

WATER AUTHORITY OF WESTERN NASSAU COUNTY
Minutes of the Meeting of January 25, 2010

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
Marianna Wohlgemuth Town of North Hempstead

Absent: Herbert Brown Village of Garden City
Chris Gorman Village of Stewart Manor
Reid Sakowich Village of New Hyde Park

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

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

The meeting was called to order at 7:35 PM by J. Ryan who led the salute to the flag. Mr. Ryan noted that Ms. Wohlgemuth has been nominated by State Senator Johnson as a Woman of Distinction for her activities in the community.

Resolution Motion by M. Wohlgemuth seconded by A. McMullan to approve the Minutes of
#063/09/10 the meeting of January 4, 2010. Open for discussion.
Approval of Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously carried.
Minutes

Treasurer's Report: Mr. Conroy reported on the financial position of the Water Authority as of December 31, 2009. Mr. Conroy responded to questions from the Board. This report was made a part of the record and appended to the minutes.

Resolution Motion by M. Wohlgemuth seconded by A. Kayne to approve and pay the
#064/09/10 outstanding Accounts Payable warrants for the period 12/1/09 thru 12/31/09 in the
Approval of amount of \$1,015,442.27. Open for discussion. Mr. Tierney responded to
Warrants questions from Board members.
Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously carried.

Resolution Motion by D. Longobardi seconded by M. Wohlgemuth to approve capital
#065/09/10 expenditure items of the warrants from the Citibank Capital Reserve fund
Bond Fund in the amount of \$62,866.85. Open for discussion.
Account Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously passed.

Superintendent's Report: Mr. Tierney reported on the status of the Water Authority as of January 22, 2010. He responded to questions and comments from the Board.

Ms. Wohlgemuth asked for a financial update on the new headquarters costs to date. Mr. Tierney noted that there has been little activity since the last update which was distributed last month.

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

Resolution MOTION by M. Wohlgemuth seconded by D. Longobardi to authorize the
#066/09/10 Chairman to enter into a Bond Agreement for an amount not to exceed
Authorization \$45,000,000 (Forty-five Million Dollars) as noted in the following
To Enter Supplemental Bond Resolution:
Into Bond
Agreement

A SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED FORTY-FIVE MILLION DOLLARS (\$45,000,000) PRINCIPAL AMOUNT OF SENIOR LIEN BONDS OF THE WATER AUTHORITY OF WESTERN NASSAU COUNTY; AUTHORIZING THE CHAIRPERSON OF THE AUTHORITY TO TAKE ANY AND ALL ACTION NECESSARY TO PROVIDE FOR THE SALE OF SAID BONDS; DELEGATING TO THE CHAIRPERSON OF THE AUTHORITY THE POWER TO FIX THE TERMS, CONDITIONS AND DETAILS THEREOF, INCLUDING WHETHER TO ISSUE SAID BONDS AS TAX-EXEMPT OR FEDERALLY TAXABLE BONDS; AND AUTHORIZING RELATED ACTIONS.

WHEREAS, the Water Authority of Western Nassau County (the "Authority") adopted on May 13, 1996 a resolution authorizing and providing for the issuance of revenue bonds of the Authority for the purposes of the Water System of the Authority (the "Resolution"); and

WHEREAS, the Authority has deemed it advisable and financially advantageous to fund the Cost of Acquisition and Construction of improvements to the Water System, including the acquisition, construction and equipping of a new building to serve as the Authority's headquarters and office, through the issuance of its revenue bonds; and

WHEREAS, the Authority has determined it advisable and financially advantageous to issue its Senior Lien Bonds in an aggregate principal amount not to exceed \$45,000,000 (the "Series 2010 Bonds"); and

WHEREAS, the Authority has determined it advisable and financially advantageous to apply the proceeds of the Series 2010 Bonds (i) to finance the Cost of Acquisition and Construction of improvements and additions to the Water System, including the acquisition, construction and equipping of a new building, (ii) to fund one or more reserve accounts for the Series 2010 Bonds, and (iii) to pay for certain costs of issuance relating to the Series 2010 Bonds; NOW, THEREFORE,

BE IT RESOLVED BY THE WATER AUTHORITY OF WESTERN NASSAU COUNTY, AS FOLLOWS:

SECTION 1. Definitions. (A) Unless the context shall clearly indicate some other meaning, all words and terms used in this Supplemental Resolution which are defined in the Resolution shall for all purposes of this Supplemental Resolution have the respective meanings given to them in the Resolution.

(B) Unless or except as the context shall clearly indicate otherwise or may otherwise require in this Supplemental Resolution: (i) all references to a particular Article, section and/or subdivision of the Resolution or this Supplemental Resolution, as the case may be, are to the corresponding Article, section or subdivision of the Resolution only, or this Supplemental Resolution only, as the case may be; (ii) the terms "herein," "hereunder," "hereby," "hereto," "hereof," and any similar terms refer to this Supplemental Resolution as a whole and not to any particular section or subdivision hereof; (iii) the terms "therein," "thereunder," "thereby," "thereto," "thereof," and any similar terms, refer to the Resolution and to the Resolution as a whole and not to any particular Article, section or subdivision thereof; and (iv) the term "heretofore" means before the time of effectiveness of this Supplemental Resolution and the term "hereafter" means after the time of effectiveness of this Supplemental Resolution.

SECTION 2. Authorization of Series 2010 Bonds to be Issued. There is hereby authorized to be issued and shall be issued under and secured by the Resolution a Series of Senior Lien Bonds (the Series 2010 Bonds, as defined above) in the total principal amount of not to exceed Forty-Five Million Dollars (\$45,000,000), to provide moneys to finance the Cost of Acquisition and Construction of improvements and additions, including the acquisition, construction and equipping of a new building to serve as the Authority's headquarters and office, exclusive of bonds issued to fund one or more reserve accounts relating to such bonds. The Series 2010 Bonds authorized to be issued hereunder shall be designated "Water System Revenue Bonds, Series 2010", and shall have such other designations as determined by the Chairperson of the Authority, and shall have such terms, conditions and details as shall be provided in a Certificate of Determination to be executed by the Chairperson subsequent to the date hereof. In the event that the Chairman determines to issue, initially, less than the amount of Series 2010 Bonds authorized to be issued hereunder, any subsequent issue of such Series 2010

Bonds may be subject to the terms and conditions to be set forth or delegated to the Chairman in a separate supplemental resolution of the Authority to be adopted on a future date. The final maturity date of the Series 2010 Bonds shall in no event occur more than thirty (30) years after the original date of issuance of the Series 2010 Bonds. The Series 2010 Bonds may be issued in one (1) or more Series and may be issued as tax-exempt bonds or as Federally taxable bonds or a combination thereof; *provided, however*, the total aggregate principal amount of the Series 2010 Bonds issued hereunder shall not exceed Forty-Five Million Dollars (\$45,000,000).

SECTION 3. Delegation to Chairperson. There is hereby delegated to the Chairperson, subject to the limitations contained herein and in the Resolution, the power with respect to the Series 2010 Bonds to carry out the following actions, and determine and carry out the following terms and conditions which shall be set forth in a Certificate of Determination:

(a) The selection of an underwriter(s) (the "Underwriter") for the Series 2010 Bonds;

(b) The number of Series of Bonds to be issued and whether such Series of Bonds will be issued as tax-exempt or Federally taxable bonds or any combination thereof;

(c) The solicitation of ratings for the Series 2010 Bonds;

(d) The preparation and distribution of a preliminary and final official statement relating to the Series 2010 Bonds; and to deem final the preliminary official statement relating to the Series 2010 Bonds for purposes of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended.

(e) The private sale of the Series 2010 Bonds to the Underwriter; provided, however that: (i) the purchase price, including original issue and underwriter's discount, shall not be less than ninety-six percent (96%) of the principal amount of the Series 2010 Bonds, (ii) the true interest cost of the Series 2010 Bonds shall not be greater than eight percent (8%) per annum, and (iii) the terms of said sale shall be subject to the written approval of the New York State Comptroller. In connection therewith the Chairperson is hereby authorized to execute a contract for the purchase and sale of the Series 2010 Bonds with the Underwriter;

(f) The final aggregate principal amount of the Series 2010 Bonds which shall not exceed the amount of Series 2010 Bonds authorized by this Supplemental Resolution and shall be subject to the other limitations set forth in Section 2 hereof, the principal amortization schedule of the Series 2010 Bonds, and the date, maturity date or dates and interest payment dates of the Series 2010 Bonds;

(g) The interest rate or rates of the Series 2010 Bonds;

(h) The denominations of and manner of numbering and lettering the Series 2010 Bonds;

(i) Whether the Series 2010 Bonds or a Series of Bonds shall be designated as "Build America Bonds" pursuant to the American Recovery and Reinvestment Act of 2009; and whether to elect to receive the Tax Credit or Direct Payment federal interest subsidy, as defined in Section 1400U-2 of the Internal Revenue Code (the "Code"), on such Build America Bonds;

(j) Whether the Series 2010 Bonds will be issued in fully registered form or in any other form permitted under the Resolution, the privileges, if any, of convertibility from one form to another, and the place or places of such registration and conversion;

(k) The redemption provisions, if any, relating to the Series 2010 Bonds;

(l) If any of the Series 2010 Bonds are to be issued as Term Bonds, the amount and due dates of each sinking fund installment for the Term Bonds of such Series, and the date or dates and redemption price or prices upon which the Term Bonds of the Series may be redeemed from such installments, and the manner and procedure of applying such installments to the redemption of the Term Bonds of such Series;

(m) The determinations required to be made by paragraph A of Section 3.3 of the Resolution;

(n) The place or places of payment of the Series 2010 Bonds and premium, if any, and interest thereon;

(o) The use, application and investment, if any, of the proceeds of such sale of the Series 2010 Bonds, which use, application and investment shall not be inconsistent or in conflict with the provisions of the Resolution;

(p) The identity of the provider of any Additional Security for the Series 2010 Bonds, and the execution of any agreements relating to said Additional Security with the providers thereof. In the event that the Chairperson determines to obtain any Additional Security for the Series 2010 Bonds, the terms and conditions relating thereto shall be set forth in the Certificate of Determination;

(q) Whether the Reserve Account, Series 2010, referred to below shall be funded with proceeds of the 2010 Bonds, Net Revenues, a Reserve Account Facility, or any combination of the foregoing, and the negotiation and execution of any agreements relating to any such Reserve Account Facility; and

(r) Any other provisions which may be required to be inserted in such Certificate of Determination by the provisions of the Resolution or any other necessary or desirable provisions not inconsistent or in conflict with the provisions of the Resolution; or the taking of any and all action necessary to provide for the issuance of the Series 2010 Bonds, including the execution of any required documents, certificates and agreements, closing documents and tax and arbitrage certificates.

Any prior actions of the Chairperson regarding the foregoing are hereby ratified and approved.

SECTION 4. Appointment of Paying Agent and Registrar. The Bank of New York Mellon, New York, New York is hereby appointed Paying Agent and Registrar for the Series 2010 Bonds.

SECTION 5. Reserve Accounts. There is hereby created in the Bond Fund a reserve account for the Series 2010 Bonds to be known as the "Reserve Account, Series 2010." In the event that the Series 2010 Bonds are issued in more than one (1) Series, there shall be established a reserve account for each Series, with appropriate Series designation for each account. Moneys in the Reserve Account, Series 2010 shall be applied as provided in the Resolution. The Reserve Account Requirement for the Series 2010 Bonds shall be that amount which is equal to the maximum principal and interest payments due on the Series 2010 Bonds in any Fiscal Year, or if funded from the proceeds of the Series 2010 Bonds, the lesser of (i) ten percent (10%) of the proceeds of the Series 2010 Bonds, (ii) the maximum principal and interest payments due on the Series 2010 Bonds in any Fiscal Year, (iii) 125% of the average of the annual installments of Debt Service with respect to all Series 2010 Bonds for the current and all future Fiscal Years and (iv) the maximum amount permitted by federal tax law to be funded from Bond proceeds.

In satisfaction of the Reserve Account Requirement for the Series 2010 Bonds and in amount equal thereto the Authority may provide a Reserve Account Facility in the manner provided for in the Resolution. The Chairperson or the Treasurer are hereby authorized to execute and deliver any agreements required to be entered into on behalf of the Authority in connection with any such Reserve Account Facility.

SECTION 6. Construction Fund. There is hereby created and established a separate trust fund of the Authority to be known as the "Construction Fund, Series 2010," to be held by the Authority. The net proceeds of the Series 2010 Bonds will be deposited in the Construction Fund, Series 2010. Moneys in the Construction Fund, Series 2010 shall be applied solely to the Costs of Acquisition and Construction of the Water System and to payment of fees and expenses in connection with the issuance and sale of the Series 2010 Bonds. Any non-exempt project for which moneys in the Construction Fund, Series 2010 may be applied shall be reviewed, subject to the New York State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law, prior to the adoption of any decision, order or resolution committing the Authority or applicable agency to undertake such project. Moneys shall be paid out of the Construction Fund, Series 2010 only upon approval of the Authority upon compliance with applicable law and regulations, including, but not limited to SEQRA, and upon a determination (i) that an obligation in the stated amount has been incurred by or on behalf of the Authority, or that an advance has been made by or on behalf of the Authority; and each use thereof is a proper and reasonable charge against the Construction Fund, Series 2010 and that such amount has not been theretofore paid or reimbursed; and (ii) that there has not been filed

with or served upon the Authority any notice of any lien, or attachment upon or claim affecting the right to receive payment of any of the moneys payable to the person, firm or corporation to which such payment is to be made which has not been released or will not be released simultaneously with the payment of such obligations and, in the event any assignment of the right to receive payment has been made and notice thereof has been given to the Authority and the Authority has accepted such assignment, the payment shall be made to the assignee as shown by the records of the Authority.

The Authority is hereby authorized to reimburse itself with the proceeds of the Series 2010 Bonds for certain expenditures with respect to the Cost of Acquisition and Construction of improvements and additions to the Water System made on and after November 26, 2009 (the "Expenditures"), a date which is no more than sixty (60) days prior to the date hereof. The Authority reasonably expects on the date hereof that it will reimburse the Expenditures with a portion of the proceeds of the Series 2010 Bonds. Each Expenditure was and will be either (i) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (ii) a cost of issuance with respect to the Series 2010 Bonds, or (iii) a grant to a party that is not related to or an agent of the Authority so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for benefit of the Authority. The Authority will prepare written reimbursement allocations that evidence the use of proceeds of the Series 2010 Bonds to reimburse an Expenditure, not later than eighteen (18) months after the later of the date on which the Expenditure is paid or the projects financed are placed in service or abandoned, but in no event more than three (3) years after the date on which such Expenditure is paid; provided, however that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts and expenditures for construction projects of at least five (5) years.

SECTION 7. Series 2010 Rebate Account. There shall be created in the Rebate Fund a special account with respect to the Series 2010 Bonds to be known as the "Series 2010 Rebate Account." In the event that the Series 2010 Bonds are issued in more than one (1) Series, there shall be established a Rebate Account for each Series, with appropriate Series designation for each account. Deposits or credits to and withdrawals from the Series 2010 Rebate Account, the calculation of amounts to be deposited or credited thereto and investment of amounts on deposit therein shall be as set forth in a Tax Certificate to be executed by the Chairperson or the Treasurer of the Authority in connection with the issuance of the Series 2010 Bonds.

SECTION 8. Application of Proceeds of Sale of the Series 2010 Bonds. Proceeds of the sale of the Series 2010 Bonds shall be applied as follows:

(a) Accrued interest received on the Series 2010 Bonds, if any, from their date to the date of delivery of and payment for the Series 2010 Bonds shall be paid to the Bond Fund Trustee for deposit into the Interest Account in the Bond Fund to be applied to the payment of interest on the Series 2010 Bonds on the first interest payment date thereof.

(b) Proceeds, if any, to be used to fund the Reserve Account Requirement for the Series 2010 Bonds shall be deposited in the Reserve Account, Series 2010.

(c) The balance of the proceeds of the Series 2010 Bonds, shall be deposited in the Construction Fund, Series 2010 created in Section 6 hereof and shall be applied towards the Cost of Acquisition and Construction of improvements and additions to the Water System or to the payments of fees and expenses related to the issuance and sale of the Series 2010 Bonds, including, but not limited to, the payment of any premiums on any Additional Security, if any, and Reserve Account Facility, if any, obtained to satisfy the Reserve Account Requirement for the Series 2010 Bonds.

SECTION 9. Appointment of Bond Counsel. Nixon Peabody LLP is hereby appointed to serve as Bond Counsel in connection with the sale and issuance of the Series 2010 Bonds pursuant to the terms and conditions set forth in the engagement letter attached hereto as Exhibit A.

SECTION 10. CUSIP Identification Numbers. CUSIP identification numbers, at the sole option of the Authority, may be placed on the Series 2010 Bonds but neither the failure to place any such number on any Series 2010 Bond nor any inaccuracy, error or omission with respect thereto shall constitute cause for failure or refusal by the purchasers to accept delivery of and pay for the Series 2010 Bonds. No such CUSIP identification number shall constitute a part of the contract evidenced by the particular Series 2010 Bond upon which it is imprinted and no liability shall attach to the Authority or any officer or agent thereof, including any Registrar or Paying Agent for the Series 2010 Bonds, by reason of such number or any use made thereof, including any use thereof made by the Authority, any such officer or any such agent, or by reason of any inaccuracy, error or omission with respect thereto or in such use.

SECTION 11. Federal Tax Covenant. The Authority hereby covenants with the registered owners from time to time of any tax-exempt Series 2010 Bonds issued hereunder that (i) throughout the term of such tax-exempt Series 2010 Bonds and (ii) through the date that the final rebate, if any, must be made to the United States in accordance with Section 148 of the Code it will comply with the provisions of Sections 103 and 141 through 150 of the Code and all regulations proposed and promulgated thereunder that must be satisfied in order that interest on such tax-exempt Series 2010 Bonds shall be and continue to be excluded from gross income for federal income tax purposes under said Section 103.

SECTION 12. Disclosure Covenant. The Authority hereby covenants with the holders from time to time of the Series 2010 Bonds that throughout the term of the Series 2010 Bonds it will comply with any contractual agreements with respect to the provisions of Rule 15c2-12 under the Securities and Exchange Act of 1934, as amended, including covenants to provide continuing secondary market disclosure. In connection therewith, the Chairperson or the Treasurer of the Authority is authorized to enter into a continuing disclosure agreement with the Bond Fund Trustee for the benefit of the holders of the Series 2010 Bonds from time to time.

SECTION 13. Calculation of Debt Service on Series 2010 Bonds designated as Build America Bonds. In any computation relating to the issuance of additional Bonds

required by Section 3.4 of the Resolution and the Rate Covenant contained in Section 8.2 of the Resolution, there shall be excluded from the computation of Debt Service on Series 2010 Bonds designated as "Build America Bonds," pursuant to the provisions of American Recovery and Reinvestment Act of 2009, interest on indebtedness for which funds are, or are reasonably expected to be, available for and which are irrevocably committed to make such payments, including without limitation, any such funds, credit or subsidy received or to be received pursuant to the provisions of the American Recovery and Reinvestment Act of 2009.

SECTION 14. Effect of Section Headings. The heading or titles of the several Sections hereof shall be solely for convenience or reference and shall not affect the meaning, construction, interpretation or effect of this Supplemental Resolution.

SECTION 15. Effective Date. This Supplemental Resolution shall take effect upon its adoption.

Open for discussion. In response to a question from the Board Mr. Tierney noted that the amount includes the anticipated amount for construction of the new headquarters, which is \$10-12 Million. 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	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	85.6	

Motion unanimously carried.

Resolution **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau
#067/09/10 County (hereinafter "Water Authority"), has received a memorandum from
Renew Janice Varley, Director of Human Resources and Administration of the Water
Dental Authority, recommending renewal of the Water Authority's dental insurance plan
Coverage with the Guardian until January 31, 2011 with a change in coverage to reduce the
maximum per calendar year benefit from \$2,500.00 to \$2,000.00 and monthly rates as follows:

<u>Dental Coverage:</u>	<u>Monthly Rate</u>
Individual	\$ 43.73
Employee/Spouse	\$ 87.66
Employee/Child	\$108.30
Family	\$152.32

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

BE IT RESOLVED, that the Board of Directors of the Water Authority hereby approves the renewal of the Water Authority's dental insurance plan with The Guardian until January 31, 2011 at the following rates:

<u>Dental Coverage:</u>	<u>Monthly Rate</u>	
Individual	\$ 43.73	
Employee/Spouse	\$ 87.66	
Employee/Child	\$108.30	
Family	\$152.32	and

BE IT FURTHER RESOLVED, that employees of the Water Authority shall contribute ten (10%) percent to the cost of the premium for the dental insurance plan with the Guardian.

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	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	85.6	

Motion unanimously carried.

Resolution **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau
#068/09/10 County (hereinafter "Water Authority") entered into an agreement dated July 16,
Renew 2009 with Wearguard-Crest, a division of ARAMARK Uniform Services, a
Uniform division of ARAMARK Uniform & Career Apparel, Inc. (hereinafter
Contract "ARAMARK") to supply uniform clothing items to the Water Authority; and

WHEREAS, Article 6 of the aforesaid contract provides the Water Authority with the option to elect to extend the contract for two successive one year terms, upon ninety days written notice, with a price increase of two (2%) percent per year; and

WHEREAS, a written recommendation was sent to the Board of Directors by Christine DeFina of the Water Authority, recommending extending the term of the aforesaid contract for the first successive one year term;

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

BE IT RESOLVED, that the Chairman of the Water Authority of Western Nassau County be and hereby is authorized to transmit written notification to ARAMARK of the Water Authority's exercise of its option, to extend the term of the aforesaid contract for the first successive one year term.

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	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	85.6	

Motion unanimously carried.

Resolution **WHEREAS**, the Water Authority entered into a lease dated April 25, 1996 with
#069/09/10 William Giffords Properties, Inc. for the premises known as 58 South Tyson
Extension Avenue, Floral Park, New York for the purpose of its headquarters building
Of Lease (hereinafter "lease"); and

WHEREAS, the aforementioned lease was extended until May 31, 2010 by Extension and Modification Agreement dated October 2007; and

WHEREAS, the Water Authority is desirous of extending the lease for an additional two year period due to the fact that the Water Authority needs ample time to complete the construction of its new headquarters building to be located on Union Turnpike in New Hyde Park; and

Approved 3/29/10

WHEREAS, the lease extension agreement has been negotiated for a two year period with a rent of twenty thousand (\$20,000.00) dollars per month for the first year and a rent of twenty one thousand (\$21,000.00) dollars for the second year;

NOW THEREFORE, upon motion of G. Bakich, seconded by M. Wohlgemuth,

BE IT RESOLVED, that the Chairman of the Water Authority be and hereby is authorized to execute a two year lease extension agreement in a form acceptable to counsel with William Giffords Properties, Inc. at a rent of twenty thousand (\$20,000.00) dollars per month for the first year and a rent of twenty one thousand (\$21,000) dollars for the second year.

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	Absent
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	1.3	Absent
TOTAL	85.6	

Motion unanimously carried.

Next meeting: February 22, 2010

Public Comment: Bruce Machen, Distribution Inspector for the Water Authority spoke on behalf of the group of employees present. Mr. Machen's statement included a request that the Water Authority re-consider their position on medical healthcare for employees, retirees and their spouses. Mr. Ryan noted that the Board appreciates their comments and will look into the points covered. Mr. Machen was asked to make a copy of this remarks available to the Board, which he agreed to do.

Resolution #70/09/10 Executive Session Motion by D. Longobardi seconded by G. Bakich for the Board to go into Executive Session to discuss a matter of personnel. There will be no 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 8:10 PM.

Resolution #71/09/10 Executive Session Motion by A. Kayne seconded by M. Wohlgemuth for the Board to come out of Executive Session. Open for discussion. Vote: For: 6 Against: 6 Abstentions: 0
Motion carried unanimously and the Board came out of Executive Session at 8:45 PM.

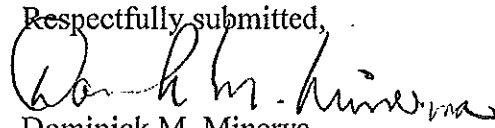
Approved 3/29/10

Resolution Motion by G. Bakich, seconded by A. Kayne to adjourn. Open for discussion.

#072/09/10 Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously carried.

Adjournment The meeting was adjourned at 8:45 PM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dominick M. Minerva".

Dominick M. Minerva

Secretary

