

Regular meeting of the Board of Commissioners of the Plainview Water District was held in the District office on Tuesday, October 26, 2021.

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

The meeting was called to order at 10:30 am.

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 on a significant decision in the District's litigation against Dow Chemical Company (Dow). Dow had sought to add eighty-four (84) polluters as "third-party defendants" to the twenty seven (27) underlying actions (Districts, Villages and Water Authorities) against Dow sounding in products liability and "failure to warn". These third-party actions would have significantly delayed the actions against Dow. To avoid this delay, the plaintiffs initiated a motion in Federal court to "sever" the third-party actions holding them in abeyance until the main action against Dow is concluded. On October 22, 2021, the motion to sever was granted.

Attorney Ingham will present the remainder of his report in executive session as it relates to an update on litigation resulting from the September 4, 2019 water main break on Southern Parkway.

ENGINEER'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. Said items were reviewed and discussed with the Board in detail.

Engineer Neri reported that close-out of construction of the Plant Nos. 2, 3 and 7 interim AOP treatment projects is complete. The respective final payment applications are being processed now that the related change orders have been approved. Upon H2M architects + engineers review and approval of the final payment requests, they will be submitted to the District for payment processing.

Engineer Neri reported that the kickoff meeting for the construction of the Plant No. 2 permanent AOP treatment took place Wednesday, October 20, 2021 at 11:00 am and was successful. H2M architects + engineers is in the process of receiving and reviewing purchase submittals by the awarded contractors.

Engineer Neri reported that preparation of the 2021 Water Infrastructure Improvement Act grant applications for the District's Plant Nos. 3, 4, 5 and 7 AOP treatment facilities continues. The grant applications for the District's Plant Nos. 3, 4, and 7 AOP treatment facilities are expected to be submitted next week. The grant application for the District's Plant No. 5 AOP treatment facility is expected to be submitted by the application deadline of November 22, 2021.

Engineer Neri reported that preparation of the Plant No. 5 AOP treatment facility engineering report is in progress.

GREG GORDON'S REPORT – PUBLIC INFORMATION FIRM (via telephone):

Greg Gordon submitted a revised press release related to the District hosting its fourth annual pharmaceutical take back day to be published in upcoming weeks for the Board's review and approval. The Board provided comments and approved for submission upon the revisions being made.

Greg Gordon reported that the District's pharmaceutical take back which took place on October 23, 2021 was a great success, collecting over 300 pounds of pharmaceuticals..

Greg Gordon reported that he is in receipt of revisions to the draft of the fall newsletter from the Board. The draft of the layout is not with the art department and will be provided to the District for review upon completion.

Greg Gordon reported that he is working with Supt. Moriarty on the development of the District's capital projects page of the website. Upon completion, a draft will be provided to the Board for review and approval.

STEPHEN MORIARTY'S REPORT – SUPERINTENDENT:

Supt. Moriarty reported that he is awaiting the report from H2M architects + engineers containing the analysis of the results of the sampling that previously took place while District employee's applied treatment at plant sites. This was done as part of the enhancement to the District's respiratory protection program. Upon review, the next steps in the District's respiratory protection program will be assessed.

Supt. Moriarty reported that the District's sanitary survey will be conducted by the Nassau County Department of Health on November 3, 2021. This survey is a requirement of the Department of Health every three years.

Supt. Moriarty reported that he will be attending a Nassau County road resurfacing meeting on November 4, 2021. The meeting agenda, timeline and limits of paving were provided for the Board's consideration. Commissioner Laykind inquired of Supt. Moriarty about the process of ensuring that valve covers are properly replaced on newly paved roads. Supt. Moriarty described the process to the Board noting that District employees conduct construction inspections during roadway paving work to ensure the valve covers are properly replaced by the contractor.

DINA M SCOTT'S REPORT – BUSINESS MANAGER:

Vendor check nos. 53616 through 53632 dated October 21, 2021 in the amount of \$52,057.80 were previously reviewed, approved and signed by the Board.

Ms. Scott presented a report of customer billing adjustments that were made in accordance with District Policy. After discussion, the report was ordered filed.

Ms. Scott presented a Schedule of Budget Adjustments as processed in accordance with the District's Budget Transfer Policy. In addition, Ms. Scott presented Detail of Budget Adjustments to accompany and support each budget adjustment made as indicated in the Schedule of Budget Adjustments. After discussion, the report was ordered filed.

Ms. Scott reported that in order to adhere to current cash flow requirements she proposes the transfer of \$250,000.00 from the District's unreserved/undesignated account to its operating account. After discussion, the Board approved Ms. Scott's request.

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

RESOLVED, that the Board of Commissioners approves the transfer of \$250,000.00 from the District's unreserved/undesignated account to its operating account.

Discussions was held with regard to the Nassau County American Rescue Plan Act (ARPA) Coronavirus local Fiscal Recovery Fund (CLFRF) Grant available to water districts to help pay for costs incurred to treat and remove emerging contaminants including but not limited to, 1,4 Dioxane and PFOA/PFOS in order to meet updated drinking water standards. The County has designated a portion of the CLFRF allocation to provide grants of up to \$50,000.00 to water districts serving Nassau County.

Ms. Scott reported that she has worked closely with the administrators of the grant in the Nassau County Department of Public Works, their third-party financial consultants and members of the Board of both the LIWC and NSCWA in obtaining details surrounding the ARPA-CLFRF Grant. Several meetings have been conducted discussing allowable expenditures under the federal grant program. Ms. Scott recommended the District consider submitting for reimbursement of professional engineering design services for the Plant No. 2 permanent AOP treatment facility through the grant. Ms. Scott then presented to the Board the following resolution to authorize the District to submit a grant application to Nassau County for consideration of a \$50,000.00 ARPA-CLFRF Grant. After discussion,

the respective resolutions authorizing Ms. Scott to submit the ARPA-CLFRF grant application were adopted as attached herewith.

The LIWC Meeting was held on Monday, October 25, 2021 at Patrizia's in Massapequa, NY at 6:30pm. The guest speaker was Fred Haines of Harper Haines. Commissioner Laykind, Commissioner Bader, Commissioner Field and Ms. Scott were in attendance.

PUBLIC PARTICIPATION:

Mr. Newler of 24 Joyce Road presented a series of questions related to water pressure at his home and previous Board meeting minutes to be posted on the District's website. Discussion took place and the Board of Commissioners and Supt. Moriarty responded to Mr. Newler's inquiries and discussed the results of the home inspection recently conducted by District employees as it relates to the water pressure in his home.

On the motion of Commissioner Laykind, seconded by Commissioner Bader, the Board went into Executive Session at 11:45 am to discuss an update on litigation resulting from the September 4, 2019 water main break on Southern Parkway. The Board emerged from Executive Session at 12:05 pm with no minutes produced and no action taken.

There being no further business to come before the Board, the meeting was adjourned with a call to the Chair at 12:15 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, October 26, 2021.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Plainview Water District on this 9th day of November, 2021.



MARC B. LAYKIND, CHAIRMAN



ANDREW N. BADER, TREASURER



AMANDA R. FIELD, SECRETARY

**EXCERPTS FROM THE MINUTES OF THE MEETING OF
PLAINVIEW WATER DISTRICT OF OCTOBER 26, 2021**

**RESOLUTION TO APPLY FOR NASSAU COUNTY AMERICAN RESCUE PLAN ACT
(ARPA) CORONAVIRUS LOCAL FISCAL RECOVERY FUND (CLFRF) GRANT**

Discussions were held with regard to the Nassau County ARPA-CLFRF Grant available to water districts to help pay for costs incurred to treat and remove emerging contaminants including but not limited to, 1,4 Dioxane and PFOA/PFOS in order to meet updated drinking water standards. The County has designated a portion of the CLFRF allocation to provide grants of up to \$50,000.00 to water districts serving Nassau County.

Ms. Scott reported that she has worked closely with the administrators of the grant in the Nassau County Department of Public Works, their third-party financial consultants and members of the Board of both the LIWC and NSCWA in obtaining details surrounding the ARPA-CLFRF Grant. Several meetings have been conducted discussing allowable expenditures under the federal grant program. Ms. Scott recommended the District consider submitting for reimbursement of professional engineering design services for the Plant No. 2 permanent AOP treatment facility through the grant. Ms. Scott then presented to the Board the following resolution to authorize the District to submit a grant application to Nassau County for consideration of a \$50,000.00 ARPA-CLFRF Grant.

WHEREAS, Nassau County designated a portion of the ARPA-CLFRF allocation it received from the federal government to provide grants of up to \$50,000.00 to water districts that service Nassau County, and

WHEREAS, this grant program's purpose is to provide Nassau County water districts with funding to help pay for costs incurred to treat and remove emerging contaminants from the public drinking supply to meet updated drinking water standards, and

WHEREAS, Ms. Scott recommends the District apply for federal grant assistance for reimbursement of costs incurred for professional engineering design services for the Plant No. 2 permanent AOP treatment facility; and

WHEREAS, the Board of Commissioners of the Plainview Water District believes itself to be qualified for the Nassau County ARPA-CLFRF Grant and is willing to carry out all activities described in the grant application; and

WHEREAS, in this action the Plainview Water District will upon award and acceptance of this grant, agree to the terms of the grant;

NOW THEREFORE, after discussion and due deliberation, and in consideration of the above recitals, the board unanimously:

RESOLVED, that the Board of Commissioners of the Plainview Water district authorizes the submittal of a grant application for the Nassau County ARPA-CLFRF Grant and assigns Dina Scott, Business Manager of the District to be the authorized representative of the District, it was

FURTHER RESOLVED, that the Plainview Water District request the funds and assistance available from the Nassau County ARPA-CLFRF Grant and will comply with all the rules and requirements of this program.

VOTE AYES: 3 NOES: 0 ABSTENTIONS: 0

Commissioner Laykind	AYE
Commissioner Bader	AYE
Commissioner Field	AYE