

**WATER AUTHORITY OF WESTERN NASSAU COUNTY**  
**Minutes of the Meeting of August 24, 2009**

**Location:** 58 South Tyson Avenue, Floral Park

**Attendance:** John E. Ryan Chairman  
George Bakich Town of Hempstead  
Chris Gorman Village of Stewart Manor  
Aly Kayne Town of Hempstead  
Dominic Longobardi Village of Floral Park  
Arlene McMullan Village of South Floral Park  
Marianna Wohlgemuth Town of North Hempstead  
Susan Powderly Village of Bellerose

**Absent:** Herbert Brown Village of Garden City  
Reid Sakowich Village of New Hyde Park

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

**Water Authority:** M. Tierney, Superintendent, D. Risetto, Customer Service

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

**Resolution** Motion by D. Longobardi seconded by M. Wohlgemuth to approve the  
**#014/09/10** Minutes of the meeting of August 5, 2009 as amended. Open for discussion.  
**Approval of** Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.  
**Minutes**

**Treasurer's Report:** The Chairman indicated that the Treasurer's report was not available at the time of the meeting and would be circulated to the Board of Directors following the meeting.

**Resolution** Motion by M. Wohlgemuth seconded by A. McMullen to approve and pay the  
**#015/09/10** outstanding Accounts Payable warrants for the period July 1, 2009 thru July 31,  
**Approval of** 2009 in the amount of \$1,519,732.81. Open for discussion. Mr. Tierney responded  
**Warrants** to questions from Board members.  
Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.

**Resolution** Motion by M. Wohlgemuth seconded by S. Powderly to approval capital  
**#016/09/10** expenditure items in the amount of \$545,108.17 from the Revenue Bond  
**Bond Fund** Construction Fund. Open for discussion.  
**Account** Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously passed.

**Resolution** Motion by D. Longobardi seconded by A. McMullen to approval capital  
**#017/09/10** expenditure of GAC items from the Citibank Capital Reserve fund in the  
**Capital Fund** amount of \$6,941.90. 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 8/21/09. Mr. Tierney addressed questions from the Board on portions of his report.

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

**Resolution** WHEREAS, section 1198-f(7) of the Public Authorities Law authorizes  
**#018/09/10** the Water Authority of Western Nassau County (hereinafter "Water Authority") to  
**Amend** sell water for domestic, commercial and public purposes at retail to individual  
**Official** consumers within the district; and  
**Rules**

WHEREAS, section 1198-f(20) empowers the Water Authority to make rules for the sale of water and the management and regulation of the affairs of the Water Authority including rules for the collection of rents and water service charges therefore, and to make rules regarding the conservation and protection of the water supply; and

WHEREAS, the Water Authority deems it to be necessary to amend the existing rules and add the following rules to the Official Rules and Regulations of the Water Authority regarding the discontinuance of water service;

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

BE IT RESOLVED, that the Water Authority hereby amends the existing rules and adds the following rules to the Official Rules and Regulations of the Water Authority of Western Nassau County:

## Section 7

### Discontinuance of Water Service

**Rule 7.1:** (Adopted 5/27/03) (Revised 8/24/09) Water service may be discontinued by the Water Authority if a customer fails to pay service bills and/or a security deposit when due, subject to the notice requirements of Rule 7.11

**Rule 7.2:** (Adopted 5/27/03) (Revised 8/24/09) Water service may be discontinued by the Water Authority if a customer fails to make timely payments due under a deferred payment agreement, subject to the notice requirements of Rule 7.11

**Rule 7.11 (Adopted 8/24/09)** Notice for discontinuance of water service, where notice is required, shall be made as follows:

- A. Notice shall be in writing by the Water Authority;
- B. Notice shall be served on the owner of the premises thereby affected, or in lieu thereof, to the person, firm or corporation to whom or which the last preceding bill has been rendered and from whom or which the Water Authority has received payment;
- C. Notice shall be delivered either a minimum of 15 days prior to discontinuance of Water Supply if notice is hand delivered; or a minimum of 18 days prior to discontinuance of Water Supply if notice is mailed in postpaid wrapper.
- D. Notice shall contain the following:
  - I. Reason for service discontinuance;
  - II. Total amount to be paid by the Customer to avoid discontinuance of service, indicating the amount of arrears or the required deposit or the corrective action required to eliminate the violation of the Official Rules;
  - III. The Water Authority address and telephone numbers;
  - IV. The earliest date on which discontinuance of Water Supply will take place; and
  - V. The following language shall be included in the notice: "THIS IS A FINAL DISCONNECT NOTICE. TO AVOID INCONVENIENCE, BRING THIS NOTICE TO THE ATTENTION OF THE WATER AUTHORITY WHEN PAYING THIS BILL."

**Rule 7.12: (Adopted 8/24/09)** Prior to discontinuance of water services for reasons stated above, the Water Authority shall verify that payment has not been received at the office of the Water authority, or any authorized collection agent of the Water Authority.

Discontinuance of water service for non-payment or other violations of the Official Rules and Regulations shall only take place Monday through Thursday between the hours of 8 a.m. and 6 p.m., and Friday before noon, the Water Authority shall not discontinue water service on a day that the main office of the Water Authority is closed for business.

**Rule 7.13: (Adopted 8/24/09)** Discontinuance and reconnection in cases involving medical emergencies, the elderly, blind or disabled shall be done in accordance with the Rules and Regulations contained in Title 16 section 14.5 of the New York Code of Rules and Regulations.

**Rule 7.14: (Adopted 8/24/09)** Discontinuance of Water Service by the Water Authority in cases of Multifamily Dwellings shall be done in accordance with the Public Service Law Section 116.

**Rule 7.15: (Adopted 8/24/09)** The Water Authority shall not discontinue Water Service to any person or entity where payment of the service is made directly by the office of temporary and disability assistance or the social services official in the customers' locality.

**BE IT FURTHER RESOLVED**, that these new rules shall become effective upon filing in the offices of the municipalities within the Water Authority District and publication thereof in a newspaper having general circulation within the Water Authority District.

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	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	1.3	Absent
<b>TOTAL</b>	<b>87.9</b>	

Motion unanimously carried.

**Resolution #019/09/10** **Appointment of Senior Accountant** **WHEREAS**, the Water Authority of Western Nassau County (hereinafter "Water Authority") has received a memorandum from Janice Varley, Director of Human Resources, indicating that a certified list was received from the Nassau County Department of Civil Service (hereinafter "County List") for the senior accountant position; and

**WHEREAS**, the aforesaid memorandum recommends the hiring of Joseph Foarile from the County List;

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

**BE IT RESOLVED**, that the Water Authority hereby appoints Joseph Foarile to the position of senior accountant from the County List, at an annual salary of \$68,850.00, plus benefits provided to all employees, subject to approval by the Nassau County Department of Civil Service; and be it

**FURTHER RESOLVED**, that the Board of Directors authorizes the Chairman of the Water Authority to execute any and all documents required by the Nassau County Department of Civil Service to complete the appointment of Joseph Foarile to the position of senior accountant.

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	Aye
Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
<b>TOTAL</b>	<b>87.9</b>	

Motion unanimously carried.

**Resolution**     **WHEREAS**, the Water Authority of Western Nassau County (hereinafter  
**#020/09/10**        “Water Authority”) is a Public authority organized pursuant to New York State  
**Retain**           Public Authorities Law (hereinafter “PAL”) section 1198-a et seq.; and  
**Actuary**

**WHEREAS**, pursuant to section 1198-f(12) of the PAL, the Water Authority has the power to retain or employ actuaries 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 Hooker & Holcombe, Inc., as consulting actuaries to the Water Authority to provide compliance with GASB (Governmental Accounting Standards Board) requirements, in accordance with the fees and hourly rates contained in its proposal;

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

**BE IT RESOLVED**, that Hooker & Holcombe, Inc. is hereby retained as consulting actuaries to the Water Authority to provide compliance with GASB (Governmental Accounting Standards Board) requirements, in accordance with the fees and hourly rates contained in its proposal, not to exceed eleven thousand (\$11,000.00) dollars; and

**BE IT FURTHER RESOLVED**, that the Chairman is hereby authorized to execute a contract with Hooker & Holcombe, Inc., in a form acceptable to Counsel for the 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	Aye

Village of Bellerose	1.5	Aye
Village of South Floral Park	1.4	Aye
Village of Garden City	<u>1.3</u>	Absent
<b>TOTAL</b>	<b>87.9</b>	

Motion unanimously carried.

**Resolution** Motion by A. Kayne, seconded by A. McMullan for the Board to go into  
**#21/09/10** Executive Session to discuss a matter of contract negotiation.  
**Executive** Open for discussion. Vote: For: 7 Against: 0 Abstentions: 0  
**Session** Motion unanimously carried and the Board went into Executive  
Session at 8:25 PM.

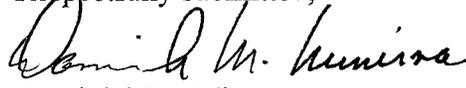
**Resolution** Motion by A. Kayne, seconded by D. Longobardi for the Board to come  
**#22/09/10** out of Executive Session. Open for discussion. Vote: For: 7 Against: 0  
**Executive** Abstentions: 0 Motion unanimously carried and the Board came out of  
**Session** Executive Session at 8:35 PM.

**Public Comment:** None

Date for next meeting: September 21, 2009

**Resolution** Motion by G. Bakich, seconded by A Kayne to adjourn. Open for  
**#023/09/10** discussion. Vote: For: 7 Against: 0 Abstentions: 0 Motion unanimously carried.  
**Adjournment** The meeting was adjourned at 8:45 PM.

Respectfully submitted,

  
Dominick M. Minerva  
Secretary