

WATER AUTHORITY OF WESTERN NASSAU COUNTY
Minutes of the Meeting of October 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
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: Chris Gorman Village of Stewart Manor
Reid Sakowich Village of New Hyde Park

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

Engineer: Robert Holzmacher

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

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

Resolution Motion by M. Wohlgemuth seconded by G. Bakich to approve the
#024/09/10 Minutes of the meeting of August 24, 2009. Open for discussion.

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

Treasurer's Report: Mr. Conroy reported on the financial position of the Water Authority as of September 30, 2009. This report was made a part of the record and appended to the minutes. Mr. Conroy noted that in the future reports will be based on balances after reconciliation of accounts.

Resolution Motion by A. Kayne seconded by M. Wohlgemuth to approve and pay the
#025/09/10 outstanding Accounts Payable warrants for the period 8/1/09 thru 8/31/09 in the
Approval of amount of \$1,729,992.27. Open for discussion. Mr. Conroy responded to
Warrants questions from Board members.

Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.

Resolution Motion by M. Wohlgemuth seconded by A. Kayne to approve capital
#026/09/10 expenditure Items of the warrants from the Citibank Capital Reserve fund
Bond Fund in the amount of \$1,002,287.37. Open for discussion.

Account Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously passed.

Resolution #027/09/10 Approval of Warrants Motion by M. Wohlgemuth seconded by B. Brown to approve and pay the outstanding Accounts Payable warrants for the period 9/1/09 thru 9/30/09 in the amount of \$1,729,992.27. Open for discussion. Mr. Conroy responded to questions from Board members.
Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.

Resolution #028/09/10 Bond Fund Account Motion by M. Wohlgemuth seconded by D. Longobardi to approve capital expenditures in the amount of \$286,549.22 from the Citibank Capital Reserve Fund. Open for discussion.
Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously passed.

M. Wohlgemuth commented on the excellent construction fund analysis distributed at the last meeting.

Superintendent's Report: Mr. Tierney reported on the status of the Water Authority as of October 22, 2009. He indicated that there are some items he would like to discuss in an Executive Session.

Attorney's Report: Prior to action on the proposed resolutions Mr. Minerva noted that today he attended a closing on a matter relative to Stone Ridge Development in Elmont. He received checks for \$79,000_ for water mains installed by the Water Authority, which he turned over to the Superintendent.

Mr. Minerva Sr. presented the following resolutions for consideration by the Board.

Resolution #029/09/10 Adoption of Medicare Supplement Coverage **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau County (hereinafter "Water Authority") has received a memorandum from Janice Varley, Director of Human Resources of the Water Authority, stating that a proposal has been received from the Water Authority's insurance broker for Medicare Supplemental Coverage; and

WHEREAS, the aforesaid memorandum indicates that the Water Authority's insurance broker has received a quote for the placement of coverage with Hartford Insurance under the Hartford Medicare Supplemental Plan; and

WHEREAS, the aforesaid memorandum indicates that enrollment in the recommended Medicare Supplement will reduce the cost to the Water Authority for retiree health coverage;

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

BE IT RESOLVED, that the Board of Directors of the Water Authority hereby approves the enrollment in the Hartford Medicare Supplemental Plan; and

BE IT FURTHER RESOLVED, that upon attainment of the age of 65 years, the retirees of the Water Authority shall be enrolled in the Hartford Medicare Supplemental Plan; and

BE IT FURTHER RESOLVED, that the retirees of the Water Authority enrolled in the Hartford Medicare Supplemental Plan shall contribute the percentage of the cost of the premium for said plan as heretofore approved and hereafter amended by Resolution of the Board of Directors.

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>	Aye
TOTAL	86.9	

Motion unanimously carried.

Resolution #030/09/10 Workers' Compensation Recovery Services **WHEREAS**, a written recommendation was sent to the Board of Directors of the Water Authority of Western Nassau County (hereinafter "Water Authority") by Janice Varley, Director of Human Resources, recommending engaging the services of a Worker's Compensation Recovery Service to audit the Water Authority's workers' compensation policy; and

WHEREAS, the aforesaid recommendation states that two proposals have been received, each charging fifty (50%) percent of the refund or credit it obtains from the audit of the Water Authority's workers' compensation policy, if any;

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

BE IT RESOLVED, that the Board of Directors of the Water Authority hereby authorizes engaging the services of Leahy Company for a price of fifty (50%) percent of the refund or credit obtained from its audit of the Water Authority's workers' compensation policy; and

BE IT FURTHER RESOLVED, that the Chairman of the Water Authority be and hereby is authorized to execute a contract, in a form acceptable to Counsel, with Leahy Company for said audit.

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>	Aye
TOTAL	86.9	

Motion unanimously carried.

Resolution **WHEREAS**, a written recommendation was forwarded to the Board of Directors
#031/09/10 of the Water Authority of Western Nassau County (“Water Authority”) by
GAC Robert Swartz, Chief Engineer, recommending that the Water Authority
Treatment engage the services of a contractor to perform the emergency installation of the
Systems purchased and leased Granulated Activated Carbon (GAC) Treatment Systems
previously approved by the Board of Directors in order to place Well 15B and Well 25A in
service; and

WHEREAS, two proposals were received and the aforesaid memorandum
recommends awarding the contract to Bensin Contracting in accordance with its proposal of one
hundred eighty nine thousand (\$189,000.00) dollars; and

WHEREAS, the Board of Directors has determined that an emergency exists by
resolution #107/08/09 that requires the Water Authority to proceed with the purchase without
competitive bidding and the Board of Directors now also finds that the installation is necessary
as an emergency action to place Well 15B and Well 25A in service forthwith;

NOW THEREFORE, upon motion of M. Wohlgemuth, seconded by B. Brown,

BE IT RESOLVED, that the proposal of Bensin Contracting to install the
purchased and the leased GAC Treatment Systems for the Water Authority is hereby accepted;
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 Board of Directors has determined that an
emergency exists by resolution #107/08/09 that requires the Water Authority to proceed with the
purchase without competitive bidding and the Board of Directors now also finds that the
installation is necessary as an emergency action to place Well 15B and Well 25A in service
forthwith; and be it

FURTHER RESOLVED, that the Chairman of the Water Authority be and hereby is authorized to execute a public works contract, in a form acceptable to Counsel, with Bensin Contracting, in the sum of one hundred eighty nine thousand (\$189,000.00) 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	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>	Aye
TOTAL	86.9	

Motion unanimously carried.

Resolution **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau
#032/09/10 County by public notice duly published according to law, invited sealed bid
Caustic proposals for a one year contract with a one year option, to be exercised in the
Soda sole discretion of the Water Authority of Western Nassau County, to supply
Contract caustic soda (25% sodium hydroxide) and caustic soda (8% sodium hydroxide) to
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 15th day of October, 2009 at 10:30 o'clock A.M., the time and place specified in the public notice; and

WHEREAS, upon review of such bid proposals by the Water Authority of Western Nassau County, a written recommendation was sent to the Board of Directors by Robert Swartz, of the Water Authority of Western Nassau County, stating that JCI Jones Chemicals Inc. was the lowest responsible bidder meeting the bid specifications and recommending award of the contract thereto; and

WHEREAS, the Board of Directors of the Water Authority of Western Nassau County has determined that JCI Jones Chemicals Inc. is the lowest responsible bidder meeting the bid specifications; and

WHEREAS, JCI Jones Chemicals Inc. failed to submit a bid for caustic soda 8% Sodium Hydroxide; and

WHEREAS, the Water Authority recommends that the Board of Directors waive the irregularity of the bid for failing to submit a quote for the caustic soda 8% Sodium Hydroxide based upon the fact that it is not anticipated that the Water Authority will need a delivery during the contract term;

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

BE IT RESOLVED, that the bid proposal of JCI Jones Chemicals, Inc. be and the same is hereby accepted; and be it

FURTHER RESOLVED, that the irregularity of the bid of JCI Jones Chemicals, Inc. for failing to submit a bid for the caustic soda 8% Sodium Hydroxide is hereby waived; and be it

FURTHER RESOLVED, that the Chairman of the Water Authority of Western Nassau County be and hereby is authorized to execute a one year contract with a one year option, to be exercised in the sole discretion of the Water Authority of Western Nassau County, with JCI Jones Chemicals Inc. to supply caustic soda (25% sodium hydroxide) to the Water Authority of Western Nassau County, 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	26.75	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>	Aye
TOTAL	86.9	

Motion unanimously carried.

Resolution **WHEREAS**, the Water Authority of Western Nassau County (hereinafter **#033/09/10** “Water Authority” has received a memorandum from Janice Varley, Director **Appointment** of Human Resources, recommending that the Water Authority hire a part-time **Of Part Time** clerk (cashier); and **Cashier**

WHEREAS, the Water Authority recommends the hiring of Steve Franco as a part time clerk (cashier) at a compensation rate of fifteen (\$15.00) dollars/hour;

NOW, THEREFORE, upon motion of A. Kayne, seconded by G. Bakich

BE IT RESOLVED that the Water Authority hereby appoints Steve Franco to the position of part time clerk (cashier) effective Monday, October 26, 2009 at a compensation rate of fifteen (\$15.00) dollars/hour without any benefits except membership in the New York State Retirement System, if applicable, 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 Steve Franco to the position of part time clerk (cashier).

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>	Aye
TOTAL	86.9	

Motion unanimously carried.

Resolution #034/09/10 **Housekeeping Services Contract** **WHEREAS**, two proposals were received by the Water Authority of Western Nassau County (“Water Authority”) for a public works contract to perform housekeeping services at 58 South Tyson Avenue, Floral Park, New York in response to requests from three contractors; and

WHEREAS, upon review of such proposals, 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, stating that of the two bids received, Jani King Commercial Cleaning Service was the contractor to submit the lowest bid and recommending award of the contract thereto; and

WHEREAS, in the absence of a Board of Directors meeting prior to the date in which the existing contract was set to expire and based upon the aforesaid recommendation, the Water Authority entered into a contract with Jani King Commercial Cleaning Service;

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

BE IT RESOLVED, that the proposal of Jani King Commercial Cleaning Service be and the same is hereby accepted; and be it

FURTHER RESOLVED, that the Board of Directors hereby ratifies and confirms the public works contract with Jani King Commercial Cleaning Service for one year, to perform housekeeping services at 58 South Tyson Avenue, Floral Park, New York, for an annual price of Seven Thousand Seventy-One Dollars and Ninety-Six Cents (\$7,071.96).

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>	Aye
TOTAL	86.9	

Motion unanimously carried.

Resolution #035/09/10
Contract to Supply Bleach
WHEREAS, the Board of Directors of the Water Authority of Western Nassau County (hereinafter “Water Authority”) by Resolution authorized the execution of a one year contract with a one year option, to be exercised in the sole discretion of the Water Authority, to supply bleach to the Water Authority, in accordance with its requirements; and

WHEREAS, Article 9 of the aforesaid contract, dated October 3, 2008, provides the Water Authority with the option to elect to extend the terms of the contract for an additional one year term, upon written notice provided not later than ninety days prior to the expiration of the contract; and

WHEREAS, a written recommendation was sent to the Board of Directors by Robert Swartz, Chief Engineer of the Water Authority, recommending extending the terms of the aforesaid contract for an additional one year term; and

WHEREAS, in the absence of a Board of Directors meeting prior to the date in which the notice was required to be transmitted, the Water Authority extended the aforesaid contract;

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

BE IT RESOLVED, that the Board of Directors hereby ratifies and confirms the

extension of the aforesaid contract for an additional 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>	Aye
TOTAL	86.9	

Motion unanimously carried.

Date for next two meetings: November 23 and December 21, 2009

Resolution Motion by A. Kayne, seconded by M. Wohlgemuth for the Board to go into
#036/09/10 Executive Session to discuss matters involving contract negotiations, personnel
Executive and potential litigation. Open for discussion. It was noted that there could be
Session voting at the end of this session. Vote: For: 7 Against: 0 Abstentions: 0
 The vote was unanimous and the Board went into Executive Session at 8:30 PM.

Resolution Motion by A. Kayne, seconded by G. Bakich for the Board to come out of
#037/09/10 Executive Session. Open for discussion. Vote: For: 7 Against: 0
Executive Abstentions: 0 The vote was unanimous and the Board came out of Executive
Session Session at 9:30 PM

Resolution **WHEREAS** the Water Authority of Western Nassau County (hereinafter “Water
#038/09/10 Authority”) is desirous of adopting rules of conduct to govern the activities of
Adopt Rules Water Authority employees, contractors, guests and other persons when on Water
Of Conduct Authority property as defined therein; and

WHEREAS the Board of Directors has reviewed the proposed rules of conduct prepared by Counsel to the Water Authority;

NOW, THEREFORE, upon motion of A. McMullan, seconded by A. Kayne,

BE IT RESOLVED that the Board of Directors hereby adopts the rules of conduct as a policy of the Water Authority in the form annexed hereto.

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>	Aye
TOTAL	86.9	

Motion unanimously carried.

Resolution #039/09/10 Motion by D. Longobardi seconded by A. Kayne scheduling a Special Meeting of the Board on November 4, 2009 regarding health insurance.

Special Meeting Open for discussion. Vote: For: 7 Against: 0 Abstentions: 0 The motion unanimously carried.

Resolution #040/09/10 **WHEREAS**, the Water Authority has been contacted by a labor union purporting to represent employees of the Water Authority; and

Retain Counsel **WHEREAS**, the Water Authority is desirous of having its General Counsel, Minerva and D’Agostino, P.C. represent its interests in connection with this matter and for the purpose of all labor negotiations and Public Employment Relation Board matters related thereto, if any; and

WHEREAS, labor matters are not covered under the General Counsel retainer;

NOW, THEREFORE, upon motion of G. Bakich seconded by M. Wohlgenuth be it resolved that the law firm of Minerva and D’Agostino, P.C. is hereby retained to represent the interests of the Water Authority in all labor matters and the said firm shall be compensated at the hourly rates for partners (\$200.00) and associates (\$150.00) heretofore approved by the Water Authority upon billing therefore.

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>	Aye
TOTAL	86.9	

Motion unanimously carried.

Resolution Motion by D. Longobardi, seconded by A. Kayne to authorize counsel to contact the representatives of the owner of 65 Soma Street, New Hyde Park regarding potential acquisition of the property by the Water Authority and to engage the service of a appraiser if appropriate. Open for discussion. Vote: For: 6
#041/09/10
Acquisition
Of Property Against: 0 Abstentions: 1 (M. Wohlgemuth)The motion carried.

Resolution Motion by G. Bakich, seconded by A. Kayne to adjourn. Open for discussion.
#042/09/10 Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.
Adjournment The meeting was adjourned at 9:40 PM.

Respectfully submitted,

Dominick M. Minerva
Secretary