

## MINUTES

**MONROE COUNTY WATER AUTHORITY  
REGULAR MEETING  
THURSDAY, October 6, 2022 @ 9:00 a.m.  
ESOC Board Room  
General Offices, 475 Norris Drive, Rochester, New York**

9:00 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, M. Van Vechten

**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; C. LaManna, Director of Production & Transmission; S. Trotta, Director of Operations; K. Sharp, Communications

**General Counsel present:** Megan K. Dorritie – 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

**#22-169** Approve minutes of the Authority's Regular Meeting held on September 8, 2022.

On a motion made by Mrs. Van Vechten, seconded by Mrs. Volpe, the foregoing resolution #22-169 was put to a voice vote and unanimously carried. AYES: 5; NAYS: 0

**#22-170** Approve list of disbursements on check registers dated August 31, September 07, September 14, and September 21, 2022, which were forwarded to the Authority Members for their review.

On a motion made by Mr. Bernstein, seconded by Mrs. Van Vechten, the foregoing resolution #22-170 was put to a voice vote and unanimously carried. AYES: 5; NAYS: 0

**#22-171** Accept Purchase Order List of materials and supplies for the period August 31, 2022 through September 26, 2022 in the amount of \$888,859.39.

On a motion made by Mrs. Van Vechten, seconded by Mr. Bernstein, the foregoing resolution #22-171 was put to a voice vote and unanimously carried. AYES: 5; NAYS: 0

### **COMMUNICATIONS/NOTIFICATIONS**

Mr. Noce informed the Board that RFP/Q's would be solicited for legal services, surveying services and insurance consulting.

Mr. Noce informed the Board members that packets containing Authority financials through August 2022, as well as employee separation memo were included in their folders.

**MONROE COUNTY WATER AUTHORITY  
REGULAR MEETING – October 6, 2022**

**#22-172** WHEREAS, by Resolution #22-161, the Monroe County Water Authority Board of Directors approved the provisional appointment of Scott Maginn to the title of Dispatcher effective September 26, 2022; and

WHEREAS, Mr. Maginn subsequently declined his offer of employment with the Monroe County Water Authority.

NOW, THEREFORE, BE IT RESOLVED: That the MCWA Board of Directors hereby rescinds its approval of Resolution #22-161 for the provisional appointment of Scott Maginn; and

BE IT FURTHER RESOLVED: That this Resolution shall take effect immediately.

On a motion made by Mr. Bernstein, seconded by Mrs. Van Vechten, the foregoing resolution #22-172 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**#22-173** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Title Change of Jasen Hillebrant to Utility Worker, effective August 29, 2022 at an hourly rate of \$23.95.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #22-173 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**#22-174** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Provisional Appointment of Mark Mulpagano to the title of Computer Programmer, effective October 31, 2022 at annual salary of \$96,927.

On a motion made by Mrs. Van Vechten, seconded by Mr. Fero, the foregoing resolution #22-174 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**For Item #22-175,** Mr. Trotta sought Board authorization in awarding a unit price contract for **pipe couplings** to be used for the repair, installation and relocation of water mains throughout the distribution system. Mr. Trotta recapped the bid results and stated that the Water Authority has successfully done business with this vendor in the past.

**#22-175** Authorize the award of a unit price contract for **pipe couplings** from the low responsive, responsible bidder, **Blair Supply** in the bid amount of \$95,444.00. This is a one-year contract with the option to extend up to four additional one-year terms upon mutual consent. Bid amount is based on estimated quantities and will be purchased as needed.

On a motion made by Mr. Bernstein, seconded by Mrs. Van Vechten, the foregoing resolution #22-175 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**For Item #22-176, #22-177 and #22-178** Mr. LaManna requested authorization from the Board to amend resolutions reflecting New York State contract extensions from September 30, 2022 to December 31, 2022. He noted these contracts are utilized by the Production and Transmission department. The contract extensions accommodate the consideration of potential new contracts.

**MONROE COUNTY WATER AUTHORITY  
REGULAR MEETING – October 6, 2022**

**#22-176** Authorize the amendment of Resolution #20-204 (ref. November 25, 2020) to reflect an extension of the contract period end date from September 30, 2022 to December 31, 2022 for the purchase of **Industrial and Commercial Supplies and Equipment**, to be ordered as needed, utilizing **New York State Contract Group #39000, Award #22918, Contract #PC67235**, from **W.W. Grainger, Inc.**

On a motion made by Mr. Fero, seconded by Mrs. Van Vechten, the foregoing resolution #22-176 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**#22-177** Authorize the amendment of Resolution #21-206 (ref. October 14, 2021) to reflect an extension of the contract period end date from September 30, 2022 to December 31, 2022 for the purchase of **Industrial and Commercial Supplies and Equipment**, to be ordered as needed, utilizing **New York State Contract Group #39000, Award #22918, Contract #PC67234**, from **MSC Industrial Supply Company**.

On a motion made by Mr. Bernstein, seconded by Mr. Fero, the foregoing resolution #22-177 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**#22-178** Authorize the amendment of Resolution #20-202 (ref. November 25, 2020) to reflect an extension of the contract period end date from September 30, 2022 to December 31, 2022 for the purchase of **Industrial and Commercial Supplies and Equipment**, to be ordered as needed, utilizing **New York State Contract Group #39000, Award #22918, Contract #PC67229**, from **Hillyard, Inc.**

On a motion made by Mrs. Van Vechten, seconded by Mrs. Volpe, the foregoing resolution #22-178 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**FINANCE COMMITTEE REPORT – Presented by Mr. Bernstein, Chairperson**

Mr. Bernstein gave a briefing on the Finance Committee meeting held Thursday, October 6, at 8:00 a.m., at which time the first and only item on the agenda was a review of the 2023 Preliminary 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 2023 Preliminary Budget, as presented, by the full Board at the October 6, 2022 regular meeting.

**For Item #22-179** Ms. Molinari stated that there had been no revisions made to the proposed 2023 Preliminary Budget presented to the Finance Committee and discussed with the Board members at budget workshops held in September 2022. She invited any remaining questions.

**#22-179** RESOLVED that the **Authority's Preliminary Budget** for the calendar year 2023 totaling \$89,274,530 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 2023.

On a motion made by Mrs. Van Vechten, seconded by Mr. Fero, the foregoing resolution #22-179 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**MONROE COUNTY WATER AUTHORITY  
REGULAR MEETING – October 6, 2022**

- #22-180** 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 Mr. Fero, seconded by Mr. Bernstein, the foregoing resolution #22-180 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**GOVERNANCE COMMITTEE REPORT – Presented by Mrs. Volpe, Chairperson**

Mrs. Volpe gave a briefing on the Governance Committee meeting held Thursday, October 6, 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 include: Conflicts of Interest Policy, Code of Ethics Policy, Software Code of Ethics, 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 6 meeting.

Mrs. Volpe concluded her reporting by stating the Committee confirmed its next meeting, scheduled for Thursday, December 1, 2022 at 8:30 a.m. and that minutes of the October 6 Governance Committee meeting are posted on the MCWA website.

- #22-181** 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 Mrs. Van Vechten, seconded by Mr. Fero, the foregoing resolution #22-181 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

- #22-182** 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 Mrs. Van Vechten, seconded by Mrs. Volpe, the foregoing resolution #22-182 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

- #22-183** 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 Mrs. Volpe, seconded by Mrs. Van Vechten, the foregoing resolution #22-183 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

- #22-184** 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.

**MONROE COUNTY WATER AUTHORITY**  
**REGULAR MEETING – October 6, 2022**

On a motion made by Mrs. Van Vechten, seconded by Mr. Fero, the foregoing resolution #22-184 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**#22-185** 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 Mrs. Van Vechten, seconded by Mrs. Volpe, the foregoing resolution #22-185 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**#22-186** 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 Mrs. Van Vechten, seconded by Mr. Fero, the foregoing resolution #22-186 was put to a roll call vote and unanimously carried. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0

**#22-ES** 9:15 a.m. Chairman Nasca requested a motion to enter executive session under attorney-client privilege to discuss collective bargaining negotiations currently underway.

Moved by Mr. Fero, seconded by Mr. Bernstein, and put to a vote on roll call, the Board unanimously agreed to enter executive session. AYES: 5 (S. Nasca, S. Volpe, M. Fero, A. Bernstein, M. Van Vechten); NAYS: 0.

9:43 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. Chairman Nasca called this Regular Meeting back in open session. No formal action taken.

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**In Board folders for review:**

- Routine monthly informational updates
- RFQ/P's for Legal Services, Surveying Services and Insurance Consulting

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There being no further business to come before the Authority, Chairman Nasca adjourned this Regular Meeting at 9:45 a.m.



Diane L. Hendrickson, Recording Secretary



Scott D. Nasca, Chairman