

## MINUTES

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

**MONROE COUNTY WATER AUTHORITY  
REGULAR MEETING  
THURSDAY, March 20, 2025 @ 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 (7):** S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeta, M. Van Vechten

**Staff present:** N. Noce, Executive Director; L. Magguilli, Deputy 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; K. Sharp

**General Counsel present:** Megan Dorritie – Harter, Secrest & Emery

**Others in Attendance:** Douglas Zimmerman – EFPR Group

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

**#25-042** Approve minutes of the Authority's Regular Meeting held on Thursday, February 13, 2025.

On a motion made by Mrs. Van Vechten, seconded by Mr. Fero, the foregoing resolution #25-042 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

**#25-043** Approve list of disbursements on check registers dated February 5, February 12, February 19, February 26, and March 5, 2025, which were forwarded to the Authority Members for their review.

On a motion made by Mrs. Van Vechten, seconded by Mr. Fero, the foregoing resolution #25-043 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

**#25-044** Accept Purchase Order List of materials and supplies for the period January 28, 2025 through March 9, 2025 in the amount of \$1,245,352.53.

On a motion made by Mrs. Van Vechten, seconded Mr. Young, the foregoing resolution #25-044 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

### **COMMUNICATIONS/NOTIFICATIONS**

Mr. Noce informed the Board their folders contain notices of emergency purchase orders for asphalt and construction stone, January financial statements, and a contact form to be completed by the Board members. Mr. Noce invited Mr. Magguilli to share an update on recent lobbying efforts in Washington, DC. Mr. Magguilli outlined his visit to the Capital, which he stated included meetings with the offices of Congressman Joseph Morelle, Congresswoman Claudia Tenney, Senator Chuck Schumer, and Senator Kirsten Gillibrand.

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**#25-045** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Casey DeMay to the title of Skilled Laborer, effective March 24, 2025 at an hourly rate of \$31.65.

On a motion made by Mrs. Van Vechten, seconded by Mr. Fero, the foregoing resolution #25-045 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-046** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Andrew Whittemore to the title of Skilled Laborer, effective April 7, 2025 at an hourly rate of \$24.45.

On a motion made by Mrs. Van Vechten, seconded by Mrs. Mason, the foregoing resolution #25-046 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-047** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Peyton Parmeter to the title of Laborer, effective April 7, 2025 at an hourly rate of \$22.19.

On a motion made by Mrs. Mason, seconded by Mrs. Van Vechten, the foregoing resolution #25-047 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-048** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Provisional Appointment of Phillip Baglio to the title of Distribution Maintenance Mechanic, effective April 21, 2025 at an hourly rate of \$37.50.

On a motion made by Mrs. Volpe, seconded by Mrs. Mason, the foregoing resolution #25-048 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-049** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Promotional Appointment of David D'Ambrosia to the title of Senior Water Treatment Plant Operator – Type A Plant, effective March 24, 2025 at an hourly rate of \$44.82.

On a motion made by Mrs. Van Vechten, seconded by Mrs. Mason, the foregoing resolution #25-049 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-050** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Promotional Appointment of Christopher Trottier to the title of Senior Water Treatment Plant Operator – Type A Plant, effective March 24, 2025 at an hourly rate of \$41.74.

On a motion made by Mr. Fero, seconded by Mrs. Van Vechten, the foregoing resolution #25-050 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

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**#25-051** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:  
 Promotional Appointment of John Zalewski to the title of Senior Water Treatment Plant Operator – Type A Plant, effective March 24, 2025 at an hourly rate of \$44.82.

On a motion made by Mrs. Mason, seconded by Mr. Barbeto, the foregoing resolution #25-051 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-052** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:  
 Provisional Appointment of Nicholas Johns to the title of Water Treatment Plant Operator – Type A Plant, effective March 24, 2025 at an hourly rate of \$33.16.

On a motion made by Mrs. Van Vechten, seconded by Mrs. Volpe, the foregoing resolution #25-052 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-053** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:  
 Appointment of Shashikanth Bhargava to the title of Programmer Analyst, effective April 14, 2025 at an annual salary of \$109,949.

On a motion made by Mr. Fero, seconded by Mrs. Mason, the foregoing resolution #25-053 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-054** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:  
 Provisional Appointment of Timothy Erckert to the title of Programmer Analyst Trainee, effective April 14, 2025 at an annual salary of \$87,360.

On a motion made by Mr. Fero, seconded by Mrs. Van Vechten, the foregoing resolution #25-054 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-055**, Mr. Magguilli requested authorization from the Board to renew an existing contract with Verizon for a GPS tracking system to be installed in approximately 145 Water Authority vehicles. He noted this is for a three-year contract.

**#25-055** Authorize a contract with **Verizon Connect** for a **GPS Fleet Tracking System** for approximately one hundred forty-five (145) Authority vehicles, in the annual estimated amount of \$41,095.80. This is a three year contract, March 27, 2025 through March 26, 2028.

On a motion made by Mrs. Mason, seconded by Mrs. Volpe, the foregoing resolution #25-055 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-056**, Mr. Magguilli sought Board authorization to purchase seven hydroverge valve and hydrant exercisers from F. W. Webb Co. He stated the Authority has successfully tested this equipment, which is utilized to mechanically open fire hydrants and valves, thus minimizing physical exertion on employees.

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**#25-056** Authorize the purchase of **seven (7) Hydroverge Valve and Hydrant Exercisers** from the low responsive, responsible bidder, **F.W. Webb Co.** in the bid amount of \$30,355.50.

On a motion made by Mrs. Van Vechten, seconded by Mr. Barbeto, the foregoing resolution #25-056 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-057**, Mr. LaManna addressed the Board for authorization in the as-needed purchase of industrial and commercial supplies and equipment from W.W Grainger, Inc. utilizing the New York State Contract. He stated these items will be purchased by the Production, Facilities, Fleet and Operations departments.

**#25-057** Authorize the purchase of **Industrial and Commercial Supplies and Equipment**, to be ordered as needed, utilizing New York State Contract Group 39000, Award 23262, Contract PC69879, from vendor **W.W. Grainger, Inc.**, for an estimated total annual cost of \$200,000 through the initial contract period ending March 21, 2026. This contract may be extended for up to two additional 12-month periods through March 21, 2028 in accordance with the terms and conditions of the NYSOGS.

On a motion made by Mr. Fero, seconded by Mrs. Volpe, the foregoing resolution #25-057 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-058**, Mr. Savage requested authorization from the Board to award a contract for the 2025 water storage tank demolitions project. He showed photographs and provided an overview of the project, which includes the removal and disposal of two 200,000 gallon water tanks. One is a ground steel water tank located in the Town of Pittsford and the other is an elevated spheroid steel water tank in the Town of Ogden. Mr. Savage noted the Authority has successfully worked with this vendor in the past.

**#25-058** Authorize the award of the **2025 Water Storage Tank Demolitions** project to the low responsive, responsible bidder, **Durable Demolition, LLC.** in the bid amount of \$173,480.

On a motion made by Mrs. Van Vechten, seconded by Mrs. Mason, the foregoing resolution #25-058 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-059**, Mr. Savage briefed the Board for authorization to award a unit price contract for the Penfield Road Water Main Replacement Project. He stated the Authority has worked with this vendor multiple times in the past and have proven to be reliable. Mr. Savage responded to a follow-up question posed by a Board member.

**#25-059** Authorize the award of a unit price contract for the **Penfield Road Water Main Replacement** project to the low responsive, responsible bidder, **Randsco Pipeline** in the bid amount of \$1,530,512.50.

On a motion made by Mrs. Van Vechten, seconded by Mrs. Volpe, the foregoing resolution #25-059 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-060**, Mr. Savage sought Board authorization to execute professional service agreements with eight different firms for environmental engineering services. He explained the Authority typically has an ongoing pool of firms to be utilized as needed for various services, such as obtaining environmental permits and performing engineering assessments of dams.

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**#25-060** Authorize the execution of Professional Services Agreements with the following firms for **environmental engineering services: Arcadis of New York, Inc., Barton & Loguidice, Earth Systems, LLC., Fisher Associates, Hazen and Sawyer, LaBella Associates, D.P.C., Liro Engineers, Inc., and Schnabel Engineering of New York.**

On a motion made by Mr. Fero, seconded by Mrs. Mason, the foregoing resolution #25-060 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-061**, Mr. Savage requested Board authorization to enter into a main extension agreement with Newmark Development Co. Inc. for the Westport Crossing Project. He explained that developers typically build infrastructure back to Water Authority mains, but this project will utilize existing pipeline. The work will be performed by Newmark contractors. Mr. Savage responded to follow-up questions asked by Board members.

**#25-061** Authorize the Director of Engineering to enter into a Main Extension Agreement with **Newmark Development Co. Inc.** for the **Westport Crossing Project**. The Agreement will include provisions for the contribution of \$110,000 towards the replacement of approximately 1,240 feet of water main and appurtenances on Sutherland Street in the Village of Pittsford.

On a motion made by Mrs. Mason, seconded by Mrs. Van Vechten, the foregoing resolution #25-061 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-062**, Mr. Magguilli sought authorization from the Board to renew Microsoft Office software licensing for the Authority's computers. He stated the purchase will be made utilizing the New York State contract.

**#25-062** Authorize the use of New York State Office of General Services Contract, Information Umbrella Contract Manufacturer Based Microsoft Aggregate Agreement (Statewide) Group #76000, Award #22802, Contract #PM69723, for the purchase of **Microsoft Office 2024 software licensing** from **SHI International Corp.** for an estimated amount of \$72,000.

On a motion made by Mrs. Mason, seconded by Mrs. Van Vechten, the foregoing resolution #25-062 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**AUDIT COMMITTEE REPORT** – Presented by Mr. Matthew Fero

Mr. Fero gave a briefing on the Audit Committee meeting held on March 6, 2025 at 8:00 a.m. The first item on the agenda was a review of the 2024 Audited Financial Statements. Mr. Fero reported Mr. Thomas Smith from EFPR Group stated it was a clean audit, no instances of compliance issues, all the proper documentation was provided and there were no corrected statements, therefore no Management Letter was being issued. Mr. Smith complimented Amy Molinari and the finance department staff. Following the review and some discussion, the Audit Committee voted unanimously to approve the financial statements and to forward to the full Board for approval.

Mr. Fero continued with the next item, which was a review of the 2024 Annual Investment Audit. He stated EFPR Group conducted an audit of the Authority's investments for 2024, as required by the State Comptroller's Office, to confirm compliance with applicable laws and the Authority's investment policies.

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EFPR Group found the Authority was in compliance for the year ending December 31, 2024. The Audit Committee voted unanimously to approve the 2024 Annual Investment Audit, as presented, and to forward to the full Board for its approval.

Mr. Fero continued his reporting with the third agenda item, which was a review of the 2024 Annual Investment Report. He stated Ms. Molinari had presented the Committee with an in-depth review of the report and responded to their follow-up questions. The Committee voted unanimously to approve the report, as presented, and to forward to the full Board for its approval.

Mr. Fero stated the next item brought before the Committee was a review of the Annual Statement of Investment Policy, of which Ms. Molinari had informed the Committee the Executive Staff had reviewed the policy and there were no recommended changes. The Committee voted unanimously to re-adopt this policy and forward to the full Board for approval at the Annual Meeting in April.

Mr. Fero stated the next item on the agenda was a review of the Assessment of the Effectiveness of Internal Controls for year ended December 31, 2024. He said Ms. Molinari explained the assessment procedure and findings, which indicated the Authority has sufficient controls protecting its assets. The Committee voted unanimously to approve the assessment, as presented, and forward to the full Board for its approval.

Mr. Fero concluded his briefing by stating the next Audit Committee was scheduled for May 1, 2025 at 8:00 a.m. and the minutes of the March 6th meeting are posted on MCWA's website.

**For Item #25-063 and #25-064.** Ms. Molinari introduced Mr. Doug Zimmerman from EFPR Group to present an overview of the 2024 Audited Financial Statements and 2024 Investment Audit. Mr. Zimmerman reiterated 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. Mr. Zimmerman commended Ms. Molinari and her team for their quality financial work year-round, resulting in an exceptionally smooth audit process. The Board echoed his compliments.

**#25-063** Upon consideration and recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the **2024 Annual Financial Statements** as audited by EFPR Group, LLP.

On a motion made by Mrs. Van Vechten, seconded by Mrs. Mason, the foregoing resolution #25-063 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-064** Upon recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the **2024 Annual Investment Audit** as performed by EFPR Group, LLP.

On a motion made by Mrs. Van Vechten, seconded by Mrs. Volpe, the foregoing resolution #25-064 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-065.** Ms. Molinari addressed the Board with a summary of the 2024 Annual Investment Report, which had been provided for their prior review. She noted it was a remarkably positive year for investments, with interest earnings up \$6.4 million. Ms. Molinari responded to a Board member's question.

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**#25-065** Upon recommendation of the Monroe County Water Authority's Audit Committee, the Board hereby approves the **2024 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, 2024.

On a motion made by Mrs. Mason, seconded by Mr. Barbeto, the foregoing resolution #25-065 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-066.** Ms. Molinari briefed the Board on the Management's Assessment of the Effectiveness of Internal Control Structure and Procedures. She reported the review found 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.

**#25-066** 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 Mrs. Van Vechten, seconded by Mrs. Mason, the foregoing resolution #25-066 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**GOVERNANCE COMMITTEE REPORT – Presented by Mrs. Sheryal Volpe**

Mrs. Volpe gave a briefing on the Governance Committee meeting held on March 13, 2025 at 8:30 a.m. The first item before the Committee was the review and re-adoption of the Water Authority's Mission Statement. Mrs. Volpe informed the Board 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 its approval.

Mrs. Volpe continued her reporting by stating Mr. LaManna, Director of Production and Transmission, gave a detailed review of the Report on the 2024 Performance Measurements. Following the review, the Committee voted unanimously to accept the report and to forward to the full Board for its approval.

The next item on the agenda was the review of the 2025 ABO Performance Measurements, also prepared by Mr. LaManna. Mr. LaManna informed the Committee the New York State Authorities Budget Office requires the Authority to 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. Measurements for 2025 are unchanged from the prior year. Following some discussion, the Committee voted unanimously to adopt the performance measurements, as presented, and to forward to the full Board for its approval.

Mrs. Volpe continued with the next item on the agenda, which was review of the revised Disposal Policy Guidelines. She stated that Mr. Savage, Director of Engineering, shared recommended changes to the guidelines, including increasing the fair market value of real property to \$40,000 and the fair market value for disposal of personal property to \$15,000. After review and some discussion, the Committee voted unanimously to approve the revised policy and to forward to the full Board for its approval.

Mrs. Volpe concluded her reporting by stating the next Governance Committee meeting is slated for November 6, 2025 at 8:30 a.m. and the minutes of the March 13th meeting are posted on the MCWA website.

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**For Item #067.** Mr. Noce noted there are no recommended changes to the Authority's mission statement.

**#25-067** 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 Mrs. Van Vechten, seconded by Mrs. Mason, the foregoing resolution #25-067 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-068.** Mr. LaManna presented the Board with an overview of the Report on the 2024 Performance Measurements, which assesses the Authority's effectiveness in meeting its mission. He outlined measurements in the Authority's reliability, quality, affordability, fostering economic vitality, and requests for service, all of which were positive results.

**#25-068** Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby accepts the **Report on 2024 Performance Measures**, as presented.

On a motion made by Mrs. Van Vechten, seconded by Mrs. Volpe, the foregoing resolution #25-068 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-069.** Mr. LaManna noted there were no changes to the Performance Measures for 2025.

**#25-069** Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby adopts **Performance Measurements for 2025**, as presented.

On a motion made by Mr. Fero, seconded by Mrs. Mason, the foregoing resolution #25-069 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-070.** Mr. Savage outlined proposed changes to the Disposal Guidelines Policy, which increases the fair market value of real property and the fair market value for disposal of personal property.

**#25-070** Upon recommendation of the Monroe County Water Authority's Governance Committee, the Board hereby adopts the revised **Disposal Guidelines Policy**, as presented.

On a motion made by Mrs. Van Vechten, seconded by Mr. Fero, the foregoing resolution #25-070 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**For Item #25-071.** Mr. Savage sought Board authorization to release and sell unutilized easement spanning two parcels to their respective property owners, Eastman Kodak Company and Ortho Clinical Diagnostics. Mr. Savage stated the water system in this area has developed and there is no need for the Water Authority to install a water main on this property.

**#25-071** Authorize the Director of Engineering to release and sell an existing easement on properties identified with Tax Account Number 090.05-1-14.111 and Tax Account Number 090.05-1-14.12 and as filed in the Monroe County Clerk's Office at Liber 1867 of Deeds, page 341, to their respective property owners upon receipt of payment from the parties involved.



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On a motion made by Mr. Fero, seconded by Mrs. Van Vechten, the foregoing resolution #25-071 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**#25-072** 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 Mrs. Van Vechten, seconded by Mrs. Mason, the foregoing resolution #25-072 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**ES #25-001** 9:50 a.m. Chairman Nasca requested a motion to enter Executive Session pursuant to Section 105 (1)(d) of the New York Public Officers Law in order to discuss proposed, pending or current litigation.

Moved by Mr. Fero, seconded by Mrs. Van Vechten and put to a roll call vote, the Board unanimously agreed to enter Executive Session. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten, NAYS: 0

Chairman Nasca called this Regular Meeting back in open session.

Resolution #ES 25-073 was then added to the agenda.

Item ES #25-073 was added to the agenda in open session upon the conclusion of the Executive Session that concluded at 10:02 a.m.

**ES #25-073** WHEREAS, Nardozzi commenced an Article 78 proceeding in the Supreme Court of New York, County of Monroe, filed as Index No. E2025003941 ("Proceeding") against the Monroe County Water Authority (the "Authority") and Keeler Construction Co, Inc. ("Keeler") relating to the recent bid and award of a public improvement contract by the Authority to Keeler for the Gates Water Main Replacements project, identified as project no. 23-025 (the "Gates Project"); and

WHEREAS, Nardozzi, Keeler, and the Authority have agreed upon terms that will settle this Proceeding, as reflected in that certain form of "Settlement Agreement" exchanged by and between the said parties and their legal counsel, a copy of which is affixed hereto,

NOW, THEREFORE, BE IT RESOLVED:

1. The form of settlement agreement (the "Settlement Agreement") presented at this meeting is hereby authorized for execution by the Authority;
2. The Executive Director and the Director of Engineering, or any one of them acting alone, with the advice of counsel, be and hereby are authorized and directed to approve the form and substance of the Settlement Agreement with such changes and terms and such person deems appropriate (his signature thereon being conclusive evidence of such approval), and the same shall be

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filed with the records of the Authority as soon as available after the execution and delivery thereof; and

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 acts and things required or provided by the provisions of the Settlement Agreement, and to execute and deliver all such additional certificates, and 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 and to cause compliance by the Authority with all of the terms, covenants and provisions of the Settlement Agreement and make the Settlement Agreement binding upon the Authority.

On a motion made by Mr. Fero, seconded by Mr. Young, the foregoing resolution ES #25-073 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

**ES #25-002** 10:05 a.m. Chairman Nasca requested a motion to enter Executive Session pursuant to Section 105 (1)(d) of the New York Public Officers Law in order to discuss proposed, pending or current litigation.

Moved by Mr. Fero, seconded by Mr. Young, and put to a roll call vote, the Board unanimously agreed to enter Executive Session. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

10:13 a.m. Motion to conclude Executive Session: Moved by Mrs. Volpe, seconded by Mr. Young, the Board upon roll call vote to conclude Executive Session. AYES: 7 (S. Nasca, S. Volpe, M. Fero, S. Mason, D. Young, T. Barbeto, M. Van Vechten); NAYS: 0

Chairman Nasca called this Regular Meeting back in open session.

No Formal Action Taken.

**In Board folders for review:**

- January Financials
- Notification of Emergency Purchase Order for Asphalt Materials
- Notification of Emergency Purchase Order of Construction Stone

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There being no further business to come before the Authority, Chairman Nasca adjourned this Regular Meeting at 10:15 a.m.

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Diane L. Hendrickson, Recording Secretary

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Scott D. Nasca, Chairman