

WATER AUTHORITY OF WESTERN NASSAU COUNTY
Minutes of the Meeting of May 26, 2011

Location: 58 South Tyson Avenue, Floral Park

Attendance: John E. Ryan Chairman
George Bakich Town of Hempstead
Dominic Longobardi Village of Floral Park
Herbert Brown Village of Garden City
Susan Powderly Village of Bellerose
Marianna Wohlgemuth Town of North Hempstead
Reid Sakowich Village of New Hyde Park

Absent: Chris Gorman Village of Stewart Manor
Aly Kayne Town of Hempstead
Arlene McMullan Village of South Floral Park

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

Water Authority: M. Tierney, Superintendent; J. Conroy, Treasurer; J. Varley, Director of Human Resources & Administration

The meeting was called to order at 7:30 PM by J. Ryan who led the salute to the flag.

Resolution Motion by D. Longobardi seconded by S. Powderly to open the Rate Hearing.
#112/10/11 Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0
Rate Hearing Motion unanimously carried.

The Chairman and Board of Directors held the annual Rate Hearing of the Water Authority. A transcript of the Rate Hearing was taken.

Resolution Motion by R. Sakowich seconded by D. Longobardi to close the Rate Hearing.
#113/10/11 Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0
Rate Hearing Motion unanimously carried.

The Regular meeting commenced at 7:55 PM.

114/10/11 Motion by M. Wohlgemuth, seconded by G. Bakich to approve Minutes of
Approval of the Meeting of April 25, 2011. Open for discussion.
Minutes Vote: For: 6 Against: 0 Abstentions: 0
Motion unanimously carried.

Treasurer's Report: Mr. Conroy reported on the financial position of the Water Authority as of May 2011. This report was made a part of the record and appended to the minutes.

Resolution #115/10/11 Approval of Warrants Motion by D. Longobardi, seconded by M. Wohlgemuth to approve and pay the outstanding Accounts Payable warrants for the period 4/1/11 thru 5/13/11 in the amount of \$1,262,820.01 Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0. Motion unanimously carried.

Resolution # 116/10/11 Bond Fund Account Motion by M. Wohlgemuth, seconded by S. Powderly to approve and pay the capital expenditure items of the warrants from the Citibank Capital Reserve fund in the amount of \$111,910.20. Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0. Motion unanimously carried.

Superintendent's Report: Mr. Tierney reported on the status of the Water Authority as of May 23, 2011. Mr. Tierney responded to questions by the board.

Attorney's Report:

Resolution #117/10/11 Salary Increases Motion by R. Sakowich, seconded by H. Brown that the annual salaries for all employees of the Water Authority, with the exception of the Chairman, are hereby adjusted to reflect a 2% per annum increase, effective June 1, 2011, to be paid in accordance with the current payroll system; and be it

FURTHER RESOLVED, that the salary range for all employees, except for the employees specifically excluded from the increase in the paragraph above, if any, of the Water Authority of Western Nassau County shall be adjusted to increase the maximum salaries by 2% effective June 1, 2011; and be it

FURTHER RESOLVED, that the Board of Directors of the Water Authority of Western Nassau County hereby authorizes notification of the Nassau County Department of Civil Service accordingly.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Absent
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Aye
Town of North Hempstead	12.4	Aye
Village of Stewart Manor	2.4	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	69.8	

Motion unanimously carried.

Resolution #118/10/11 **WHEREAS**, the Water Authority of Western Nassau County (hereinafter "Water Authority") is a Public Authority organized pursuant to the New York

Adoption of Operating & Capital Plans State Public Authorities Law (hereinafter “PAL”) section 1198-a et seq.; and **WHEREAS**, budgets for the Water Authority, for the fiscal year June 1, 2011 through May 31, 2012 has been prepared by staff of the Water Authority, a copy of which is annexed hereto and made a part hereof; 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 adopt the aforesaid budgets;

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

BE IT RESOLVED, that the Water Authority hereby adopts the annexed budgets for the fiscal year June 1, 2011 through May 31, 2012, including both the Operating Plan and the Capital Plan.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Absent
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Aye
Town of North Hempstead	12.4	Aye
Village of Stewart Manor	2.4	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	69.8	

Motion unanimously carried.

Resolution #119/10/11 Fix Water Rates **WHEREAS**, pursuant to section 1198-f(21) of the Public Authorities Law, the Water Authority has the power to fix rates for the water services to be rendered and the water to be furnished to its customers; and

WHEREAS, pursuant to Article 5, Title 8-C, Section 1198f(21) of the Public Authorities Law, a Public Hearing was commenced by the Water Authority on May 26, 2011 with respect to fixing rates and for the collection of water service charges; and

WHEREAS, the aforesaid Public Hearing was held upon not less than fourteen days’ notice thereof to each customer by publication once in a newspaper having general circulation within the district;

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

BE IT RESOLVED, that the following rates are hereby adopted for the Town of Hempstead, Village of Floral Park, Village of New Hyde Park, Town of North Hempstead, Village of Stewart Manor, Village of Bellerose, Village of South Floral Park and Village of Garden City being all of the areas located within the Water Authority District, effective June 1, 2011 through May 31, 2012, which said rates and water service charges shall remain the same for each succeeding year unless changed by the Water Authority at a public hearing held in compliance with the Public Authorities Law:

Rates:

For all quantities of water used by customers billed quarterly, the following rates shall apply:

Minimum Charge (Quarterly):

For the first 9,000 gallons (100 gallons per day)

<u>Meter Size</u>	<u>Minimum Charge</u>
5/8"	\$32.20
3/4"	\$32.20
1"	\$32.20
1 1/2"	\$32.20
2"	\$32.20
3"	\$32.20
4"	\$32.20
6"	\$32.20
8"	\$32.20
10"	\$32.20

Additional Consumption:

For usage in excess of the minimum allowance:

For the next 96,000 gallons	\$3.097 per thousand gallons
All over 105,000 gallons	\$2.125 per thousand gallons

Summer Surcharge:

In addition to the above rates, water consumed from May 1st through August 31st will be subject to a summer surcharge as follows:

In excess of 100 gallons per day	\$0 per thousand gallons
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When a billing period falls into the summer period, the number of gallons falling into the summer period will be determined based on average daily usage for the entire billing period and the appropriate rates will be applied; and

BE IT RESOLVED, that the Town of Hempstead, Village of Floral Park, Village of New Hyde Park, Town of North Hempstead, Village of Stewart Manor, Village of Bellerose, Village of South Floral Park, Village of Garden City, Bellerose Fire District, Elmont Fire District, Northwest Malverne Fire District, Franklin Square & Munson Fire District and South Franklin Square Fire Protection District shall be charged a hydrant rental fee of \$787.00 per hydrant location, per annum, within their respective jurisdictions; and

BE IT FURTHER RESOLVED, that private Fire Protection Rates (sprinkler rates) shall be as follows:

<u>Meter Size</u>	<u>Minimum Charge</u>
1"	\$11.33
1 1/2"	\$17.41
2"	\$26.10
2 1/2"	\$30.55
3"	\$45.32
4"	\$81.96
6"	\$167.44
8"	\$334.81
10"	\$459.98

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Absent
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Aye
Town of North Hempstead	12.4	Aye
Village of Stewart Manor	2.4	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	69.8	

Motion unanimously carried.

Resolution **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
120/10/11
Retention of
Engineer

WHEREAS, pursuant to Section 1198-f(12) of the PAL, the Water Authority has the power to retain or employ engineers and private consultants on a contract basis or otherwise for rendering professional or technical services and advice; 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 J.R. Holzmacher, P.E., LLC as consulting engineers of the Water Authority, at the hourly rates contained in its proposal dated May 3, 2011;

NOW THEREFORE, upon motion of M. Wohlgemuth, seconded by S. Powderly,

BE IT RESOLVED, that J.R. Holzmacher, P.E., LLC is hereby retained as consulting engineers to the Water Authority, to serve as required by the Water Authority at the hourly rates contained in its proposal dated May 3, 2011 for the period June 1, 2011 to May 31, 2012; and

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized to execute a contract with J.R. Holzmacher, P.E., LLC in a form acceptable to Counsel for the Authority.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Absent
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Aye
Town of North Hempstead	12.4	Aye
Village of Stewart Manor	2.4	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	69.8	

Motion unanimously carried.

Resolution **WHEREAS**, the Water Authority of Western Nassau County (hereinafter “Water
121/10/11 Authority”) is a Public Authority organized pursuant to New York State Public
Retention of Authorities Law (hereinafter “PAL”) section 1198-a et seq.; and

General
Counsel

WHEREAS, pursuant to Section 1198-f(12) of the PAL, the Water Authority has the power to retain or employ counsel on a contract basis or otherwise for rendering professional or technical services and advice; 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 the firm of Minerva & D’Agostino, P.C. as general counsel;

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

BE IT RESOLVED, that Minerva & D’Agostino, P.C. be appointed as general counsel to the Water Authority, upon the terms and conditions as the retainer letter dated, May 20, 2010, at the annual rate of \$124,404.00 (One hundred twenty-four thousand, four hundred four dollars), which shall be paid in equally monthly installments for the period June 1, 2011 to May 31, 2012.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Absent
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Aye
Town of North Hempstead	12.4	Aye
Village of Stewart Manor	2.4	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	69.8	

Motion unanimously carried.

Resolution #122/10/11 **Purchase two Ford F550 Trucks with Box bodies** WHEREAS, the Board of Directors of the Water Authority of Western Nassau County by public notice duly published according to law, invited sealed bid proposals for the purchase of two (2) Ford F550 Trucks with box bodies and custom fabricated aluminum interiors by the Water Authority of Western Nassau County, in accordance with its requirements; and;

WHEREAS, all such bid proposals received were opened and read publicly by the Water Authority of Western Nassau County, 58 South Tyson Avenue, Floral Park, New York, on the 24th day of May 2011, at 10:30 o'clock A.M., the time and place specified in the public notice; and

WHEREAS, upon review of such bid proposal by the Water Authority of Western Nassau County, a written recommendation was sent to the Board of Directors by Steven D. Kuse, of the Water Authority of Western Nassau County, indicating that Smithtown Ford was the lowest responsible bidder and recommending award of the contract thereto; and

WHEREAS, the Board of Directors of the Water Authority of Western Nassau County has determined that Smithtown Ford is the lowest responsible bidder meeting the bid specifications;

NOW THEREFORE, upon a motion by M. Wohlgemuth, seconded by H. Brown,

BE IT RESOLVED, that the bid proposal of Smithtown Ford be and the same is hereby accepted; and be it

FURTHER RESOLVED, that the Chairman of the Water Authority of Western Nassau County be and hereby are authorized to execute a contract with Smithtown Ford to purchase two (2) Ford F550 Trucks with box bodies and custom fabricated aluminum interiors, in accordance with its requirements, for the prices specified in said bid proposal and in accordance with the bid specifications for said contract.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Absent
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Aye
Town of North Hempstead	12.4	Aye
Village of Stewart Manor	2.4	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	69.8	

Motion unanimously carried.

Resolution #123/10/11 Retention of Architect 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 architects and private consultants on a contract basis or otherwise for rendering professional or technical services and advice; and

WHEREAS, the Water Authority has engaged the services of AC Valero Architect PC (hereinafter “Valero”) as architect to design the proposed new headquarters building and garage; and

WHEREAS, Valero has relocated to Hawaii which has rendered the performance of the balance of the contract by Valero impossible; and

WHEREAS, the Water Authority has received a proposal dated November 19, 2010 from Angelo Francis Corva & Associates which included a Phase I portion to render architectural services in connection with the new headquarters building project; 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 Angelo Francis Corva & Associates as architect for the Water Authority, in accordance with Phase I of its proposal;

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

BE IT RESOLVED, that Angelo Francis Corva & Associates is hereby retained as architect to the Water Authority, to serve as required by the Water Authority in accordance with Phase I of the architect’s proposal dated November 19, 2010 for architectural services for the new headquarters building for the Water Authority in the fixed sum of forty five thousand (\$45,000.00) dollars; and

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized to execute a contract with Angelo Francis Corva & Associates in a form acceptable to Counsel for the Water Authority.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Absent
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Aye
Town of North Hempstead	12.4	Aye
Village of Stewart Manor	2.4	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	69.8	

Motion unanimously carried.


Resolution #124/10/11 Motion by M. Wohlgemuth seconded by D. Longobardi, to go into Executive Session to discuss matters of personnel and contract negotiation.
Executive Session There could possibly be action taken following this Executive Session.
 Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0. Motion unanimously carried and the Board went into Executive Session at 9:00 PM.

Resolution #125/10/11 Motion by M. Wohlgemuth seconded by H Brown, to come out of Executive Session. Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0. Motion unanimously carried and the Board came out of Executive Session at 9:19 PM.
Executive Session

Resolution #126/10/11 Motion by G. Bakich, seconded by D. Longobardi, to adjourn.
Adjournment Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0 Motion was unanimously carried. The meeting was adjourned at 9:20 PM.

The next General Meeting will be held on June 20, 2011.

Respectfully submitted


 Dominick M. Minerva
 Secretary