

MINUTES

**MONROE COUNTY WATER AUTHORITY  
REGULAR MEETING  
THURSDAY, March 11, 2021 @ 9:30 a.m.  
Board 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 (4):** S. Nasca, S. Volpe, A. Bernstein, J. Rulison

**Members Absent (3):** M. Fero, R. Hurlbut, W. Bleier-Mervis

**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; S. Savage, Director of Engineering; C. LaManna, Director of Production & Transmission; S. Trotta, Manager of Distribution

**General Counsel present:** Andrew Dean, Esq. – 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

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

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #21-025 was put to a voice vote and unanimously carried. AYES: 4; NAYS: 0

**#21-026** Approve 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.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #21-026 was put to a voice vote and unanimously carried. AYES: 4; NAYS: 0

**#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.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #21-027 was put to a voice vote and unanimously carried. AYES: 4; NAYS: 0

*The Audit Committee Report and the following resolutions were taken out of sequence at this time: #21-043, #21-044, #21-045, #21-046, and #21-047.*

**COMMUNICATIONS/NOTIFICATIONS**

None

**#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.

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On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #21-028 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

- #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 29, 2021 at Salary Schedule 4, Group 1.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #21-029 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

- #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.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #21-030 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-031**, Mr. Trotta sought Board authorization for the purchase of two new 2021 John Deere Backhoe Loaders, utilizing the New York State Office of General Services Contract for Heavy Equipment. This is part our 2021 Renewal & Replacement Program.

- #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.**

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #21-031 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-032**, Mr. Trotta addressed the Board for authorization to purchase a new 2022 conventional day cab truck with 17 foot dump body. He recapped the bid results and stated this is part of the 2021 Renewal and Replacement Program. He answered a follow-up question posed by a Board Member.

- #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.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #21-032 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-033**, Mr. Trotta addressed the Board for authorization in utilizing the Monroe County Contract for purchasing screened topsoil, fill dirt, and sands from various vendors awarded under the Contract. He explained the Authority uses topsoil, etc. throughout the year for projects and lawn restoration/repair.

- #21-033** Authorize the as-needed purchase of **Screened Topsoil, Fill Dirt, Select Fill, and Various Sands** utilizing **Monroe County Contract for Highway Materials –**

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**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.** (#7700000018); **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.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #21-033 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Items #21-034 and #21-035**, Mr. Trotta briefed the Board for each of those authorizations in utilizing the Monroe County Contract for purchasing these materials from various vendors awarded under the Contract. He explained the materials are used throughout the year for main repair work and construction projects.

**#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.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #21-034 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**#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).

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.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #21-035 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-036**, Mr. LaManna addressed the Members for authorization to award a unit price contract for the as-needed purchase of 23% Hydrofluosilicic Acid. He summarized the bid results and stated that this chemical is used in the water treatment process.

**#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, **Penco, Inc.**, in the bid amount of \$126,550 for an initial one year term, renewable for up to four

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(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.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #21-036 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-037**, Mr. LaManna briefed the Board for authorization to purchase a three-year Rockwell Automation TechConnect<sup>SM</sup> Support Agreement to provide technical support services for the Authority's Allen Bradley<sup>®</sup> programmable logic controller hardware and software, critical components of the SCADA system. He stated the Authority previously standardized on the use of Rockwell Automation Allen Bradley<sup>®</sup> products.

**#21-037** Authorize the purchase of a **Rockwell Automation TechConnect<sup>SM</sup> Support Agreement** from **Horizon Solutions, LLC**, to provide technical support services for the Authority's Allen Bradley<sup>®</sup> 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.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #21-037 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-038**, Mr. LaManna sought Board authorization in utilizing the New York State Contract for the purchase of Enterprise Asset Management Software (Maximo). This software is used by Maintenance staff in tracking of work orders and select Authority assets.

**#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.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #21-038 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-039**, Mr. Savage addressed the Board for authorization to execute Amendment No. 1 to the Town of Byron/Water Authority Retail Lease Agreement, which will extend the Agreement for a 40 year term. He stated the Town is seeking financing through the USDA Office for Rural Development for a newly-created water improvement benefits area. USDA-RD stipulated the Town have an agreement with the Authority for the duration of the funding term.

**#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

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**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.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #21-039 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-040**, Mr. Savage sought Board approval to commence eminent domain action for permanent easements from two commercial property owners on Ridge Road in the Town of Webster for the Hard Road Water Main Replacement Project. He described the efforts put forth in attempting to obtain the easements, both of which are needed for boring across the road. He responded to follow-up questions posed by several Board members.

**#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

**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

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**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

**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.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #21-040 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-041**, Ms. Hendrickson addressed the Members for authorization to enter into a Professional Services Agreement for employee drug and alcohol testing. She summarized the proposals received and stated that the Water Authority has successfully done business with this provider for many years.

**#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.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #21-041 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-042**, Ms. Hendrickson again addressed the Board for authorization to enter into a Professional Services Agreement for administration of the Employee Assistance Program. She summarized the proposals received and stated that the Water Authority has successfully done business with this provider for many years.

**#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

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the Department of Transportation CDL guidelines. The Agreement will be for a five-year term at a total estimated cost of \$20,000.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #21-042 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**AUDIT COMMITTEE REPORT – Presented by Mrs. Volpe, Committee Member**

Mrs. Volpe gave a briefing on the Audit Committee meeting held on March 2, 2021 at 8:00 a.m., at which the first item on the agenda was a review of the 2020 Audited Financial Statements. Mrs. Volpe reported that representatives 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, unqualified audit, and they commended Amy Molinari and the Authority's Accounting staff. Mrs. Volpe continued, reporting that the representatives from EFPR Group presented a thorough review of the financial statements for year ended December 31, 2020 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.

Mrs. Volpe continued with the next item, which was a review of the annual 2020 Investment Audit, for which EFPR Group conducted an audit of the Authority's investments for 2020, 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.

She continued her reporting with the third agenda item, which was a review of the 2020 Annual Investment Report, stating that Ms. Molinari had given 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. Mrs. Volpe said that following Ms. Molinari's review of the Investment Report, she 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.

Mrs. Volpe 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, 2020. She said that Ms. Molinari explained the procedure for the review and indicated that the 2020 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.

Mrs. Volpe continued with the next item, which was pertaining to securing Cyber & Liability Insurance. She reported that Ms. Molinari submitted an application for this coverage to M&T Insurance, the Authority's Broker of Record, requesting they obtain quotes. Quotes were requested from 25 carriers, and the Authority received responses from three. After a review of the proposals with the Authority's insurance consultant, it was the consultant's recommendation that Corvus/Hudson Excess offers superior coverage. After some discussion, the Committee voted unanimously to approve the proposal from Corvus/Hudson Excess and to forward to the full Board for approval.

Mrs. Volpe concluded her briefing by mentioning the next meeting date of the Audit Committee is set for May 6, 2021 at 8:00 a.m. and that minutes of the March 2 meeting were posted on the MCWA's website.

*As referenced previously, the following resolutions were taken out of sequence subsequent to the Audit Committee Report earlier in the meeting: Resolutions #21-043 through #21-047.*

**For Item #21-043 and #21-044**, Ms. Molinari introduced Mr. Douglas Zimmerman and Mr. Joseph Kehm of EFPR Group. Messrs. Zimmerman and Kehm gave the Board an overview of the 2020 Audited Financial Statements and 2020 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.

**#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.

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On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #21-043 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**#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.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #21-044 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-045**, Ms. Molinari addressed the Board in summary overview of this report, which had been provided for their prior review.

**#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.

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #21-045 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-046**, Ms. Molinari briefed the Board on this annual review and the assessment procedure, reporting that the review found there were no inordinate risks to the Authority's assets or operations during the review period. She invited and addressed follow-up questions from the Board.

**#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.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #21-046 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-047**, Ms. Molinari provided a summary of proposals received pertaining to cyber and liability insurance coverage through the Authority's Broker of Record.

**#20-047** 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.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #21-047 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**#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



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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 Mrs. Volpe, the foregoing resolution #21-048 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**For Item #21-049**, Mr. Noce briefed the Board regarding the Authority's Deferred Compensation Committee, stating that this resolution formally removes Raymond Benschhoff, a long time Committee member who recently retired.

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

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #21-049 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**GOVERNANCE COMMITTEE REPORT – Presented by Mr. Bernstein, Committee Member**

Mr. Bernstein gave a briefing on the Governance Committee meeting held on March 8, 2021 at 9:00 a.m., at which 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. Bernstein continued his reporting by stating that Mr. Noce gave a detailed review of the *Report on 2020 Performance Measurements*, which was prepared by Mr. LaManna, Director of Production & Transmission. Following the review, the Committee voted unanimously to accept the Report and to forward to the full Board for acceptance.

He reported that the next item on the Agenda was the review of the *2021 ABO Performance Measurements*, also prepared by Mr. LaManna. He stated that Mr. Noce 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. Measurements for 2021 are unchanged from the prior year. Mr. Bernstein stated that following the review, the Committee voted unanimously to adopt the Report, as presented, and to forward to the full Board for adoption.

Mr. Bernstein continued and said that the next item was Board Self-Evaluation, and that Ms. Hendrickson informed the Committee that the individual Board Member Confidential Self-Evaluation Survey forms had been completed and returned and that a summary will be prepared and filed with the New York State Authorities Budget Office. This item was for informational purposes only and did not require any action by the Committee.

Mr. Bernstein concluded his reporting by stating that the next Governance Committee meeting is slated for June 3, 2021, at 9:00 a.m. and that minutes of the March 8 meeting are posted on the MCWA website.

**#21-050** 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 Mrs. Volpe, the foregoing resolution #21-050 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**#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.

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On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #21-051 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

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

On a motion made by Mr. Bernstein, seconded by Mr. Rulison, the foregoing resolution #21-052 was put to a roll call vote and unanimously carried. AYES: 4 (S. Nasca, S. Volpe, A. Bernstein, J. Rulison); NAYS: 0

**EXECUTIVE SESSION**

**#21-ES** 10:09 a.m. – Chairman Nasca requested a motion to enter Executive Session pursuant to Section 105 (1) (f) of the New York Public Officers Law in order for the Board to discuss the employment performance history of a particular employee.

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

10:30 a.m. – Motion to conclude Executive Session: Moved by Mrs. Volpe, seconded by Mr. Bernstein, the Board upon voice vote unanimously agreed to conclude Executive Session. No formal action was taken.

Chairman Nasca called this Regular Meeting back in open session.

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**In Board folders for review:**

- 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 10:31 a.m.

  
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Diane L. Hendrickson, Recording Secretary

  
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Scott D. Nasca, Chairman