

Regular meeting of the Board of Commissioners of the Plainview Water District was held in the District office on Tuesday, February 21, 2023.

Present: Marc B. Laykind, Chairman
Andrew Bader, Treasurer
Michael A. Chad, 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 provided an update as to the status of the District's litigation against DOW Chemical.

Attorney Ingham reported that he provided Supt. Moriarty with a copy of a FOIL response issued by a neighboring water district as it relates to accumulated water meter read data, as it may have potential future ramifications to the Plainview Water District.

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

Engineer Neri reported that the general contractor is actively working to complete addressing comments provided by the NYS and Nassau County Departments of Health as it relates to the submission of completed works for the Plant No. 2 permanent Advanced Oxidation Process (AOP) treatment facility. Upon completion, H2M architects + engineers will work to obtain the certificate of Approval of Completed Works.

Engineer Neri reported that site demolition is expected to commence at the Plant No. 4 AOP and nitrate and perchlorate removal treatment facility this week of February 21, 2023.

Engineer Neri reported that the construction kick off meeting took place for the Plant No. 5, Well 5-3 interim AOP treatment project last week. Construction on the project has commenced.

Engineer Neri reported that information required for H2M architects + engineers to prepare the Annual Water Quality Report was provided by Supt. Moriarty. Said report is due to the Nassau County Department of Health by May 31, 2023.

Engineer Neri reported that H2M architects + engineers will soon begin to coordinate work to be performed for the first round of the bi-annual tank inspection.

GREG GORDON'S REPORT – PUBLIC INFORMATION FIRM:

Greg Gordon presented a revised fact sheet related to customer service line responsibilities for the Board's review and approval. The Board provided comments and approved for posting to the District's website upon the revisions being made.

Greg Gordon presented an email blast for the Board's review and approval. The Board provided comments and approved for sending upon the revisions being made.

Greg Gordon reported that he would like to coordinate a date for the Spring newsletter kickoff workshop. The Board agreed to consider dates of availability.

Greg Gordon reported that he has contacted the POB School District in order to coordinate the District's involvement and participation in STEM night. Details to the event were discussed.

Greg Gordon reported that he has researched a notification alert function for the District's website. A series of options were discussed and considered. The Board requested Greg Gordon to prepare a demonstration of functionality for the District's viewing.

STEPHEN MORIARTY'S REPORT – SUPERINTENDENT:

Supt. Moriarty reported that notifications were sent to customers located nearby Plant No. 4 to inform that construction will commence for the Plant No. 4 AOP and nitrate and perchlorate removal treatment facility. Furthermore, a "pardon our appearance as construction is in progress" sign was installed at the plant site location. Supt. Moriarty reported that AC Schultes was scheduled to be on site to begin pulling and capping Well 4-2 last week so that demolition to the well house can begin, however experienced an unforeseen delay. The well pump was pulled and televising of the well will now take place this week. Commissioner Laykind expressed his displeasure with the delay and requested Supt. Moriarty follow up with AC Schultes in order to ensure the work is completed in a timely manner so that it does not cause any further construction delays.

Supt. Moriarty reported that the is awaiting delivery of split faced block material in order to proceed at the Plant No. 7 Granular Activated Carbon (GAC) enclosure project. Commissioner Laykind requested Supt. Moriarty follow up with the contractor regarding timing of receipt of the stated materials.

Supt. Moriarty provided the Board with an active listing of all District email addresses for discussion. Consideration was given to providing an email address to all distribution employees. Discussion took place and Commissioner Laykind requested Supt. Moriarty to further investigate and report back with additional details.

Supt. Moriarty presented the Board with a change order to a previously approved purchase order to Construction Consultants of Long Island for additional work required on the Plant No. 2 permanent AOP treatment project. Discussion took place regarding the details of the additional work. The anticipated expense incurred by Construction Consultants of Long Island is \$1,348.12. Supt. Moriarty reported that the cost of the change order will be applied to the contingency line built into the contract, therefore, not increasing the total contract amount. After at length discussion, the Board approved the change order and requested Supt. Moriarty to sign and submit to the contractor.

Supt. Moriarty presented a draft of a postcard mailer to be sent to all District's customers with a registered backflow device. This mailer is being sent in an effort to educate and remind customers of the importance of backflow testing as well as the respective compliance requirements. Discussion took place and the Board approved for mailing.

Supt. Moriarty reported that asphalt restoration is required for 104 Palo Alto Road which is a private road and therefore not restored by the Town of Oyster Bay. Supt. Moriarty secured an estimate for the restoration through the District's asphalt maintenance requirements contract with LaLife Paving. Discussion took place and Board approval was requested. The Board approved Supt. Moriarty's request to complete the asphalt restoration at 104 Palo Alto Road in accordance with the previously awarded asphalt maintenance requirements contract based on the estimate provided.

Supt. Moriarty reported that a fire hydrant on Old Country Road is in need of replacement, along with a six (6) inch hydrant branch valve. Supt. Moriarty secured an estimate for the work to be performed through the District's distribution system repairs and maintenance requirements contract with Bancker Construction Corp. Discussion took place and Board approval was requested. The Board approved Supt. Moriarty's request to complete the work required to replace the hydrant and six (6) inch hydrant branch valve in accordance with the previously distribution system repair and maintenance requirements contract based on the estimate provided.

Supt. Moriarty provided the Board with a listing of commercial backflow devices listed as not-tested for the year ending December 31, 2022 according to the District's records. Past practice was to apply penalties to commercial accounts that do not comply with District ordinances in this regard. As such, it is recommended to impose penalties to

commercial accounts in accordance with the District's ordinances due to the degree of hazard posed for cross connection. The Board approved Supt. Moriarty's recommendation.

Supt. Moriarty will present the remaining of his report in executive session as it relates to personnel.

DINA M SCOTT'S REPORT – BUSINESS MANAGER:

Vendor check nos. 55242 through 55255 dated February 16, 2023 in the amount of \$40,777.84 were previously reviewed, approved and signed by the Board.

Capital project vendor check no. 10158 dated February 16, 2023 in the amount of \$111,182.72 was 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 February 14, 2023 in the amount of \$507.62

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 February 14, 2023 in the amount of \$507.62 and the Board authorized funds to be transferred into the District's dental benefit account.

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 District is in receipt of the 2021 Water Infrastructure Improvement Act (WIIA) grant agreement as it relates to AOP treatment at Plant No. 7. Said agreement was executed by Supt. Moriarty and returned to the NYS Environmental Facilities Corp. (EFC). Ms. Scott reported that she submitted documentation required to support the reimbursement of expenditures incurred on the interim portion of the project in the amount of \$4,079,020.70. Should no change orders be presented for the permanent GAC enclosure portion of the project, the District will obtain full coverage for the total grant award through the recently submitted request for reimbursement. Ms. Scott also reported that due to the fact the expenditures incurred for the interim portion were funded through bond anticipation notes through the Town of Oyster Bay, she recommends the District utilize the grant proceeds received to remit payment on the previous debt incurred. Discussion took place and the Board concurred with Ms. Scott's recommendation and requested that she continue to keep them informed.

Ms. Scott reported the audit of the financial statements for the year ending December 31, 2022 will take place Monday, March 6, 2023 through Friday, March 10, 2023. Ms. Scott reported she is preparing the documentation required in order to complete the annual audit.

Ms. Scott reported that the LIWC Legislative Forum will be held at the Heritage Club in Bethpage, NY on March 10, 2023 at 8:30 am. All members of the Board, Supt. Moriarty and Ms. Scott are registered to attend.

Ms. Scott reported that she was asked to be a member of the LI Regional Board of the NY Government Finance Officers Association. The Board congratulated Ms. Scott on her recognition.

Ms. Scott provided the Board with a copy of the Treasurer's Report for the month ending January 31, 2023. In addition, to supplement and support the Treasurer's Report, Ms. Scott also provided the Board with the respective bank reconciliations as well as the schedule of collateralized deposits for all District cash accounts for the month ending January 31, 2023. After discussion, the reports were ordered filed.

Ms. Scott presented the Board with a copy of the year to date Budget to Actual Expenditures and Budget Variance Report for the year ending December 31, 2022. After discussion, the report was ordered filed.

Ms. Scott presented a Schedule of 2022 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 presented an email correspondence from Nicole Morton of Salerno Brokerage Corp. as it relates to the annual workers compensation insurance policy renewal effective March 1, 2023. The District is entering its second year of the three year option program elected with PERMA in 2022. The contribution amount for the period March 1, 2023 through February 28, 2024 is \$41,017.00, plus a \$2,551.00 NYS Assessment Fee. The contribution amount represents a decrease in annual premium of \$1,269.00.

Ms. Scott reported that to date, \$596,353.83 was paid by the District for the Plant No. 2 Permanent AOP Project and is being held by the EFC as it relates to the 2019 WIIA Grant award. The 25% retainage will be held until the project's certification of completed works is approved. Application for the certificate of completed works has been issued to the NYS and Nassau County Departments of Health and is awaiting approval. With payments made to contractors for services rendered and 25% retainage being held by the EFC, the capital projects cash account balance is low and requires replenishment. Ms. Scott recommended the District's general fund to temporarily loan the capital projects fund monies to cover expenditures incurred until retainage is released by the EFC. Ms. Scott presented a transfer request form from unreserved/undesignated cash account to the capital projects cash account in the amount of \$600,000.00. Board approval was requested.

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

RESOLVED, that the Board of Commissioners approves the temporary loan and transfer of \$600,000.00 from the general fund unreserved/undesignated cash account to the fund balance assignment for capital projects fund cash account.

Ms. Scott presented the Insured Cash Sweep transfer form for the capital improvement reserve deposit previously approved on February 7, 2023. Discussion took place and the Board executed said form.

Ms. Scott presented the revised proposal submitted by H2M architects + engineers as it relates to engineering construction administration, construction progress meeting, construction observation, part-time resident engineering, start up and commissioning services, as-builts and WIIA grant administration and compliance support for the Plant No. 4 AOP and nitrate and perchlorate removal treatment facility. Ms. Scott also presented an engineering construction cost analysis. Ms. Scott reported that a series of previous detailed discussions have taken place over recent weeks regarding the related proposal. Said proposal includes both the AOP portion as well as the nitrate and perchlorate removal portions of the project. Ms. Scott reported that while construction for the treatment facility will take place for both portions of the project simultaneously, each treatment process is accounted for separately due to the District being awarded a separate WIIA grant award for each individual portion. As such, Ms. Scott reported that the District began the planning stages of the nitrate and perchlorate removal treatment facility in 2017 and previously approved the related purchase order for H2M architects + engineers to conduct the construction related engineering services in March of 2019. Therefore, the amounts presented in the recently submitted proposal for the nitrate and perchlorate removal portion of the project will be through an increase to the previously approved purchase order based on changes in the project scope as well as consideration of professional engineering service rates in 2023 dollars as opposed to 2019. Ms. Scott reported that the total increase to the previously approved purchase order for the nitrate and perchlorate removal portion of the project is \$31,400.00. Furthermore, Ms. Scott reported that the proposal amount for the AOP portion of the project is \$480,250.00. Discussion took place and Board approval was requested.

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

RESOLVED, that the Board of Commissioners approves the increase to the previously approved purchase order related to engineering services provided by H2M architects + engineers for the Plant No. 4 nitrate and perchlorate treatment project in the amount of \$31,400.00.

RESOLVED, that the Board of Commissioners approves the proposal submitted for engineering construction services provided by H2M architects + engineers for the Plant No. 4 AOP treatment project in the amount of \$480,250.00.

The NSWCA Meeting was held on Monday, February 20, 2023 at Palmers in Farmingdale, NY at 6:30pm. The guest speaker was Richard Seery of Seery Systems Group, Inc. Commissioner Laykind, Commissioner Bader and Commissioner Chad were in attendance.

The following board meetings were scheduled for March 2023:

- March 7th at 5:30 pm
- March 14th at 5:30 pm
- March 21st at 5:30 pm - Additional Public Session at 7:00 pm
- March 28th at 5:30 pm

On the motion of Commissioner Laykind, seconded by Commissioner Bader, the Board went into Executive Session at 8:50 pm to discuss personnel matters. The Board emerged from Executive Session at 9:30 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 9:35 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, February 21, 2023.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Plainview Water District on this 14th day of March, 2023.

MARC B. LAYKIND, CHAIRMAN

ANDREW N. BADER, TREASURER

MICHAEL A. CHAD, SECRETARY