

Regular meeting of the Board of Commissioners of the Plainview Water District was held in the District office on Tuesday, May 23, 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
 Sujata Pal, Engineer
 Greg Gordon, ZE Creative Concepts
 Lola Rivera, 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 reported that he has provided Ms. Scott with suggestive edits of the Policy for Leaks in Customer Water Service. Discussion took place and Ms. Scott reported that she will review Attorney Ingham's suggested edits and provide a revised draft of the policy to the Board for review.

Attorney Ingham had previously presented a proposed Retainer Agreement and Cost Sharing and Common Interest Agreement for the Board's review. The Agreements addressed retention of Sher Edling, LLP to represent the District on a contingent fee basis to prosecution claims against DuPont. The complaint will allege that contamination of several of the District's drinking water wells from polyfluoroalkyl substances (PFAS) was generated by products manufactured by DuPont. The Board executed said Agreement. The stated resolution approving the Agreements annexed hereto was adopted unanimously.

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 has completed the remaining site work at the Plant No. 2 permanent Advanced Oxidation Process (AOP) treatment facility. However, close out of the general contract cannot take place until the plaque, which was

damaged in transit, has been replaced and adhered to the building. The plaque is being rebuilt and will be delivered upon completion.

Engineer Neri reported that construction continues to progress at the Plant No. 4 AOP, nitrate and perchlorate treatment facility. A construction progress meeting took place this morning. The general contractor is currently removing concrete formwork from the foundation walls and applying damp proofing of the exterior foundation walls.

Engineer Neri reported that construction is progressing at the Plant No. 5, Well 5-3 interim AOP treatment project. Engineer Neri provided a revised project timeline and schedule of completion of work to be conducted to place the well into service. Sampling is complete and satisfactory laboratory results have been received. The related performance report is being drafted for submission to the Nassau County Department of Health for completed works approval as well as approval to place the well into service.

GREG GORDON'S REPORT – PUBLIC INFORMATION FIRM:

Greg Gordon reported that the press release related to a visit and tour from the girl scout troop has been submitted.

Greg Gordon reported that the Spring newsletter has been delivered by the postal service. Commissioner Laykind thanked Greg Gordon and Lola Rivera for their efforts and hard work on another successful newsletter for the District to be proud of. The related social media content was discussed.

Greg Gordon presented a series of topics for consideration of a direct mail piece to provide residents with an update on the District's infrastructure upgrades and improvements. Discussion took place regarding preparation and consideration of timing of submission.

Lola Rivera presented an email blast for the Board's review and approval. The Board approved for sending upon the revisions being made.

STEPHEN MORIARTY'S REPORT - SUPERINTENDENT:

Supt. Moriarty reported that the District will be participating in and providing water for the Rally for Rebecca 5K run on Saturday, May 27, 2023 as well as the Relay for Life on Saturday, June 3, 2023. Furthermore, the District will participate in the POB Memorial Day Parade will take place on Monday, May 29, 2023. Details of each of the events were discussed.

Supt. Moriarty provided the Board with an update on the service line inventory. Priority one inspections are now complete and the District is moving forward with priority two inspections of the related action plan. Discussion took place and the Board requested Supt. Moriarty to continue to keep them informed as the inventory progresses.

Supt. Moriarty reported that he is continuing to work on updating the District's Five-Year Capital Plan. Analysis is being conducted for all well pumps, transfer pumps, booster pumps and all motors recommended to be replaced in future years.

Supt. Moriarty reported that repair of the sign at the front entrance of the District's administrative office is complete. Pictures of the repaired sign were presented.

Supt. Moriarty reported that construction continues to progress at the Plant No. 7 Granular Activated Carbon (GAC) enclosure project. Pictures of the construction were provided to the Board.

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

DINA M SCOTT'S REPORT – BUSINESS MANAGER:

Vendor check nos. 55549 through 55569 dated May 19, 2023 in the amount of \$203,859.03 were previously reviewed, approved and signed by the Board.

Capital project vendor check nos. 100009 through 100010 dated May 19, 2023 in the amount of \$52,119.89 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 May 16, 2023 in the amount of \$3,004.70

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 May 16, 2023 in the amount of \$3,004.70 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 poster contest award ceremony is scheduled for Wednesday, June 7, 2023 at 6:00pm. The poster submission date was extended to Friday, May 26, 2023. Ms. Scott will provide an update to the Board on participation upon receipt of the additional posters.

Ms. Scott reported that the presentation of financial statements for the year ending December 31, 2022 with auditors Cullen & Danowski has been scheduled for Thursday, May 25, 2023 at 9:00am. Ms. Scott reported that she has completed her review of the statements and all related comments have been reflected accordingly within.

Ms. Scott reported that based upon the favorable rates offered by NYCLASS, she is giving consideration to investing the District's Fund Balance Assignment for Emerging Contaminants with NYCLASS. Discussion took place and the Board requested Ms. Scott to further consider and present her recommendation upon conclusion.

Ms. Scott presented for the Board's review and consideration, an Environmental Facilities Corp. (EFC) grant status update. Discussion took place and the Board requested Ms. Scott continue to provide them with an updated document as deemed necessary.

The LIWC The LIWC Meeting and Trade Show was held on Wednesday, May 17, 2023 at the Holiday Inn in Plainview, NY at 6:30pm. The presentation was the trade show and an employee training and a meet and greet from the water trade show took place in the evening. Commissioner Laykind, Commissioner Chad and Commissioner Bader were in attendance.

The following board meetings were scheduled for June 2023:

- June 6th at 5:30 pm
- June 20th at 5:30 pm – Additional public session at 7:00 pm
- June 27th at 5:30 pm

PUBLIC PARTICIPATION:

Mr. Newler of 24 Joyce Road presented a series of comments. Discussion took place and the Board of Commissioners acknowledged Mr. Newler's comments and agreed to take them under advisement.

On the motion of Commissioner Laykind, seconded by Commissioner Chad, the Board went into Executive Session at 7:25 pm to discuss personnel. The Board emerged from Executive Session at 7:55 pm with minutes produced and action taken.

Supt. Moriarty presented a memorandum of recommendation to promote employee John Michta from Water Servicer to Water Plant Operator. This recommendation was presented to the Board based on Mr. Michta passing the related examination and being reachable on the Water Plant Operator list set forth by the Nassau County Civil Service Commission. Supt. Moriarty also requested an increase in salary for Mr. Michta, commensurate with the related title promotion as well as the increased responsibility assumed. Upon discussion, the Board approved promoting John Michta to Water Plant Operator as well as Supt. Moriarty's request for a respective salary increase to \$60,000.00 effective May 22, 2023.

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

RESOLVED, upon the recommendation of Supt. Moriarty that the Board of Commissioners approves the promotion of John Michta to Water Plant Operator at an annual salary of \$60,000.00 effective May 22, 2023.

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There being no further business to come before the Board, the meeting was adjourned with a call to the Chair at 8:05 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, May 23, 2023.

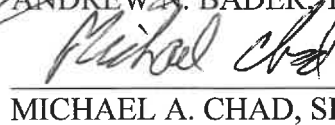
IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Plainview Water District on this 6th day of June, 2023.



MARC B. LAYKIND, CHAIRMAN



ANDREW N. BADER, TREASURER



MICHAEL A. CHAD, SECRETARY

**EXCERPTS FROM THE MINUTES OF THE MEETING OF
PLAINVIEW WATER DISTRICT OF MAY 23, 2023**

**RESOLUTION TO RETAIN SHER EDLING, LLP FOR PERFLUORINATED
COMPOUND CONTAMINATION LITIGATION SERVICES**

WHEREAS, on August 26, 2020, the New York State Department of Health adopted new Maximum Contaminant Levels for 1,4-Dioxane at 1 part per billion and for the perfluorinated compounds of PFOS and PFOA at 10 parts per trillion; and

WHEREAS, by virtue of its experience and professional expertise, and their representation of other local water districts and municipalities, including but not limited to the Town of Hempstead and Suffolk County Water Authority, the District previously retained Sher Edling, LLP to represent it in appropriate action against manufacturers of 1-4, Dioxane on or about January 23, 2019; and

WHEREAS, the District has recently informed Sher Edling, LLP that a number of its wells have been impacted by perfluorinated compound contamination, such as PFOS/PFOA; and

WHEREAS, Sher Edling, LLP has advised that a timely action should be brought against the manufactures of perfluorinated compounds, principally Dupont De Nemours, Inc. and The 3M Company (f/k/a Minnesota Mining and Manufacturing Co.), in light of the strong potential of a fraudulent transfer of assets designed to limit the manufacturers liability to the District; and

BE IT RESOLVED that the District hereby authorizes the retention of Sher Edling, LLP to prosecute action(s) arising for damages to its wells from the perfluorinated contamination; and

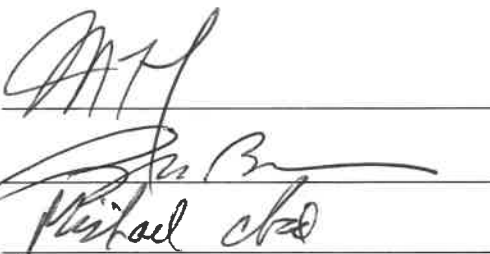
BE IT FURTHER RESOLVED that the services of Sher Edling, LLP are to be performed pursuant to the terms of the Retainer Agreement, as fully set forth therein, and the District authorizes its Chairman, Marc B. Laykind, to sign and execute the Retainer Agreement on the District's behalf.

Motion made by Commissioner Chad, Seconded by Commissioner Bader carried as follows:

Commissioner Marc B. Laykind

Commissioner Andrew N. Bader

Commissioner Michael A. Chad

The image shows three handwritten signatures in black ink, each written over a horizontal line. The first signature is for Commissioner Marc B. Laykind, the second is for Commissioner Andrew N. Bader, and the third is for Commissioner Michael A. Chad. The signatures are stylized and cursive.