms. Molinari reiterated some of what Mr. Hurlbut had just reported regarding the Request for Proposals and recapped the selection process. She responded to a follow-up question posed by a Board Member.

#20-187 Based upon a Request for Proposals to financial advisory firms, along with a review of responses, the Authority hereby designates **Capital Markets Advisors, LLC** to act as the **Authority's Financial Advisor** for a term not to exceed three years, at the following rates: President: \$275/hour; Vice-President: \$200/hour; Associates: \$150/hour.

On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #20-187 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

For Item #20-188, Ms. Molinari stated that there had been no revisions made to the proposed 2021 Budget since they were distributed to Board Members during August's Budget Workshops, and she invited any remaining questions. Budget information was also previously presented to the Finance Committee.

#20-188 **RESOLVED:** That the Authority's Preliminary Budget for calendar year 2021 totaling \$81,641,373 be, and it hereby is, adopted.

IT IS FURTHER RESOLVED: That in accordance with the Authority's Trust Indenture dated October 1, 1991, Section 506, Paragraph #2, the Preliminary Budget so adopted shall, when it has been approved by a certificate of the Consulting Engineer, constitute for all purposes the Annual Budget for 2021.

On a motion made by Mr. Bernstein, seconded by Mr. Hurlbut, the foregoing resolution #20-188 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-189 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 Conflicts of Interest Policies.

On a motion made by Mr. Hurlbut, seconded by Mr. Bernstein, the foregoing resolution #20-189 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

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

Ms. Bleier-Mervis gave a briefing on the Governance Committee meeting held Thursday, October 1, at 8:30 a.m. She reported that all items on the Agenda were Water Authority policies needing review and re-adoption. Mr. Noce gave a brief description of each policy, all of which were previously reviewed by Executive Staff and recommended for re-adoption without revisions. They are: The Conflicts of Interest Policy; Code of Ethics Policy; Software Code of Ethics Policy; Disposal Guidelines; Policy Regarding the Acquisition of Interests in Real Property; and Policy Governing the Use of Authority Discretionary Funds. She stated that Committee members voted unanimously to re-adopt these policies, as presented, and forward to the full Board for approval at the October 8 meeting.

Ms. Bleier-Mervis concluded her reporting by stating that the Committee confirmed its next meeting, scheduled for Thursday, December 3, 2020 at 8:30 a.m. and that minutes of the October 1 Governance Committee meeting are posted on the MCWA website.

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#20-190 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Conflicts of Interest Policy**, as presented.

On a motion made by Mr. Rulison, seconded by Mr. Hurlbut, the foregoing resolution #20-190 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-191 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Code of Ethics Policy**, as presented.

On a motion made by Mr. Hurlbut, seconded by Mr. Fero, the foregoing resolution #20-191 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-192 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Policy Governing the Use of Authority Discretionary Funds**, as presented.

On a motion made by Mr. Bernstein, seconded by Mr. Hurlbut, the foregoing resolution #20-192 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-193 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Policy Regarding the Acquisition of Interests in Real Property**, as presented.

On a motion made by Mr. Rulison, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-193 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-194 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Disposal Guidelines**, as presented.

On a motion made by Mr. Hurlbut, seconded by Mrs. Volpe, the foregoing resolution #20-194 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

#20-195 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby readopts the **Software Code of Ethics Policy**, as presented.

On a motion made by Mr. Fero, seconded by Mr. Bernstein, the foregoing resolution #20-195 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

In Board folders for review:

- MCWA Preliminary 2021 Budget
- Proposed Recipients of RFQ/P for Support Services Related to Cellular Antenna
- Rochester Beacon Article on the Painting of Fire Hydrants in the Village of Fairport
- 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 10:12 a.m.

Diane L. Hendrickson, Recording Secretary

Scott D. Nasca, Chairman

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