

WATER AUTHORITY OF WESTERN NASSAU COUNTY
Minutes of the Meeting of May 11, 2009

Location: 58 South Tyson Avenue, Floral Park

Attendance: John E. Ryan Chairman
George Bakich Town of Hempstead
Aly Kayne Town of Hempstead
Dominic Longobardi Village of Floral Park
Arlene McMullan Village of South Floral Park
Susan Powderly Village of Bellerose
Reid Sakowich Village of New Hyde Park
Marianna Wohlgemuth Town of North Hempstead

Absent: Herbert Brown Village of Garden City
Chris Gorman Village of Stewart Manor

Legal Counsel: Dominick Minerva, Jr., Minerva & D'Agostino,

Water Authority: M. Tierney, Superintendent, K. Conroy, Treasurer,

The meeting was called to order at 7:35 PM by J. Ryan who led the salute to the flag.

Resolution #104/08/09 Motion by A. Kayne seconded by M. Wohlgemuth to approve the Minutes of the meeting of March 23, 2009 as amended. Open for discussion.

Approval of Minutes Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously passed and the Minutes were approved as amended.

Treasurer's Report: Mr. Conroy reported on the financial position of the Water Authority as of April 9, 2009. This report was made a part of the record and appended to the minutes.

A discussion took place regarding the timing of the bond finance.

Resolution #105/08/09 Motion by M. Wohlgemuth seconded by A. Kayne to approve and pay the outstanding Accounts Payable warrants for the period 3/11/09 thru 4/14/09 in the amount of \$1,700,577.35 Open for discussion.

Approval of Warrants Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.

Resolution #106/08/09 Motion by M. Wohlgemuth seconded by D. Longobardi to allocate \$528,245.41 as a Capital Expenditure to draw down from the Construction Fund.

Bond Fund Account Open for discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously passed.

Superintendent's Report: Mr. Tierney reported on the status of the Water Authority as of 4/24/09. Mr. Tierney addressed questions from the Board on portions of his report.

Attorney's Report: Mr. Minerva Jr. presented the following resolutions for consideration by the Board.

Resolution **WHEREAS**, a written recommendation was forwarded to the Board of Directors
#107/08/09 of the Water Authority of Western Nassau County ("Water Authority") by Joseph
GAC Corbisiero recommending that the Water Authority purchase a Granulated
Purchase Activated Carbon (GAC) Treatment System to restore the use of Well Number
15B in order to provide enough water supply to meet the demands of the peak summer season;
and

WHEREAS, a written proposal was received from Siemens Water Technologies Corp to sell a GAC Treatment System to the Water Authority for a sum of two hundred thirty eight thousand two hundred ninety six (\$238,296.00) dollars with a set up cost of eighty five thousand four hundred sixty-nine (\$85,469.00) dollars. The aforesaid proposal included a price quote of fifty eight thousand seven hundred sixty-six (\$58,766.00) dollars per carbon exchange; and

WHEREAS, the aforesaid written recommendation recommends the use of the capital reserve fund for payment of the GAC Treatment System; and

WHEREAS, the Board of Directors has determined that an emergency exists that requires the Water Authority to proceed with the purchase without competitive bidding due to the fact that the Water Authority will not have enough water supply capacity, due to a loss of water availability caused by Well 15B exceeding the maximum contaminant level, to meet the needs of its customers during the peak summer season unless the GAC Treatment System is purchased and made operational as soon as possible;

NOW THEREFORE, upon motion of A. Kayne, seconded by S. Powderly,

BE IT RESOLVED, that the proposal of Siemens Water Technologies Corp. to sell a GAC Treatment System to the Water Authority is hereby accepted; and be it

FUTHER RESOLVED, that the Board of Directors hereby determines that an emergency situation exists that requires the Water Authority to proceed with the purchase without competitive bidding due to the fact that the Water Authority will not have enough water supply capacity, due to a loss of water availability caused by Well 15B exceeding the maximum contaminant level, to meet the needs of its customers during the peak summer season unless the GAC Treatment System is purchased and made operational as soon as possible; and be it

FURTHER RESOLVED, that payment for the GAC Treatment System is authorized from the Capital Reserve Fund; and be it

FURTHER RESOLVED, that the Chairman of the Water Authority be and hereby is authorized to execute a purchase agreement, in a form acceptable to Counsel, with Siemens Water Technologies Corp., in the sum of two hundred thirty eight thousand two hundred ninety six (\$238,296.00) dollars with a set up cost of eighty five thousand four hundred sixty-nine (\$85,469.00) dollars and a price of fifty eight thousand seven hundred sixty-six (\$58,766.00) dollars per carbon exchange.

Open for discussion. Roll call vote.

Town of Hempstead	26.75	Aye
Town of Hempstead	26.75	Aye
Village of Floral Park	16.9	Aye
Village of New Hyde Park	10.8	Aye
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	96.40	

Motion unanimously carried.

Resolution **WHEREAS**, a written recommendation was forwarded to the Board of Directors
#108/08/09 of the Water Authority of Western Nassau County (“Water Authority”), by Robert
GAC Swartz recommending that the Water Authority rent a Portable Granulated
Lease Activated Carbon (GAC) Treatment System to restore the use of Well Number
 25A in order to provide enough water supply to meet the demands of the peak summer season;
 and

WHEREAS, the aforesaid memorandum indicates that the Suffolk County Water Authority has an extra GAC and offered to rent same to the Water Authority on a month to month basis for one thousand two hundred seventy-five (\$1,275.00) dollars per month;

NOW THEREFORE, upon motion of D. Longobardi, seconded by R. Sakowich,

BE IT RESOLVED, that the offer of the Suffolk County Water Authority to rent a Portable GAC Treatment System on a month to month basis to the Water Authority is hereby accepted; and be it

FURTHER RESOLVED, that the Chairman of the Water Authority be and hereby is authorized to execute a rental agreement, in a form acceptable to Counsel, with Suffolk County Water Authority, for a monthly rental fee of one thousand two hundred seventy five (\$1,275.00) dollars.

Open for discussion. Roll call vote.

Town of Hempstead	26.75	Aye
Town of Hempstead	26.75	Aye
Village of Floral Park	16.9	Aye
Village of New Hyde Park	10.8	Aye
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	96.40	

Motion unanimously carried.

Resolution #109/08/09 **Water Meter Contract** **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau County (hereinafter “Water Authority”) has by Resolutions standardized the purchase of all water meters to the Neptune T-8, Neptune T-10, and the Neptune Compound and Neptune Turbine meters manufactured by Neptune Technology Group, Inc.; and

WHEREAS, the Board of Directors has received an Announcement from Neptune Technology Group Inc. stating that S.L.C. Meter East, Inc. is its only authorized distributor for Long Island, New York; and

WHEREAS, the New York State Comptroller has opined in 1982 WL 20150 that “where a municipality has standardized on a particular item which in fact can be purchased only from a single source (such as the manufacturer or an agent with an exclusive franchise), a monopolistic situation would exist and bidding would not be required; and

WHEREAS, the Water Authority received a price quote from S.L.C. Meter East, Inc. to enter into a contract to supply Neptune meters for a term of five years with a 3% increase over the rates of the recently expired contract, except for the 5/8” T-10 water meter which rate is the same as the expired contract, with the same 3% annual increases; and

WHEREAS, a memorandum has been received by the Board of Directors from Al Kolakowski of the Water Authority, recommending execution of a contract with S.L.C. Meter East, Inc. for the purchase of Neptune water meters for a term of five years;

NOW THEREFORE, upon motion of M. Wohlgemuth, seconded by A. McMullan,

BE IT RESOLVED, that the price quote of S.L.C. Meter East, Inc. be and the same is hereby accepted; and be it

FURTHER RESOLVED, that the Chairman of the Water Authority be and hereby is authorized to execute a contract with S.L.C. Meter East, Inc., in a form acceptable to

counsel for the Water Authority, for the purchase of Neptune Water Meters, for a 5 year term with a 3% increase over the rates of the recently expired contract, except for the 5/8” T-10 water meter which rate is the same as the expired contract, with the same 3% annual increases.

Open for discussion. Roll call vote.

Town of Hempstead	26.75	Aye
Town of Hempstead	26.75	Aye
Village of Floral Park	16.9	Aye
Village of New Hyde Park	10.8	Aye
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	1.3	Absent
TOTAL	96.40	

Motion unanimously carried.

Resolution **WHEREAS**, the New York Code of Rules and Regulations dated February 11, #110/08/09 2009 (Title 4, Section 5.9 and 21.8) require Notice to an employee on Workers **Workers** Compensation Leave; and **Comp**

WHEREAS, the regulations require such notice “no later than the 21st day of absence due to an occupational injury”;

NOW THEREFORE, upon a motion of M. Wohlgemuth seconded by D. Longobardi,

BE IT RESOLVED that the Water Authority of Western Nassau County hereby adopts a policy of Notice to an employee on Workers Compensation Leave requiring notice no later than the 21st day of absence due to an occupational injury in accordance with the requirements of the New York Code of Rules and Regulations dated February 11, 2009 (Title 4, Section 5.9 and 21.8); and be it

FURTHER RESOLVED that Resolution 050/05/06 (adopting a leave of absence policy with regard to on the job injuries) of the Water Authority is hereby rescinded.

Open for discussion. Roll call vote.

Town of Hempstead	26.75	Aye
Town of Hempstead	26.75	Aye
Village of Floral Park	16.9	Aye
Village of New Hyde Park	10.8	Aye
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Absent
Village of Bellerose	1.5	Aye

Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	96.40	

Motion unanimously carried.

Resolution #111/08/09 Environmental Capital WHEREAS, the Water Authority of Western Nassau County (hereinafter “Water Authority”) is a Public Authority organized pursuant to New York State Public Authorities Law (hereinafter “PAL”) section 1198-a et seq.; and

WHEREAS, pursuant to section 1198-f(12) of the PAL, the Water Authority has the power to retain or employ professional consultants on a contract basis or otherwise for rendering professional or technical services and advice; and

and WHEREAS, the Water Authority is in the process of offering a bond issuance;

and WHEREAS, the Water Authority has received a proposal from Environmental Capital, LLC to provide financial advisory services in connection with the aforementioned bond issuance; and

WHEREAS, the Board of Directors of the Water Authority, on behalf of the Water Authority has determined that it would be in the best interests of the Water Authority to retain Environmental Capital, LLC to provide financial advisory services in connection with the aforementioned bond issuance of the Water Authority in accordance with its proposal dated March 31, 2009, in the fixed amount of forty two thousand five hundred (\$42,500.00) dollars

NOW THEREFORE, upon motion of A. Kayne, seconded by M. Wohlgemuth,

BE IT RESOLVED, that Environmental Capital, LLC is hereby retained to perform financial advisory services to the Water Authority in connection with the aforementioned bond issuance in accordance with its proposal dated March 31, 2009, in the fixed amount of forty two thousand five hundred (\$42,500.00) dollars; and

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized to execute a contract with Environmental Capital, LLC in a form acceptable to Counsel for the Authority.

Open for discussion. Roll call vote.

Town of Hempstead	26.75	Aye
Town of Hempstead	26.75	Aye
Village of Floral Park	16.9	Aye
Village of New Hyde Park	10.8	Aye
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Absent

Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	96.40	

Motion unanimously carried.

Resolution #112/08/09 **Water Meter Purchase** WHEREAS, a memorandum was received by the Board of Directors from Al Kolakowski of the Water Authority seeking approval of an additional warrant item to SLC meter East in the amount of forty seven thousand eight hundred seventy dollars and seventy-three cents (\$47,870.73) for the purchase of water meters and radio meter reading devices;

NOW THEREFORE, upon motion of D. Longobardi, seconded by A. Kayne,

BE IT RESOLVED, that the additional warrant item to SLC Meter East in the amount of forty seven thousand eight hundred seventy dollars and seventy-three cents (\$47,870.73) for the purchase of water meters and radio meter reading devices is hereby approved; and be it

FURTHER RESOLVED, that payment of the aforesaid warrant item is authorized from the 2005 Revenue Bond Construction Fund.

Open for discussion. Roll call vote.

Town of Hempstead	26.75	Aye
Town of Hempstead	26.75	Aye
Village of Floral Park	16.9	Aye
Village of New Hyde Park	10.8	Aye
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	96.40	

Motion unanimously carried.

The next meeting will be May 18, 2009 for the purposes of a budget work session and the annual rate hearing will be May 26, 2009.

Resolution #113/08/09 **Executive Session** Motion by G. Bakich, seconded by A. Kayne for the Board to go into Executive Session to discuss matters of personnel.
Open for discussion. Vote: For: 7 Against: 0 Abstentions: 0
Motion unanimously carried and the Board went into Executive Session at 8:10 PM.

Resolution Motion by A. Kayne, seconded by D. Longobardi for the Board to come
#114/08/09 out of Executive Session. Open for discussion. Vote: For: 7 Against: 0
Executive Abstentions: 0 Motion unanimously carried and the Board came out of
Session Executive Session at 8:15 PM.

Resolution Motion by G. Bakich, seconded by D. Longobardi to adjourn. Open for
#115/08/09 discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.
Adjournment and the meeting was adjourned at 8:15 PM.

Respectfully submitted,

Dominick Minerva
Secretary