

WATER AUTHORITY OF WESTERN NASSAU COUNTY
Minutes of the Meeting of May 24, 2010

Location: 58 South Tyson Avenue, Floral Park

Attendance: John E. Ryan Chairman
George Bakich Town of Hempstead
Aly Kayne Town of Hempstead (arrived 7:50 PM)
Dominic Longobardi Village of Floral Park
Herbert Brown Village of Garden City
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: Reid Sakowich Village of New Hyde Park

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

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

The meeting was called to order at 7:45 PM by J. Ryan who asked Mr. Bakich to lead the salute to the flag.

Resolution Motion by M. Wohlgemuth seconded by D. Longobardi to open the Rate Hearing.

#100/09/10 Open for discussion. Vote: For: 8 Against: 0 Abstentions: 0

Rate Hearing Motion unanimously carried.

The Chairman and Board of Directors held the annual Rate Hearing of the Water Authority. A transcript of the Rate Hearing was taken.

Resolution Motion by A. Kayne seconded by G. Bakich to close the Rate Hearing.

#101/09/10 Open for discussion. Vote: For: 8 Against: 0 Abstentions: 0 Motion

Rate Hearing unanimously carried.

Public Comment: Several residents presented their complaints regarding discolored water in their areas:

Ms. Gregorio – Park Lane South, Franklin Square

T. Meany – Ferngate Road, Franklin Square

R. Keefe – Ingram Lane, New Hyde Park

Mr. Tierney addressed their comments and will have someone look into their complaints.

Attorney's Report:

Resolution Upon motion of G. Bakich seconded by A. McMullan,

#102/09/10

Salary **BE IT RESOLVED**, that the annual salaries for all employees of the Water Authority, are hereby adjusted to reflect a 2.5% per annum increase, effective June 1, 2010 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 2.5%, effective June 1, 2010; 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	26.4	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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Resolution **WHEREAS**, the Water Authority of Western Nassau County (hereinafter **#103/09/10** “Water Authority”) is a Public Authority organized pursuant to the New York **Adoption of** State Public Authorities Law (hereinafter “PAL”) section 1198-a **Operating & Capital Plan** **et seq.** and

WHEREAS, a budget for the Water Authority, for the fiscal year June 1, 2010 through May 31, 2011 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;

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

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

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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Resolution **WHEREAS**, pursuant to section 1198-f(21) of the Public Authorities Law, the
#104/09/10 Water Authority has the power to fix rates for the water services to be rendered
Fix Water and the water to be furnished to its customers; and
Rates

WHEREAS, pursuant to Article 5, Title 8-Ck Section 1198-f(21) of the Public Authorities Law, a Public Hearing was commenced by the Water Authority on May 24, 2010 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 with the district;

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

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 area located within the Water Authority District, effective June 1, 2010 through May 31, 2011, 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"	\$30.71
3/4"	\$30.71
1"	\$30.71
1 1/2"	\$30.71
2"	\$30.71
3"	\$30.71
4"	\$30.71
6"	\$30.71
8"	\$30.71
10"	\$30.71

Additional Consumption:

For usage in excess of the minimum allowance:

For the next 96,000 gallons	\$2.954 per thousand gallons
In excess of 100 gallons per day	\$2.027 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: \$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 \$751.00 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"	\$10.81
1 1/2"	\$16.61
2"	\$24.90
2 1/2"	\$29.14
3"	\$43.23
4"	\$78.18
6"	\$159.17
8"	\$319.36
10"	\$438.75

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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Resolution #105/09/10 Retention of Engineer 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 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 dated April 29, 2010;

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

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 dated April 29, 2010 for the period June 1, 2010 to May 31, 2011; 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	26.4	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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Resolution #106/09/10 **Retention of General 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, 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;

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

BE IT RESOLVED, that Minerva & D’Agostino, P.C. be appointed as general counsel to the Water Authority, upon the terms and conditions as the retainer letter dated, May 20, 2010, at the annual rate of \$124,404.00 (One hundred twenty-four thousand, four hundred four dollars), which shall be paid in equally monthly installments for the period of June 1, 2010 to May 31, 2011.

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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Resolution #107/09/10 **Transfer Funds to** **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau County (hereinafter “Water Authority”) has established a capital reserve fund which was funded with the proceeds from the MTBE settlements; and

Capital Reserve Fund WHEREAS, the Water Authority has received a memorandum from Michael J. Tierney, Superintendent, recommending the transfer of \$1,689,014.54 from the proceeds of the 2010 bond issuance to the capital reserve fund;

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

BE IT RESOLVED, that the transfer of \$1,689,014.54 dollars from the proceeds of the 2010 bond issuance be transferred to the capital reserve fund is hereby authorized.

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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Mr. Ryan commented on the meeting with Sen. Craig Johnson and the unfair questioning to which R. Swartz was subjected. Mr. Ryan has requested a copy of the points covered in this meeting in writing. Mr. Ryan also noted that the three WAWNC customers who testified are not on record for having contacted the Water Authority. Mr. Kayne noted that Mr. Johnson himself has not previously come to a meeting about any of the issues brought up during this investigative hearing, and now he conducts a hearing within 5 months of an election.

Treasurer's Report: In the absence of a new Treasurer the report was not complete, but Mr. Tierney is working with the new Senior Accountant, and they are working on the impact of the new Series 2010 Bonds in preparing this report.

Resolution #108/09/10 New Tank Security Hatch Motion by D. Longobardi seconded by B. Brown to ratify and confirm the emergency purchase and installation of a new tank security hatch on Tank #24 as completed by Think Tank Consultants, Inc. in the amount of \$12,500.00 (Twelve thousand five hundred 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	12.4	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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Resolution #109/09/10 **Warrants** #7 and 101
 Motion by M. Wohlgemuth seconded by A. McMullan to restore to the Warrant and approve payment to Calgon Carbon Corp., Item #7 (\$17,414.00) and Think Tank Consultants Inc., #101 (\$25,000.00) in the amount of \$42,414.00 (Forty-two thousand four hundred fourteen 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	12.4	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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Resolution #110/09/10 **New Tank Security Hatch**
 Motion by D. Longobardi seconded by B. Brown to ratify and confirm the emergency purchase and installation of a new tank security hatch on Tank #30 as completed by Think Tank Consultants, Inc. located at in the amount of \$12,500.00 (Twelve thousand five hundred 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	12.4	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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Resolution #111/09/10 Warrant #7 Motion by A. Kayne seconded by D. Longobardi that the funds for Calgon Carbon Corp. Warrant Item #7 (\$17,414.00) be paid from the Capital Reserve Fund.

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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Resolution #112/09/10 Approval of Warrants Motion by M. Wohlgemuth seconded by A. McMullan to approve and pay the outstanding Accounts Payable warrants for the period 4/1/10 thru 4/30/10 in the adjusted amount of \$1,448,552.99. Open for discussion. Mr. Tierney responded to questions from Board members.
Vote: For: 8 Against: 0 Abstentions: 0 Motion unanimously carried.

Resolution #113/09/10 Bond Fund Account Motion by M. Wohlgemuth seconded by D. Longobardi to approve capital expenditure items of the warrants from the Citibank Capital Reserve fund in the amount of \$451,886.07. Open for discussion.
Vote: For: 8 Against: 0 Abstentions: 0 Motion unanimously passed.

Superintendent's Report: Mr. Tierney reported on the operating status of the Water Authority as of May 20, 2010. He responded to questions and comments from the Board.

Resolution #114/09/10 Executive Session Motion by M. Wohlgemuth seconded by A. Kayne for the Board to go into Executive Session to discuss a matter of personnel. There will possibly be action taken following this Executive Session. Open for discussion.
Vote: For: 8 Against: 0 Abstentions: 0 Motion unanimously carried and the Board went into Executive Session at 9:00 PM.

Resolution #115/09/10 Executive Session Motion by G. Bakich seconded by A. Kayne for the Board to come out of Executive Session. Open for discussion. Vote: For: 8 Against: 0 Abstentions: 0 Motion unanimously carried and the Board came out of Executive Session at 9:15 PM.

Resolution #116/09/10 Appointment Of Treasurer: **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-d(5) of the PAL, the Board of Directors of the Water Authority has the power to appoint a treasurer; and

WHEREAS, the Board of Directors of the Water Authority wishes to appoint John P. Conroy as Treasurer of the Water Authority;

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

BE IT RESOLVED, that John P. Conroy is hereby appointed Treasurer of the Water Authority effective May 24, 2010; and be it

FURTHER RESOLVED, that the Treasurer shall receive an annual salary of \$25,000.00 (Twenty-Five Thousand Dollars) without benefits except retirement based upon an estimate of ten hours per week of work.

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>	Aye
TOTAL	88.8	

Motion unanimously carried.

Mr. Tierney noted that we have not received proposals from each of the selected audit firms. An Audit Committee meeting should be scheduled prior to the next general meeting which is anticipated to be June 21.

Resolution #117/09/10 Motion by G. Bakich, seconded by A. Kayne to adjourn. Open for discussion. Vote: For: 8 Against: 0 Abstentions: 0 Motion unanimously carried.

Adjournment The meeting was adjourned at 9:20 PM.

The Board made a presentation of a framed copy of the Bond Document to M. Tierney in appreciation for all his work in issuing the Series 2010 Bonds.

Respectfully submitted,

Dominick M. Minerva
Secretary