

Regular meeting of the Board of Commissioners of the Plainview Water District was held in the District office on Tuesday, July 5, 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 a correspondence issued to the Long Island Power Authority as it relates to the recently denied FOIL request. The FOIL request issued was in attempt to obtain information related to the work order file on 12 Debora Drive so that a proper investigation can take place by the District's insurance company. Discussion took place and the Board requested Attorney Ingham submit the letter, appealing the denial.

#### **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. The AOP reactor was delivered to the District on June 22, 2022 and installation is currently taking place.

Engineer Neri reported that H2M architects + engineers met with Supt. Moriarty last week to discuss details of the 90% design of the AOP and nitrate and perchlorate removal treatment facility at Plant No. 4. Suggested edits and comments provided by the District are being incorporated into the final design. Engineer Neri anticipates bidding for the construction contractors to take place in August.

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

Greg Gordon presented a revised press release related to the District's preparedness for extreme weather conditions for the Board's review and approval. The Board approved for publishing.

Greg Gordon reported that the open rate for the recently sent e-mail blast was an impressive 53%. This rate is amongst the highest of previously submitted e-mail blasts.

Greg Gordon presented the July 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 presented the second quarter bill insert for the Board's review and approval. The Board provided comments and approved for printing upon the revisions being made.

Greg Gordon presented information related to a recently announced grant for the Empire State Development Investment Fund. Discussion took place regarding the purpose of the grant and its intended use. The Board requested Engineer Neri review the scope of the grant and consider any potential projects that would fulfill the eligibility criteria.

**STEPHEN MORIARTY'S REPORT:**

Supt. Moriarty reported that he is working with PERMA, the District's workers compensation insurance provider to develop an internal respiratory protection training program.

Supt. Moriarty provided the Board with a proposal issued by H2M architects + engineers to prepare an engineering report and application for grant submission through the Green Innovation Grant Program (GIGP). The GIGP is a grant program open to local governments to implement projects that improve water quality and mitigate the effects of climate change. Water meter replacement projects are eligible to receive funding under this grant program. Details of the grant application were discussed. Ms. Scott reported that the engineering report is a requirement for submission of the respective grant application. 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 engaging H2M architects + engineers to prepare an engineering report and application for grant submission through the GIGP for the replacement of water meters in the amount of \$10,700.00.

Supt. Moriarty reported that he is working with Calgon Carbon Corp. on pricing for Granular Activated Carbon (GAC) for the Plant No. 2 permanent AOP treatment project. Supt. Moriarty reported that pricing for said carbon as bid through the project's plumbing contractor, Philip Ross Industries, has increased significantly and therefore, Philip Ross Industries has recently requested a change order to cover the increased cost. After discussion, the change order was denied. However, as a cost savings to the District, Supt. Moriarty is working directly with the vendor in an effort to secure pricing at the District's current contract rate with Calgon Carbon Corp. This would result in a change order issued by Philip Ross Industries. The change order would be for a reduction to the related contract as it is currently inclusive of the purchase of the carbon for the GAC vessels at the plant site location.

Supt. Moriarty reported that he is in receipt of the tank inspection reports issued by H2M architects + engineers. Upon completion of his review, he will provide a copy of said report to the Board for their review and consideration.

Supt. Moriarty reported that he is in receipt of quotes from Eurofins as a follow up to previous discussion regarding the 8.6% inflationary surcharge as well as the recent decline in quality of services provided by Pace Analytical Services, Inc. Supt. Moriarty provided an analysis comparing pricing from each laboratory on a series of different contaminants that require testing. Supt. Moriarty notified the Board that the Long Island Water Conference is preparing to coordinate a cooperative agreement with Eurofins and will continue to keep them informed. Discussion took place and Board directed Supt. Moriarty to commence sending a handful of samples to Eurofins on a test basis in an effort to evaluate satisfaction of services provided. Upon evaluation of such, further discussion will take place.

Supt. Moriarty presented a memorandum to the Board related to SCADA system upgrades at the Plant No. 2 air stripper building and the new AOP skid. Supt. Moriarty provided the quote and reported that the work will be conducted by Eagle Control Corp. who is the specialized professional service provider for the District's SCADA and telemetry maintenance system. Supt. Moriarty reported pricing for necessary upgrades at the Plant No. 2 air stripper building totals \$39,750.00. Supt. Moriarty reported pricing for necessary upgrades at the new AOP skid totals \$47,500.00. The total pricing for the stated SCADA system upgrades at Plant No. 2 is \$87,250.00. At length discussion took place regarding the details contained as part of the upgrade and the necessity of such. Ms. Scott stated that the recommended funding source for the stated upgrades remain consistent with that of the construction of the Plant No. 2 permanent AOP treatment facility which is the fund balance assignment for emerging contaminants. Ms. Scott reported that upon approval from the Board, she will present the respective cash transfer proposal at the forthcoming Board meeting. 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 upgrades to be conducted to the District's SCADA operating system and software in the amount of \$87,500.00 by Eagle Control Corp. as they are the specialized professional service provider for the District's SCADA and telemetry maintenance system.

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

Vendor check nos. 54449 through 54462 dated June 23, 2022 in the amount of \$64,977.11 were previously reviewed, approved and signed by the Board.

Vendor check nos. 54467 through 54490 dated June 30, 2022 in the amount of \$45,992.08 were previously reviewed, approved and signed by the Board.

Capital project vendor check nos. 10121 through 10122 dated June 23, 2022 in the amount of \$382,111.71 were previously reviewed, approved and signed by the Board.

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

- Dental claims dated June 21, 2022 in the amount of \$255.87
- Dental claims dated June 28, 2022 in the amount of \$1,500.00

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 June 21, 2022 in the amount of \$255.87 and June 28, 2022 in the amount of \$1,500.00 and the Board authorized funds to be transferred into the District's dental benefit account.

Ms. Scott provided the Board with the 2021 audited financial statements for the year ending December 31, 2021, as well as the Communication with Those Charged with Governance. Ms. Scott reported the financial statement presentation will be conducted by auditor's Cullen & Danowski on Friday, July 8, 2022 at 8:30am.

Ms. Scott reported that she is attending webinar on Water Infrastructure Funding in the Bipartisan Infrastructure Law on Wednesday, July 13, 2022. Ms. Scott reported that this appears to be the first federal grant coming forward as it relates to water infrastructure.

Ms. Scott reported that she has completed review of standalone procurement policy specific to federal awards as well as ARPA management use handbook as prepared by PKF O'Connor Davies. Ms. Scott reported that she is awaiting receipt of the final document for adoption and distribution to all participants.

Ms. Scott reported that the District will receive an increase in our interest rate from 0.35% to 0.80% for our capital improvement reserve and capital projects cash accounts with Flushing Bank. Ms. Scott reported that she intends to contact the First National Bank of Long Island for the same consideration to be given.

Ms. Scott reported that she has commenced preparation of the District's 2023 operating budget.

Ms. Scott presented a memorandum as it relates to Plant No. 7 AOP treatment costs and funding analysis. Ms. Scott reported the 2021 Water Infrastructure Improvement Act (WIIA) grant award for this project was based upon the H2M architects + engineers prepared cost opinion noting a total project cost of \$8,998,710.00. Total grant award of 60% of the estimated project costs was \$5,399,226.00. The cost opinion prepared was considerate of a more costly permanent treatment option, however, the District instead opted to move forward with one that was different in scope and less in cost. It should be noted that the funding for this project was originally general obligation bonds, however in an effort to save the cost of interest on future indebtedness, the District reallocated the 40% matching funding source of this project to the fund balance assignment for future emerging contaminants. Ms. Scott reported that she deemed it necessary to bring to the Board's attention that the less costly treatment option will result in the District not drawing down on the total grant award determined and will result in unclaimed grant funds of approximately \$1,300,000.00. Discussion took place and the Board requested both Engineer Neri and Supt. Moriarty consider if there are any additional upgrades to be considered as part of Plant No. 7 that would be eligible for reimbursement under the WIIA grant award. Both Engineer Neri and Supt. Moriarty agreed to consider and report back to the Board.

Ms. Scott presented the Summary of COVID Payment Deferrals as required in order to comply with the Department of Public Service guidance relating to the COVID-19 moratorium on utility service terminations and disconnections. Discussion took place and the Board reviewed and approved Ms. Scott to submit the Summary to the Department of Public Service as required.

Ms. Scott reported that the printer in billing area model HP M680DN is broken beyond repair as the parts required are no longer accessible. Discussion took place and Ms. Scott requested Board approval dispose of said printer and remove from the District's fixed asset listing.

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

RESOLVED, that the Board of Commissioners approves the disposal and removal of the HP M680DN printer in the amount of \$3,661.00 from the District's fixed asset listing.

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. Based on Ms. Scott's analysis and after an at length discussion with regard to the necessity of the proposed adjustment, Ms. Scott requested the following additional general fund budget transfer be made in excess of the Budget Transfer Policy limits;

Account Code	Description	Total
A-8340-10-3040	Service Installs	30,000.00
A-8310-70-7700	Contingency	(30,000.00)

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

RESOLVED, that the Board of Commissioners approves the following general fund budget transfer;

Account Code	Description	Total
A-8340-10-3040	Service Installs	30,000.00
A-8310-70-7700	Contingency	(30,000.00)

Ms. Scott requested Board authorization for the appointment of Dina Scott, Business Manager as the Minority Business Officer as it relates to the administration of the 2021 Water Infrastructure Improvement Act grant awards for AOP treatment at Plant Nos. 5 and 7. In addition, Ms. Scott requested Board authorization for the appointment of Supt. Moriarty as the representative of the District to authorize the execution of the NYS WIIA grant agreement and any and all documents as it relates to the administration of the 2021 Water Infrastructure Improvement Act grant awards.

After reviewing Ms. Scott's recommendation and concurring with same, and upon motion made by Commissioner Laykind, seconded by Commissioner Field, the stated resolutions which are annexed hereto were adopted unanimously.

Ms. Scott reported two emails were submitted to both herself and Superintendent Moriarty, and to all District employees with an affiliated District email address, for the solicitation and donation of political campaign contributions. Ms. Scott then presented to the Board the respective emails both dated Thursday, June 30, 2022, one at 12:07 pm and the other at 4:30 pm. Also included in the emails are direct links for the acceptance of monetary donations to the political campaign. Ms. Scott reported that as it reads, these two emails appear to be a violation of Section 15 of the District's Ethics Policy.

Ms. Scott will present the remainder of her report in Executive Session as it relates to the apparent ethics violation stated above.

On the motion of Commissioner Laykind, seconded by Commissioner Field, the Board went into Executive Session at 7:20 pm to discuss an alleged violation of the District's Code of Ethics. The Board emerged from Executive Session at 9:15 pm with no minutes produced.

There being no further business to come before the Board, the meeting was adjourned with a call to the Chair at 9:25 pm.

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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, July 5, 2022.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Plainview Water District on this 13<sup>th</sup> day of September, 2022.

MARC B. LAYKIND, CHAIRMAN

ANDREW N. BADER, TREASURER

AMANDA R. FIELD, SECRETARY