

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

held remotely via telephone conference, on the 15<sup>th</sup> day of June 2022, at 8:30 A.M.

|          |                        |  |
|----------|------------------------|--|
| Present: | Commissioners          | Thomas A. Abbate<br>James Asmus<br>Patricia Beckerle |
|          | Attorney               | Michael F. Ingham                                    |
|          | Superintendent         | Peter F. Logan                                       |
|          | Business Manager       | Kathleen Cannon                                      |
|          | Asst. Business Manager | Amanda Blum  |
|          | Engineer               | William D. Merklin                                   |

In response to the concerns relative to the Coronavirus (COVID-19), today's meeting of the Board of Commissioners and all meetings until further notice will be held via a phone-conferencing platform pursuant to Chapter 417 of the NYS Laws of 2021. A roll call was taken to assure that those listed were in attendance and that a quorum of the Board was present. Members of the public were given the opportunity to call in and listen to the meeting live. The Board Meeting was recorded and will later be transcribed. A notice was posted on the District's website, [www.jerichowater.org](http://www.jerichowater.org), stating same.

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

Monthly report of Engineer was read and ordered filed.

1. Well 20 & 21 AOP Treatment: D&B responded to comments received from NYSDOH on BODR. Waiting for comments from NCDH. The 90 percent documents will be submitted to NCDH and NYSDOH in early July.
2. Well 22 Facility Improvements & AOP Treatment: D&B is addressing NYSDOH comments on the BODR. Waiting for comments from the NCDH. JWD is reviewing the 90 percent contract documents.
3. Kirby Lane AOP: D&B responded to NCDH comments on the contract documents. Approval is pending. Shop drawing review for AOP pre-purchase is underway.
4. Southwoods Road -New Well and Treatment Facility:
  - a. Well Construction Contract: Layne is clearing the site to prepare for drilling. Scheduled to complete work in late September.

- b. Treatment Facility Contracts: NCDH approval of the Basis of Design Report (BODR) is pending. A 90 percent submittal will be made in July.
5. PTAS at the Wheatley Rd. Site (Well 6 & 16): Contractual Substantial Completion date is March 4, 2022. Project is delayed due to electrical equipment and well pump delivery delays. NCDH has submitted a recommendation letter to NYSDOH recommending approval of the contract documents.
6. Split Rock Tank Booster Station: The generator has been relocated from Kirby Lane to Split Rock. Waiting on shop drawings for Booster Station.
7. Wells 18 & 19 Drainage Improvements: Punch list work is on-going.
8. Syosset Tank Replacement Planning: The pre-bid meeting was held on June 9<sup>th</sup> and was attended by three perspective bidders. Bids will be received on June 24<sup>th</sup>.

A discussion was then held regarding the federal grant requirements currently not included in the existing Syosset Tank bid specs. The project will be included in the Intended Use Plan (IUP) application to be submitted on June 17<sup>th</sup> for BIL funding. If the District was awarded financing, it's possible that we would be disqualified for not having federal grant requirements language included in the current bid specifications mainly the American made steel requirement. After discussion, the Commissioners requested that Mr. Merklin include the federal requirements as an alternate in the bid specifications as an addendum. Mr. Merklin will communicate with the four (4) vendors who had shown interest in bidding to see if they will be able provide the alternate by the bid date of June 24<sup>th</sup>, or if the bid date needs to be postponed. Mr. Merklin will keep the Commissioners apprised of the situation. Mr. Ingham confirmed that if the bid date needs to be postponed, the District would not be required to re-advertise since the addendum will include the revised bid date.

9. Water Service Gooseneck Replacement: D&B responded NCDH comments on the contract documents. A Notice to Proceed (NTP) will be issued to the Contractor upon NCDH approval of the contract documents.

A discussion was held regarding whether NCDH approval is necessary for this project since NYSDOH has confirmed that lead goosenecks are not included in the new Lead and Copper Rule Revision. After discussion, the Commissioners instructed Mr. Merklin to draft a letter to NCDH withdrawing the application with NCDH for Superintendent Logan and Mr. Ingham to review and the Commissioners to approve. Pump Rehabilitation Projects:

- Well 31: A final change order has been sent to the Contractor for contract close out.
  - Well 17: Submitting sample results to NCDH for approval. NCDH requested additional sampling since the well had been out of service for over 90 days. New motor is expected in mid-June and will be kept as a spare. Scheduling angle drive modifications with Contractor and District.
  - Well 29: Contractor has received the pump. Installation work to be performed in the fall.
  - Wells 18: D&B is preparing the scope of work and pump design to develop a purchase order.
  - Well 19: D&B is preparing the scope of work and pump design to develop a purchase order.
10. Glen Head Water Main Improvements: This project will be tabled until an easement route can be identified. D&B will be working with the District to obtain easements for the Roosevelt Avenue Water Main project instead. A separate proposal will be prepared for this design in the near future; after the easements have been established.
11. Main Plant SCADA Improvements: Dell servers' delivery is scheduled for June 17<sup>th</sup>.
12. Transfer Switch Replacements: The Contractor has received all three switches. A contract modification request is forthcoming for the 3<sup>rd</sup> switch at Well No. 29. D&B prepared a request for cost proposal to be sent to Bancker Electric as an alternative approach using the existing requirements contract.
13. Juneau Pump Station Improvements: Shop drawings are underway.
14. Main Plant Basement Improvements: JWD is reviewing draft drawings.
15. Merry Lane Water Main As-Builts: D&B will meet with JWD in the field to review as-built drawings to finalize them. D&B will estimate the cost for production of the as-built drawings once they have been completed.
16. Vulnerability Assessment (VA) Update: Final update is due in December 2022.
17. GIS Updates: D&B will prepare hydrant database for East Norwich Fire Department upon receipt of funds by the District.
18. Lead and Copper Rule (LCR) Grant Application: D&B has submitted a proposal to prepare a funding application for costs related to compliance with the LCR. Applications are due in August.

The new Infrastructure and Jobs Act, or Bipartisan Infrastructure Law (BIL) passed by Congress and signed by the president in November 2021 includes funding opportunities for lead service line inventories and replacement projects. NYSEFC in conjunction with NYSDOH published a call for projects on April 27, 2022, including those projects for assistance with the development of Lead Service Line Inventories and Lead Service Line Replacement Projects. The first compliance step required by the LCRR is the development of the service line inventory which is currently being developed and will be the basis for planning and compliance with the other elements of the LCRR. The LCRR requires submission of the lead service line inventory to the NYSDOH by October 16, 2024. While work is currently ongoing for the first phase of the inventory development, it is anticipated that additional efforts will be required to fully complete the inventory identifying both the District-owned and customer-owned portions of the services.

Mr. Merklin then presented to the Commissioners a proposal from D&B Engineers and Architects, D.P.C. to provide engineering services associated with the preparation of an application for funding through the Environmental Facilities Corporation (EFC) and Drinking Water State Revolving Fund (DWSRF) for Compliance with the Lead and Copper Rule Revisions (LCRR) for the total not to exceed fee of \$5,000.00. After discussion and upon motion duly made and seconded, it was

RESOLVED that the Commissioners approve D&B's proposal to provide engineering services for the Preparation of Funding Applications for USEPA Lead and Copper Rule Revisions in the not to exceed fee of \$5,000.00 to be charged to Operating Account No. A-8340-000-4430 Engineering Services.

|      |      |   |      |   |            |   |
|------|------|---|------|---|------------|---|
| VOTE | AYES | 3 | NOES | 0 | ABSENTIONS | 0 |
|------|------|---|------|---|------------|---|

|                       |     |
|-----------------------|-----|
| Commissioner Abbate   | AYE |
| Commissioner Asmus    | AYE |
| Commissioner Beckerle | AYE |

19. Capital Project Grant Applications: D&B will submit or resubmit applications for grant funding before the June 17<sup>th</sup> deadline. Discussion regarding federal procurement requirements.

Discussion was then held with regards to the applications for funding under the Bipartisan Infrastructure Law (BIL) as part of the Drinking Water State Revolving Fund (DWSRF) for the Intended Use Plan (IUP) project listing that are required to be submitted by June 17<sup>th</sup>, 2022. Mr. Merklin reported that the following projects would qualify for grant funding:

- Syosset Tank; estimated cost \$14,621,000

- New Well No. 33 at Southwoods Road; estimated cost \$16,325,000
- Well 22 AOP Treatment System; estimated cost \$13,723,000
- Improvements and Upgrades to Multiple Distribution System Water Mains; estimated cost \$9,942,000

After discussion, and upon motion duly made and seconded, it was

**RESOLVED** that the Commissioners authorize D&B to file the Intended Use Plan (IUP) project listings for the above listed projects by the filing deadline of June 17<sup>th</sup>, 2022 with NYS EFC.

|      |      |   |      |   |            |   |
|------|------|---|------|---|------------|---|
| VOTE | AYES | 3 | NOES | 0 | ABSENTIONS | 0 |
|------|------|---|------|---|------------|---|

|                       |     |
|-----------------------|-----|
| Commissioner Abbate   | AYE |
| Commissioner Asmus    | AYE |
| Commissioner Beckerle | AYE |

20. Convent Road Facility Architectural Improvements: D&B submitted a proposal for architectural improvements to various facilities at the Convent Road site.

A discussion was held regarding the proposal for architectural improvements to various facilities at Convent Road site on today's agenda. Mr. Logan requested that the scope be revised to exclude the replacement of thirteen (13) garage doors and tracks (including four motorized and seven insulated doors). Mr. Logan explained that he would like this work to be expedited and will handle this project in house. The remainder of this project will be pushed into 2023. The Commissioners requested that Mr. Merklin revise the proposal and authorized Superintendent Logan to prepare bid specifications for the garage doors.

21. Capital Plan: D&B met with JWD to review the draft Capital Plan. The Plan will be finalized before the end of June.

**Status of Proposed Development Projects – Engineers Report**

1. Oaks at Mill River: The cost estimates will be sent to the developer upon receipt of funds.
2. The Center for Developmental Disabilities (The Center) Water Main Improvements: Punch list work continues.
3. Tam O'Shanter Development: Waiting for developer response regarding April 25, 2022 letter from NCDH about conditional letter of water availability.

4. Laurel Hollow Service Area Extension: No new activity since the last report.
5. Woodbury Hills Development: No new activity since the last report.
6. Silver Path Estates Request for Water Availability: No new activity since the last report.
7. Marriott at Milleridge Inn Water Main: No new activity since the last report.
8. Country Club Developers: No new activity since the last report.
9. Avey Residential Development: No new activity since the last report.

Mr. Ingham announced that the technical amendment, confirming that CPLR 214-h was intended to be, and is, retroactive by statute, passed by the full Senate on May 28, 2022. It was then passed by the full Assembly in the wee hours of Saturday morning June 4, 2022. It now awaits the signature of Governor Hochul. In the end, it was truly a remarkable testament to the strength of our industry to address a questionable judicial decision, and hopefully enact what is likely a unique amendment in New York Legislative history, all in nine (9) short weeks.

Mr. Ingham additionally reported that a companion statute protecting water providers was passed unanimously out of the Senate (May 24, 2022) and out of the Assembly (May 31, 2022) at the very end of the Legislative session. Sponsored by Senator Gaughran, the Public Health Law was amended to add a new section 1167-a. The bill prohibits polluters from receiving any "credit" for grants received by water providers for remediation for plume contamination.

Mr. Ingham informed the Commissioners that several water districts, including JWD, have received a letter from Pace Analytical (vendor performing laboratory water testing), dated June 9, 2022, stating that they will be implementing an 8.6% Inflationary Surcharge on all invoices effective June 15, 2022. After discussion, the Commissioners agreed to the increase in fees.

Superintendent's Monthly Report was read and ordered filed.

Mr. Logan reported that all analysis of wells and bacteriological sampling for the period June 1, 2022, to June 13, 2022, had been completed and all were within state and federal standards.

Mr. Logan reported on Contract No. C1-22 SCADA Improvements and Maintenance and the purchase of the Rockwell SCADA software. The SCADA software is a commercial software that requires programming and customization by the vendor (Lexington Technologies) so that it can be used by the District for SCADA purposes. For this project, the District (with assistance from D&B and Lexington

to be charged Capital Project Account No. H-8397-012-2303 Merry Lane AOP System.

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

Miss Cannon provided the Commissioners with an update regarding the Picket Farm Homeowner's Association unpaid invoices for water charges which was presented to the Commissioners at the past meeting. Miss Cannon indicated that they had partially paid their 1<sup>st</sup> quarter bills. Miss Cannon requested preliminary authorization to waive penalties on the account as well as give them additional time to pay (and will come back to the Board of Commissioners for final approval after speaking with the Homeowner's Association). After discussion, the Commissioner's authorized Miss Cannon to work out a payment plan with the Homeowner's association and report back to the Board.

A discussion was held regarding the planned water rate increases for non-domestic services scheduled for April 1, 2022 and then postponed until July 1<sup>st</sup>, 2022. Miss Cannon explained that after meeting with the service department, there is still work to be done in verifying some of the remaining accounts and requested the rate increase be delayed until at least 2023. After discussion, the Commissioners agreed with Miss Cannon's recommendation.

Miss Cannon informed the Commissioners that she received a request to waive a penalty on Account No. 25702140-1 in the amount of \$536.00. Miss Cannon informed the Commissioners that no penalty had been waived in the last five (5) years on this account. After discussion, the Commissioners authorized Miss Cannon to waive the penalty on the account and instructed her to send a revised bill to the consumer.

The Board went into Executive Session at 10:23 a.m. to discuss pending legal matters and returned at 10:32 a.m. with the following actions taken:

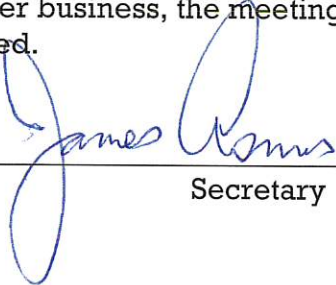
A discussion was held regarding several properties which are currently within the Jericho Water District's taxing boundaries and are serviced by the City of Glen Cove. Back in 1970, (when the development was established), the Jericho Water District Commissioners approved the City of Glen Cove service these homes as they already had watermains in place for adjacent lots. After discussion, the Commissioners directed Mr. Logan, Miss Cannon and Ms. Blum to identify all properties serviced by the City of Glen Cove that pay taxes to the Jericho Water District that the District does not plan to service in the near future. Mr. Ingham will prepare a letter to the Town of Oyster Bay requesting that they remove these properties from the Jericho Water Taxing District (while still reserving the right to

add the properties back should the Commissioners decide to service them in the future).

Pending agenda items list was read and filed.

The following claims were then audited and approved for payment: General Fund #26508 to #26549, Construction Fund #2599 to #2601, and Installation Fund #4152 to #4153.

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

  
Secretary