

**WATER AUTHORITY OF WESTERN NASSAU COUNTY**  
**Minutes of the Meeting of January 20, 2014**

**Location:** 1580 Union Turnpike, New Hyde Park

**Attendance:** George Bakich                      Town of Hempstead  
Bart Brown                                      Village of Garden City  
Dominick Longobardi                      Village of Floral Park  
Arlene McMullan                              Village of South Floral  
Susan Powderly                                Village of Bellerose  
Marianna Wohlgemuth                      Town of North Hempstead

**Absent:** Chris Gorman                              Village of Stewart Manor  
Reid Sakowich                                Village of New Hyde Park  
Aly Kayne                                        Town of Hempstead

**Legal Counsel:** D. Minerva, Minerva & D'Agostino, P.C.

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

Mr. Ryan called the meeting to order at 7:25 PM and asked D. Longobardi to lead the salute to the flag.

**Resolution #075/13/14 - Approval of Minutes**

Motion by M. Wohlgemuth seconded by D. Longobardi to approve the Minutes of the meeting of December 16, 2013. Open for discussion. Vote: For: 6 Against: 0 Abstention: 0  
Motion unanimously carried and the minutes were accepted as presented.

**Treasurer's Report**

Mr. Conroy reported on the financial position of the Water Authority for the period 12/1/13 to 12/31/13. The report was made a part of the record and appended to the minutes.

**Resolution #076/13/14 - Approval of Warrants**

Motion by M. Wohlgemuth, seconded by A. McMullan to approve and pay the outstanding Accounts Payable warrants for the period 12/1/13 thru 1/07/14 in the amount of \$1,178,684.76. Open for discussion. Mr. Tierney addressed questions from the Board.  
Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously carried.

**Resolution #077/13/14 - Bond Fund Account**

Motion by D. Longobardi, seconded by B. Brown to approve capital expenditure items of the warrants from the Chase Capital Reserve fund in the amount of \$62,517.30. Open for discussion. Mr. Tierney addressed questions from the Board.

Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously passed.

**Superintendent's Report**

M. Tierney reported on the status of the Water Authority as of January 16, 2014. Mr. Tierney responded to questions from Board members. Mr. Ryan commented on the decreased number of calls regarding discolored water, particularly from the Franklin Square area. He commended staff for their efforts in this area.

**Attorney's Report**

**Resolution #078/13/14 – Civil Service Appointment**

**WHEREAS**, the Water Authority of Western Nassau County (hereinafter “Water Authority”) has received a memorandum from Janice Varley, Director of Human Resources, recommending that the Water Authority hire Shitique Webster to fill the vacated full-time position of Water Plant Attendant, a civil service labor class position; and

**WHEREAS**, the aforesaid memo recommends the hiring of Shitique Webster as a Water Plant Attendant at a compensation rate of \$19.09 per hour with a 26 week probationary period;

**NOW, THEREFORE**, upon motion of G. Bakich, seconded by M. Wohlgenuth;

**BE IT RESOLVED** that the Water Authority hereby appoints Shitique Webster to the full-time position of Water Plant Attendant at a compensation rate of \$19.09 per hour plus benefits, with a 26 week probationary period and subject to approval by the Nassau County Department of Civil Service; and

**BE IT FURTHER RESOLVED** that the Board of Directors authorizes the Chairman of the Water Authority to execute any and all documents required by the Nassau County Department of Civil Service to complete the appointment of Shitique Webster to the full-time position of Water Plant Attendant.

Open for discussion and 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 | Absent |
| 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         | Aye |
| Village of Garden City       | <u>1.3</u>  | Aye |
| <b>TOTAL</b>                 | <b>60.0</b> |     |

Motion unanimously carried.

**Resolution #079/13/14 – Contract for Exterminating Services**

**WHEREAS**, a written recommendation was forwarded to the Board of Directors by Thomas J. Mulzoff, Director of Operations of the Water Authority of Western Nassau County (hereinafter “Water Authority”), stating that three (3) area vendors were contacted for proposals for an exterminating contract for 1580 Union Turnpike, New Hyde Park, NY; and

**WHEREAS**, the aforesaid memorandum indicates that Orkin Commercial Services submitted the lowest proposal and recommends entering into a contract with Orkin Commercial Services in accordance with its submitted proposal;

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

**BE IT RESOLVED**, that the proposal of Orkin Commercial Services 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 public works contract with Orkin Commercial Services for exterminating services at 1580 Union Turnpike, New Hyde Park, New York, in a form acceptable to counsel of the Water Authority, in accordance with its submitted proposal.

Open for discussion and 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        | Absent |
| 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         | Aye    |
| Village of Garden City       | <u>1.3</u>  | Aye    |
| <b>TOTAL</b>                 | <b>60.0</b> |        |

Motion unanimously carried.

**Resolution #080/13/14 – Executive Session**

**MOTION** by G. Bakich, seconded by A. McMullan for the Board to go into Executive Session to discuss a matter of litigation. Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0 Motion passed and the Board went into Executive Session at 7:40 PM.

**Resolution #081/13/14 – Executive Session**

**MOTION** by S. Powderly seconded by M. Wohlgemuth for the Board to come out of Executive Session. Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0 Motion passed and the Board came out of Executive Session at 8:00 PM.

**Date of Next Meeting** February 24, 2014

**Resolution #082/13/14 – Retention of Counsel**

**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 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 has retained the law firm of Minerva & D’Agostino, P.C. as general counsel pursuant to a retainer letter dated May 20, 2010; and

**WHEREAS**, the aforesaid retainer agreement provides for additional services beyond the scope of services included in said agreement at the hourly rate of two hundred fifty (\$250.00) dollars; and

**WHEREAS**, the Water Authority was served with a Summons and Complaint in the matter of J. Anthony Enterprises, Inc. versus the Water Authority of Western Nassau County alleging a breach of contract; and

**WHEREAS**, the Board of Directors of the Water Authority is desirous of assigning the defense of the action to the firm of Minerva & D’Agostino, P.C. as additional services at the rates stated in the aforesaid retainer agreement;

**NOW THEREFORE**, upon motion of D. Longobardi, seconded by S. Powderly,

**BE IT RESOLVED**, that the Board of Directors hereby approves additional services to be rendered by Minerva & D’Agostino, P.C. at the rate of two hundred fifty (\$250.00) dollars per hour in accordance with the retainer letter dated May 20, 2010 to defend against the action commenced by J. Anthony Enterprises, Inc.

Open for discussion and 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 | Absent |
| 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         | Aye    |
| Village of Garden City       | <u>1.3</u>  | Aye    |
| <b>TOTAL</b>                 | <b>60.0</b> |        |

Motion unanimously carried.

**Resolution #083/13/14 - Adjournment**

Motion by G. Bakich, seconded by D. Longobardi to adjourn. Open for discussion.

Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously carried and the meeting was adjourned at 8:00 PM.

Respectfully submitted



Dominick Minerva  
Secretary