

WATER AUTHORITY OF WESTERN NASSAU COUNTY
Minutes of the Meeting of February 23, 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. and Dominick Minerva, Jr., Minerva & D'Agostino,

Water Authority: M. Tierney, Superintendent, K. Conroy, Treasurer, T. Mulzoff, Director of Operations, R. Swartz, Chief Engineer, J. Varley, Director of Administration and Human Resources

The meeting was called to order at 7:35 PM by J. Ryan who led the salute to the flag.

Resolution Motion by M. Wohlgemuth seconded by D. Longobardi to approve the Minutes of
#077/08/09 the meeting of November 24, 2008. Open for discussion.

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

Resolution Motion by M. Wohlgemuth seconded by A. McMullan to approve the Minutes of
#078/08/09 the meeting of December 29, 2008. Open for discussion.

Approval of Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously passed and the
Minutes Minutes were approved as presented.

Treasurer's Report: Mr. Conroy reported on the financial position of the Water Authority as of February 11, 2009. This report was made a part of the record and appended to the minutes.

Resolution Motion by M. Wohlgemuth seconded by B. Brown to approve and pay the
#079/08/09 outstanding Accounts Payable warrants for the period 12/1/08 thru 12/31/08 in the
Approval of adjusted amount of \$1,261,264.72. Open for discussion.

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

Resolution Motion by M. Wohlgemuth seconded by A. Kayne to allocate \$389,538.77
#080/08/09 as a Capital Expenditure to draw down from the Construction Fund. Open for
Bond Fund discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously
Account passed.

Resolution Motion by D. Longobardi seconded by M. Wohlgemuth to approve and pay the
#081/08/09 outstanding Accounts Payable warrants for the period 1/1/09 thru 1/31/09 in the
Approval of amount of \$1,032,596.49. Open for discussion.
Warrants Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.

Resolution Motion by G. Bakich seconded by M. Wohlgemuth to allocate \$275,377.45
#082/08/09 as a Capital Expenditure to draw down from the Construction Fund. Open for
Bond Fund discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously
Account passed.

Superintendent's Report: Mr. Tierney reported on the status of the Water Authority as of 2/19/09. Mr. Tierney addressed questions from the Board on portions of his report.

Ms. Wohlgemuth noted that Great Neck Water District utilizes the services of a public relations professional and shared copies of recent press releases with the Board. A discussion took place regarding the benefits to the Water Authority of engaging the services of a public relations company. The matter will be further explored.

Janice Varley noted that the final dental insurance renewal rates were 4% higher than the rates quoted at the time the Board approved the placement of coverage.

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
#083/08/09 Authority") is a Public Authority organized pursuant to New York State Public
Establishing Authorities Law (hereinafter "PAL") section 1198-a et seq.; and
Committees

WHEREAS, pursuant to section 1198-d(4) of the PAL, the Water Authority has the power to establish committees of the Board of Directors and pursuant to section 2824 of the PAL the Water Authority is required to establish a governance and an audit committee;

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

BE IT RESOLVED, that the Board of Directors hereby establishes the committees as indicated on the attachment hereto until modified by resolution of the Board of Directors of the Water Authority.

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	1.3	Aye
TOTAL	86.90	

Motion unanimously carried.

Resolution **WHEREAS**, the Water Authority of Western Nassau County's (hereinafter
#084/08/09 "Water Authority") Commercial insurance policies are scheduled to renew on
Renewal of March 1, 2009:
Commercial
Insurance

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, 2009 with JAF Associates Insurance Services to provide the aforesaid commercial insurance policies;

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

BE IT RESOLVED, that the Board of Directors of the Water Authority hereby approves placement of the insurance policies with JAF Associates Insurance Services in accordance with the submitted proposal in the total amount of two hundred fifty-one thousand nine hundred seventy-nine (\$251,979.00) 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	1.3	Aye
TOTAL	86.90	

Motion unanimously carried.

Resolution **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau
#085/08/09 County by public notice duly published according to law, invited sealed bid
Laboratory proposals for a one year contract with a one year option, to be exercised in the
Services sole discretion of the Water Authority of Western Nassau County, to perform
Contract 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, 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, Chief Engineer of the Water Authority of Western Nassau County, stating that EcoTest Laboratories, 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 EcoTest Laboratories, Inc. is the lowest responsible bidder meeting the bid specifications;

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

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

FURTHER RESOLVED, that the Chairman of the Water Authority of Western Nassau County be and hereby are 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 EcoTest Laboratories, Inc. 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	26.75	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	1.3	Aye
TOTAL	86.90	

Motion unanimously carried.

Resolution **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau
#086/08/09 County by public notice duly published according to law, invited sealed bid
Contract to proposals for a one year contract with two successive one year options, to be
Supply exercised in the sole exclusive discretion of the Water Authority of Western
Footwear 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 17th day of February, 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 forwarded to the Board of Directors by Christine DeFina, of the Water Authority of Western Nassau County, stating that Saf-Gard Safety Shoe Company was the only bidder and is a 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 Saf-Gard Safety Shoe Company is a responsible bidder meeting the bid specifications;

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

BE IT RESOLVED, that the bid proposal of Saf-Gard Safety Shoe Company be and the same is hereby accepted; 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 two successive

one year options, to be exercised in the sole exclusive discretion of the Water Authority of Western Nassau County, with Saf-Gard Safety Shoe Company to supply footwear 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	1.3	Aye
TOTAL	86.90	

Motion unanimously carried.

Resolution **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau
#087/08/09 County by public notice duly published according to law, invited sealed bid
Tool Supply proposals for a two year contract to supply tools to the Water Authority of
Contract 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 17th day of February 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 Thomas J. Mulzoff, Director of Operations of the Water Authority of Western Nassau County, stating that Otto Herrmann 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 Otto Herrmann Inc. is the lowest responsible bidder meeting the bid specifications,

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

BE IT RESOLVED, that the bid proposal of Otto Herrmann Inc. be and the same is hereby accepted, and be it

FURTHER RESOLVED, that the Chairman the Water Authority of Western Nassau County be and hereby is authorized to execute a two year contract with Otto Herrmann Inc. to supply tools 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	1.3	Aye
TOTAL	86.90	

Motion unanimously carried.

Resolution #088/08/09 **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau County (hereinafter "Water Authority") entered into a contract with Eldor Contracting (hereinafter "Eldor") to perform electrical work in connection with **Change Order Phase I** construction of Phase I (garage) and entered into a contract with Merrick Utility (hereinafter "Merrick") to perform general construction work in connection with construction of Phase I (Garage) of the Water Authority's project to construct a new headquarters building;

WHEREAS, the Water Authority has received additional work orders from Eldor and Merrick for additional materials and labor required in connection with said contract due to the requirements of LIPA to relocate a transformer and to construct a security fence; and

WHEREAS, the construction manager hired by the Water Authority has approved said additional work orders for additional materials and labor as necessary to the completion of the project;

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

BE IT RESOLVED, that the additional work orders for additional materials and labor submitted by Eldor and Merrick is hereby approved as follows:

- 1) Change order of Merrick to relocate the transformer pad in an amount not to exceed twenty six thousand (\$26,000.00) dollars;

- 2) Change order of Merrick to install a security chain link fence along a portion of the project site in an amount not to exceed five thousand (\$5,000.00) dollars;
- 3) Change order of Eldor to relocate electric lines in connection with the relocation of the transformer pad in an amount not to exceed thirteen thousand (\$13,000.00) dollars;

and be it

FURTHER RESOLVED, that payment therefore is authorized as an additional warrant item to be paid from the 2005 Revenue Bond Construction Fund.

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	1.3	Aye
TOTAL	86.90	

Motion unanimously carried.

Resolution **#089/08/09** **Renew One-Call Contract** **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau County (hereinafter "Water Authority") has been requested to enter into a contract with New York City and Long Island One Call/Dig Safely, Inc., a not-for-profit New York Corporation; and

WHEREAS, the Water Authority previously entered into a contract with One Call Concepts, Inc., the operator of the one call center for New York City and Long Island One Call/Dig Safely, Inc. for the purposes of identifying underground utilities before excavation; and

WHEREAS, the agreement with New York City and Long Island One Call/Dig Safely, Inc. provides for the ability of New York City and Long Island One Call/Dig Safely, Inc. to contract directly with the operator of the one call center on the Water Authority's behalf; and

WHEREAS, the Water Authority is an exempt agency from the fees charged by the operator of the one call center;

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

BE IT RESOLVED, that the Chairman of the Water Authority of Western Nassau County be and hereby is authorized to sign and enter into an Agreement with New York City and Long Island One Call/Dig Safely, Inc., in a form acceptable to counsel, permitting New York City and Long Island One Call/Dig Safely, Inc. to contract directly with the operator of the one call center.

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	1.3	Aye
TOTAL	86.90	

Motion unanimously carried.

Resolution **WHEREAS**, the Board of Directors of the Water Authority of Western Nassau
#090/08/09 County (hereinafter "Water Authority") has been requested to enter into a Federal
NCDPW Aid Local Projects Utility Work Agreement by the Nassau County Department of
Utility Public Works; and
Agreement

WHEREAS, certain Water Authority facilities located on Central Avenue, Dutch Broadway, Elmont Road and Linden Boulevard will require modification in connection with the Nassau County Department of Public Works project to resurface various county roads, including adjustment of appurtenances and manholes; and

WHEREAS, the cost of these modifications is the responsibility of the State of New York.

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

BE IT RESOLVED, that the Chairman of the Water Authority of Western Nassau County be and hereby is authorized to sign and enter into the Federal Aid Local Projects Utility Work Agreement with the Nassau County Department of Public Works.

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	1.3	Aye
TOTAL	86.90	

Motion unanimously carried.

(Mr. Kayne left the meeting at 8:20 PM)

Mr. Minerva Sr. noted that since January 1 two checks have been received with respect to MTBE settlements in the following amounts: \$31,539.90 and \$4,764.58. Mr. Tierney indicated that the checks had been deposited in the new capital reserve fund account.

The next meeting will be March 23, 2009.

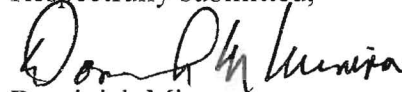
Resolution Motion by D. Longobardi, seconded by S. Powderly for the Board to go into
#091/08/09 Executive Session to discuss matters of personnel.
Executive Open for discussion. Vote: For: 6 Against: 0 Abstentions: 0
Session Motion unanimously carried and the Board went into Executive Session at 8:30PM.

Resolution Motion by D. Longobardi, seconded by A. McMullan for the Board to come out
#092/08/09 of Executive Session. Open for discussion. Vote: For: 6 Against: 0
Executive Abstentions: 0 Motion unanimously carried and the Board came out of
Session Executive Session at 9:15 PM.

Mr. Tierney also asked Board members to forward their biographies to him for inclusion in the upcoming preliminary official Bond statement of the Water Authority.

Resolution Motion by G. Bakich, seconded by S. Powderly to adjourn. Open for
#093/08/09 discussion. Vote: For: 6 Against: 0 Abstentions: 0 Motion unanimously carried
Adjournment and the meeting was adjourned at 9:15

Respectfully submitted,


 Dominick Minerva
 Secretary

**WATER AUTHORITY BOARD OF DIRECTORS
COMMITTEE APPOINTMENTS
Approved February 23, 2009**

Governance

Aly Kayne
Dominick Longobardi
Marianna Wohlgemuth

Audit & Finance

Bart Brown
Dominick Longobardi
Marianna Wohlgemuth

Human Resources/Personnel

Christopher Gorman
Arlene McMullan
Susan Powderly

Strategic Planning

George Bakich
Dominick Longobardi
Reid Sakowich

Capital Planning & Construction

George Bakich
Bart Brown
Reid Sakowich

Insurance

George Bakich
Bart Brown
Christopher Gorman

Customer Outreach

Arlene McMullan
Susan Powderly
Marianna Wohlgemuth

Legislative & Regulatory

Christopher Gorman
Aly Kayne
Arlene McMullan