

Regular meeting of the Board of Commissioners of the Plainview Water District was held in the District office on Tuesday, July 25, 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  
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 presented the Board of Commissioners with an offer of settlement proposed by National Grid and Asplundh as it relates to damages incurred to the District's water main located on Manetto Hill Road in September 2017. Discussion took place and Commissioner Laykind stated that the settlement appears favorable and makes the District whole for expenditures incurred. Commissioner Laykind executed the related Release and Stipulation of Discontinuance terminating the lawsuit. The stated resolution authorizing settlement of the litigation matter is 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 construction continues to progress at the Plant No. 4 Advanced Oxidation Process (AOP), nitrate and perchlorate treatment facility. The general contractor has commenced steel work and will place concrete for the concrete decking in the forthcoming week. The plumbing contractor continues to install piping of the exterior and is beginning piping the interior basement of the new treatment building. The electrical contractor continues installation of electrical conduit and power boxes. The next construction progress meeting is scheduled to take place Tuesday, August 8, 2023.

Engineer Neri reported that H2M architects + engineers is working on the development of the engineering design for the Plant No. 5 emerging contaminant removal project. An engineer preliminary design meeting is scheduled for July 31, 2023.

Engineer Neri reported that H2M architects + engineers continues to follow up with the Nassau County Department of Health regarding their approval of responses provided on comments issued from their engineering plan review of the Plant No. 5, Well 5-3 interim AOP treatment project. Engineer Neri reported that the Nassau County Department of Health has issued yet another set of comments which were received by H2M architects + engineers on Thursday, July 20, 2023. Responses to the newly issued comments were prepared immediately and submitted the following day. Discussion took place regarding the extended and delayed review and approval process. The Board requested Engineer Neri and Supt. Moriarty to continue to follow up and keep them informed.

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

Greg Gordon presented the August social media calendar for the Board's review and approval. The Board provided comments and approved for posting upon the revisions being made. Commissioner Laykind presented the consideration of the District developing presence on additional social media platforms. Discussion took place and the Board requested ZE Creative Communications to create a District business account on Instagram.

Lola Rivera presented an additional July social media post related to the Plant No. 2, Donna Drive permanent AOP treatment facility ribbon cutting ceremony. The Board approved said post.

Lola Rivera reported on the favorable results of the recently distributed email blast that was sent this morning.

Lola Rivera reported that she is working on updating the projects page of District's website. Lola Rivera also reported that photos have been updated as part of the News section of the District's website.

#### **STEPHEN MORIARTY'S REPORT - SUPERINTENDENT:**

Supt. Moriarty presented the Pumpage Report for the quarter ending June 30, 2023. Supt. Moriarty highlighted that the District's unaccounted for water is favorably low at 3.24%. The Board expressed their pleasure with the positive results. After discussion, the report was ordered filed.

Supt. Moriarty presented a notice received from the Nassau County Department of Public Works issuing notification that paving of Plainview Road was scheduled to commence Monday, July 24, 2023. Discussion took place and the Board acknowledged said notice.

Supt. Moriarty reported that the NYS Department of Environmental Conservation (NYSDEC) has conducted an inspection of the District's peroxide chemical bulk storage tanks which include their review of the related Spill Prevention Report (SPR). Supt. Moriarty reported that the NYSDEC has commented to the District for not updating the SRP as required on an annual basis. Supt. Moriarty reported that corrective action will be taken going forward as he will ensure the report is updated annually.

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

Vendor check nos. 55750 through 55772 dated July 20, 2023 in the amount of \$92,847.46 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 July 18, 2023 in the amount of \$415.22

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 July 18, 2023 in the amount of \$415.22 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 a complete draft of the 2024 Operating Budget will be provided in the forthcoming week for the Board's review. Ms. Scott reported the 2024 Operating Budget will be made available to the public August 30, 2023 in advance of the Budget Hearing scheduled for Thursday, September 7, 2023 at 5:30 pm. Ms. Scott requested the Board's consideration to conduct a presentation to discuss details of the proposed budget. The Board agreed to consider.

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.

Ms. Scott provided the Board with a copy of the Treasurer's Report for the month ending June 30, 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 June 30, 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 month ending June 30, 2023. 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.

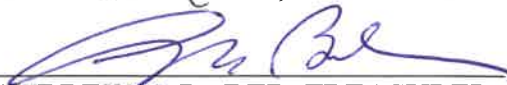
There being no further business to come before the Board, the meeting was adjourned with a call to the Chair at 7:25 pm.

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, July 25, 2023.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Plainview Water District on this 28<sup>th</sup> day of August, 2023.

  
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MARC B. LAYKIND, CHAIRMAN

  
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ANDREW N. BADER, TREASURER

  
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MICHAEL A. CHAD, SECRETARY

**RESOLUTION APPROVING SETTLEMENT OF THE  
PLAINVIEW WATER DISTRICT'S ACTION FOR WATERMAIN BREAK  
DAMAGES AGAINST NATIONAL GRID, INC. AND ASPLUNDH**

WHEREAS, on or about September 28, 2017, the Plainview Water District (the District) suffered an initial watermain break on its offset pipe on Manetto Hill Road directly in front of its Headquarters, and then again, on the morning of September 29, 2017, the District suffered a second break on the eastern toe of the offset; and

WHEREAS, during the course of the watermain repair work being conducted it was determined that a National Grid's new gas main recently installed by Asplundh in the fall of 2016 had barely four (4) inches of clearance from the second break; and

WHEREAS, after due deliberation, the Board of Commissioners determined that a viable cause of action for faulty workmanship could be alleged by the District against National Grid and Asplundh; and

WHEREAS, the District was advised by counsel he could recommend a full settlement of \$58,000.00, together with a portion of interest, as a very favorable settlement outcome obviating the risk and extra expense which would be incurred by the District in pursuing a full trial; and

WHEREAS, Counsel was subsequently able to secure the amount of \$60,000.00 from the Defendants;

NOW THEREFORE, in recognition of the above recitals, it was motioned by Commissioner Bader and seconded by Commissioner Chad as follows:

FIRST, the District agrees to settle the above litigation in an amount of \$60,000;

SECOND, Commissioner Laykind is authorized to execute the Release;

THIRD, general counsel is authorized to execute a Stipulation of Discontinuance terminating the lawsuit which shall be filed with Judge Kapoor;

On the motion, all in favor

Commissioner Marc B. Laykind      Aye

Commissioner Andrew N. Bader      Aye

Commissioner Michael A. Chad      Aye

Dina M. Scott, duly appointed and qualified Business Manager of the Plainview Water District, hereby, CERTIFY that the foregoing resolution was adopted at a meeting duly called and held in the office of the Plainview Water District, a quorum being present on the 25<sup>th</sup> day of July 2023, and that said copy is true, correct and compared copy of the original resolution so adopted and that the same has not been revoked or rescinded.

WITNESSETH, my hand and seal this 25th day of July 2023

  
DINA M. SCOTT