

Regular meeting of the Board of Commissioners of the Plainview Water District was held in the District office on Tuesday, November 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
Sujata Pal, 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 reported that the annual fire hydrant agreement for the Plainview Fire Protection District was delivered to the Town of Oyster Bay for signature. The Town of Oyster Bay will forward the District a copy upon execution and approval.

Attorney Ingham requested the Board's conclusion as it relates to participation in the class action settlements for PFAS contamination against defendants 3M Company and E.I. DuPont de Nemours and Company, The Chemours Company, Corteva, Inc., and DuPont de Nemours, Inc. Commissioner Laykind stated that the Board has given this matter extensive consideration, including discussions with attorney Sher Edling and has elected to participate in the class action settlement against defendant 3M Company. Furthermore, Commissioner Laykind stated the District elects not to participate in the class action settlement against defendants E.I. DuPont de Nemours and Company, The Chemours Company, Corteva, Inc., and DuPont de Nemours, Inc.

WHEREAS, the District filed suit on May 25, 2023 against 3M Company ("3M") and E.I. DuPont de Nemours and Company, The Chemours Company, Corteva, Inc., and DuPont de Nemours, Inc ("DuPont") who were the major manufactures of PFAS substances; and

WHEREAS, on August 22, 2023, the Court in the Aqueous Film-Forming Foam Multidistrict Litigation No. 2873 ("AFFF MDL") preliminarily approved a settlement class for claims against Defendants DuPont for certain water providers throughout the country, of which, the District is a qualifying class member; and

WHEREAS, on August 29, 2023, the AFFF MDL Court preliminarily approved a settlement class for all claims against Defendant 3M for certain water providers throughout the country, of which, the District is a qualifying class member; and

WHEREAS, counsel for the District addressed both the risks of continued litigation and the unique financial pressures on 3M given the nationwide magnitude of PFAS contamination; and

NOW THEREFORE, BE IT RESOLVED that the District elects to participate in the class action settlement reached through the AFFF MDL with Defendant 3M Company; and

BE IT FURTHER RESOLVED, that the District authorizes its outside litigation counsel, Sher Edling LLP, to take all action necessary to effectuate the District's participation and receipt of funds from the 3M Company settlement, including but not limited to, working with the District to confirm and gather additional information that may be needed through the claims process, completion of claim forms on behalf of the District, communicating with Class Counsel, Defendants, and/or the Claims Administrator and Special Master, and all other necessary communication, evaluation, and action through the settlement process; and

BE IT FURTHER RESOLVED, that the District elects not to participate in the class action settlement reached through the AFFF MDL with Defendants E.I. DuPont de Nemours and Company, The Chemours Company, Corteva, Inc., and DuPont de Nemours, Inc.; and

BE IT FURTHER RESOLVED, that the District's Superintendent is authorized to sign the relevant Opt-Out documents from the class action settlement with Defendants E.I. DuPont de Nemours and Company, The Chemours Company, Corteva, Inc., and DuPont de Nemours, Inc.

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 presented the revised pricing issued by National Wash Authority regarding the elevated storage tank pressure washing as a result of the size of the equipment required to conduct the services. Discussion took place and the Board requested Engineer Neri to present a counter-offer to the vendor. Engineer Neri agreed to continue to keep the Board informed.

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 is on hold until the delivery of the ISEP system and mixing valve which are scheduled for delivery the third week of December. Upon delivery, they will then install the

roof trusses and the building will be enclosed. The plumbing contractor continues to install the large process piping within the new treatment building. The electrical contractor is demobilizing from the site as most electrical work has been completed until arrival of the motor control center. Discussion took place regarding the extended lead time on the motor control center and options for consideration to move the project forward. The next construction progress meeting is scheduled to take place Tuesday, November 28, 2023.

Engineer Neri reported that H2M architects + engineers is continuing the development of the engineering design for the Plant No. 5 emerging contaminant removal project. Engineer Neri presented his recommendations for an on-site drainage resolution. Discussion took place and the Board concurred with Engineer Neri's recommendation. Engineer Pal reported that H2M architects + engineers is developing options for consideration of the lime process and will discuss with Supt. Moriarty upon conclusion.

Engineer Neri reported that H2M architects + engineers has commenced the development of the engineering design for the Plant No. 7 AOP enclosure project and is coordinating the related survey to be conducted.

Engineer Neri reported that the general contractor has completed installation of the new air relief valves on the existing Granular Activated Carbon (GAC) vessels for the Plant No. 5, Well 5-3 interim AOP treatment project. H2M architects + engineers is now preparing the related response to the Nassau County Department of Health.

GREG GORDON'S REPORT – PUBLIC INFORMATION FIRM:

Greg Gordon presented a press release related to winter weather tips for the Board's review and approval. The Board provided comments and approved for publishing upon the revisions being made.

Greg Gordon reported that the November 2023 social media calendar has been scheduled for posting.

Greg Gordon reported that the fall 2023 newsletter was submitted to the post office and delivered to all District customers.

STEPHEN MORIARTY'S REPORT – SUPERINTENDENT:

Supt. Moriarty provided the Board with a request for water disconnect and availability at 6 Neil Drive. The Board approved Supt. Moriarty's request.

Supt. Moriarty reported that SecureCom is on-site at Plant No. 7 completing installation of the security system for the new GAC enclosure building. A.C. Schultes is conducting cleaning and airlifting of Well 7-2. Upon completion, the new pump and existing column pipe will be installed.

Supt. Moriarty reported that one of the previously ordered Neptune meter reading gateway devices has been delivered to the District. He has scheduled installation of the device at Plant No. 2 on Monday, November 27, 2023.

Supt. Moriarty reported that responses for the requests for proposal distributed for information technology professional services as well as generator maintenance for the forthcoming year are due back to the District on December 8, 2023. Upon review and evaluation of said proposals, Supt. Moriarty will present his recommendation of award to the Board.

Supt. Moriarty reported that Plant 1, Well 1-2 was approved to return to service by the Nassau County Department of Health earlier today as a result of the recent carbon change-out. He will now commence coordinating the carbon change-out at Well 1-1.

Supt. Moriarty reported that the water main break that took place on Saturday, November 18, 2023 was repaired by the District this morning. Discussion took place regarding protocol for restoration of service when main breaks occur.

DINA M SCOTT'S REPORT – BUSINESS MANAGER:

Vendor check nos. 56124 through 56139 dated November 16, 2023 in the amount of \$277,621.02 were previously reviewed, approved and signed by the Board.

Capital project vendor check nos. 100034 and 10035 dated November 16, 2023 in the amount of \$17,403.00 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 November 14, 2023 in the amount of \$185.00

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 November 14, 2023 in the amount of \$185.00 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 presented the Safety Committee meeting minutes for October 3, 2023.

Ms. Scott provided the Board with a copy of the Treasurer's Report for the month ending October 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 October 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 month ending October 31, 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. Based on Ms. Scott's analysis and after discussion with regard to the necessity of the proposed adjustment, Ms. Scott requested the following additional general fund budget transfers be made in excess of the Budget Transfer Policy limits;

Account Code	Description	Total
A-8340-10-3040	New Service Installations	\$3,000.00
A-8340-10-2020	Valve Replacement and Repair	(\$3,000.00)
A-8340-00-1000	Transmission and Distribution Salaries	\$87,000.00
A-8330-05-1000	Purification Salaries	(\$87,000.00)
A-8340-20-4000	Distribution Tools, Maint. & Supplies	\$7,000.00
A-8340-10-2020	Valve Replacement and Repair	(\$7,000.00)

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

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

Account Code	Description	Total
A-8340-10-3040	New Service Installations	\$3,000.00
A-8340-10-2020	Valve Replacement and Repair	(\$3,000.00)
A-8340-00-1000	Transmission and Distribution Salaries	\$87,000.00
A-8330-05-1000	Purification Salaries	(\$87,000.00)
A-8340-20-4000	Distribution Tools, Maint. & Supplies	\$7,000.00
A-8340-10-2020	Valve Replacement and Repair	(\$7,000.00)

Ms. Scott also requested the following additional general fund budget transfer be made to increase total appropriations for the previously approved capital project funding transfer for the Plant No. 7 AOP enclosure project;

Account Code	Description	Total
A-9950-00-9200	Operating Transfer Out – FB Assignment	133,500.00
A-5032-00-0000	Appropriated Reserves	133,500.00

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

RESOLVED, that the Board of Commissioners approves the following budget transfers and increase in total appropriations be made for the year ending December 31, 2023;

Account Code	Description	Total
A-9950-00-9200	Operating Transfer Out – FB Assignment	133,500.00
A-5032-00-0000	Appropriated Reserves	133,500.00

Ms. Scott presented a request to transfer \$133,500.00 from the capital projects cash account to the assignment of fund balance for emerging contaminants cash account. The purpose of this transfer was to reverse the previously approved transfer made in duplicate in error.

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

RESOLVED, that the Board of Commissioners approves the transfer of \$133,500.00 from the capital projects cash account to the assignment of fund balance for emerging contaminants cash account.

Ms. Scott requested the Board's consideration to increase the District's capitalization threshold for capital assets from \$1,000.00 to \$5,000.00 based upon the recommendation of the Governmental Finance Officers Association (GFOA). Ms. Scott reported this would not in any way impact asset tagging and control procedures and would be strictly for the purpose of capitalization for financial reporting purposes for all assets acquired during 2023. Discussion took place and the Board authorized the proposed policy as revised.

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

RESOLVED, that the Board of Commissioners approves the revised Capital Asset Policy effective for all financial reporting for the year ending December 31, 2023.

Ms. Scott requested the Board sign the Payroll/Status Change Notice for the resignation of Nicholas Salmonese effective November 15, 2023. The Payroll/Status Change Notice was approved and signed. Ms. Scott reported that Nicholas Salmonese requested in accordance with District Policy No. 4.9 Annual Leave and Policy No. 4.15 Sick Leave, that the Board approve payment for unused annual and sick leave upon his resignation. After discussion, the Board approved Nicholas Salmonese request.

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

RESOLVED, that the Board of Commissioners accepts the resignation of Nicholas Salmonese effective November 15, 2023 and also approves payment for Nicholas Salmonese unused annual and sick leave as of his resignation date.

The NSWCA Meeting was held on Monday, November 20, 2023 at Palmers in Farmingdale, NY at 6:30pm. The program for the meeting was balancing between AOP, GAC and nitrate treatment. Commissioner Laykind, Commissioner Bader and Commissioner Chad were in attendance.

The following board meetings were scheduled for December 2023:


- December 5th at 5:30 pm
- December 19th at 5:30 pm - Additional Public Session at 7:00 pm


There being no further business to come before the Board, the meeting was adjourned with a call to the Chair at 8:35 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, November 21, 2023.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Plainview Water District on this 8th day of December, 2023.



MARC B. LAYKIND, CHAIRMAN


ANDREW N. BADER, TREASURER


MICHAEL A. CHAD, SECRETARY