

MINUTES OF MEETING OF THE BOARD OF COMMISSIONERS
of
JERICHO WATER DISTRICT

held at the office of the District in Syosset, Nassau County, New York, on the 1st day of April 2020, at 8:30 A.M.

Present:	Commissioners	Thomas A. Abbate James Asmus (via phone) Patricia Beckerle (via phone)
	Attorney	Michael F. Ingham (via phone)
	Superintendent	Peter F. Logan
	Business Manager	Kathleen Cannon
	Secretary	Amanda Blum
	Engineer	Bill Merklin (via phone)

In response to the restrictions and concerns relative to the Coronavirus (COVID-19) emergency, the Commissioners elected to hold today's Board of Commissioners meeting via a phone-conferencing platform pursuant to Governor Cuomo's Executive Order 202.1 which suspends the "Open Meetings Law". Members of the public were given the opportunity to call in and listen to the meeting live by calling into the conference. The Board Meeting was recorded and will later be transcribed. A notice was posted on the District's website, www.jerichowater.org, stating same on March 27th, 2020.

Commissioner Abbate opened the Board Meeting with an update to the District's responses to address the COVID-19 virus pandemic:

- Miss Cannon participated in a FEMA conference call last week regarding aide for the COVID-19 pandemic. The call reviewed what would and wouldn't qualify for FEMA aid. After review with Superintendent Logan and since FEMA aid doesn't cover regular pay or loss in revenue, the only expenses the District currently would qualify for would be the additional cleaning services and cleaning supplies which so far have not surpassed the \$3,300.00 minimum set by FEMA.
- Social distancing is being demonstrated in both the office and the service department. Mr. Logan is only allowing one employee per vehicle. Office employees are using phones to speak with each other or standing in doorways to speak to one another and are not congregating.
- The split staffing plan is working efficiently and will continue until the Commissioners give a new directive.

- Mr. Ingham reported the NYSDOH issued a memorandum on March 28th, 2020 relating to the protocols for essential personnel to return to work following a COVID-19 exposure or infection.
- Mr. Logan was able to obtain masks, gloves and hand sanitizer from the Office of Emergency Management (OEM). Mr. Ingham instructed Mr. Logan to attempt to procure a temporal thermometer for the District to utilize for return to work protocol set by NYSDOH. Mr. Logan advised the Commissioners that he would put in the request with OEM and see if any of the other District's vendors had one available to purchase.

Minutes of the previous meeting(s) were read and approved unanimously.

Monthly report of Engineer was read and ordered filed.

1. Mc Coun's Lane Water Main Improvements: Bancker Construction has completed the directional drill work and is working on the final connections. D&B received comments on the open-cut contract documents from JWD. JWD will be drafting letters to each of the three affected customer properties, explaining the situation. JWD will acquire two services that are within the District's boundaries that are currently being serviced by New York American Water (NYAW) and will be transferring one service to NYAW that is currently serviced by JWD but is outside the District's boundaries. JWD will also notify NYAW of the same to memorialize the transaction.
2. GAC System at Well 4: D&B is working with PRI to resolve punch list issues and close out this project.
3. LIU Post Water Distribution Improvements: D&B is preparing the final draft for JWD to review.
4. Kirby Lane AOP: The detailed design is underway. The pilot testing has been temporarily stopped due to the uncertainty with the laboratory's ability to process samples. Pace Analytical has been working with 50% staff due to the COVID-19 outbreak and have been prioritizing routine sampling over special project sampling. The status of the laboratory will be monitored by D&B on a weekly basis.
5. Southwoods Road Test Well: A.C. Schultes mobilized today. D&B continues to coordinate with TOB for connection to the storm drain. Mr. Logan sent letters to neighboring properties.
6. PTAS at Wells 6 & 16: A draft Basis and Design Report (BODR) will be submitted to the District as the next deliverable.

Mr. Logan reported that he received the VOC sample results for Well No. 7, the last operational well at the Wheatley site (with Well No. 6 & 16). The results reported a detection of chlorodifluoromethane at 17.5 ug/L, higher than the highest detect at Well No. 16, and well over the MCL of 5.0 ug/L. The well had been offline since last fall, because of low level detections and will not be used until treatment is installed. A packed tower aeration system (PTAS) is the only solution to remove this chemical from the water supply. This well was not part of the current bond request. After discussion with Mr. Merklin, Mr. Logan recommended that the District continue with the design of the PTAS at Well Nos. 6 & 16 to get these two wells online as soon as possible, then the District can plan for separate treatment for Well No. 7. Building a separate PTAS for Well 7 will provide redundancy on this site will ensure that it will always be operational even if one PTAS is down. After discussion, the Commissioners agreed with Mr. Merklin and Mr. Logan's assessment.

Commissioner Asmus inquired about whether the District would be able to meet the demand with three wells down in the same area. Mr. Logan explained that the Wheatley tank can be filled by three remote wells, Well Nos. 11, 27 & 28 which are all directly connected to the tank by a 14" main. Mr. Logan is also continuing plans with D&B for revised irrigation regulations to spread the demand more evenly as not to affect revenue and pumpage. Additionally, Well Nos. 25, 26 are available for use as they are within state and federal standards and Well Nos. 9 & 14 may be available to go online sometime in June 2020.

Mr. Logan reported that he sent another email, with a copy of the sample results, to the DEC requesting that they continue to investigate where the origin of the contamination is coming from. Mr. Ingham advised him that there is no statute of limitations in this matter. Mr. Logan stated that he will keep the Board apprised of the situation.

7. Requirements Contracts: JWD is reviewing the draft bid specs for CBS/PBS Tank Alarm Maintenance & Repairs and Gooseneck Replacement project. A bid date can now be set for Road Restoration and Water Distribution System Repair requirements contracts.
8. Well 12 Driveway Pavement Restoration: D&B has submitted a final draft of the contract documents to JWD, a bid date can now be set.

After discussion, the Commissioner then set a bid date for Friday May 1st, 2020 at 9:00AM for the following projects:

1. G3-20 Requirements Contract for Permanent Restoration of Road Pavements
2. G4-20 Requirements Contract for Emergency Water Distribution System Repairs
3. C2-20 Well No. 12 Paving and Curbing Restoration

This bid opening will be held via phone-conferencing platform. The original contractor's bid sheets will be scanned and posted on the District's website following the bid opening.

9. Emerging Contaminant Action Plan: D&B is working with JWD to develop an overall Action Plan for addressing the many impacts of the proposed regulations for 1,4-dioxane and PFAS.
10. Split Rock Tank Rehabilitation: D&B received comments from JWD on the draft Condition Assessment Report and has prepared a revised draft. The detailed design is underway and construction work will be scheduled for the fall of 2020. JWD requested that D&B begin work on the site piping design to accommodate the proposed booster pumping station. The design and construction of these improvements will be addressed independently from the tank rehabilitation project. D&B will prepare a proposal for the design of the pumping station once the scope of the next bond issue has been established. Drainage improvements will be implemented under a separate construction project.
11. Marriott at Milleridge Inn Water Main: D&B submitted final contract documents for JWD. JWD will share them with the developer and LiRo.
12. Well 17 GAC Treatment for Simazine Removal: The detailed design and building as-builts are underway.
13. Well 4 & 31 Pump Rehabilitation: This work is scheduled for fall 2020. D&B will submit a proposal for the Well 4 work as the date approaches.
14. Tam O'Shanter Development: D&B is preparing a draft report for review by JWD.
15. Country Club Developers: On hold for acknowledgement from developer.
16. 2019 Annual Water Quality Report (AWQR): D&B is preparing draft documents. There is a possibility that the May 31st, 2020 deadline will be extended due to the COVID-19 pandemic, however, D&B is on track to complete based on their original schedule.

A discussion was held regarding alternative ways to distribute the AWQR report to residents now that the District has a website. Mr. Logan advised the Commissioners that he would contact Progressive Marketing to see if they are under any restrictions due to COVID-19 to explore what options the District has in order to be in compliance with NYSDOH regulations.

17. 2020 Bond Issue: D&B has submitted the final bond report and SEQR documents for adoption by JWD.

Mr. Merklin then presented to the Commissioners the 2020 Bond Issue Report from D&B Engineers and Architects for funding in the amount of \$23,219,000.00 for needed improvements in various well stations, tanks and distribution infrastructure as initially identified and prioritized in the District's 10-year capital plan. Mr. Ingham prepared, and Mr. Merklin reviewed and approved the resolution listed below to adopt the 2020 Bond Issue Report, approve required SEQRA EAFs and direct District's counsel to prepare a formal Petition to the Town of Oyster Bay. After discussion, and due consideration and upon motion duly made and seconded, it was

RESOLVED, that the following preambles and resolution be adopted:

WHEREAS, the Jericho Water District (the "District") duly recognized the need to undertake treatment for the emerging contaminants of 1,4 Dioxane and the perfluorinated compounds both of which were originally detected during the UCMR-3 testing protocol; and

WHEREAS, on July 24, 2019, the New York State Department of Health (NYSDOH) published a proposed amendment to Subpart 5-1 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York to include Maximum Contaminant Levels (MCLs) for these contaminants. The MCLs as proposed by the Drinking Water Quality Council, are 1.0 ug/L (0.0010 mg/L) for 1,4-dioxane and 10.0 ng/L (0.0000100 mg/L) for both PFOA and PFOS.

WHEREAS, based on the proposed NYS standards, several of the District's wells would be directly impacted due to the proposed 1,4-dioxane MCL and one of the major wells has been directly impacted by the proposed PFOA MCL.

WHEREAS, the District's engineer, D & B Engineers and Architects, PC, prepared a report dated March 2020 (the D & B Report) for Advanced Oxidation Process (AOP) treatment systems for Wells 9 and 14 and the Kirby Lane Facility Wells 25 and 26 as well as necessary upgrades and improvements to maintain the District's current infrastructure; and

WHEREAS, the D & B Report delineated the seven specific projects to be accomplished under this bond petition as follows:

1.	Southwoods Road Well to Replace Well 5
2.	Wells 9 and 14 AOP Treatment
3.	Kirby Lane Facility AOP Treatment and Booster Electrical Upgrade
4.	Kirby Lane Blow Off and Drainage Improvements
5.	Well 17 GAC Treatment
6.	Well 20 GAC Treatment
7.	Split Rock Booster Station

WHEREAS, the Board had previously and thoroughly reviewed drafts of the D & B Report in contemplation of its submission to the Town of Oyster Bay under Town Law §216 in support of the District's application for municipal financing for the seven projects; and

WHEREAS, SEQRA review for the project is a requirement of the Town bonding protocol; and

WHEREAS, the Board received advice from D & B that five of the projects (# 2, 3, 5, 6 and 7) constitute Type II Actions with no significant adverse environmental impacts (Memorandums annexed hereto as Exhibit A); and

WHEREAS, general counsel concurred with the memorandums submitted by D & B and advised the Board of the following legal precedents in New York addressing Type II "replacements in kind" are applicable to the above referenced projects;

- a. Anderberg v. NYSDEC, 533 N.Y.S.2d 828 (Albany County 1988) ("Anderberg") which sanctioned a SEQRA Type II for the enlargement and modernization of a traffic bridge.
- b. Coney-Brighton Boardwalk Alliance v. NYC Department of Parks and Recreation, 122 A.D.2d 924 (2nd Dept. 2014) citing Anderberg for the proposition that the City's upgrade of an existing boardwalk was a Type II project and "no further SEQRA review is required".
- c. In Village of Munsey Park v. Manhasset-Lakeville Water District, (Sup. Ct. Nassau County Index # 6670/2014 July 11, 2015) ("Munsey Park") where the court, on nearly identical facts, sustained a determination by the Water District that its replacement of an elevated water storage tank constituted a Type II under SEQRA.

WHEREAS, the District reviewed the Short Environmental Assessment Form (EAF) submitted in accordance with SEQRA Regulations 6 NYCRR Part 617 (a copy of EAF annexed hereto as Exhibit "B") which analyzed the environmental impacts of Project 1 – Southwoods Road Well to Replace Well 5 and concluded same constituted Unlisted Actions with no significant adverse environmental impacts; and

WHEREAS, the District reviewed the Short Environmental Assessment Form (EAF) submitted in accordance with SEQRA Regulations 6 NYCRR Part 617 (a copy of EAF annexed hereto as Exhibit "C") which analyzed the environmental impacts of Project 4 – Kirby Lane Blow-Off and Drainage Improvements and concluded same constituted Unlisted Actions with no significant adverse environmental impacts; and

NOW THEREFORE in consideration of the above recitals, be it unanimously resolved:

FIRST, that the D & B 2020 Bond Issue Report dated March 2020 be duly approved and adopted as the District's official plan analyzing the recommendation for the seven projects to be submitted to the Town of Oyster Bay in the District's capital improvement bond;

SECOND, that the District's counsel be directed to prepare a formal petition to the Town Board of the Town of Oyster Bay for capital improvements financing the projects described in the D & B Report in an amount not to exceed \$23,219,000;

THIRD, that Projects 2, 3, 5, 6 and 7 all constitute Type II Actions thus requiring no further action;

FOURTH, that Project 1 Southwoods Road Well to Replace Well 5 and Kirby Lane Blow-Off and Drainage Improvements each constitute Unlisted Actions under SEQRA with no significant adverse environmental impacts thus requiring no further action; and

FIFTH, that the District Superintendent is authorized to execute and file with the District's the annexed Environmental Assessment Forms supporting the Board's conclusions.

VOTE AYES: 3

Commissioner Abbate	AYE
Commissioner Beckerle	AYE
Commissioner Asmus	AYE

Mr. Ingham then reported that he would commence with preparations to complete the bond petition to circulate to Miss Cannon, Mr. Logan and Mr. Merklin for their comments and review. The resolution passed today will become an exhibit to the petition.

Mr. Ingham then reported on the Woodbury Villas project, currently the District has a deposit on file. Mr. Logan stated he would not be issuing a notice to proceed until the curbs have been installed. He requested Mr. Logan have Bob Lucas of H2M contact Bancker Construction to inquire if they would hold their original price to install the water mains past the 45-day deadline of April 6th, 2020 and for how long they will hold their price due to the delay. Mr. Ingham instructed Ms. Cannon to hold off on sending the award letters to Bancker Construction until this issue is resolved, and a new timeline is established.

18. 2020 EFC Grant Applications: D&B is preparing grant applications for the following projects: Southwoods Road Well to Replace Well 5, PTAS

Treatment at Wells 6 & 16, Simazine Treatment at Well 17 and Simazine Treatment at Well 20.

A discussion was held whether D&B should proceed with this work or to put it on hold due to the potential impact the COVID-19 pandemic might have on grant funding for 2020. After discussion, the Commissioners instructed Mr. Merklin to continue with the engineering reports for each project, but to delay the work on the grant applications until an announcement is made from NYS EFC. The engineer's reports will not expire and will be useful to the District regardless of the outcome with the grant announcement.

19. Syosset Tank Condition Assessment: This work is scheduled for fall 2020 and will be coordinated with the shutdown of the Split Rock Tank for scheduled maintenance.

20. Property Transfer Evaluation for Well No. 10 & Well No. 15: D&B has submitted a proposal to assist the District with estimating the cost to clear the site.

Mr. Merklin then presented the Commissioners a proposal from D&B Engineers and Architects P.C. for engineering services for property transfer assistance of the District properties located at 160 Robbins Lane, Jericho and 62 Saratoga Drive, Jericho in the not to exceed fee of \$6,500.00. D&B will estimate the cost for demolition and clearing the properties, Phase 1 ESA, and hazardous material abatement. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners approve D&B Engineers and Architects P.C.'s proposal for engineering services for property transfer assistance of the District properties located at 160 Robbins Lane, Jericho and 62 Saratoga Drive, Jericho in the not to exceed fee of \$6,500.00 to be charged to Operating Account No. A-8340-000-4430 Engineering Services.

VOTE	AYES	3	NOES	0	ABSENTIONS	0
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Commissioner Abbate	AYE
Commissioner Asmus	AYE
Commissioner Beckerle	AYE

Mr. Logan reported that all analysis of wells and bacteriological sampling for the period March 18, 2020 to March 31, 2020, had been completed and all were within state and federal standards. Mr. Logan reported the staff has been working on getting wells online.

Mr. Logan then requested authorization to purchase a 2020 John Deere 410L Backhoe in the total estimated amount of \$128,500.00; \$122,824.12 purchase price less a \$6,000.00 trade in allowance plus a 10% contingency for any necessary accessory

parts from JESCO Inc. off Sourcewell Contract No. 032515-JDC. The new backhoe will replace a 1988 Case 680K backhoe that is too costly to repair and maintain. Miss Cannon requested authorization to appropriate funds from the Capital Reserve Fund (A-0878) to Capital Account No. H-8397-843-2202 Heavy Duty Trucks/Equipment to fund this purchase. After discussion and upon motion duly made and seconded the Commissioners passed the following resolution:

WHEREAS, the Board of Commissioners approved appropriated funds be set aside for the purpose of Capital Improvements by establishing a Capital Improvement Reserve Fund in accordance with §6-c of General Municipal Law; and

WHEREAS, effective April 1, 2020 the Capital Improvement Reserve Fund, A-0878, ("Reserve Fund Account") had a balance of \$1,891,019.89; and

WHEREAS, the Commissioners wish to appropriate funds from the Capital Improvement Reserve Fund (A-0878) to Purchase a 2020 John Deere 410L Backhoe to replace a 1988 Case 680K Backhoe that is well beyond its useful life and no longer cost beneficial to repair or operate; and

WHEREAS, pursuant to General Municipal Law §103 the District will purchase the 2020 John Deere 410L Backhoe by utilizing Sourcewell-Contract No. 032515-JDC in the total estimated amount of \$128,500.00; \$122,824.12 purchase price less a \$6,000.00 trade in allowance plus a 10% contingency to purchase any necessary accessory parts; and

WHEREAS, funds would be appropriated from the Capital Reserve Fund Account without incurring any additional debt service payments for principal and interest and, therefore, be cost beneficial to the District taxpayers; and

WHEREAS, this resolution is adopted subject to permissive referendum as set forth in Town Law Section 90 and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the issuer voting on the referendum; and

WHEREAS, the funding of capital improvement projects in the Jericho Water District is a Type II action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617(c)(10) and therefore no further SEQRA review is required; and

NOW THEREFORE,

BE IT RESOLVED that the Board of Commissioners hereby authorizes the Treasurer to appropriate \$128,500.00 from the Capital Improvement Reserve Fund (A-0878) for the purpose of purchasing a 2020 John Deere 410L Backhoe.

FURTHER BE IT RESOLVED that the Treasure/Clerk is hereby authorized and directed to, within ten (10) days after the adoption of this resolution, cause this resolution to be published in the District's official newspaper and be posted on both

the sign boards of the Town of Oyster Bay and the District pursuant to Town Law, together with a notice of adoption thereof.

VOTE	AYES	3	NOES	0	ABSENTIONS	0
Commissioner Abbate			AYE			
Commissioner Asmus			AYE			
Commissioner Beckerle			AYE			

Mr. Logan then informed the Commissioners that he received a proposal from Botto Mechanical Inc. for preventative maintenance of the District's rooftop AC units in the amount of \$1,600.00 for the contract period of 4/1/2020 through 3/31/2021, with the option to extend for an additional year at an increase not to exceed 3.5%. After discussion, the Commissioners approved the proposal.

Miss Cannon then presented and reviewed with the Commissioners a Cash Balance/Cash Deposit report as of March 31st, 2020. After discussion, the report was ordered filed.

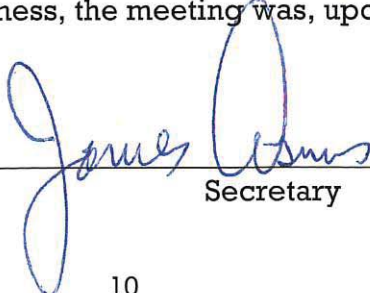
Miss Cannon then presented and reviewed with the Commissioners a Purchase Order by Expense Account Report listing all purchase orders issued between March 18th, 2020 and March 31st, 2020. After discussion, the report was ordered filed.

Miss Cannon then advised the Commissioners that she received a notification from First National Bank of Long Island (FNBLI) that the interest rate decreased from 2.07% to 1.1% effective March 25th, 2020. This decrease is the result of the country's economic state and is affecting all banks. Miss Cannon verified with FNBLI that the District's interest rate is still competitive when compared to other agencies in the same industry.

Miss Cannon informed the Commissioners that she received a request to waive a penalty on Account No. 50061639-0 in the amount of \$50.23. Miss Cannon informed the Commissioners that no penalty has been waived in the last five (5) years. After discussion, the Commissioners authorized Miss Cannon to waive penalty on the account and instructed her to send a revised bill to the consumer.

The following claims were then audited and approved for payment: General Fund #24343 to #24387 and Construction Fund #2496 to #2498.

There being no further business, the meeting was, upon motion duly made and seconded and adjourned.


Secretary