

MINUTES

**MONROE COUNTY WATER AUTHORITY  
REGULAR MEETING  
THURSDAY, March 16, 2023 @ 9:00 a.m.  
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 (4):** S. Nasca, M. Fero, A. Bernstein, J. Rulison

**Members Absent (3):** S. Mason, S. Volpe, M. VanVechten

**Staff present:** N. Noce, Executive Director; D. Hendrickson, Director of Human Resources; A. Molinari, Director of Finance & Business Services; S. Savage, Director of Engineering; C. LaManna, Director of Production & Transmission; S. Trotta, Director of Operations, J. Pugsley, Human Resources Assistant

**General Counsel present:** John Jennings, – 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

**#23-052** Approve minutes of the Authority's Regular Meeting held on February 9, 2023.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-052 was put to a voice vote and unanimously carried. AYES: 4; NAYS: 0

**#23-053** Approve list of disbursements on check registers dated February 1, February 8, February 15, February 22, and March 1, 2023, which were forwarded to the Authority Members for their review.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-053 was put to a voice vote and unanimously carried. AYES: 4; NAYS: 0

**#23-054** Accept Purchase Order List of materials and supplies for the period January 31, 2023 through March 3, 2023 in the amount of \$479,150.98.

On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #23-054 was put to a voice vote and unanimously carried. AYES: 4; NAYS: 0

**COMMUNICATIONS/NOTIFICATIONS**

Ms. Molinari stated that the Authority received a letter from Environmental Service Corporation, notifying of a possible re-finance of the 2013 Bonds to perhaps net a lower interest rate. Ms. Molinari informed the Board that a Finance Committee meeting will be held prior to the April Board meeting to get a resolution on the April Board agenda.

Mr. Noce informed the Board that their folders contained a notification of an emergency purchase order for sodium hypochlorite. Mr. LaManna provided additional details about the order.

Mr. Noce also informed the Board that their folders also contained a notification of an emergency purchase order for the replacement and repair of pipe hangers on the South Landing Bridge over the 490 Expressway. Mr. Savage expanded on this issue, providing more information to the Board

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**#23-055** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of David Dingeldine to the title of Senior Automotive Mechanic, effective March 20, 2023, at an hourly rate of \$34.27.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #23-055 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**#23-056** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Contingent Permanent Promotion of Eric Palma to the title of Foreman of Distribution, effective March 20, 2023 at an hourly rate of \$42.50.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-056 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**For Item #23-057** Mr. Trotta sought Board authorization to award the 2023 Lawn Moving Contract to Cardinal Lawn and Landscape. Two bids were submitted and Cardinal Lawn and Landscape was the low responsive, responsible bidder. This new contract constitutes a 40% increase from last year's contract. This is the first time the Authority is utilizing Cardinal Lawn and Landscape for this service, but they have experience in fulfilling similar contracts with several large local organizations.

**#23-057** Authorize the award of a **unit price contract for the 2023 Lawn Mowing Contract** to the low responsive, responsible bidder, **Cardinal Lawn and Landscape** in the bid amount of \$136,535. This is a one-year, unit price contract with the option to renew for up to four additional one-year periods upon mutual consent.

On a motion made by Mr. Fero, seconded by Mr. Bernstein, the foregoing resolution #23-057 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**For Item #23-058**, Mr. LaManna addressed the Board to authorize a unit price contract for liquid aluminum sulfate to be used in the water treatment process at the Shoremont and Webster water treatment plants. He recapped the bid results and stated that this is the Authority's current supplier.

**#23-058** Authorize the award of the **Liquid Aluminum Sulfate** unit price contract to the low responsive, responsible bidder, **Chemtrade Chemicals US LLC** for the bid amount of \$192,000.00 (\$320.00/dry ton) with the option to extend the contract for up to four additional one-year terms upon mutual consent.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison the foregoing resolution #23-058 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**For Item #23-059**, Mr. LaManna sought Board authorization to award the 23% Hydrofluosilicic Acid unit price contract to Univar Solutions, Inc. Univar Solutions, Inc. is the current supplier of Hydrofluosilicic Acid to the Authority.

**#23-059** Authorize the award of the **23% Hydrofluosilicic Acid** unit price contract to the low responsive, responsible bidder, **Univar Solutions, Inc.** for the bid amount of \$127,600.00 (\$580.00/ton) with the option to extend the contract for up to four additional one-year terms upon mutual consent.

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On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-059 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**For Item #23-060**, Mr. Savage briefed the Board to execute a new **Retail Lease Agreement** between the Water Authority and the **Town of Pavilion** for a 40-year term. The Town and the Authority entered into a Retail Lease Agreement for the Operation of Water Districts in June 2019 that is currently in effect.

**#23-060**        **WHEREAS**, the Authority is operating the Town of Pavilion's water system in accordance with the existing Retail Lease Agreement dated June 12, 2019; and

**WHEREAS**, the Town is seeking federal funding for the new water districts; and

**WHEREAS**, the Town of Pavilion has requested a renewal of the Retail Lease Agreement with the Authority for a new forty (40) year term.

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

To authorize the execution of a 40-year Retail Lease Agreement with the Town of Pavilion.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-060 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**For Items #23-061**, Ms. Molinari addressed the Board for authorization to enter into a Professional Services Agreement with TSiB for Property and Liability Risk Management and Insurance Consulting.

**#23-061**        Based upon a Request for Qualifications for **Property and Liability Risk Management and Insurance Consulting Services**, along with a review of responses, the Authority hereby designates **TSiB** to act as the Authority's Insurance Consultant for a term of three years, with the option of two additional 1-year renewal terms. The estimated annual cost of services is \$36,000.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-061 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**For Item #23-062**, Ms. Molinari sought Board authorization for the purchase of Office Supplies from W.B. Mason utilizing the City of Rochester Contract.

**#23-062**        Authorize the purchase of **Office Supplies** to be ordered as needed from **W.B. Mason Co.**, for an estimated amount of \$25,000 utilizing the City of Rochester Contract #137789/510140 through the contract period ending December 31, 2023.

On a motion made by Mr. Fero, seconded by Mr. Rulison, the foregoing resolution #23-062 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**For Item #23-063**, Mr. Noce addressed the Board to authorize the use of New York State OGS Contract for the purchase of various laptop and desktop computers, and other related equipment and supplies.

**#23-063**        Authorize the as needed use of **New York State OGS Contract, Group #73600, Award #22802 – Information Technology Umbrella Contract, and NYS OGS Aggregate Hardware Buy 20-01 Hardware** for the procurement of various

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**laptop and desktop computers and other related equipment and supplies** throughout the remainder of year 2023 for an estimated cost of \$200,000.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #23-063 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**AUDIT COMMITTEE REPORT – Presented by Mr. Rulison, Committee Chair**

Mr. Rulison gave a briefing on the Audit Committee meeting held on March 2, 2023 at 8:00 a.m. The first item on the agenda was a review of the 2022 Audited Financial Statements. Mr. Rulison reported that Tom Smith from EFPR Group reviewed their letter of findings, and stated there were no sensitive disclosures or misstatements affecting the financial statements and, therefore, no Management Letter is being issued. Furthermore, it was a clean audit, with no compliance issues and all proper documentation provided. Mr. Smith complimented Amy Molinari and the Authority's accounting staff. Mr. Rulison continued, reporting that Tom Smith from EFPR Group presented a thorough review of the financial statements for year ended December 31, 2022 and following the review and discussion, the Audit Committee voted unanimously to approve the financial statements and to forward to the full Board for approval.

Mr. Rulison continued with the next item, which was a review of the annual 2022 Investment Audit, for which EFPR Group conducted an audit of the Authority's investments for 2022, as required by the State Comptroller's Office, to confirm compliance with applicable laws and the Authority's investment policies, and stating the Authority was in compliance in all material aspects. The Audit Committee voted unanimously to approve as presented and forward to the full Board for its approval.

Mr. Rulison continued his reporting with the third agenda item, which was a review of the 2022 Annual Investment Report, which Ms. Molinari had presented the Committee an in-depth review and responded to their follow-up questions. The Committee voted unanimously to approve the Report, as presented, and forward to the full Board for approval. Mr. Rulison said that following Ms. Molinari's review of the Investment Report, he informed the Committee that our Annual Statement of Investment Policy had been reviewed and no changes were recommended. The Committee voted unanimously to re-adopt this policy and forward to the full Board for re-adoption at its Annual Meeting in April.

Mr. Rulison stated that the next item brought before the Committee was a review of the Assessment of the Effectiveness of Internal Controls for year ended December 31, 2022. He said that Ms. Molinari explained the procedure for the review and indicated that the 2022 assessment found the Authority has sufficient controls protecting assets. The Committee voted unanimously to approve the Review, as presented, and forward to the full Board for approval.

Mr. Rulison concluded his briefing by mentioning the next meeting date of the Audit Committee is set for May 4, 2023 at 8:00 a.m. and that minutes of the March 2<sup>nd</sup> meeting are posted on the MCWA's website.

**For Item #23-064 and #23-065**, Ms. Molinari introduced Mr. Douglas Zimmerman of EFPR Group. Mr. Zimmerman gave the Board an overview of the 2022 Audited Financial Statements and 2022 Investment Audit, reiterating that the Authority complied in all material respects with the standards established by the American Institute of Certified Public Accountants and in compliance with the rules and regulations of New York State relating to investments. They found no material weaknesses or significant deficiencies in the Authority's internal controls over financial reporting or in the Authority's compliance with certain provisions of laws, regulations, contracts, and grant agreements. It was a clean audit.

**#23-064** Upon consideration and recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the **2022 Annual Financial Statements** as audited by EFPR Group, LLP.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-064 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**#23-065** Upon recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the **2022 Annual Investment Audit** as performed by EFPR Group, LLP.

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On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #23-065 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**For Item #23-066**, Ms. Molinari addressed the Board in summary of the 2022 Annual Investment Report, which had been provided for their prior review. She stated that 2022 showed increased earnings from the previous year.

**#23-066** Upon recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the **2022 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, 2022.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-066 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**For Item #23-067**, Ms. Molinari briefed the Board on this annual review and the Management's Assessment of the Effectiveness of Internal Control Structure and Procedures. She reported that the review found there were no inordinate risks to the Authority's assets or operations and the Authority is in compliance with the New York State Authorities Budget Office regulations.

**#23-067** 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.

On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #23-067 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**#23-068** 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. Rulison, seconded by Mr. Fero, the foregoing resolution #23-068 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**GOVERNANCE COMMITTEE REPORT – Presented by Mr. Noce, Executive Director**

Mr. Noce gave a briefing on the Governance Committee meeting held on March 2, 2023 at 8:30 a.m. The first item before the Committee was the review and re-adoption of the Water Authority's Mission Statement. Mr. Noce informed the Committee that based on their review of the Statement, Executive Staff recommended no revisions. The Committee then voted unanimously to re-adopt the Mission Statement, as presented, and to forward to the full Board for re-adoption.

Mr. Noce continued his reporting by stating that Mr. LaManna, Director of Production/Transmission gave a detailed review of the *Report on 2022 Performance Measurements*. Following the review, the Committee voted unanimously to accept the Report and to forward to the full Board for acceptance.

The next item on the Agenda was the review of the *2023 ABO Performance Measurements*, also prepared by Mr. LaManna. Mr. LaManna informed the Committee that the New York State Authorities Budget Office requires the Authority establish a set of performance measures to allow the Authority to determine how well it is carrying out its mission and to revisit the appropriateness of such measurements each year.

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Measurements for 2023 are unchanged from the prior year. Following the review, the Committee voted unanimously to adopt the Report, as presented, and to forward to the full Board for adoption.

Mr. Noce concluded his reporting by stating that the next Governance Committee meeting is slated for June 1, 2023, at 8:30 a.m. and that minutes of the March 2<sup>nd</sup> meeting are posted on the MCWA website.

**#23-069** Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby re-adopts MCWA's **Mission Statement**, as presented.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-069 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**#23-070** Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby accepts the **Report on 2022 Performance Measures**, as presented.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-070 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**#23-071** Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby adopts **Performance Measurements for 2023**, as presented.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #23-071 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

**#23-ES** 9:35 a.m. – Chairman Nasca requested a motion to enter Executive Session pursuant to Section 105(1)(e) of the New York Public Officers Law in order for the full Board to discuss Collective Bargaining.

On a motion made by Mr. Fero, seconded by Mr. Rulison, and put to a roll call vote, the Board unanimously agreed to enter Executive Session. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

9:55 a.m. Chairman Nasca requested a motion to Exit Executive Session.

On a motion made by Mr. Fero, seconded by Mr. Rulison, and put to a roll call vote, the Board unanimously agreed to exit Executive Session. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0

9:56 a.m. – Chairman Nasca requested a motion to Enter into Regular Session.

On a motion made by Mr. Rulison, seconded by Mr. Fero, and put to a roll call vote, the Board unanimously agreed to enter into Regular Session. AYES: 4 (S. Nasca, M. Fero, A. Bernstein, J. Rulison); NAYS: 0. No formal action was taken.

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**In Board folders for review:**

- Routine monthly informational updates
- January Financials
- Notification of Emergency Purchase Order for Sodium Hypochlorite Supply
- Notification of Emergency Purchase Order for South Landing Bridge Pipe Support Replacement
- Memo Re: New York State Environmental Facilities Corporation (EFC)  
Clean Water and Drinking Water State Revolving Funds

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There being no further business to come before the Authority, Chairman Nasca adjourned this Regular Meeting at 9:58 a.m.

  
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Diane L. Hendrickson, Recording Secretary

  
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Scott D. Nasca, Chairman