

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

held remotely via telephone conference, on the 18th day of May 2022, at 8:30 A.M.

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| Present: | Commissioners | Thomas A. Abbate James Asmus (Absent) 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, stating same.

The meeting was called to order at 8:30 AM, and the Commissioners elected to go into Executive Session to discuss legal matters.

At 8:40 AM, Executive Session was concluded, and the Board returned to the regular meeting.

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

Miss Cannon informed the Commissioners that Governor Hochul extended the state's disaster emergency in executive order no. 11.6 through June 14, 2022.

Miss Cannon further informed the Commissioners that Nassau and Suffolk Counties are now considered as having "High" (Red) COVID transmission rates and therefore the CDC recommends masking in public indoor spaces. The Board of Commissioners meetings will be held via phone conferencing platform until the transmission rates drop to "Medium" (Yellow) or "Low" (Green). The District has had five positive COVID cases over the last two weeks. Signs have been posted at the District office recommending customers wear masks when entering the building. Miss Cannon approached the Nassau County Office of Emergency Management and will be receiving another batch of home test kits to distribute to employees.

Mr. Logan presented to the Commissioners a letter from Michael Weber, P.E. of H2M Architects and Engineers stating that he reviewed the eleven (11) bid proposals received on April 15, 2022 for Contract No. C4-22 AOP Treatment at Merry Lane, General Construction. Web Construction Corp. was the low bidder with a total bid price of \$2,490,000.00. Based on his findings of the Contractor's past and present performances, and his review of the bid proposal, Mr. Weber recommended award of the AOP Treatment at Merry Lane, General Construction contract for be made to Web Construction Corp. of Mineola, NY. After discussion and upon motion duly made and seconded, it was

RESOLVED that Contract No. C4-22 AOP Treatment at Merry Lane, General Construction be awarded to Web Construction Corp. as the lowest responsible bidder with a bid that conforms with the bid specifications of the District in the amount of \$2,490,000.00 to be charged to Construction Fund Account No. H-8397-012-2303 Merry Lane AOP System.

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| VOTE | AYES | 2 | NOES | 0 | ABSENTIONS | 0 |
| | Commissioner Abbate | | AYE | | | |
| | Commissioner Asmus | | ABSENT | | | |
| | Commissioner Beckerle | | AYE | | | |

Mr. Logan presented to the Commissioners a letter from Michael Weber, P.E. of H2M Architects and Engineers stating that he reviewed the six (6) bid proposals received on April 15, 2022 for Contract No. C5-22 AOP Treatment at Merry Lane, Electrical Construction. Hinck Electrical Contractors, Inc. was the low bidder with a total bid price of \$1,249,900.00. Based on his findings of the Contractor's past and present performances, and his review of the bid proposal, Mr. Weber recommended award of the AOP Treatment at Merry Lane, Electrical Construction contract for be made to Hinck Electrical Contractors Inc. of Bohemia, NY. After discussion and upon motion duly made and seconded, it was

RESOLVED that Contract No. C5-22 AOP Treatment at Merry Lane, Electrical Construction be awarded to Hinck Electrical Contractors Inc. as the lowest responsible bidder with a bid that conforms with the bid specifications of the District in the amount of \$1,249,900.00 to be charged to Construction Fund Account No. H-8397-012-2303 Merry Lane AOP System.

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| VOTE | AYES | 2 | NOES | 0 | ABSENTIONS | 0 |
| | Commissioner Abbate | | AYE | | | |
| | Commissioner Asmus | | ABSENT | | | |
| | Commissioner Beckerle | | AYE | | | |

Mr. Logan presented to the Commissioners a letter from Mr. Anthony Trombino, P.E, of H2M Architects and Engineers regarding the New 1.5 MG Elevated Water Storage Tank at Wheatley Road Site. H2M has performed a final inspection

and issued a punch list itemizing a list of remaining work items required to be completed by Caldwell Tanks. After review of the list of remaining work, the Commissioners agreed with Mr. Logan that Caldwell Tanks should be notified by the engineer to cease work on the project. The District will complete the project items remaining on the project. The costs associated with the remaining punch list items will be calculated and a credit cost adjustment will be made with Caldwell Tanks.

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. D&B is addressing comments from JWD on the 90 percent contract documents. The 90 percent documents will be submitted to NCDH and NYSDOH for review. D&B has submitted a proposal for the design of a GAC building enclosure. D&B has prepared updated cost estimates that includes construction of the GAC building enclosure as a separate contract or combine with the existing contract.

A discussion was held regarding the various options regarding the design and bidding of the GAC building enclosure. Mr. Merklin recommended that the District include the GAC building enclosure in the current design for the Well 20 & 21 AOP General Contract. This will delay the timeline for design and bidding by approximately two-weeks, however, it will be more cost effective than bidding the job separately and having potentially six contractors at once on the site at any given time. Since the electrical and mechanical components of the GAC enclosure are minor, these contracts will be addressed as contract modifications at time of construction.

Mr. Merklin then presented to the Commissioners a proposal from D&B Engineers and Architects to provide engineering services for the design and construction of GAC Enclosure at Well 20 & 21. The proposal includes Detailed Design Services in the amount of \$150,000.00 and Contract Modification Negotiations in the amount of \$12,000.00* for a total not to exceed fee of \$162,000.00. *Since the Commissioners agreed to include the design of the GAC enclosure in the general construction contract of the Well 20 & 21 AOP Treatment Plant, the amount for the contract modification line will be reduced from the \$12,000.00 to \$8,000, since only mechanical and electrical change modifications will need to be negotiated. After discussion, and upon motion duly made and seconded it was

RESOLVED that the Commissioners approve D&B's proposal for Engineering Services for the design and construction of the GAC Enclosure at Well No. 20 & 21 in the not to exceed fee of \$158,000.00 to be charged to Construction Fund Account No. H-8397-021-2303.

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| VOTE | AYES | 2 | NOES | 0 | ABSENTIONS | 0 |
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| Commissioner Abbate | AYE |
| Commissioner Asmus | ABSENT |
| Commissioner Beckerle | AYE |

2. Well 22 Facility Improvements & AOP Treatment: D&B is addressing NYSDOH comments on the BODR. Waiting for comments from NCDH. The 90 percent submittal will be end of May.
3. Kirby Lane AOP: D&B responded to NCDH comments on the contract documents. Approval is pending. Construction is underway. Shop drawing received from Trojan for AOP pre-purchase.
4. Southwoods Road -New Well and Treatment Facility:
 - a. Well Construction Contract: The Notice to Proceed (NTP) has been issued. Insurance still required before Layne can mobilize.
 - 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 delivery delays. Targeting start up in mid to late summer. NYSDOH has provided comments on the Basis of Design Report (BODR). D&B has sent a response letter. Bensin Change Order for 16-inch pipe.

Mr. Merklin then presented the Commissioners Contract Modification No. 1 from Bensin Contracting Inc. for Contract No. C10-20, PTAS at Wheatley Road Facility Wells No. 6 & 16 – Mechanical Contract. The change modification included the removal and replacement of 70-80 linear feet of 16" water main between Well No. 6 and Wheatley Road in the not to exceed fee of \$23,506.00, therefore increasing the overall cost of the contract from \$2,481,900.00 to \$2,505,406.00. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners approve Contract Modification No. 1 for Contract No. C10-20, PTAS at Wheatley Road Facility Wells No. 6 & 16 – Mechanical Contract from Bensin Contracting in the total amount of \$23,506.00 to be charged to Construction Fund Account No. H-8397-010-2303 PTAS @ Well No. 6 & 16.

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| VOTE | AYES | 2 | NOES | 0 | ABSENTIONS | 0 |
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| Commissioner Abbate | AYE |
| Commissioner Asmus | ABSENT |
| Commissioner Beckerle | AYE |

6. Split Rock Tank Booster Station: The Notice to Proceed (NTP) has been issued. A preconstruction meeting has been held.
7. Wells 18 & 19 Drainage Improvements: Punch list is ongoing.

Mr. Merklin then presented to the Commissioners Contract Modification Nos. 2-5 from Bensin Contracting for Contract No. C8-21, Drainage Improvements at Well Nos. 18 & 19 as follows:

1. Change Modification No. 2: To replace the drainage at the rear corner of the Well 19 driveway with a catch basin and underground drainage line to connect to the existing manhole for the not to exceed fee of \$4,810.25.
2. Change Modification No. 3: To furnish all labor, material, and equipment to remove six (6) large pine trees and two (2) small mulberry trees for the not to exceed fee of \$6,323.00.
3. Change Modification No. 4: To furnish all labor, material, and equipment to remove existing 12" pipe and lead sleeve and replace with new length of 12" Ductile Iron pipe, hardware and sleeve at Well 18 for the not to exceed fee of \$7,245.00.
4. Change Modification No. 5: To perform small diameter piping modifications at Well No. 18 for the not to exceed fee of \$6,600.00. Jericho Water District will supply the materials needed for the job including the 3/4" curb cock, curb stop, copper pipe/fittings required.

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

RESOLVED, that the Commissioners approve Contract Modification Nos. 2-5 from Bensin Contracting for Contract No. C8-21, Drainage Improvements at Well Nos. 18 & 19 for the total not to exceed fee of \$24,978.25 to be charged to the \$50,000.00 contingency line item of the contract.

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| VOTE | AYES | 2 | NOES | 0 | ABSENTIONS | 0 |
| Commissioner Abbate | | | AYE | | | |
| Commissioner Asmus | | | ABSENT | | | |
| Commissioner Beckerle | | | AYE | | | |

8. Syosset Tank Replacement Planning: The 90 percent contract documents have been submitted to JWD. Bids will be received on June 24th.

Mr. Merklin then requested that a bid date be set for Contract No. C7-22 Replacement of Syosset Tank. After discussion, the Commissioners set a bid date for Friday, June 24, 2022 at 9:00 AM.

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

Mr. Merklin informed the Commissioners that after participating in the NYS webinar last week regarding the new lead and copper rule, it was clarified that NYS does not consider lead goosenecks as part of a water service and therefore are not included in the revisions to the new lead and copper rule. Mr. Merklin recommended the District still move forward with this project to be proactive in the removal of these goosenecks from the distribution system. Mr. Merklin will work with Mr. Ingham to prepare a response to the NCDH's most recent communication regarding this project.

10. Pump Rehabilitation Projects:

- Well 31: A final change order has been sent to the Contractor for contract close out.
- Well 17: New motor delivery is delayed. Temporary motor will be installed this week.
- Well 29: Work to be performed in the fall.

Mr. Merklin then presented the Commissioners Contract Modification No. 1 from A.C. Schultes for Contract No. C11-21, Rehabilitation of Well Pump No. 17. The change modification was for the rebuilding of the angle drive to make it compatible with the new 1800 RPM pump. It also includes a credit for unutilized items/quantities included in the original contract price for a total net decrease of \$19,393.76, therefore, amending the original contract price from \$148,85.33 to \$129,3971.57. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners approve Contract Modification No. 1 for Contract No. C11-21, Rehabilitation of Well Pump No. 17 from A.C. Schultes for a total net decrease to the original contract price of \$19,393.76.

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| VOTE | AYES | 2 | NOES | 0 | ABSENTIONS | 0 |
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| Commissioner Abbate | AYE |
| Commissioner Asmus | ABSENT |
| Commissioner Beckerle | AYE |

- 11. Glen Head Water Main Improvements: Evaluating alternative pipe routes.

12. Main Plant SCADA Improvements: Shop drawings and equipment purchasing is underway.
13. Transfer Switch Replacements: A Contractor has provided a delivery date of August 5th for two of the switches. A contract modification request is forthcoming for the 3rd Switch at Well 29.
14. Juneau Pump Station Improvements: Shop drawings are underway
15. Main Plant Basement Improvements: JWD is reviewing draft drawings.
16. Merry Lane Water Main As-Built: 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.
17. Vulnerability Assessment (VA) Update: Final update is due in December 2022.
18. GIS Updates: D&B continues to assist the District with adding line valves and water mains to the GIS database. D&B will prepare hydrant database for East Norwich Fire Department upon receipt of funds by the District.

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: Discussion regarding NCDH letter not allowing conditional letter of water availability. The Board determined that it was the responsibility of the Developer to address the NCDH letter.
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. Aveley Residential Development: No new activity since the last report.

Mr. Ingham informed the Commissioners that he reviewed the property sale agreement for District property located on 160 Robbins Ln., Syosset and 61 Saratoga Dr., Jericho and sent Ms. Cathy Horan his changes and comments. The agreement should be finalized shortly.

Mr. Ingham reported on the status of the District's 1,4 Dioxane litigation. He has been working with Sher Edling, to amend CPLR 214-h to clarify that the statute was retroactive. Proposed bills are pending in both the Senate and the Assembly. Mr. Ingham and Mr. Edling will be soliciting support so that both bills can be placed on the respective legislative committees so that the amendment can be voted on in June.

Mr. Logan reported that all analysis of wells and bacteriological sampling for the period May 4, 2022, to May 17, 2022, had been completed and all were within state and federal standards.

Mr. Logan presented the Commissioners a letter from newly rehired employee of the District, Alexander Serio requesting insurance benefits at time of hire due to his current benefits ending on his termination date at his current job. After discussion, the Commissioners agreed to waive the waiting period as stated in the Employee Contract due to extenuating circumstances and allow Mr. Serio's benefits to commence on the first day of the month following his hire date.

Mr. Logan informed the Commissioners that he received a phone call from Mr. Cliff Chabina, who owns a home in the Cove Edge Road Property Owner's Association (C.E.R.P.O.A.), an unfranchised area bordering the District's boundaries, requesting to be part of the Jericho Water District. Currently the Association is serviced by one six-inch compound meter that lies inside the District's boundaries but services twenty-five homes outside of the District's boundaries. Mr. Chabina was asking for information on how the association could become part of the District. Mr. Logan will notify the Commissioners when he receives an official letter from the association with the formal request.

Mr. Logan informed the Commissioners that last week, he received a call from a neighbor to the District's Kirby Lane site inquiring about the construction that has started at that site. The neighbor also applauded the District for the implementation of the EyeOnWater application to which allows consumers to monitor usage and assist the District in water conservation efforts.

Mr. Logan informed the Commissioners that the owner of 300 Jackson Avenue, Syosset had unlawfully turned on the water service, which had been turned off at the curbstop and the meter removed from the basement, in March of 2022 when the house was being torn down. At that time, the owner was notified, in writing, that he

needed to replace the existing water service with a new one. During an inspection of the property on Tuesday, May 17th, it was discovered that the owner had the service turned back on without District approval and installed an unauthorized meter on the water service in the basement without the new water service being installed. Mr. Logan contacted the owner who claimed that the home, while it was still under construction, was occupied by two (2) persons who had health issues. While the water could not be turned off due to the occupants living in the building, Mr. Logan demanded that the owner submit a cashier's check in the amount of \$10,000.00 as security until the owner had a new water service installed. The owner immediately came to the main office and presented a check as security and paid for a new water service. The owner stated that he had contracted with Alessio Pipe & Construction to discontinue the old service and install the new service, with the work to be done on May 18th, 2022. Mr. Logan informed the owner that he would be charged with several violations of the District's ordinances, specifically: New York State Penal Law Section 145.15 Criminal tampering in the second degree and Jericho Water District Ordinances section 12-B Restoration or discontinuance of service. The owner will be charged a \$250.00 fine for each violation totaling \$500.00. Mr. Logan informed the Commissioners that the owner had already purchased the new service from the District and Alessio Pipe & Construction was going to be installing the new water service today.

Mr. Logan informed the Commissioners of the recurring electrical problems going on at Booster 3 since February's ice storm. Bancker has informed Mr. Logan that the Variable Frequency Drives (VFDs) are starting to fail and have been constantly blowing fuses. The new VFDs are on order but are not anticipated to be received until August. Bancker has two used VFDs that can be installed in the meantime (to purchase or rent). Mr. Logan will inform the Commissioners of the cost of the used VFD's once he has all of the information from Bancker. The District will utilize requirements Contract No. G9-22 for Electrical Maintenance and Contract No. G5-22 for Instrumentation and Controls (Eagle Control Corp.) to perform the work necessary at the site.

Mr. Logan then informed the Commissioners that the blow off valve at Well No. 20 was in need of repair. He called in A.C. Schultes/Harper Haines to rehab the valve, but it could not be repaired. In order to get the Well back in service, Mr. Logan borrowed a used valve from Well No. 5 (which has been off-line for several years). Mr. Logan will utilize requirements Contract No. G4-22 for the Maintenance of Flow Control Valves (with A.C. Schultes) for the adjustment of the valve (which should cost \$8,000.00 per the bid) and Contract No. G9-22 for Electrical Maintenance to wire the valve.

Miss Cannon then presented and reviewed with the Commissioners a Cash Balance/Cash Deposit report as of May 16, 2022. 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 May 4, 2022 and May 16, 2022. After discussion, the report was ordered filed.

Miss Cannon then presented and reviewed with the Commissioners the Budget to Actual Revenue and Expenditure reports for the month ended April 30, 2022. After discussion, the report was ordered filed.

Miss Cannon informed the Commissioners that a resolution is on the Town of Oyster Bay agenda of May 24, 2022 for the Elimination of the Oyster Bay Cove Extension District. Miss Cannon will contact Ms. Karen Underwood Esq., Town Attorney, to see if the District should have anyone in attendance at the meeting.

Miss Cannon informed the Commissioners that the District was in receipt of deposit from the developer of Woodbury Villas Phase 2. Miss Cannon will notify Steven Mirra at H2M to send the conformed contracts to Mr. Ingham's office so that he can prepare the contracts and schedule the signing with Bancker Construction.

Miss Cannon then reported that the District has been unable to receive orders of Muller Service Boxes (with rods) from Ferguson under Contract No. G2-22 Water Supplies. Orders were shipped from Canada and are held up in customs. Since this part is required to perform a tap for a new service, Mr. Logan opted to utilize T. Mina as an alternate vendor who could purchase from a different manufacturer.

Miss Cannon notified the Commissioners that she received a letter from the vendor that holds the District's Uniform Contract, UniFirst Corporation (a Sourcewell Purchasing Alliance Contract) notifying the District that they will be implementing a nominal energy charge on each invoice to offset the temporary energy price increases. After discussion, the Commissioners approved payment of the new energy charge fee.

Miss Cannon then discussed with the Commissioners a request from North Shore Equestrian, Account No. 26922102-0, for a reduction to their water bill due to various leaks, none of which were on their main water service. Miss Cannon informed the Commissioners that a reduction would not fall in line with District policy. After discussion, the Commissioners instructed Miss Cannon to prepare a letter to the consumer denying their request for reduction.

Miss Cannon informed the Commissioners that she received a request to waive a penalty on Account No. 61258730-10 in the amount of \$72.25. 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 the penalty on the account and instructed her to send a revised bill to the consumer.

Miss Cannon informed the Commissioners that after reviewing the District's list of new services that have been purchased and installed, there were several accounts in which a service was purchased and tapped and no meter was installed (and the account is not currently billed), due to it being a vacant lot. Since water is available to these lots, Mr. Logan recommended that service personnel install meters and cellular endpoints at all of these locations. These accounts will begin to receive a quarterly minimum bill until water is utilized on the property, and then they will be charged according to the District's quarterly rate schedule. Mr. Logan has drafted a letter that will be sent to the affected property owners prior to the meters being installed.

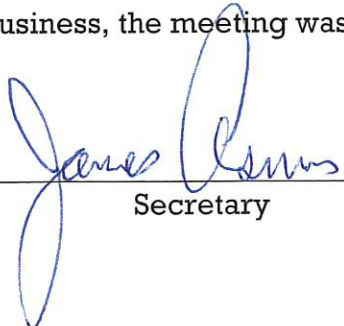
A discussion was held regarding the District's pit condition report requirement and procedures which take place at time of final reading when a property changes hands. Miss Cannon and Mr. Logan explained that this requirement was implemented prior to the cellular meter change out program being complete. Now that the District has changed the majority of the meters, they recommended that the program be suspended as of July 1st, 2022 and the District pivot to a maintenance program instead. Under the maintenance program, service personnel will inspect pit conditions, amongst other things, over a three-to-four-year period throughout the District. These reports will be kept on file, a letter will be sent to the current owner notifying them of any issues or safety hazards identified in the maintenance report. If the District has any notes of known issues or violations on an account, this information will be disclosed when the final reading is requested. After discussion, the Commissioners agreed with the change in policy.

Miss Cannon reported that she has been working with Mr. Merklin to compile the list of projects that will be submitted for BIL (Bipartisan Infrastructure Law) funding applications. Applications are due June 17th, 2022.

Pending agenda items list was read and filed.

The following claims were then audited and approved for payment: General Fund #26433 to #26481, Construction Fund #2595 to #2597 and Installation Fund #4151.

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


Secretary