

Regular meeting of the Board of Commissioners of the Plainview Water District was held in the District office on Tuesday, June 7, 2022.

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
Greg Gordon, ZE Creative Concepts

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

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 presented good news on two fronts with respect to the District's pending litigation against Dow Chemical Corp. First, both Houses of the Legislature enacted a technical amendment to the water providers new statute of limitations bill under CPLR 214-h(5) executed by the Governor on November 4, 2019 which made the statute "retroactive". This technical amendment preserves the District's pending lawsuit against Dow Chemical Corp from any challenge on the statute of limitations grounds going forward.

Attorney Ingham then reported that the second statute changed the Civil Practice Law and Rules with respect to the defendant's right to offset a judgment by the plaintiff by virtue of the plaintiff receiving "collateral source" funds with respect to its injury. The new statute under Public Health Law 1167-a likely prohibits Dow Chemical Corp. from using any Federal/State grant funding as an off-set to the monies it potentially owes the District for contamination remediation including (a) capital installation costs; (b) operation and maintenance costs in the future and (c) attorneys fees incurred from the litigation.

Attorney Ingham presented the conformed contracts for the award of the construction contracts for the Plant No. 7 permanent AOP treatment facility for the Board's execution. Previously awarded contracts with Phillip Ross Industries and Palace Electrical Contractors, Inc. were executed, and duplicates will be forwarded to the respective contractor as well as D&B Engineers and Architects.

Attorney Ingham reported that he is working with Supt. Moriarty on the recently imposed increase in contracted costs with USP Technologies for the purchase of peroxide. Supt. Moriarty stated that the District piggyback's off of the existing contract in place with the Hicksville Water District. The stated increase is the second increase to take place in 2022. Attorney Ingham reported that he has reviewed the existing contract in place with the Hicksville Water District, noting no escalation clause exists. Commissioner Laykind inquired if the District has the ability to purchase peroxide from an alternate vendor. Engineer Neri replied by stating that the existing contract is not only for the purchase of peroxide, but also for the maintenance and service of the District's peroxide pumps and associated piping. Furthermore, Supt. Moriarty stated that when Hicksville Water District administered the respective bid, USP Technologies was the sole bidder. Further discussion took place and Supt. Moriarty reported that he is awaiting a response from a management representative of USP Technologies to discuss the stated increase.

Attorney Ingham will present the remainder of his report in executive session as it relates to litigation against DOW Chemical Company.

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 construction continues to be in progress at the Plant No. 2 permanent Advanced Oxidation Process (AOP) treatment project. Engineer Neri reported that the ceiling work and electrical conduit installation continues.

Engineer Neri reported that the bi-annual tank inspections were completed on May 20, 2022. The respective report is being compiled and under internal review at H2M architects + engineers. Upon completion of review, the report will be sent to Supt. Moriarty.

Engineer Neri reported the Beechwood Organization is awaiting final realty subdivision approval from the Department of Health and Planning Commissioner in order to proceed forward with the installation of water main at the Country Pointe Golden Age Housing development. The Beechwood Organization will keep H2M architects + engineers informed as to when a hearing date for final approval will be scheduled.

Engineer Neri reported that the tap card scanning is complete by Document Imaging Solutions and the tap cards are scheduled to be returned to the District later this week. H2M architects + engineers will now begin creating a service line material layer in the District's GIS system for each customer account.

GREG GORDON'S REPORT – PUBLIC INFORMATION FIRM:

Greg Gordon presented a press release related to the District congratulating the winners of the annual poster contest for the Board's review and approval. The Board provided comments and approved for publishing upon the revisions being made.

Greg Gordon presented the June social media calendar for the Board's review and approval. The Board provided comments and approved for posting upon the revisions being made.

Greg Gordon provided an update on the invitation response for the upcoming poster contest awards ceremony on June 9, 2022 at 6:00pm. A follow up email will be sent to all winners tomorrow in anticipation of the ceremony. Discussion took place regarding the various media outlets where details of this year's winner and award ceremony will be published.

STEPHEN MORIARTY'S REPORT:

Supt. Moriarty reported that the garage is being cleaned and prepared for hosting the annual poster contest.

Supt. Moriarty reported that he is working on completion of the final remaining item to be addressed as a result of the site visit conducted by the New York State and Nassau County Department of Health at District Plant No. 7. This site visit was done in order to perform an inspection of the District's AOP treatment facility for the completed works approval.

Supt. Moriarty presented the Board with revisions made to the letters for both water disconnection and availability. The newly added verbiage provides explanation to contractors, builders and/or homeowners that the District is experiencing longer than expected lead times on water service parts containing brass, such as corps, curb stop valves and meter setters with backflow devices. This industrywide issue may cause delays in water service connections and is beyond the control of the Plainview Water District. The Board provided comments and approved for sending upon the revisions being made.

DINA M SCOTT'S REPORT – BUSINESS MANAGER:

Vendor check nos. 54389 through 54400 dated June 3, 2022 in the amount of \$115,580.75 were previously reviewed, approved and signed by the Board.

Capital project vendor check no. 10117 dated June 3, 2022 in the amount of \$20,187.50 was 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 reported that the awards ceremony for the annual poster contest is scheduled to take place on Thursday, June 9, 2022 at 6:00 pm. All details are being finalized in anticipation of the ceremony.

Ms. Scott presented a transfer request form from the assignment of fund balance for emerging contaminants to the cash account capital projects cash account in the amount of \$81,979.67. The purpose of this transfer is to fund the recently approved change order with Phillip Ross Industries for additional work performed on the Plant No. 2 permanent AOP treatment project. Board approval was requested.

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

RESOLVED, that the Board of Commissioners approves transferring \$81,979.67 from the assignment of fund balance for emerging contaminants to the cash account capital projects cash account.

Ms. Scott reported that she is in receipt of the draft ARPA Management Use Handbook as prepared by PKF O'Connor Davies. Ms. Scott reported that she will review the handbook and coordinate a meeting with PKF O'Connor Davies to discuss. The standalone procurement policy specific to federal grant awards is forthcoming.

Ms. Scott reported that per her review of the award letter for the 2021 Water Infrastructure Improvement Act (WIIA) grant, should the District be interested in pursuing DWSRF financing, including amounts available through the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL), a project listing must be received by the Environmental Facilities Corp. no later than June 17, 2022. This project listing requires an application for submittal to be included in the 2022-2023 Intended Use Plan (IUP). Discussion took place regarding the documentation required in order for the District to submit. Engineer Neri recommended consideration be given for submissions for the Plant Nos. 3, 4 and 5 AOP treatment projects. Engineer Neri reported that with the respective engineering reports already in place for each of the stated projects, the work required to submit for the IUP would be minimal. Discussion took place and the Board authorized H2M architects + engineers to prepare and submit the Plant Nos. 3, 4 and 5 AOP treatment projects to be included in the 2022-2023 IUP in order for the District to be eligible for any potential future grant funding through the BIL.


On the motion of Commissioner Laykind, seconded by Commissioner Bader, the Board went into Executive Session at 8:05 pm to discuss litigation with Dow Chemical Corp. The Board emerged from Executive Session at 8:35 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 8:40 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, June 7, 2022.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Plainview Water District on this 8th day of August, 2022.



MARC B. LAYKIND, CHAIRMAN



ANDREW N. BADER, TREASURER



AMANDA R. FIELD, SECRETARY