

**WATER AUTHORITY OF WESTERN NASSAU COUNTY
Minutes of the Meeting of May 28, 2013**

Location: 58 South Tyson Avenue, Floral 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 Park
Susan Powderly Village of Bellerose
Reid Sakowich Village of New Hyde Park
Marianna Wohlgemuth Town of North Hempstead

Absent: Chris Gorman Village of Stewart Manor
Aly Kayne Town of Hempstead

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

Engineer: R. Lucas – H2M Engineering

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

Chairman Ryan called the meeting to order at 7:05 PM. Mr. Ryan asked S. Powderly to lead the salute to the flag.

Resolution Motion by S. Powderly seconded by B. Brown to open the Public Statement
#97/12/13 Hearing for the 2013-2014 Fiscal Year. Open for discussion. Vote: For: 7
Open Against: 0 Abstentions: 0 Motion unanimously carried and the Public Statement
Hearing Hearing was opened at 7:08 PM.

Resolution Motion by D. Longobardi seconded by B. Brown to close the Public Statement
#98/12/13 Hearing for the 2013-2014 Fiscal Year. Open for discussion. Vote: For: 7
Close Against: 0 Abstentions: 0 Motion unanimously carried and the Public Statement
Hearing Hearing was closed at 7:45 PM.

Resolution **Motion** by D. Longobardi, seconded by G. Bakich to approve the minutes of the
#99/12/13 meeting of April 22, 2013. Open for discussion. Vote: For: 7 Against: 0
Approval of Abstentions: 0 Motion unanimously passed.
Minutes

Treasurer's Report: Mr. Conroy reported on the financial position of the Water Authority for the period 4/18/13 to 5/14/13. The report was made a part of the record and appended to the minutes.

Resolution #100/12/13 Approval of Warrants Motion by B. Brown, seconded by R. Sakowich to approve and pay the outstanding Accounts Payable warrants for the period 4/18/13 thru 5/14/13 in the amount of \$2,411,835.96. Open for discussion.
Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.

Resolution #101/12/13 Bond Fund Account Motion by D. Longobardi seconded by G. Bakich to approve capital expenditure items of the warrants from the Chase Capital Reserve fund in the amount of \$1,077,148.88. 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 May 23, 2013. Mr. Tierney responded to questions from Board members.

Attorney's Report:

Resolution #102/12/13 Executive Session MOTION by R. Sakowich seconded by G. Bakich for the Board to go into Executive Session to discuss a matter of personnel. Open for discussion.
Vote: For: 7 Against: 0 Abstentions: 0 Motion passed and the Board went into Executive Session at 8:08 PM.

Resolution #103/12/13 Executive Session MOTION by R. Sakowich seconded by D. Longobardi for the Board to come out of Executive Session. Open for discussion.
Vote: For: 7 Against: 0 Abstentions: 0 Motion passed and the Board came out of Executive Session at 8:40 PM.

Resolution #104/12/13 Salary Increases Upon motion of D. Longobardi, seconded by B. Brown,
BE IT RESOLVED, that the annual salaries for all employees of the Water Authority of Western Nassau County (hereinafter "Water Authority") are hereby adjusted to reflect a 3% per annum increase, effective June 1, 2013, 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 shall be adjusted to increase the ranges by 3%, effective June 1, 2013; and be it

FURTHER RESOLVED, that the Board of Directors of the Water Authority hereby authorizes notification of the Nassau County Department of Civil Service accordingly.

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	Aye
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
TOTAL	71.2	

Motion unanimously carried.

Resolution #105/12/13 **Approval of Capital Plan & Operating Plan** WHEREAS, the Water Authority of Western Nassau County (hereinafter “Water Authority”) is a Public Authority organized pursuant to the New York State Public Authorities Law (hereinafter “PAL”) section 1198-a et seq.; and WHEREAS, a budget for the Water Authority for the fiscal year June 1, 2013 through May 31, 2014, including both an Operating Plan and a Capital Plan, 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 B. Brown, seconded by S. Powderly,

BE IT RESOLVED, that the Water Authority hereby adopts the annexed budget for the fiscal year June 1, 2013 through May 31, 2014, including both the Operating Plan and the Capital Plan.

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	Aye
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
TOTAL	71.2	

Motion unanimously carried.

Resolution #106/12/13 **Fixing of Rates** WHEREAS, pursuant to section 1198-f(21) of the Public Authorities Law, the Water Authority of Western Nassau County (hereinafter “Water Authority”) has the power to fix rates for the water services to be rendered and the water to be furnished to its customers; and

WHEREAS, pursuant to Article 5, Title 8-C, Section 1198-f(21) of the Public Authorities Law, a Public Hearing was commenced by the Water Authority on May 28, 2013 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 within the district;

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

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 areas located within the Water Authority District, effective June 1, 2013 through May 31, 2014, 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"	\$35.78
3/4"	\$35.78
1"	\$35.78
1 1/2"	\$35.78
2"	\$35.78
3"	\$35.78
4"	\$35.78
6"	\$35.78
8"	\$35.78
10"	\$35.78

Additional Consumption:

For usage in excess of the minimum allowance:

For the next 96,000 gallons	\$3.442 per thousand gallons
All over 105,000 gallons	\$2.362 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:

In excess of 100 gallons per day	\$0 per thousand gallons
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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 \$875.00 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"	\$12.60
1 1/2"	\$19.35
2"	\$29.01
2 1/2"	\$33.95
3"	\$50.37
4"	\$91.08
6"	\$186.09
8"	\$372.10
10"	\$511.21

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	Aye
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
TOTAL	71.2	

Motion unanimously carried.

Resolution **#107/12/13** **Retain** **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 Holzmacher, McLendon & Murrell, P.C. (hereinafter "H2M Group") as consulting engineers of the Water Authority, at the hourly rates contained in its proposal dated May 21, 2013;

NOW THEREFORE, upon motion of R. Sakowich, seconded by A. McMullan,

BE IT RESOLVED, that H2M Group 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 May 21, 2013 for the period June 1, 2013 to May 31, 2014; and

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized to execute a contract with H2M Group in a form acceptable to Counsel for the Water Authority.

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	Aye
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
TOTAL	71.2	

Motion unanimously carried.

Resolution **#108/12/13** **Retain** **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;

Upon motion of A. McMullan, seconded by D. Longobardi,

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, 2013 to May 31, 2014.

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	Aye
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
TOTAL	71.2	

Motion unanimously carried.

Resolution #109/12/13 Retain General 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

Counsel 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 Petition for Recognition of a Union; and

WHEREAS, the Board of Directors of the Water Authority is desirous of assigning the response to the Petition for Recognition of a Union 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 G. Bakich, seconded by S. Powderly,

BE IT RESOLVED, that 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 respond to the Petition for Recognition of a Union.

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	Aye
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
TOTAL	71.2	

Motion unanimously carried.

Resolution #110/12/13 **Approve Change Orders** WHEREAS, the Water Authority of Western Nassau County (hereinafter “Water Authority”) entered into contracts with Excel Builders Group, Inc. (hereinafter “Excel”) to perform general construction work and J. Anthony, Inc. (hereinafter “J. Anthony”) to perform site work in connection with construction of phase II (Main Building), of the Water Authority’s project to construct a new headquarters building; and

WHEREAS, the Water Authority has received additional work orders from Excel and J. Anthony as detailed in the memorandum dated May 21, 2013 from Michael J. Tierney, Superintendent to the Board of Directors in the total amount of \$87,826.55 in connection with construction of Phase II (Main Building) of the Water Authority’s project to construct a new headquarters building detailed as follows:

- 1) Excel \$23,872.12
- 2) Excel \$ 500.00
- 3) Excel \$ 5,220.97
- 4) Excel \$ 1,442.71
- 5) J. Anthony \$37,736.00
- 6) J. Anthony \$ 2,456.00
- 7) J. Anthony \$ 9,000.00 (not to exceed)
- 8) Excel \$ 3,118.50
- 9) Excel \$ 4,480.25

and

WHEREAS, the Superintendent of the Water Authority and the Water Authority’s Architect, Angelo Francis Corva, have recommended that the Board of Directors approve said change orders;

NOW THEREFORE, upon motion of D. Longobardi, seconded by B/ Brown,

BE IT RESOLVED, that the additional work orders from Excel and J. Anthony as detailed above and in the memorandum dated May 21, 2013 from Michael J. Tierney, Superintendent to the Board of Directors in the total amount of \$87,826.55 are hereby approved.

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	Aye
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
TOTAL	71.2	

Motion unanimously carried.

Resolution #111/12/13 **Purchase New Vehicles** WHEREAS, the Water Authority of Western Nassau County (hereinafter “Water Authority”) is desirous of purchasing two (2) 2013 Ford F-250 vehicles in accordance with the Water Authority’s 2012-13 capital plan; and

WHEREAS, the Board of Directors of the Water Authority has received a memorandum from Steven D. Kuse, indicating that the desired vehicles are available pursuant to the New York State Office of General Services contract award 22539/PC65855, lot 1, item 11; and

WHEREAS, the aforesaid memorandum recommends purchasing the two (2) 2013 Ford F-250 vehicles in accordance with the state contract for the amount of \$79,112.22 for both vehicles.

NOW THEREFORE, upon motion of G. Bakich, seconded by R. Sakowich,

BE IT RESOLVED, that the Board of Directors authorizes the purchase of two (2) 2013 Ford F-250 vehicles in accordance with New York State Office of General Services contract award 22539/PC65855, lot 1, item 11 for the amount of \$79,112.22 for both vehicles; and be it

FURTHER RESOLVED, that the Chairman of the Water Authority be and hereby is authorized to execute a contract for the purchase of said vehicles, in a form acceptable to counsel to the Water Authority.

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	Aye
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
TOTAL	71.2	

Motion unanimously carried.

Date of Next Meeting Originally scheduled for June 24, tentatively re-scheduled to 7/1/13.

Public Comment: None

Resolution Motion by A. McMullan, seconded by G. Bakich to adjourn. Open for
#112/12/13 discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried
Adjournment and the meeting was adjourned at 9:05 PM.

Respectfully submitted



Dominick Minerva
Secretary