

**WATER AUTHORITY OF WESTERN NASSAU COUNTY
Minutes of the Meeting of March 29, 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
Chris Gorman Village of Stewart Manor

Absent: Herbert Brown Village of Garden City
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, J. Varley, Director of Human Resources & Administration.

The meeting was called to order at 7:40 PM by J. Ryan who led the salute to the flag.

Resolution #073/09/10 Motion by M. Wohlgemuth seconded by A. Kayne to approve the Minutes of the meeting of January 25, 2010. Open for discussion.

Approval of Minutes Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried and the Minutes were accepted as amended.

Treasurer's Report: Mr. Ryan indicated that he has been notified by Mr. Conroy that he has been appointed Controller for the Town of Hempstead and will no longer be reporting to the board as of the end of April. The Treasurer's Report for 3/29/10 was reviewed by the Board. Mr. Tierney responded to questions from the Board. The report was made a part of the record and appended to the minutes.

Resolution #074/09/10 Motion by M. Wohlgemuth seconded by A. Kayne to approve and pay the outstanding Accounts Payable warrants for the period 1/1/10 thru 1/31/10 in the amount of \$831,239.01. Open for discussion. Mr. Tierney responded to questions from Board members.

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

Resolution Motion by M. Wohlgemuth seconded by D. Longobardi to approve capital
#075/09/10 expenditure items of the warrants from the Citibank Capital Reserve fund
Bond Fund in the amount of \$284,852.97. Open for discussion.
Account Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously passed.

Resolution Motion by M. Wohlgemuth seconded by A. McMullan to approve and pay the
#076/09/10 outstanding Accounts Payable warrants for the period 2/1/10 thru 2/28/10 in the
Approval of amount of \$1,107,802.43. Open for discussion. Mr. Tierney responded to
Warrants questions from Board members.
Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.

Resolution Motion by D. Longobardi seconded by S. Powderly to approve capital
#077/09/10 expenditure items of the warrants from the Citibank Capital Reserve fund
Bond Fund in the amount of \$95,745.76. Open for discussion.
Account Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously passed.

Superintendent’s Report: Mr. Tierney reported on the status of the Water Authority as of March 26, 2010. He responded to questions and comments from the Board.

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

Resolution **WHEREAS**, the Water Authority of Western Nassau County (hereinafter “Water
#78/09/10 Authority”) is required under the Public Authorities Law to review and change the
Revise voting percentages of the members of the Board of Directors every four (4) years
Weighted Vote based upon the number of customers in each Director’s geographical area; and
Percentages

WHEREAS, the Board of Directors has received a memorandum dated March 22, 2010 from Michael J. Tierney, Superintendent of the Water Authority setting forth the current breakdown of voting percentages which are as follows:

Town of Hempstead	26.4
Town of Hempstead	26.4
Village of Floral Park	17.0
Town of North Hempstead	12.4
Village of New Hyde Park	11.2
Village of Stewart Manor	2.4
Village of Bellerose	1.5
Village of South Floral Park	1.4
Village of Garden City	1.3;

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

BE IT RESOLVED, that the Board of Directors of the Water Authority hereby adopts the voting percentages, which shall be effective immediately, for each Director as follows:

Town of Hempstead	26.4
Town of Hempstead	26.4
Village of Floral Park	17.0
Town of North Hempstead	12.4
Village of New Hyde Park	11.2
Village of Stewart Manor	2.4
Village of Bellerose	1.5
Village of South Floral Park	1.4
Village of Garden City	1.3

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Aye
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	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	87.5	

Motion unanimously carried.

Resolution
#079/09/10
Renew
Insurance
Policies

WHEREAS, the Water Authority of Western Nassau County’s (hereinafter “Water Authority”) commercial insurance policies were scheduled to renew on March 1, 2010:

- Commercial Crime
- General Liability
- Equipment Breakdown
- Commercial Automobile
- Commercial Property
- Primary Umbrella Liability
- Excess Umbrella Liability
- Public Officials Liability
- Employee Benefits Liability
- Terrorism

WHEREAS, the Board of Directors of the Water Authority has reviewed the report from JAF Associates Insurance Services with respect to the renewal of the aforesaid commercial insurance policies; and

WHEREAS, it is in the best interest of the Water Authority to contract for a one year period commencing March 1, 2010 with JAF Associates Insurance Services to provide the aforesaid commercial insurance policies;

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

BE IT RESOLVED, that the Board of Directors of the Water Authority hereby ratifies and approves the placement of the insurance policies with JAF Associates Insurance Services in accordance with the submitted proposal in the total amount of two hundred fifty-three thousand two hundred eighty-six (\$253,286.00) dollars.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Aye
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.4	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	87.5	

Motion unanimously carried.

Resolution **#080/09/10** **Laboratory** **Services** **Contract** **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 a one year contract with a one year option, to be exercised in the sole discretion of the Water Authority of Western Nassau County, to perform laboratory services for 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 10th day of February, 2010 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, Chief Engineer of the Water Authority of Western Nassau County, stating that H2M Labs, 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 H2M Labs, Inc. is the lowest responsible bidder meeting the bid specifications;

NOW THEREFORE, upon motion of D. Longobardi, seconded by A. Kayne,

BE IT RESOLVED, that the bid proposal of H2M Labs, Inc. be and the same is hereby accepted; and be it

FURTHER RESOLVED, that the Board of Directors hereby ratifies and approves the one year contract with a one year option, to be exercised in the sole discretion of the Water Authority of Western Nassau County, with H2M Labs, Incl. to perform laboratory services for 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	26.4	Aye
Town of Hempstead	26.4	Aye
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.4	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	87.5	

Motion unanimously carried.

Resolution #081/09/10 **Extend Material Supply Contract** **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau County (hereinafter “Water Authority”) entered into an agreement with T. Mina Supply, Inc. to supply materials to the Water Authority; and

WHEREAS, Article 4 of the aforesaid contract provides the Water Authority with the option to elect to extend the term of the contract for an additional one year term, upon ninety days written notice; and

WHEREAS, a written recommendation was sent to the Board of Directors by Thomas J. Mulzoff, Director of Operations of the Water Authority, recommending extending the term of the aforesaid contract for an additional one year term;

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

BE IT RESOLVED, that the Board of Directors hereby ratifies and approves the extension of the aforesaid contract for an additional one year term.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Aye
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.4	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	87.5	

Motion unanimously carried.

Resolution #082/09/10 WHEREAS, the Water Authority is in the process of issuing bonds; and

Moody’s Agreement WHEREAS, the rating agency, Moody’s, has requested that the Water Authority of Western Nassau County (hereinafter “Water Authority”) sign an agreement with Moody’s regarding the service fee and other obligations of the Water Authority;

NOW THEREFORE, upon motion of A. Kayne, seconded by S. Powderly,

BE IT RESOLVED, that the Chairman of the Water Authority be and hereby is authorized to execute the service agreement with the rating agency, Moody’s.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Aye
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.4	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	87.5	

Motion unanimously carried.

Resolution #083/09/10 **Disposition Of Property** **WHEREAS**, the Water Authority of Western Nassau County (hereinafter “Water Authority”) is desirous of adopting a policy regarding the disposition of property of the Water Authority; and

WHEREAS, the Board of Directors has reviewed the proposed policy entitled “Disposition of Property Policy & Procedure” prepared by Counsel and the Superintendent of the Water Authority;

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

BE IT RESOLVED, that the Board of Directors hereby approves the policy entitled “Disposition of Property Policy & Procedure” as amended.

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Aye
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.4	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	87.5	

Motion unanimously carried.

Resolution #084/09/10 **Water Quality Report** **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 and Administration, stating that price quotes were received for printing and mailing the Water Authority’s Annual Water Quality Report (hereinafter “AWQR”); and

WHEREAS, the aforesaid recommendation states that the lowest price quote for printing and mailing was received from Star Quality, and recommends entry into a contract;

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

BE IT RESOLVED, that the Board of Directors of the Water Authority awards the contract for the printing and mailing to Star Quality in accordance with its price quote of three thousand eight hundred eight dollars and sixty-eight cents (\$3,808.68); 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 Star Quality for the printing and mailing of the Water Authority’s AWQR, in the amount of three thousand eight hundred eight dollars and sixty-eight cents (\$3,808.68).

Open for discussion. Roll call vote.

Town of Hempstead	26.4	Aye
Town of Hempstead	26.4	Aye
Village of Floral Park	17.0	Aye
Village of New Hyde Park	11.2	Absent
Town of North Hempstead	12.3	Aye
Village of Stewart Manor	2.4	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
TOTAL	87.5	

Motion unanimously carried.

A meeting of the Audit Committee was scheduled for 7:00 P.M. on April 26, 2010.

Next meeting: April 26, 2010

Public Comment: Joseph Cortese of Craft Avenue in Franklin Square complained about discolored water in his home and requested that the Water Authority increase the frequency of flushing mains.

A discussion took place regarding fire hydrant flags.

C. Gorman requested an estimate of the increase in fire hydrant rental rates.

Resolution #85/09/10 Executive Session Motion by A. Kayne seconded by M. Wohlgemuth 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: 7 Against: 0 Abstentions: 0 Motion unanimously carried and the Board went into Executive Session at 9:00 PM.

Resolution #86/09/10 Executive Session Motion by M. Wohlgemuth seconded by A. Kayne for the Board to come out of Executive Session. Open for discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion carried unanimously and the Board came out of Executive Session at 9:15 PM.

Approved 4/26/10

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

#087/09/10 Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.

Adjournment The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Dominick M. Minerva
Secretary

NOTES ON EXECUTIVE SESSION
OF MARCH 29, 2010

Mr. Minerva Sr. regarding the previously discussed union matter. The mail-in election was conducted to assess interest in forming a union. The opening of the ballots will take place April 7, and Mr. Minerva Jr. and Sr. will each attend for the Water Authority.

Mr. Minerva noted the Department of Labor would allow separation of classes of employment based on date of hire. Divide employees into two classes.

Mr. Ryan noted that with the bonding process, he has been dealing mainly with Mr. Tierney and gives him the credit for getting us through this process.

Motion to come out of Executive Session by M. Wohlgemuth seconded by A. Kayne. Open for discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried and the Board came out Executive Session at 9:15 PM.