

WATER AUTHORITY OF WESTERN NASSAU COUNTY
Minutes of the Meeting of May 26, 2009

Location: 58 South Tyson Avenue, Floral Park

Attendance:	John E. Ryan	Chairman
	George Bakich	Town of Hempstead
	Herbert Brown	Village of Garden City
	Chris Gorman	Village of Stewart Manor
	Aly Kayne	Town of Hempstead
	Dominic Longobardi	Village of Floral Park
	Susan Powderly	Village of Bellerose
	Marianna Wohlgemuth	Town of North Hempstead

Absent:	Arlene McMullan	Village of South Floral Park
	Reid Sakowich	Village of New Hyde Park

Legal Counsel: Dominick Minerva, Sr. and Dominick Minerva, Jr., Minerva & D'Agostino
Engineer: Robert Holzmacher

Water Authority: M. Tierney, Superintendent, K. Conroy, Treasurer, D. Rissetto, Customer Service.

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

Treasurer's Report: Mr. Conroy reported on the financial position of the Water Authority as of May 26, 2009. This report was made a part of the record and appended to the minutes.

Resolution #116/08/09 Motion by M. Wohlgemuth seconded by A. Kayne to approve and pay the outstanding Accounts Payable warrants for the period 4/1/09 thru 4/30/09 in the amount of \$1,058,353.77. Open for discussion.
Approval of Warrants Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.

Resolution #117/08/09 Motion by D. Longobardi seconded by S. Powderly to allocate \$106,530.23 as a Capital Expenditure to draw down from the Construction Fund. Open for discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously passed.
Bond Fund Account

Mr. Ryan opened the meeting to a Public Hearing to vote on the water rates and the operating plan for the coming fiscal year. Mr. Minerva noted the following exhibits in connection with this Public Hearing: 1. Legal notice published in Newsday; 2. Affidavit of publication received from Newsday; 3. Proposed resolution adopting the Operating and Capital Plan; 4. Copy of Operating Plan as contained in the distributed packets; 5. Proposed Capital Plan also contained in the packets; 6. Proposed resolution adopting the rates as submitted.

Resolution #118/08/09 **Motion** by M. Wohlgemuth seconded by G. Bakich to close the Public Hearing. Open for discussion. Vote: For: 7 Against: 0 Abstentions: 0
Close Public Hearing The vote was unanimous and the public hearing was closed.

Resolution #119/08/09 **Motion** by M. Wohlgemuth seconded by D. Longobardi to open the discussion on the adoption of the proposed Operating Plan for the 2009/2010 Fiscal Year.
Open discussion Re Operating Plan

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

WHEREAS, a budget for the Water Authority, for the fiscal year June 1, 2009 through May 31, 2010 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 budget;

BE IT RESOLVED, that the Water Authority hereby adopts the annexed budget for the fiscal year June 1, 2009 through May 31, 2010, including both the Operating Plan and the Capital Plan.

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	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	1.3	Aye
TOTAL	87.8	

Motion unanimously carried.

Resolution #120/08/09 **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
New Rates

WHEREAS, pursuant to Article 5, Title 8-C, Section 1198-f(21) of the Public Authorities Law, a Public Hearing was commenced by the Water Authority on May 26, 2009

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 S. Powderly,

BE IT RESOLVED, that the following water 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, 2009 through May 31, 2010, 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"	\$28.64
3/4"	\$28.64
1"	\$28.64
1 1/2"	\$28.64
2"	\$28.64
3"	\$28.64
4"	\$28.64
6"	\$28.64
8"	\$28.64
10"	\$28.64

Additional Consumption:

For usage in excess of the minimum allowance:

For the next 96,000 gallons	\$2.755 per thousand gallons
All over 105,000 gallons	\$1.890 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

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 FURTHER 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 Terrace 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 \$700.00 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>Quarterly Charge</u>
1"	\$10.08
1 ½"	\$15.49
2"	\$23.22
2 ½"	\$27.17
3"	\$40.31
4"	\$72.90
6"	\$148.93
8"	\$297.81
10"	\$409.14

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	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	87.8	

Motion unanimously carried.

M. Wohlgenuth and B. Brown thanked and commended Mr. Tierney and the Water Authority staff for their efforts in putting together this years proposed budget and operating plan.

Superintendent's Report: Mr. Tierney reported on the status of the Water Authority as of 5/21/09. Mr. Tierney addressed questions from the Board on portions of his report.

A discussion took place regarding the status of the Phase II headquarters project.

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

Resolution **Upon** motion of M. Wohlgemuth, seconded by C. Gorman,
#121/08/09

Salary **BE IT RESOLVED**, that the annual salaries for all employees of the Water
Adjustments Authority, are hereby adjusted to reflect a 2.75% per annum increase, effective
 June 1,2 009, to be paid in accordance with the current payroll system; and be it

FURTHER RESOLVED, that the salary range for all employees, of the Water
 Authority of Western Nassau County shall be adjusted to increase the maximum salaries by
 2.75%, effective June 1, 2009; 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	26.75	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	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	87.8	

Motion unanimously carried.

Resolution **WHEREAS**, the Board of Director of the Water Authority of Western Nassau
#122/08/09 County (hereinafter “Water Authority”) has received a memorandum from Janice
Seasonal R. Varley, Director of Administration and Human Resources, of the Water
Employees Authority stating that four (4) seasonal employees are required by the Water
 Authority; and

WHEREAS, the aforesaid memorandum recommends a salary of \$11.50 per
 hour for the first year seasonal hires, \$12.50 per hour for second year seasonal hires; \$13.50 per
 hour for third year seasonal hires and \$14.50 for fourth year seasonal hires;

NOW THEREFORE, upon motion of M. Wohlgemuth, seconded by C. Gorman;

BE IT RESOLVED, that four (4) seasonal employees be hired for the period of May of 2009 through September of 2009, not to exceed 18 weeks of employment for any single seasonal employee; and

BE IT FURTHER RESOLVED, that the salary rate for seasonal hires will be \$11.50 per hour for the first year seasonal hires, \$12.50 per hour for the second year seasonal hires, \$13.50 per hour for the third year seasonal hires and \$14.50 per hour for the fourth year seasonal hires.

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	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	87.8	

Motion unanimously carried.

Resolution **WHEREAS**, the Water Authority of Western Nassau County (hereinafter
#123/08/09 “Water Authority”) is a Public Authority organized pursuant to New York State
Retain Public Authorities Law (hereinafter “PAL”) section 1198-a et seq; and
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;

NOW THEREFORE, upon motion of D. Longobardi, seconded by G. Bakich,

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 for the period June 1, 2009 to May 31, 2010; 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	26.75	Aye
Town of Hempstead	26.75	Aye
Village of Floral Park	16.9	Aye
Village of New Hyde Park	10.8	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	87.8	

Motion unanimously carried.

Resolution #124/08/09 **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

Retain

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;

Upon motion of M. Wohlgemuth, seconded by S. Powderly,

BE IT RESOLVED, that Minerva & D’Agostino, P.E. be appointed as general counsel to the Water Authority, upon the same terms and conditions as the retainer letter dated May 16, 2003, at the same rate as the period from June 1, 2008 to May 31, 2009 which shall be payable in equal monthly installments for the period June 1, 2009 to May 31, 2010.

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	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.3	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Absent
Village of Garden City	<u>1.3</u>	Aye
TOTAL	87.8	

Motion unanimously carried.

Mr. Minerva requested a brief Executive Session to discuss a matter of personnel.

Resolution Motion by D. Longobardi, seconded by A. Kayne for the Board to go into
#125/08/09 Executive Session to discuss matters of personnel. There may be action taken
Executive after the Executive Session. Open for discussion. Vote: For: 7 Against: 0
Session Abstentions: 0 Motion unanimously carried and the Board went into Executive
Session at 8:40 PM.

Resolution Motion by D. Longobardi, seconded by A. Kayne for the Board to come
#126/08/09 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 10:00 PM.

Mr. Kayne asked that the issue of NYSHIP be tabled to the next meeting pending further review. The Board tentatively agreed to schedule the next meeting Thursday, June 4 at 7:30 PM to address NYSHIP participation. The next regular meeting will be moved to Tuesday, June 30.

Mr. Ryan thanked all present for the time they have spend on these issues.

Resolution Motion by G. Bakich, seconded by M. Wohlgenuth to adjourn. Open for
#127/08/09 discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.
Adjournment The meeting was adjourned at 10:10 PM.

Respectfully submitted,

Dominick Minerva
Secretary