

**WATER AUTHORITY OF WESTERN NASSAU COUNTY**  
**Minutes of the Meeting of July 29, 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  
Marianna Wohlgemuth Town of North Hempstead

**Absent:** Reid Sakowich Village of New Hyde Park  
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

**Architect:** Angelo Corva

**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 A. McMullen to lead the salute to the flag.

**Resolution** **Motion** by M. Wohlgemuth, seconded by G. Bakich to approve the minutes of the  
**#014/13/14** meeting of July 1, 2013. Open for discussion. Vote: For: 6 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 6/19/13 to 7/16/13. The report was made a part of the record and appended to the minutes.

**Resolution** **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau  
**#015/13/14** County (hereinafter "Water Authority") entered into contracts with Excel  
**Change Order** Builders Group, Inc. (hereinafter "Excel") to perform General Construction  
**Requests** Work, JNS Heating (hereinafter "JNS") to perform HVAC work and Palace  
Electric (hereinafter "Palace") to perform Electrical 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, JNS and Palace as detailed in the memorandum dated July 25, 2013 from Michael J. Tierney, Superintendent to the Board of Directors in the total amount of \$23,552.78 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	\$8,662.50
2) JNS	\$3,927.77
3) Palace	\$5,460.75
4) Palace	\$5,501.76

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 order;

**NOW THEREFORE**, upon motion of H. Brown, seconded by D. Longobardi,

**BE IT RESOLVED**, that the additional work orders from Excel, JNS and Palace as detailed above and in the memorandum dated July 25, 2013 from Michael J. Tierney, Superintendent to the Board of Directors in the total amount of \$23,552.78 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	Absent
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	1.3	Aye
<b>TOTAL</b>	<b>60.0</b>	

Motion unanimously carried.

**Resolution #016/13/14** Motion by A. McMullan, seconded by D. Longobardi to approve and pay the outstanding Accounts Payable warrants for the period 6/19/13 thru 7/16/13 in the amount of \$1,644,527.87. Open for discussion.  
**Approval of Warrants** Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously carried.

**Resolution #017/13/14** 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 \$610,697.73. Open for discussion.  
**Bond Fund Account** 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 July 29, 2013. Mr. Tierney responded to questions from Board members.

**Attorney's Report:**

**Resolution #018/13/14**      **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 liquid zinc orthophosphate and bimetallic zinc polyphosphate to the Water Authority, in accordance with its requirements; and

**Extend Zinc Contract**

**WHEREAS**, Article 9 of the aforesaid contract 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 of the Water Authority, recommending extending the terms of the aforesaid contract for an additional one year term;

**NOW THEREFORE**, upon motion of H. Brown, seconded by A. McMullen,

**BE IT RESOLVED**, that the Chairman of the Water Authority be and hereby is authorized to transmit written notification to Carus Corporation of the Water Authority's exercise of its option to extend the terms of the aforesaid contract for an additional one year term.

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	Absent
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
<b>TOTAL</b>	<b>60.0</b>	

Motion unanimously carried.

**Resolution #019/13/14**      **WHEREAS**, the Water Authority of Western Nassau County (hereinafter "Water Authority") intends to rehabilitate the elevated water tank known as

**Tank 19**      "Tank No. 19" and requested proposals from contractors to perform an inspection and provide a report of the existing condition of the tank and the

**Inspection**      recommendations for rehabilitation; and

**WHEREAS**, a written recommendation was forwarded to the Board of Directors by Robert Swartz indicating that the lowest proposal meeting all of the specifications of the request for proposals was received from H2M Water to perform the inspection and issue the report;

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

**BE IT RESOLVED**, that the proposal of H2M Water in the amount of \$7,500.00 be and the same is hereby accepted; 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 H2M Water for the inspection of Tank No. 19.

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	Absent
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
<b>TOTAL</b>	<b>60.0</b>	

Motion unanimously carried.

**Resolution**      **WHEREAS**, the Water Authority of Western Nassau County (hereinafter  
**#020/13/14**      “Water Authority”) is desirous of purchasing one (1) Ricoh full size  
**Copier**              multifunction copier and one (1) Brother desktop multifunction copier in  
**Purchase**            accordance with the Water Authority’s 2013-14 capital plan; and

**WHEREAS**, the Board of Directors of the Water Authority has received a memorandum from John Tierney of the Water Authority indicating that the desired Ricoh full size multifunction copier is available pursuant to the New York State Office of General Services contract award number PC59466, item number 01649-E for the price of \$9,689.00 and that the Brother desktop multifunction copier is available from a local vendor for \$423.84; and

**WHEREAS**, the aforesaid memorandum recommends purchasing the one (1) Ricoh full size multifunction copier in accordance with the state contract from Northeastern Equipment for the price of \$9,689.00 for the aforementioned equipment and purchasing the Brother desktop multifunction copier from CDWG for the price of \$423.84;

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

**BE IT RESOLVED**, that the Board of Directors authorizes the purchase of one (1) Ricoh full size multifunction copier in accordance with the state contract from Northeastern Equipment for the price of \$9,689.00 for the aforementioned equipment and purchasing the Brother desktop multifunction copier from CDWG for the price of \$423.84; and be it

**FURTHER RESOLVED**, that the Chairman of the Water Authority of Western Nassau County be and hereby are authorized to execute a contract for the purchase of said equipment

from Northeastern Equipment and CDWG, 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	Absent
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
<b>TOTAL</b>	<b>60.0</b>	

Motion unanimously carried.

**Resolution #021/13/14** **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau County (hereinafter “the Water Authority”) has received a memorandum from **Fund Transfer** Allan Kolakowski requesting that the Board of Directors authorize the transfer of funds in the amount of \$567,379.22 from the Bank of New York Construction Fund 2010B to the Chase Operating Fund to reimburse the operating fund for capital expenditures for the period of June 1, 2012 through November 30, 2012; and

**WHEREAS**, Bond Counsel to the Water Authority has previously advised the Water Authority that capital expenditures from the operating fund are appropriate expenditures to be reimbursed from the Construction Fund;

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

**BE IT RESOLVED**, that the transfer of \$567,379.22 from the proceeds of the Bank of New York Construction Fund 2010B to the Chase Operating Fund to reimburse the operating fund for capital expenditures for the period of June 1, 2012 through November 30, 2012 is hereby authorized and 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	Absent
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
<b>TOTAL</b>	<b>60.0</b>	

Motion unanimously carried.

**Resolution #022/13/14** **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 surveyors and private consultants on a contract basis or otherwise for rendering professional or technical services and advice; and

**WHEREAS**, the Water Authority had previously engaged the firm of Carman-Dunne, P.C. to perform surveying services in connection with the new headquarters building and garage; and

**WHEREAS**, the Water Authority requires a final survey of the headquarters building and site in order to obtain a Certificate of Occupancy for same and has received a proposal from Carman-Dunne, P.C. to prepare the final survey in the amount of \$10,700.00;

**NOW THEREFORE**, upon motion of Susan Powderly, seconded by A. McMullen,

**BE IT RESOLVED**, that the proposal of Carman-Dunne, P.C. to prepare a final survey for the headquarters building and site is hereby approved in the amount of \$10,700.00; and

**BE IT FURTHER RESOLVED**, that the Chairman is hereby authorized to execute a contract with Carman-Dunne, P.C. 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	Absent
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
<b>TOTAL</b>	<b>60.0</b>	

Motion unanimously carried.

**Public Comment:** Michael Dolan, New Hyde Park Fire Department Commissioner asked if the Water Authority received his letter regarding the issues he wanted the Water Authority to review. The Board indicated that his letter was received today and the Water Authority would review and respond to same shortly.

**Resolution #023/13/14 Executive Session** **MOTION** by H. Brown, seconded by A. McMullen for the Board to go into Executive Session to discuss matters of personnel and contract issues.  
Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0  
Motion passed and the Board went into Executive Session at 7:45 PM.

**Resolution**      **MOTION** by G. Bakich seconded by D. Longobardi for the Board to come  
**#024/13/14**      out of Executive Session. Open for discussion.  
**Executive**      Vote: For: 6 Against: 0 Abstentions: 0 Motion passed and the Board came  
**Session**      out of Executive Session at 8:15 PM.

**Resolution**      **WHEREAS**, the Water Authority of Western Nassau County (hereinafter  
**#025/13/14**      “Water Authority”) is a Public Authority organized pursuant to New York State  
**Architect/**      Public Authorities Law (hereinafter “PA”) section 1198-a et seq.; and  
**Construction**  
**Manager**  
**Payment**

**WHEREAS**, pursuant to section 1198-f(12) of the PAL, the Water Authority has the power to retain or employ architects and private consultants on a contract basis or otherwise for rendering professional or technical services and advice; and

**WHEREAS**, the Water Authority has engaged the services of Angelo Francis Corva & Associates (hereinafter “Corva”) as architect to complete the phase II portion of the design of the proposed new headquarters building and garage including construction management services; and

**WHEREAS**, Corva has submitted a request for additional compensation for services provided outside of the scope of services contracted for in the architectural and construction management contracts with the Water Authority; and

**WHEREAS**, the Board of Directors of the Water Authority, after review of the request for additional compensation for services provided outside the scope of services contracted for in the architectural and construction management contracts with the Water Authority, has determined that Corva is entitled to additional compensation in the amount of \$76,500.00;

**NOW THEREFORE**, upon motion of D. Longobardi, seconded by H. Brown,

**BE IT RESOLVED**, that the Board of Directors of the Water Authority hereby approves payment to Corva in the amount of \$76,500.00 for compensation for additional services provided outside the scope of services contracted for in the architectural and construction management contracts with the Water Authority; and be it

**FURTHER RESOLVED**, that said amount is hereby approved as an additional warrant item and an additional capital expenditure.

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	Absent
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
<b>TOTAL</b>	<b>60.0</b>	

Motion unanimously carried.

**Date of Next Meeting** August 26, 2013

**Resolution** #026/13/14 Motion by G. Bakich, seconded by S. Powderly to adjourn. Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously carried  
**Adjournment** and the meeting was adjourned at 8:20 PM.

Respectfully submitted



Dominick Minerva  
Secretary