

Regular meeting of the Board of Commissioners of the Plainview Water District was held in the District office on Tuesday, May 1, 2018.

Present: Marc B. Laykind, Chairman  
Andrew Bader, Treasurer  
Amanda R. Field, Secretary  
Stephen Moriarty, Superintendent  
Michael Ingham, Attorney  
James Neri, Engineer  
Sujata Pal, Engineer  
Greg Gordon, Zimmerman/Edelson

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

Commissioner Laykind opened the meeting with the Pledge of Allegiance.

Correspondence was reviewed in the Board update.

The Board approved and signed payroll checks.

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

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

Attorney Ingham reported that District representatives, including Superintendent Moriarty and Project Engineers from H2M, he had a meeting with Country Pointe, including Vincent Pizzuli, Esq. and Project Superintendent Mr. Bill Carman, to discuss status of the Country Pointe project. The meeting was successful and no conflicts were encountered. A timetable for future construction was discussed. Adjo Contracting agreed to hold its bid price until June 1, 2018. Mr. Pizzuli indicated that Beechwood Plainview Old Bethpage LLC would be funding the District's Country Pointe account prior to that date.

Attorney Ingham will provide the remainder of his report in Executive Session as it relates to personnel.

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

Engineer Neri provided the Board with a Project Status List which contains the status of all authorized projects to date and indicates a change in status of any ongoing projects.

Engineer Neri reported that Phase I of the Country Pointe Development water main project is nearly complete and is expecting the punch list of open items to be complete in approx. one month. Subsequently, the District will be able to closeout the final retainage being held on Adjo Contracting.

Engineer Neri presented a recommendation of award for the bid of the Country Pointe Phase II Residential Installation of Water Mains and Appurtenances from the bid date of October 17, 2017. Engineer Neri reiterated that the length of time between the date the bids were taken and the current award date is due to the fact that the Country Pointe Phase II Residential work was not yet ready for water main installation. Engineer Neri reported that the lowest bid was submitted by Adjo Contracting Corp. with a total bid amount of \$282,892.00. Engineer Neri recommends the Board do a conditional notice of award contingent upon on the deposit of the proper funds by the developer to cover the project costs. Engineer Neri recommends the developer should deposit a certified check in the amount of \$468,139.24 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 II to Adjo Contracting Corp. located in Bohemia, NY in the total amount of \$282,892.00 contingent upon the developer successfully depositing certified check in the amount of \$468,139.24 for the remainder of the project costs for Phase II 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.

#### **GREG GORDON'S REPORT – PUBLIC INFORMATION FIRM:**

Greg Gordon presented various press releases to be published in the upcoming weeks for the Board's review and approval.

Greg Gordon reported that he assisted Commissioner Field in preparing documentation surrounding the District's Preserve Plainview initiative to be submitted to Carrie Meek Gallagher from the NYS Department of Environmental Conservation.

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

Supt. Moriarty provided the Board with an update on the pinhole program which includes surveys, inspection reports and continued analysis. Supt. Moriarty reported that the number of pinhole leak surveys completed as well as the number of complaints received have drastically decreased over recent months with a total of four (4) surveys submitted for the month of April.

Supt. Moriarty provided the Board with an update on alkalinity distribution test results noting that weekly testing results have remained consistent District-wide, showing that alkalinity was raised throughout the entire District.

Supt. Moriarty reported that disconnect and request for water availability for a one (1") inch service was approved for 22 Adrienne Drive.

Supt. Moriarty will provide the remainder of his report in Executive Session as it relates to personnel.

**DINA M SCOTT'S REPORT – BUSINESS MANAGER (as presented by Supt. Moriarty):**

Vendor check nos. 45649 through 45678 dated April 26, 2018 in the amount of \$51,300.50 were reviewed, approved and signed by the Board.

Country Pointe Phase I vendor check no. 126 dated April 26, 2018 in the amount of \$2,662.27 was reviewed, approved and signed by the Board.

Country Pointe Phase II vendor check nos. 120 through 121 dated April 26, 2018 in the amount of \$25,768.53 were reviewed, approved and signed by the Board.

Supt. Moriarty requested Board approval and authorization to transfer funds to cover the following dental claim costs:

- Dental claims dated April 24, 2018 in the amount of \$1,650.82

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

RESOLVED, that the Board of Commissioners approves the dental claims dated April 24, 2018 in the amount of \$1,650.82 and the Board authorized funds be transferred into the District's dental benefit account.

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

Supt. Moriarty presented a report of customer billing adjustments that were made in accordance with District Policy. After discussion, the report was ordered filed. In addition to the adjustments made within the District's Policy limits, Supt. Moriarty requested the Board's approval to remove a penalty in the amount of \$75.00 assessed to 87 Northern Parkway West as per District Policy. The Board approved Ms. Scott's request.

Supt. Moriarty presented the Board with an update on the status of applications received for resident participation in the District's Landscape Irrigation Smart Controller Rebate Program. This program offers a rebate of up to \$100.00 for the purchase and

installation of a weather-based smart irrigation controller and is part of the District's Preserve Plainview water conservation campaign. Rebates are limited as per the terms and conditions set forth in the offering.

Supt. Moriarty requested the Board approve the hiring of Janette Diehlmann as Part-time Assistant Business Manager. Ms. Diehlmann will begin her employment with the District on Tuesday, May 1, 2018. Supt. Moriarty also requested the Board sign the Payroll/Status Change Notice.

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

RESOLVED, that the Board of Commissioners approves hiring Janette Diehlmann as Part-time Assistant Business Manager at an hourly rate of \$35.00 to begin employment on Tuesday, May 1, 2018.

Supt. Moriarty requested that in accordance with Section 4.3.1 of the District's Policy Manual, the Board approved the Part-time Assistant Business Manager to work in excess of nineteen and one half (19 ½) hours for the pay period ending May 6, 2018. The Board approved Ms. Scott's request.

Supt. Moriarty presented a memorandum written by Ms. Scott, together with her analysis and recommendation regarding funding of the District's required matching portion of the NYS Water Infrastructure Improvement Act Drinking Water Grant Award. The project includes nitrate and perchlorate removal at the District's Plant 4 site with total project costs projected by the District's engineers to be \$5,759,000.00. To assist in funding this project, the District was awarded a \$2,626,200.00 Grant. Under the Grant, the District is required to finance the remaining \$3,132,800.00. Ms. Scott proposes to meet that goal from three funding sources. First, \$1,632,800.00 will be secured through general obligation bonds financed through the Town of Oyster Bay (5 year bond anticipation note). Second, \$1,250,000.00 will be financed through the District's Restricted Contaminant Reserve which has a current balance of \$ 1,273,715.95. Third, \$250,000.00 be financed through the District's Restricted Infrastructure Reserve which has a current balance of \$269,618.49. This recommendation is based on Ms. Scott's overall plan to fund approximately half of the District's respective matching portion with existing reserve funds and to finance the remaining half with short term financing (5 year bond anticipation note) through the Town of Oyster Bay. Should the District chose to forego all bond financing and fund the entire matching portion solely with reserve funds, this would result in expending substantially all of the reserves on hand. Ms. Scott would not advocate this approach as to do so would leave minimal amounts of reserves remaining to respond to emergency or unforeseen occurrences. Ms. Scott notes that she reached out to the Office of the State Comptroller who concurred with the District's intended use plan and deemed it reasonable and appropriate.

After reviewing Ms. Scott's recommendation and concurring with same, and upon motion duly made and seconded, the following resolution was adopted:

**WHEREAS**, a past Board of Commissioners had previously approved appropriated funds be set aside for the purpose of future treatment of water due to emerging contaminants by establishing a Contaminant Reserve Fund in accordance with § 6-c of General Municipal Law; and

**WHEREAS**, effective April 30, 2018 the Contaminant Reserve Fund (0878.1) had a balance of \$1,273,715.95; and

**WHEREAS**, a past Board of Commissioners had also previously approved appropriated funds be set aside for the purpose of building infrastructure and infrastructure improvements by establishing an Infrastructure Reserve Fund in accordance with § 6-c of General Municipal Law; and

**WHEREAS**, effective April 30, 2018 the Infrastructure Improvement Reserve Fund (0878.2) had a balance of \$269,618.49; and

**WHEREAS**, the District hired H2M architects & engineers to design the ISEP Nitrate and Perchlorate Full Flow Treatment System located at District Plant 4 (“Plant 4 ISEP Project”) which they estimate will have a total project cost of \$5,759,000.00; and

**WHEREAS**, the current Board of Commissioners deems it in the best interest of the District to fund the \$3,132,800.00 balance of the Plant 4 ISEP Project from three sources as follows:

- (1) \$1,632,800.00 through general obligation bonds with the Town of Oyster Bay,
- (2) \$1,250,000.00 through use of the District’s Contaminant Reserve Fund; and
- (3) \$250,000.00 through the Districts Infrastructure Reserve Fund in the total amount of \$3,132,800; and

**WHEREAS**, the District is desirous of transferring \$1,250,000.00 from the Contaminant Reserve Fund (0878.1) and \$250,000.00 from the Infrastructure Reserve Fund (0878.2) to the Plant 4 ISEP Nitrate and Perchlorate Full Flow Treatment System Project; and

**WHEREAS**, this resolution is adopted subject to permissive referendum as set forth in Town Law Section 90 and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the issuer voting on the referendum; and

**WHEREAS**, the District’s counsel confirms that the funding of capital improvement projects in the Plainview Water District is a Type II action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.5 (c)(5) and therefore no further SEQRA review is required;

**NOW THEREFORE**,

**BE IT RESOLVED**, that the Business Manager is hereby authorized, empowered and directed to transfer \$1,250,000.00 from the Contaminant Reserve Fund and

\$250,000.00 from the Infrastructure Reserve Fund to fund, in part, the Plant 4 ISEP Nitrate and Perchlorate Full Flow Treatment System Project; and

**BE IT RESOLVED THAT** the Treasurer is hereby authorized and directed to, within ten (10) days after the adoption of this resolution, cause this resolution to be published in the District's official newspaper and (b) posted on both the sign boards of the Town of Oyster Bay and the District pursuant to Town Law, together with a notice of adoption thereof.

**BE IT FURTHER RESOLVED THAT,** the Business Manager is hereby authorized, empowered and directed to take all actions necessary and appropriate to effectuate the terms of this resolution as follows: Increase \$1,500,000.00 - Account H8160 3126 (Plant 4 ISEP Project). Decrease (\$1,250,000.00) Account 0878.1 (Contaminant Reserve Fund) and decrease (\$250,000.00) Account 0878.2 (Infrastructure Reserve Fund). The Business Manager will amend all necessary interfund transfer accounts as directed.

At 7:05 pm a motion was made to enter into Executive Session to discuss personnel.

At 7:40 pm Executive Session ended and the Board returned to Regular Session.

The Board approved a salary increase for Superintendent Stephen Moriarty.

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

**RESOLVED,** that the Board of Commissioners approves a salary increase of 5% to Superintendent Stephen Moriarty retroactively to April 1, 2018.

There being no further business to come before the Board, the meeting was adjourned with a call to the Chair at 8:15 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, May 1, 2018.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Plainview Water District on this 01<sup>st</sup> day of June, 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