

**MONROE COUNTY WATER AUTHORITY
REGULAR MEETING**

THURSDAY, March 11, 2021 ~ 9:30 a.m.

Board Room

General Offices, 475 Norris Drive, Rochester, New York

Roll Call

Pledge of Allegiance

#21-025 Approve minutes of the Authority's Regular Meeting, held on Thursday, February 11, 2021.

Moved By:

Seconded By:

Voice Vote:

#21-026 Accept list of disbursements on check registers dated February 3, February 10, February 17, and February 24, 2021 which were forwarded to the Authority Members for their review.

Moved By:

Seconded By:

Voice Vote:

#21-027 Accept Purchase Order List of materials and supplies for the period February 5, 2021 through March 3, 2021 in the amount of \$430,910.20.

Moved By:

Seconded By:

Voice Vote:

COMMUNICATIONS/NOTIFICATIONS

#21-028 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:
Appointment of John Caceci to the title of Laborer, effective March 15, 2021 at Salary Schedule 4, Group 1.

Moved By:

Seconded By:

Roll Call Vote:

MONROE COUNTY WATER AUTHORITY
REGULAR MEETING – March 11, 2021
Page 2

#21-029 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:
Appointment of Marc Piccolo to the title of Laborer, effective March 15, 2021 at Salary Schedule 4, Group 1.

Moved By:
Seconded By:
Roll Call Vote:

#21-030 Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:
Appointment of Eric Short to the title of Laborer, effective March 15, 2021 at Salary Schedule 4, Group 1.

Moved By:
Seconded By:
Roll Call Vote:

#21-031 Authorize the purchase of **Two (2) New 2021 John Deere 310SL Backhoe Loaders** from **Five Star Equipment, Inc.** in the amount of \$203,000, utilizing **New York State OGS Contract for Heavy Equipment – Group #40625, Award #22792, Contract #PC67075.**

Moved By:
Seconded By:
Roll Call Vote:

#21-032 Authorize the purchase of **One (1) New 2022 Conventional Day Cab Truck with 17 Foot Dump Body** from low responsive, responsible bidder, **Regional Truck and Trailer, Inc.**, in the amount of \$159,527.

Moved By:
Seconded By:
Roll Call Vote:

MONROE COUNTY WATER AUTHORITY

REGULAR MEETING – March 11, 2021

Page 3

#21-033 Authorize the as-needed purchase of **Screened Topsoil, Fill Dirt, Select Fill, and Various Sands** utilizing **Monroe County Contract for Highway Materials – Group II, Contract No. 0102-21**, for an annual estimated total amount of \$40,000 through the contract period ending February 28, 2022, from vendors awarded, including: **Macedon Landscaping, Inc.** (#7700000014); **MRI Contractors of New York, Inc.** (#7700000016); **Morrison Excavating, Inc.** (#7700000017); **RAL Landscape, Inc.** (#7700000018); **Rochester Earth Materials** (#7700000019); **Taouk Development, LLC** (#7700000023); and **Victor Gravel Corp/Rochester Gravel Products** (#7700000027).

Contracts with these vendors may be extended up to four (4) additional one-year terms provided the Monroe County Contract for Highway Materials – Group II (Contract No. 0102-21) is valid.

Moved By:

Seconded By:

Roll Call Vote:

#21-034 Authorize the as-needed purchase of **Construction Stone Products** utilizing **Monroe County Contract for Highway Materials – Group II, Contract No. 0102-21**, for an annual estimated total amount of \$400,000 through the contract period ending February 28, 2022 from vendors awarded, including: **Dolomite Products Company, Inc.** (#7700000007); **Hanson Aggregates New York, Inc.** (#7700000009); and **Iroquois Rock Products, Inc.** (#7700000011).

Contracts with these vendors may be extended up to four (4) additional one-year terms provided the Monroe County Contract for Highway Materials – Group II (Contract No. 0102-21) is valid.

Moved By:

Seconded By:

Roll Call Vote:

#21-035 Authorize the as-needed purchase of **Temporary Asphalt Material (Patching Material & Hot Mix Material)** utilizing **Monroe County Contract for Highway Materials – Group II, Contract No. 0102-21**, for an annual estimated total amount of \$200,000 through the contract period ending February 28, 2022 from vendors awarded, including: **Innovative Municipal Products US, Inc.** (#7700000010) and **Rochester Asphalt Materials** (#7700000020).

MONROE COUNTY WATER AUTHORITY
REGULAR MEETING – March 11, 2021
Page 4

Contracts with these vendors may be extended up to four (4) additional one-year terms provided the Monroe County Contract for Highway Materials – Group II (Contract No. 0102-21) is valid.

Moved By:
Seconded By:
Roll Call Vote:

- #21-036** Authorize the award of a unit price contract for the as-needed purchase of **23% Hydrofluosilicic Acid** to the low responsive, responsible bidder, **Pencco, Inc.**, in the bid amount of \$126,550 for an initial one year term, renewable for up to four (4) additional one-year terms upon mutual consent and with a maximum price escalation of 3 percent per year of extension. The bid amount is based on estimated quantities.

Moved By:
Seconded By:
Roll Call Vote:

- #21-037** Authorize the purchase of a **Rockwell Automation TechConnectSM Support Agreement** from **Horizon Solutions, LLC**, to provide technical support services for the Authority's Allen Bradley[®] PLCs and ancillary equipment for a total cost up to \$75,000 for a three-year term beginning April 1, 2021 through March 31, 2024.

Moved By:
Seconded By:
Roll Call Vote:

- #21-038** Authorize the purchase of **Enterprise Asset Management Software (Maximo) Cloud-Based Subscriptions-as-a-Service (Saas)** from **International Business Machines, Inc. (IBM)** utilizing **New York State Office of General Services Contract – Group #73600, Award #22802, Contract #PM20890**, for the term through November 29, 2022, an estimated total amount of up to \$40,000, and with the option to extend for up to an additional 6-month term and a maximum increase in price of 5 percent.

Moved By:
Seconded By:
Roll Call Vote:

MONROE COUNTY WATER AUTHORITY
REGULAR MEETING – March 11, 2021
Page 5

#21-039 **WHEREAS**, the Authority is operating the Town of Byron's water system in accordance with the Agreement; and

WHEREAS, the Town is seeking United States Department of Agriculture Rural Development (USDA-RD) financing for the Town of Byron Water Improvement Benefits Area No. 1; and

WHEREAS, the USDA-RD requires the Town bid, install, and own all water mains and appurtenances installed for the entire term of the loan to be granted to the Town of Byron Water Improvement Benefits Area No. 1; and

WHEREAS, the USDA-RD requires the Town enter into an agreement with the Authority for the entire term of said loan; and

WHEREAS, the Town has requested an extension to the Agreement with the Authority for a new forty (40) year term to satisfy USDA-RD's request; and

WHEREAS, the closing date of the loan will be utilized as the Effective Date for this Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE MONROE COUNTY WATER AUTHORITY:

 To authorize the execution of Amendment No. 1 to the Town of Byron's Retail Lease Agreement with the Monroe County Water Authority to extend the Agreement for a period of 40 years from the Effective Date of Amendment No. 1.

Moved By:
Seconded By:
Roll Call Vote:

#21-040 **WHEREAS**, the Monroe County Water Authority (the "Authority") is installing approximately 2,500 linear feet of 8" ductile iron water main and appurtenances on **Hard Road between Ridge Road and NYS Route 104 in the Town of Webster** to replace the existing, deficient 8" cast iron water main (the "Project"); and

WHEREAS, the **acquisition of two (2) Permanent Easements** (the "Easements") from two (2) property owners in the Town of Webster along the Project is necessary for the construction, installation, operation, and maintenance of the Project; and

MONROE COUNTY WATER AUTHORITY
REGULAR MEETING – March 11, 2021
Page 6

WHEREAS, the remaining two (2) Permanent Easements are described on Attachment "A" to this Resolution; and

WHEREAS, the Authority has considered whether the acquisition of the Easements is de minimis in nature so that the public interest will not be prejudiced thereby; and

WHEREAS, the Authority has considered whether the delay of the acquisition of the Easements will prejudice the public interest.

NOW, THEREFORE, it is

RESOLVED, that two (2) Permanent Easements along Ridge Road (NYS Route 404) in the Town of Webster as described on Attachment "A" to this Resolution are necessary to the Project; and it is

FURTHER RESOLVED, that the public use, benefit, or purpose of the acquisition of the Easements is to allow the completion of the construction, installation, operation, and maintenance of the Project, which will provide potable water and water for fire protection to residents in the Town of Webster; and it is

FURTHER RESOLVED, that the exercise of the power of eminent domain is appropriate and necessary to acquire the Easements for the completion of the construction, installation, operation, and maintenance of the Project; and it is

FURTHER RESOLVED, that the acquisition of the Easements is de minimis in nature so that the public interest will not be prejudiced; and it is

FURTHER RESOLVED, that any delay in the Authority obtaining immediate possession of the Easements will prejudice the public interest; and it is

FURTHER RESOLVED, that the Executive Director, or any agent he may designate, is authorized to proceed immediately to acquire the Easements through exercise of the Authority's power of eminent domain pursuant to the provisions of New York State's Eminent Domain Procedure Law ("EDPL"); and it is

FURTHER RESOLVED, that public interests will be prejudiced by delay and, accordingly, the Executive Director, or any agent he may designate, is authorized to petition the court for immediate possession and right of entry pursuant to EDPL §402 (B) (6); and it is

MONROE COUNTY WATER AUTHORITY
REGULAR MEETING – March 11, 2021
Page 7

FURTHER RESOLVED, that the Executive Director, or any agent he may designate, shall retain the authority to negotiate the purchase of the Easements on terms determined reasonable by him during the pendency of the condemnation action should that course of action be deemed by him to be feasible and desirable; and it is

FURTHER RESOLVED, that the Executive Director, or any agent he may designate, shall execute any and all documents necessary in the opinion of counsel to the Authority to give effect to the resolutions made herein; and it is

FURTHER RESOLVED, that the Executive Director shall have the authority to take such other actions as he deems advisable and necessary in relation to obtaining the Easements.

Moved By:
Seconded By:
Roll Call Vote:

#21-041 Authorize the Executive Director to enter into a Professional Services Agreement with **Occupational Safety On Site, Inc.** to provide **annual drug and alcohol testing** for all MCWA employees, including drug and alcohol testing under the NYS Department of Transportation CDL guidelines. The Agreement will be for an initial three-year term, with the option to extend for two additional one-year terms upon mutual consent, for an annual estimated cost of \$18,000.

Moved By:
Seconded By:
Roll Call Vote:

#21-042 Authorize the Executive Director to enter into a Professional Services Agreement with **Associates in Employee Assistance** to provide **EAP Services** for all MCWA employees, including a drug and alcohol Substance Abuse Professional (SAP) per the Department of Transportation CDL guidelines. The Agreement will be for a five-year term at a total estimated cost of \$20,000.

Moved By:
Seconded By:
Roll Call Vote:

AUDIT COMMITTEE REPORT

#21-043 Upon consideration and recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the **2020 Annual Financial Statements** as audited by EFPR Group, LLP.

Moved By:
Seconded By:
Roll Call Vote:

#21-044 Upon recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the **2020 Annual Investment Audit** as performed by EFPR Group, LLP.

Moved By:
Seconded By:
Roll Call Vote:

#21-045 Upon recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the **2020 Annual Investment Report** as directed under Title 7, Section 2925 of the Public Authorities Law, issued under the *Annual Statement of Investment Policy* in effect through December 31, 2020.

Moved By:
Seconded By:
Roll Call Vote:

#21-046 Upon recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves **Management's Assessment of the Effectiveness of Internal Control Structure and Procedures**, as presented on this date.

Moved By:
Seconded By:
Roll Call Vote:

MONROE COUNTY WATER AUTHORITY

REGULAR MEETING – March 11, 2021

Page 9

#21-047 Upon recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the proposal as submitted by Broker of Record, M&T Insurance Agency, Inc., and authorizes coverage for **Cyber and Liability Insurance** through **Corvus/Hudson Excess Insurance Company**, with the limits of liability and deductibles, as proposed, and inclusive of fees for service, for an estimated total cost of \$95,000. The term for insurance coverage is March 16, 2021 through July 1, 2022.

Moved By:

Seconded By:

Roll Call Vote:

#21-048 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:

#21-049 The Authority's **Deferred Compensation Committee** shall be comprised of the following employees: Nicholas Noce, Diane Hendrickson, Amy Molinari, and Joseph Fiannaca.

Moved By:

Seconded By:

Roll Call Vote:

GOVERNANCE COMMITTEE REPORT

#21-050 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby re-adopts MCWA's **Mission Statement**, as presented.

Moved By:
Seconded By:
Roll Call Vote:

#21-051 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby accepts the **Report on 2020 Performance Measures**, as presented.

Moved By:
Seconded By:
Roll Call Vote:

#21-052 Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby adopts **Performance Measurements for 2021**, as presented.

Moved By:
Seconded By:
Roll Call Vote:

RESOLUTION #21- 040

ATTACHMENT "A"

- 1. 985 Ridge Road Webster, LLC, its Successors and Assigns
985 Ridge Road, Webster (SBL No. 079.15-1-34)**

A 15' wide Permanent Easement along the northerly property line as shown on the attached drawing entitled Exhibit "A".

- 2. Bag Webster #198, LP, its Successors and Assigns
980 Ridge Road, Webster (SBL No. 079.15-1-3.1)**

A 40' wide Permanent Easement along the easterly property line as shown on the attached drawing entitled Exhibit "A".