

MAY 2, 2019

MEETING #3371

TIME Commissioner Mannone convened the meeting at 6:35 p.m.

ROLL CALL Commissioners Mannone, Lanning, Doherty, Horowitz and Graff, Attorney Ciampoli, Supervisor Catapano and Secretary Urli

VISITORS See Attached

CORRESPONDENCE

On April 12, 2019 the District received a letter from William Nolan, Esq. requesting separate counsel for and indemnification for Commissioner Lanning.

On April 12, 2019 the District received a Request for Judicial Intervention Re: Daniel Faust v Oceanside Sanitation District 7- Article 78.

On April 12, 2019 the District received a Notice of Verified Petition Daniel Faust v Oceanside Sanitation District 7.

On April 18, 2019 the District received an Affidavit of Publication from Newsday regarding the Special Meeting that was held on April 16, 2019.

On April 18, 2019 the District received a FOIL request from Joseph Cibellis dated April 16, 2019.

MOTION PREVIOUS MINUTES

On Motion by Commissioner Graff and seconded by Commissioner Mannone to table the acceptance of the Minutes of General Meeting #3366 held on March 7, 2019 until the Board receives an audio recording Unanimously approved.

On Motion by Commissioner Graff and seconded by Commissioner Horowitz to table the acceptance of the Minutes of General Meeting #3369 held on April 11, 2019 until the Board receives an audio recording. Commissioner Doherty abstained due to non-attendance. Commissioners Mannone, Lanning, Horowitz and Graff approved. Motion passes.

On Motion by Commissioner Graff and seconded by Commissioner Doherty to waive the reading of and to accept the Minutes of Special Meeting #3370 held on April 16, 2019. Commissioner Lanning abstained due to non-attendance. Commissioners Mannone, Doherty, Horowitz and Graff approved. Motion passes.

MOTION DISTRICT EXPENSES

On Motion by Commissioner Horowitz and seconded by Commissioner Graff to approve payment of operating expenses, including payroll, from April 12, 2019 through May 2, 2019. Unanimously approved.

MEETING #3371

MOTION On Motion by Commissioner Horowitz and seconded by Commissioner
DISTRICT Graff to approve payment to each claimant in the abstract of claims
CLAIMS provided by the District Accountant and audited by the Board for the
period from April 12, 2019 through May 2, 2019. Unanimously
approved.

REPORT Prepared by Alicia Zabala, CPA of Rynkar, Vail & Barrett and subject to audit.
OF THE
TREASURER

The following irrevocable standby letters of credit serve as security for the District funds on
deposit with TD Bank:

FHL Bank Pittsburg	\$ 8,000,000.00	HLB8315191200032
J.P. Morgan Chase Bank	<u>\$ 250,000.00</u>	FDIC Coverage
TOTAL	\$ 8,250,000.00	

CHASE BANK

Ck. Acct. Bal Bal 04/12/19	\$ 190,035.69	
04/18/19 Payroll Transfer	150,000.00	
04/18/19 Payroll Transfer	150,000.00	
04/30/19 Interest	<u>23.45</u>	
	\$ 490,059.14	
Disbursed thru 05/02/19	<u>\$ 245,726.52</u>	
Total Ck. Acct. Bal 05/02/19		\$ 244,332.62

TD BANK

Ck. Acct. Bal 04/12/2019	\$ 7,011,061.36	
04/16/19 Interest	6,210.55	
04/25/19 Bins	9.84	
04/25/19 Ins Reimb-Trees	<u>2,596.63</u>	
	7,019,878.38	
Disbursed thru 05/02/19	<u>490,194.99</u>	
Total Ck. Acct. Bal 05/02/19		\$ 6,529,683.39

TOTAL COMBINED BALANCES AS OF MAY 2, 2019 \$ 6,774,016.01

Sanitary District No.7 T.O.H

5/21/2019 9:49 AM

Register: 10200 · Chase

From 04/12/2019 through 05/02/2019

MEETING #3371

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
04/12/2019	ADP	ADP Services	65080 · Bank Charges		416.20	X		189,203.51
04/16/2019	PRPMT0...		27100 · Payroll Checks...	Payroll entered...	54,034.82	X		135,168.69
04/16/2019	PRPMT0...		27300 · Payroll Federa...	Payroll entered...	24,802.18	X		110,366.51
04/18/2019			-split- transfers transfers	Deposit		X	300,000.00 150,000.00 150,000.00	410,366.51
04/19/2019	ADP	ADP Services	65080 · Bank Charges		428.25	X		409,938.26
04/23/2019	PRPMT0...		27100 · Payroll Checks...	Payroll entered...	53,535.71	X		356,402.55
04/23/2019	PRPMT0...		27300 · Payroll Federa...	Payroll entered...	24,564.92	X		331,837.63
04/26/2019	ADP	ADP Services	65080 · Bank Charges		558.04			331,279.59
04/30/2019			45000 · Investments:45...	Deposit		X	23.45	331,303.04
04/30/2019	PRPMT0...		27100 · Payroll Checks...	Payroll entered...	56,454.16	X		274,848.88
04/30/2019	PRPMT0...		27300 · Payroll Federa...	Payroll entered...	25,515.18	X		249,333.70
05/02/2019	2449	New York State Defe...	24175 · EE Deferred C...	Dept.#212158	1,547.84			247,785.86
05/02/2019	2450	New York State Defe...	24175 · EE Deferred C...	Dept.#212158	1,547.84			246,238.02
05/02/2019	2451	New York State Defe...	24175 · EE Deferred C...	Dept.#212158	1,747.84			244,490.18
05/02/2019	2452	Teamsters National 4...	24400 · Teamsters 401K	T.Freudenberg ...	157.56			244,332.62

Sanitary District No.7 T.O.H

5/21/2019 9:49 AM

Register: 10150 · TD Bank

From 04/12/2019 through 05/02/2019

MEETING #3371

Sorted by: Date and Order Entered

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
04/16/2019			45000 · Investments:45...	Deposit		X	6,210.55	7,017,271.91
04/25/2019			-split-	Deposit		X	2,606.47	7,019,878.38
			Recycling Refunds	Bins			9.84	
			Refunds	Insurance Reim...			2,596.63	
05/02/2019	31341	Ace Hardware	20000 · Accounts Paya...	Claim No. 178	230.98			7,019,647.40
05/02/2019	31342	American Security S...	20000 · Accounts Paya...	Claim No. 179	500.00			7,019,147.40
05/02/2019	31343	AT&T Mobility	20000 · Accounts Paya...	Claim No. 180	688.30			7,018,459.10
05/02/2019	31344	Bleiberg Plumbing	20000 · Accounts Paya...	Claim No. 181	45.50			7,018,413.60
05/02/2019	31345	Cablevision	20000 · Accounts Paya...	Claim No. 182	136.78			7,018,276.82
05/02/2019	31346	Capital Tire Service	20000 · Accounts Paya...	Claim No. 183	3,159.45			7,015,117.37
05/02/2019	31347	Comply	20000 · Accounts Paya...	Claim No. 184	154.00			7,014,963.37
05/02/2019	31348	CSEA-EBF	20000 · Accounts Paya...	Claim No. 185	2,220.00			7,012,743.37
05/02/2019	31349	Dentcare Delivery Sy...	20000 · Accounts Paya...	Claim No. 186	1,765.50			7,010,977.87
05/02/2019	31350	Edmer Sanitary Supp...	20000 · Accounts Paya...	Claim No. 187	2,565.00			7,008,412.87
05/02/2019	31351	Fastenal Company	20000 · Accounts Paya...	Claim No. 188	8.81			7,008,404.06
05/02/2019	31352	Global Montello Gro...	20000 · Accounts Paya...	Claim No. 190	5,821.53			7,002,582.53
05/02/2019	31353	Grainger	20000 · Accounts Paya...	Claim No. 191	41.18			7,002,541.35
05/02/2019	31354	Herald Community N...	20000 · Accounts Paya...	Claim No. 192	646.00			7,001,895.35
05/02/2019	31355	Home Depot	20000 · Accounts Paya...	Claim No. 193	129.85			7,001,765.50
05/02/2019	31356	New York State Emp...	20000 · Accounts Paya...	Claim No. 194	151,559.95			6,850,205.55
05/02/2019	31357	Newsday	20000 · Accounts Paya...	Claim No. 195	108.00			6,850,097.55

Sanitary District No.7 T.O.H

5/21/2019 9:49 AM

Register: 10150 · TD Bank

From 04/12/2019 through 05/02/2019

Sorted by: Date and Order Entered

MEETING #3371

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
05/02/2019	31358	Quality Logo Products	20000 · Accounts Paya...	Claim No. 196	408.06			6,849,689.49
05/02/2019	31359	RynKar,Vail & Barre...	20000 · Accounts Paya...	Claim No. 197	11,500.00			6,838,189.49
05/02/2019	31360	Staples	20000 · Accounts Paya...	Claim No. 198	1,390.37			6,836,799.12
05/02/2019	31361	UniFirst Corporation	20000 · Accounts Paya...	Claim No. 200	1,977.90			6,834,821.22
05/02/2019	31362	Verizon	20000 · Accounts Paya...	Claim No. 201	449.48			6,834,371.74
05/02/2019	31363	Verizon Recycling	20000 · Accounts Paya...	Claim No. 202	159.29			6,834,212.45
05/02/2019	31364	Gabrielli Truck Sales	20000 · Accounts Paya...	Claim No. 189	2,715.81			6,831,496.64
05/02/2019	31365	Moreland Hose & Be...	20000 · Accounts Paya...	Claim No. 199	697.00			6,830,799.64
05/02/2019	31366	The Brake Service Gr...	20000 · Accounts Paya...	Claim No. 203	1,116.25			6,829,683.39
05/02/2019	31367	Sanitary District No.7	20000 · Accounts Paya...		150,000.00			6,679,683.39
05/02/2019	31368	Sanitary District No.7	20000 · Accounts Paya...		150,000.00			6,529,683.39

MEETING #3371

Reports:

Chairman's Report: No new business to report.

Supervisor Catapano:

Supervisor Catapano said on Saturday, April 26th the fuel tank was delivered.

Supervisor Catapano stated the two new trucks chassis were built and they are waiting for the truck bodies.

Supervisor Catapano said the District's annual E-Cycling Shed-the-Meds and document shredding took place on April 27th.

He also stated that the locker room stalls were replaced. The work was done in house.

Supervisor Catapano said the strap is off the portable bathroom and it is ready for use.

Committee Reports:

Budget: No new business to report.

Insurance: No new business to report.

Public Relations: No new business to report.

Personnel: No new business to report.

Ethics- No new business to report.

Unfinished Business:

Community Development Block Grant Disaster Recovery (CDBG-DR) Program (NY Rising Community Reconstruction Program)-Commissioner Mannone said there is a meeting scheduled for May 6th.

Fuel Tank Project- Supervisor Catapano stated the tank was delivered and awaiting installation.

2019 Election-Commissioner Graff said the Supervisors went over the border streets with Bold Systems.

Election By-Laws –Commissioner Mannone stated he spoke with Attorney Ciampoli regarding the District's By-Laws regarding the annual election. Commissioner Mannone said he would like to hire counsel to oversee the election and would like the Board to look into its options. Attorney Ciampoli said he requested last year's election materials from former counsel.

CSEA-CBA Negotiations- Commissioner Mannone stated Local 553's contract is with District Counsel. Attorney Ciampoli stated he is waiting for prior counsel to provide information.

MEETING #3371

Robert's Rules-By-Laws Update -Commissioner Mannone stated he would like to amend the By-Laws to follow Robert's Rules.

MOTION On Motion by Commissioner Graff and seconded by Commissioner Lanning to table the amendment to the By-Laws regarding Robert's Rules. Unanimously approved.

New Business

December 6, 2018 Minutes-Commissioner Lanning stated that his vote was that he opposed all the motions regarding the termination of General Supervisor Faust and Treasurer Hernandez at the December 6th Meeting. Commissioner Lanning said that Commissioner Mannone changed the Minutes to contain Commissioner's Lanning's vote as an abstention not an opposition. Commissioner Lanning said that Commissioner Graff backed Commissioner Mannone. Commissioner Lanning wanted it noted that the Minutes of December 6, 2018 did not reflect his opposition to the motions. Commissioner Mannone stated that according to Robert's Rules the Motion was made and approved and would need a motion to amend. Commissioner Mannone stated he thought Commissioner Lanning abstained. Commissioner Graff said he would vote to amend the Minutes if that is what Commissioner Lanning wanted.

MOTION On Motion by Commissioner Lanning and seconded by Commissioner Graff to amend the December 6, 2018 Minutes to change Commissioner Lanning's vote to "opposed" not "abstained" regarding the motions to terminate General Supervisor Faust and Treasurer Hernandez. Unanimously approved.

Budget Adjustments-The District's internal accountants Rynkar, Vail and Barrett recommended the Board transfer funds between the budgetary accounts.

MOTION On Motion by Commissioner Graff and seconded by Commissioner Doherty to increase or decrease the budgetary line items per Rynkar, Vail and Barrett's recommendations per the attached schedule. Unanimously approved.

Public Comment Period:

Joseph Cavanaugh asked the Board how much the litigation cost regarding the terminations. The Board said the cost was covered by the insurance carrier.

Joseph Cibellis asked the Board why the April 2019 Minutes are not available. Commissioner Graff said the Board is waiting for the audio recording that they asked Secretary Urli for. He said that it has not been received.

MEETING #3371

Mr. Cibellis stated Commissioner Scharfberg previously noted that Minutes of Board Meetings had been changed. Commissioner Graff requested Mr. Cibellis' recordings of the meetings and stated that he would have them placed on the District's website.

Mr. Cibellis asked why the Board is changing the voter list and the By-Laws. Commissioner Mannone said they have not been changed and that the Board of Elections provides the voter list. Commissioner Mannone said he would like the By-Laws changed to acknowledge NYS Election Law and to address the chaos of the voting lines.

Mr. Cibellis asked Commissioner Doherty if he has seen the sexual harassment policy and if there has been training. Attorney Ciampoli said this was part of litigation and asked the Board not to address the matter.

Vincent Mancuso asked the Board why Wayne Vurture was not punished if Commissioner Graff said on Facebook whoever was involved in the dental insurance would be. He questioned why only the two witnesses to the sexual harassment were punished. Commissioner Mannone said the Board would not respond due to ongoing litigation. Mr. Mancuso also asked about the cost of the dental investigation. Attorney Ciampoli said that it is part of the litigation and the Board will not answer the question.

Jordan Kaplan introduced himself and announced his candidacy for Commissioner. He wished Commissioner Lanning and Joseph Samoles good luck.

Wendy Steinberg asked the Board if the District had a written sexual harassment policy. Commissioner Mannone said yes that the Board had passed one. Attorney Ciampoli said he would have to get from prior counsel Harris Beach. Ms. Steinberg asked if it has been distributed to employees. Commissioner Mannone said when the Board receives it then it will be distributed. Commissioner Graff said that Local 553 had training in November 2018.

MOTION On Motion by Commissioner Graff and seconded by Commissioner Doherty to enter into Executive Session. Unanimously approved.

EXECUTIVE Board went into Executive Session at 7:05 p.m. to discuss matters involving
SESSION the employment history of particular persons, pending litigation and for the
 purpose of soliciting and receiving legal advice.

MEETING #3371

MOTION On Motion by Commissioner Doherty and seconded by Commissioner Horowitz to exit Executive Session at 9:16 p.m. Unanimously approved.

MOTION On Motion by Commissioner Graff and seconded by Commissioner Doherty to accept the proposal presented by Arthur J. Gallagher for Workers' Compensation from Alliance for two years with a \$286,000 savings. Unanimously approved.

MOTION On Motion by Commissioner Mannone and seconded by Commissioner Graff to amend the District's By-Laws as follows:

WHEREAS, the By-Laws have long prescribed that the proceedings of the District's Board of Commissioner should follow the procedures of the Robert Rules of Order, there has been confusion over the application and interpretation of the Rules;

WHEREAS, in order to maintain proper discourse and efficiency during Board Meetings, the Board wishes to recognize that Robert Rules of Order prescribe the use of small committee rules in the instance of our board; and

WHEREAS, the District wishes to amend its By-Laws to adopt the following procedural meeting rules consistent with Robert Rules of Order.

RESOLVED that the By-Laws of SANITARY DISTRICT NO 7. Town of Hempstead shall be amended as follows:

1, Section 9 – Agendas shall be amended as follows:

(a) The presiding officer (i.e., the Chairman, or in the Chairman's absence, the Vice-Chairman) prepared the agenda and chairs the meeting. When possible, items for the agenda should be given to the District Secretary at least two days in advance of scheduled meeting. Final agendas and any background information to be considered by the Commissioners shall be distributed to each Commissioner before the scheduled meeting is initially called to order.

(b) Any Commissioner may introduce an agenda item to the agenda by written request to the Chairman, which may be made electronically by email; whenever possible the Chairman shall include such agenda item to the final agenda.

(c) At a General Meeting during the period for New Business, a Commissioner may introduce and speak on any issue or matter, irrespective of the contents of the final agenda.

2. Section 10 – Rules of Order shall add Subsection B shall be modified as follows:

All motions made and seconded shall be considered by the Board and shall be entered in the minutes. All motions shall require to be seconded to be placed on the table for vote. This Board explicitly rejects the "small committee rules" of Robert Rules of Order, which eliminated the need for a motion to be seconded.

MEETING #3371

3. Section 10 – Rules of Order shall add Subsection G.

G. Informal Discussion. Any commissioner may discuss a matter without the need for a formal motion. In order for a commissioner to introduce a matter for discussion, the process shall require the commissioner to request recognition by the Chair, by stating “I would like to discuss.” During New Business period of the meeting, the Chair shall be required to give the floor to the requesting Commissioner, at any other time during the meeting, the decision to allow discuss shall be at the Chairman’s discretion.

4. Section 10 – Rules of Order shall add Subsection H.

H. Closing Debates. A debate may be closed by the Chair by calling forth a vote on a motion, or upon motion by any Commissioner to close a debate, duly made and seconded and carried by a majority vote. Notwithstanding this, a motion to close a debate shall not be made unless all commissioners present at the meeting have been afforded an opportunity to speak on the matter.

5. Section 10 – Rules of Order shall add Subsection I.

I. Chairman motions, debating, and voting. The Board recognized that the Chairman can make debate and vote on motions.

6. Section 10 – Rules of Order shall add Subsection J.

J. To the extent that any provision of this By-Law conflicts with Robert Rules of Order then these By-Law’s shall govern.

The Board discussed the Motion regarding changing the by-laws. Commissioner Mannone submitted the following resolutions:

Commissioner Horowitz inquired if Attorney Ciampoli had reviewed the proposed changes. Attorney Ciampoli said he had not.

Commissioner Mannone said he would withdraw his Motion.

MOTION On Motion by Commissioner Graff and seconded by Commissioner Mannone to authorize District Counsel to work with Secretary Urli regarding the preparation for the May 9, 2019 Special Meeting and the 2019 Election, and to authorize District Counsel to research hiring outside counsel to administer the 2019 Election. Unanimously approved.

MOTION On Motion by Commissioner Mannone and seconded by Commissioner Doherty to reimburse Richard Zappa for the number of his unused Vacation Days from 2018. Commissioner Graff abstained. Commissioners Mannone, Lanning, Doherty and Horowitz approved. Motion passes.


MEETING #3371

The Board will hold a Special Meeting on Thursday, May 9, 2019 at 6:00 p.m. to discuss election matters.


The next General Board of Commissioners Meeting will be held on Thursday, June 6, 2019 at 6:30 p.m.

ADJOURNED On motion duly made and seconded the meeting adjourned 9:25 p.m.


Attest



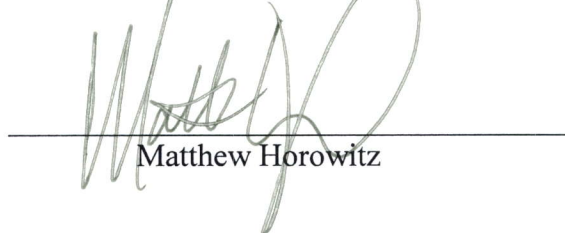
John M. Mannone, Chairman



Patrick Doherty, 1st Vice Chairman



Thomas M. Lanning



Matthew Horowitz



Austin R. Graff

Town Of Hempstead Sanitary District Number Seven
Budget Transfers
12/31/2018

	Original Budget Line Amount	Budget Transfers		Final Budget Line Amount
		Increase Budget Line	Decrease Budget Line	
Appropriations:				
Sanitary Administration				
66170- Recycling	15,000.00		(2,359.15)	12,640.85
62110- Accounting	46,500.00	31,604.00		78,104.00
62140- Legal Fees	100,000.00	42,392.07		142,392.07
62150- Outside Contract Services	6,000.00		(1,600.00)	4,400.00
65030- Printing and Copying	-	40.00		40.00
65040- Supplies	-	20.00		20.00
65020- Postage, Mailing Service	2,000.00		(370.57)	1,629.43
65025- Office- Other	10,000.00	3,385.80		13,385.80
65035- Election Expense	13,000.00		(1,546.00)	11,454.00
65150- Memberships and Dues	1,000.00	31.00		1,031.00
65045- Office Equipment	2,000.00	529.24		2,529.24
65050- Telephone, Telecommunications	4,000.00	1,200.67		5,200.67
66050- Personal Services Commissioners	22,500.00	3,535.20		26,035.20
				-
Refuse & Garbage				
65075- Safety Equipment	2,000.00		(1,168.74)	831.26
65000- Operations - Other	-	52.00		52.00
65080- Bank Charges	23,000.00	637.19		23,637.19
62815- Truck Maintenance Fuel	85,000.00	34,641.01		119,641.01
62820- Oil	10,000.00	3,250.64		13,250.64
65010- Truck Parts	85,000.00		(14,886.08)	70,113.92
66000- Personal Services OP Payroll- Other	4,105,451.00	2,298.34		4,107,749.34
63100- Electric	23,000.00		(3,075.82)	19,924.18
60100- Building & Land Repair Expense	96,862.00	182,233.00		279,095.00
66145- MCT Tax	13,959.00		(56.81)	13,902.19
62860- New Equipment	210,000.00	253,996.75		463,996.75
62880- Tires	15,000.00		(4,679.00)	10,321.00
62890- Tire Repairs	35,000.00	12,503.45		47,503.45
65015- Truck Repairs	33,000.00		(14,547.18)	18,452.82
65070- Shop Equipment	6,000.00		(3,121.46)	2,878.54
65060- Radio	8,200.00	215.73		8,415.73
66150- Uniforms	36,200.00		(0.10)	36,199.90
66130- Shoes	8,800.00		(8,350.00)	450.00
66180- Employee Training	2,500.00		(1,943.25)	556.75
62875- Building Maintenance	25,000.00	506.45		25,506.45
65135- Substance Testing	7,800.00	978.00		8,778.00
65120- Insurance General	191,522.00	21,576.07		213,098.07
65100- Insurance Other	-	980.00		980.00
				-
Employee Benefits				
65125- Medical	1,814,593.00	144,375.41		1,958,968.41
65140- Workers Comp	785,274.00		(62,865.03)	722,408.97
66160- Retirement ER	567,972.00	10,834.99		578,806.99
66140- FICA ER	314,067.00		(9,520.69)	304,546.31
65130- Dental	53,117.00	1,885.15		55,002.15
65110- Optical	11,200.00		(11,050.00)	150.00
65165- ER DBL	2,184.00		(2,184.00)	-
Estimated Revenues:				
Assigned Fund Balance- Building & Land Repairs	-	182,233.00		182,233.00
Unassigned Fund Balance	-	428,145.28		428,145.28

