

Regular meeting of the Board of Commissioners of the Plainview Water District was held in the District office on Tuesday, September 12, 2017.

Present: Marc B. Laykind, Chairman  
Andrew N. Bader, Treasurer  
Amanda R. Field, Secretary  
Stephen Moriarty, Superintendent  
Dina M Scott, Business Manager  
Michael Ingham, Attorney  
James Neri, Engineer

The meeting was called to order at 5:30 pm.

Commissioner Laykind opened the meeting with the Pledge of Allegiance.

Commissioner Laykind requested all to continue standing in a moment of silence to pay respect to the victims of 9/11.

Correspondence was reviewed in the Board update.

The Board approved and signed payroll checks.

Minutes of the previous meeting(s) were read and approved unanimously.

#### **MICHAEL INGHAM'S REPORT – ATTORNEY:**

Attorney Ingham reported his filing of an Amicus Brief on behalf of the Long Island Water Conference, Nassau Suffolk Water Commissioners Association and Nassau Count Village Officials Association with the Second Circuit Court of Appeals in support of the appeal by the Bethpage Water District dismissing their toxic contamination claim against Grumman on statute of limitations grounds. This decision is relevant to all water service professionals as this will have an effect on all water districts in NYS.

Attorney Ingham reported that Country Pointe is now ready to move forward with the next phase of the project and further details will be provided by Engineer Neri.

Attorney Ingham reported that he reviewed the pinhole leak inspection response letter prepared by Supt. Moriarty and proposed minor changes.

#### **JAMES NERI'S REPORT – ENGINEER:**

Engineer Neri referred to his report from the prior week meeting dated September 5, 2017 reiterating that on September 1, 2017 a total of five (5) bids were received for the Installation of Water Mains and Appurtenances for the Country Pointe at Plainview Project Phase I. Engineer Neri reported that the lowest bid was submitted by Adjo Contracting Corp. with a total bid amount of \$835,414.89. Engineer Neri reported that he

investigated the qualifications of the lowest bidder and found them to be a qualified and responsible contractor as Adjo Contracting Corp. has successfully completed similar projects across Long Island. Attorney Ingham concurred with Engineer Neri's recommendation regarding the qualifications of Adjo Contracting Corp. Engineer Neri recommended the contract be awarded to Adjo Contracting Corp. for the total bid amount of \$835,414.89. Engineer Neri reported that the developer's total cost for this phase of the project, based on the total bid amount, and non-construction costs, will be \$1,270,500.00. For the current phase of construction, the developer has previously deposited in escrow a total of \$91,500.00 with the Plainview Water District. Therefore, Engineer Neri recommends the developer should deposit a certified check in the amount of \$1,179,000.00 for the remainder of the project costs for the current phase of construction. Engineer Neri recommended that the developer should contact District counsel with any questions regarding the deposit of funds and other District requirements. Engineer Neri requested that upon confirmation that the developer has deposited all monies due, and satisfied any additional requirements, that he be granted authorization to notify Adjo Contracting Corp. to obtain the necessary performance bond and insurances, and to contact District counsel to arrange for contract signing.

Motion made by Commissioner Laykind, seconded by Commissioner Bader, the below stated resolution was adopted unanimously:

RESOLVED, that the Board of Commissioners awards the contract for Installation of Water Mains and Appurtenances for the Country Pointe at Plainview Project Phase I to Adjo Contracting Corp. located in Bohemia, NY in the total amount of \$835,414.89 contingent upon the developer successfully depositing certified check in the amount of \$1,179,000.00 for the remainder of the project costs for Phase 2 of construction.

Commissioner Laykind stated it should be noted for public record that while this is a contract with the District, all monies are being paid by Beechwood Homes and are not an expenditure of the District and are not being financed with taxpayers dollars.

Engineer Neri reported that based on the prior week discussion with Professor Marc Edwards there was a follow up conversation about the work at Plants 5 and 7 and the status of the alkalinity adjustment. Engineer Neri reported that he forwarded the bid tabulations for said project to Supt. Moriarty and requested discussion on the Board's preference for the moving forward with the work. Discussion took place regarding whether to consider doing work on both Plant 5 and 7 simultaneously or one at a time. Commissioner Laykind spoke on behalf of the Board and requested a recommendation from Supt. Moriarty as to the appropriate action in proceeding with Plant 7. Supt. Moriarty confirmed he will conduct further investigations as to the most appropriate means to proceed. Commissioner Laykind stated that for the record, Professor Marc Edwards did state that the increase in alkalinity is a step in the right direction. Commissioner Laykind stated that consistent with Professor Marc Edwards recommendation and consistent with the District's previous direction and plan of action, the Board agrees with the recommendation for the need of the upgrade of Plant 5 utilizing

Merrick Utility as the vendor for work performed under the previously awarded requirements contract.

Motion made by Commissioner Laykind, seconded by Commissioner Bader, the below stated resolution was adopted unanimously:

RESOLVED, that the Board of Commissioners awards the contract for upgrade of Plant 5 to Merrick Utility Assoc., Inc. located in Farmingdale, NY in the total amount of \$98,947.75.

Engineer Neri reported that Attorney for the developer has indicated that the sales forecast for Country Pointe is positive and recommends the District proceed with the advertising and bidding of the next phase. Engineer Neri reports that his office is coordinating said package and will report back to the Board in the future to select the bid dates.

**STEPHEN MORIARTY'S REPORT – SUPERINTENDENT:**

Supt. Moriarty provided the Board with an update on the pinhole program. Supt. Moriarty reported that the District has been receiving less survey responses and only six to eight responses have come in the past two to three weeks.

Supt. Moriarty provided two letters of request for water availability.

Supt. Moriarty provided the Board with a letter addressed to Commissioner Laykind pertaining to a customer's request to dispute the requirement to test backflow devices. A draft response letter was prepared by Supt. Moriarty and provided to the Board informing the customer of the District's required ordinances and NYS Sanitary Code which require annual testing. We further deny the customer's request to provide an exception for the testing of its backflow devices. Commissioner Laykind recommended Supt. Moriarty research the date of when the NYS Dept. of Health Sanitary Code was changed pertaining to backflow and include it in the response letter prior to submission.

Supt. Moriarty recommended the Board approve the proposal from Progressive Marketing Group Inc. for the District's website development in the amount of \$10,000.00. The Board approved Supt. Moriarty's request to proceed with the District's website development.

Supt. Moriarty provided the Board with the Pumpage and Sales Report dated through August 2017.

Supt. Moriarty provided the Board an e-mail correspondence written by a customer thanking Dina Scott, Business Manager for providing water conservation kits upon request, also stating that he was truly impressed by the professionalism of the staff and the immaculate condition of the District's facility.

**DINA M SCOTT'S REPORT – BUSINESS MANAGER:**

Vendor check nos. 44945 through 44954 dated September 5, 2017 were reviewed, approved and signed by the Board.

Ms. Scott reported that no dental claims were submitted for the Board's review and approval.

Ms. Scott reported that minutes of prior meetings are available for the Board's review and approval.

Ms. Scott provided the Board with the revised tax roll noting payments in the amount of \$47,081.42 have been received since the original roll was printed on August 17, 2017. Ms. Scott reported that the final tax roll is due and will be submitted to the Town of Oyster Bay on September 15, 2017 and reminded the Board they are required to sign the final tax roll prior to its submission.

Ms. Scott reported that the District is a registered vendor to participate in the Chamber of Commerce Fall Festival dated October 1, 2017 taking place from 10am. to 5pm.

Ms. Scott reported that the Board approved 2018 Budget has been submitted to the Town of Oyster Bay. Mr. Scott also reported that the Property Tax Cap Form is due for completion and suggested she be updated as the Designated Officer for the submittal of said form to the NYS Office of the State Comptroller. The Board approved Ms. Scott's request.

Ms. Scott reported that a third round of canvas letters for Account Clerk went out Wednesday, September 6, 2017. The first two rounds of letters resulted in a total of 17 letters sent with 13 declinations and 4 non responses received.

Ms. Scott reported that insurance premium payments made to Salerno Brokerage Corp. are being changed to a monthly installment basis as opposed to annual as the Superintendent and Business Manager put forth efforts to shop around for a lower premium without compromising the current coverage amounts.

**PUBLIC PARTICIPATION:**

Kenneth Altman of 2 Ruey Lane inquired of the availability of the District's 2018 Budget. Commissioner Bader replied that copies were available. Dina Scott, Business Manager provided Mr. Altman with a copy as requested. Mr. Altman questioned why the format of the budget has not changed in a number of years. Ms. Scott replied it is presented in the format prescribed by the Town of Oyster Bay. Mr. Altman requested a report be used indicating budget to actual expenditures. Commissioner Laykind informed him that the District remains in compliance with the format prescribed by the Town.

At 6:55 pm a motion was made to enter into Executive Session to discuss personnel.

At 7:15 pm Executive Session ended and the Board returned to Regular Session.

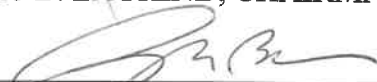
There being no further business to come before the Board, the meeting was adjourned with a call to the Chair at 7:25 pm.

STATE OF NEW YORK            )  
COUNTY OF NASSAU           ) ss.:  
PLAINVIEW WATER DISTRICT)

We, the undersigned, Commissioners of the Plainview Water District, Town of Oyster Bay, Nassau County, New York, do hereby certify that the above-mentioned and contained is a true copy of the minutes of a meeting of the Board of Commissioners held in the District office on Tuesday, September 12, 2017.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Plainview Water District on this 30<sup>th</sup> day of March, 2018.

  
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MARC B. LAYKIND, CHAIRMAN

  
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ANDREW N. BADER, TREASURER

  
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AMANDA R. FIELD, SECRETARY