

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 3rd day of May 2023, at 8:30 A.M.

Present:	Commissioners	Thomas A. Abbate James Asmus Patricia Beckerle
	Attorneys	Michael F. Ingham Gregory W. Carman Jr.
	Superintendent	Peter F. Logan
	Business Manager	Kathleen Cannon
	Asst. Business Manager	Amanda Blum
	Engineer	William D. Merklin James Van Horn

Commissioner Abbate called the meeting to order at 8:30 a.m.

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 NCDH comments. Waiting for NYSDOH comments. Waiting for EFC approval on MWBE documents. Well pump is being installed this week, disinfected, and sampled. Startup of existing facility targeted for late May. Contract Modifications submitted.

Mr. Merklin then presented to the Commissioners Contract Modification Nos. 1 and 2 from Bensin Contracting for Contract No. C11-22 1,4-Dioxane & PFOA Treatment at Stillwell Lane (Wells 20 & 21) as follows:

1. Change Modification No. 1: To replace the Pressure Sustaining Control Valve in Well 20 Building and to replace the Pump Control Valve in the Well 21 Building to match the Well 20 valve for the not to exceed fee of \$51,400.00 (to be charged to the \$100,000.00 contingency allowance of the contract with no net change to the contract price.)
2. Change Modification No. 2: To replace the mis-fabricated GAC Valve Manifold with a correctly manufactured Manifold with Automatic Valves in the amount of \$14,566.00. (Additional work to be paid through credit from Newterra/TIGG on PO#22-00506.)

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

RESOLVED, that the Commissioners approve Contract Modification Nos. 1 and 2 from Bensin Contracting for Contract No. C11-22, 1,4-Dioxane & PFOA Treatment at Stillwell Lane (Wells 20 & 21) for the total not to exceed fee of \$14,566.00 to be charged to Capital Project Account No. H-8397-021-2303 Well No. 20 & 21 AOP System.

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

Mr. Merklin then presented to the Commissioners Contract Modification No. 2 from TIGG, LLC for Contract No. C6-20 Requirements Contract Purchase of Granular Activated Carbon System as follows:

1. Change Modification No. 1: Due to credit costs incurred by the District for replacement by Bensin Contracting (Contract Modification No. 2 approved above) for the replacement the mis-manufactured Valve Piping Manifold for the system provided for Well 21 for the credit amount of \$14,566.00.

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

RESOLVED, that the Commissioners approve Contract Modification No. 2 from TIGG LLC for Contract No. C6-20 Requirements Contract Purchase of Granular Activated Carbon System for the total credit amount of \$14,566.00.

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

2. Well 22 Facility Improvements & AOP Treatment: Responding to minor NCDH and NYSDOH comments on contract documents. MWBE Utilization Plans in progress. On site construction starts on August 25<sup>th</sup>. Progress meetings will be held in the interim.
3. Kirby Lane AOP: Updated startup goal for existing facility is end of May. Main switchgear for MCC for both wells are installed and operating. Disinfection and sampling of wells and PTAS is underway. Booster MCC delivery scheduled for this week. Waiting for information on VFDs for the high-pressure booster pumps.
4. Southwoods Road - New Well and Treatment Facility:

- a. Well Construction Contract: Concerns regarding sand and turbidity will require additional development of the Well.
  - b. Treatment Facility Contracts: D&B is addressing minor comments received from NCDH. D&B has prepared alternatives for a retaining wall or other slope stabilization and has requested costs from the Contractor. A meeting will be scheduled with the prime contractors and Layne to discuss a modified sequence of work to minimize the impacts of the well construction delays.
5. PTAS at the Wheatley Rd. Site (Well 6 & 16): NCDH inspection scheduled for May 4<sup>th</sup>. Permanent electrical equipment was further delayed and will be installed in the fall. Goal is to have the facility operational in late May.
  6. Split Rock Tank Booster Station: Tentative delivery date is mid-November.
  7. Syosset Tank Replacement: Landmark's subcontractor, Gulf States Protective Coatings, will begin surface preparation and painting this week. Site piping has been approved by NCDH and placed into service. SHPO meeting has been scheduled for this week. D&B will schedule a design meeting with JWD for the demolition contract to discuss open items.
  8. Pump Rehabilitation Projects:
    - Well 29: Working on contract close out.
    - Well 18 & 19: Pump installations will commence in the fall.
    - Well 26 & 30: Reviewing in-house draft design documents.
  9. Convent Road Facility Architectural Improvements: Design work is on hold pending direction on additional scope items.
  10. Water Service Gooseneck Replacement: D&B is preparing updated public outreach documents to address NCDH's verbal comments. D&B will prepare an updated cost estimate and proposal amendment for this project once the NCDH comments have been clarified and incorporated.
  11. Water Main Improvements: Shared PSEG easement in Engineers Country Club does not seem feasible. A meeting has been requested with the Club to discuss other alternatives. JWD working with property owner at 1 Roosevelt to discuss an easement. D&B is meeting with JWD to discuss the scope of other potential water main projects to be included in the Capital Plan.
  12. Main Plant SCADA Improvements: A Managed Services contract will be negotiated as a change order with Lexington and a new requirements contract will be put out to bid for implementation at the beginning of 2024.

Mr. Merklin then presented to the Commissioners Contract Modification No. 4 from Lexington Technologies for Contract No. C1-22, SCADA Improvements and Maintenance as follows:

1. Change Modification No. 4: For ongoing managed services from July 1, 2023 through December 31, 2023 and removal of amounts included for the Verizon allowance for the net credit of \$4,574.50.

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

RESOLVED, that the Commissioners approve Contract Modification No. 4 from Lexington Technologies for Contract No. C10-22 SCADA Improvements and Maintenance for the total credit amount of \$4,574.50.

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

13. Transfer Switch Replacements: Punch list verification inspection has identified some open work items, which will be addressed in the coming weeks.
14. Juneau Pump Station Improvements: Generator delivery scheduled for end of May. It will be stored, then installed in August. Outdoor equipment scheduled for delivery and installation in late August. Indoor MCC scheduled for delivery and installation in January 2024.
15. Merry Lane Water Main As-Built: D&B is performing the preliminary design work.
16. Wheatley Tank Altitude Valves: The initial piping work has been completed and the tank is back in service. The balance of the work will be performed through the summer with final work to be completed in the fall.
17. Grant Opportunities:
  - a. Waiting for announcement on BIL funding for Lead Service Line Replacements (LSLRP)
  - b. D&B presented, and evaluation of how proposed regulatory changes will impact the District and made recommendations for submitting grant applications as follows:
    - i. Convent Road Wells 3, 4 & 5 – Treatment for nitrates, 1,4-dioxane, PFAS and VOCs (BIL and WIIA)
    - ii. Wells 12 & 13 – PFAS Treatment (BIL and WIIA)

- iii. Well 23 - PFAS Treatment (BIL and IUP)
- iv. Wells 27 & 28 – PFAS Treatment (BIL and IUP)

18. GAC Media Pilot Testing: NCDH will not allow a full-scale pilot test. D&B is working with Calgon to see if they can perform a small-scale pilot at no cost to the District. Calgon's regenerated carbon product (CMR) has been approved by Nassau County in Franklin Square. D&B is developing a plan to get approved for JWD.
19. Wheatley Tank Anniversary Inspection: This work will be performed in the fall of 2023.
20. 2023 Capital Plan: A progress meeting was held with JWD, and another will be scheduled in mid to late May. D&B has evaluated priorities and estimating costs for PFAS treatment projects that could be required if proposed regulations are implemented.
21. Compliance Deferral: D&B has submitted an application for a one-year extension to August 25, 2024.
22. Requirements Contracts: D&B will be submitting proposals for the following requirements contracts:
  - a. GAC Media Purchasing
  - b. GAC Vessel Pre-Purchasing
  - c. SCADA Managed Services
  - d. Supply and Delivery of Liquid Hydrogen Peroxide
  - e. HACH Equipment Maintenance
23. PFAS Treatment at Wells 18, 19 & 29: D&B is preparing a proposal to prepare the BODR, Design, Permitting and Bidding for PFAS treatment at Wells 18, 19 & 29. A meeting was held with EFC regarding grant funding for Wells 18, 19 and 29 PFAS treatment.

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

1. Cove Edge Road Property Owners: The HOA has requested that JWD take over ownership of their existing water main and individually meter the homes.
2. Jericho Plaza Hotel: D&B finalized the memorandum.
3. Engineers Country Club: D&B has finalized the evaluation memo.
4. Tam O'Shanter Development: JWD will send conditional letter of water availability.

5. Northcoast Civil: JWD will send the letter of water availability. Design of water mains and loop connections will be discussed as part of the developer's agreement.
6. Marriott at Milleridge Inn Water Main: No new activity since the last report.
7. Farnum Subdivision: No action until authorized by the Board.
8. Laurel Hollow Service Area Extension: No new activity since the last report.
9. Silver Path Estates Request for Water Availability: No new activity since the last report.
10. Country Club Developers: No new activity since the last report.
11. Aveley Residential Development: No new activity since the last report.

Mr. Carman informed the Commissioners that 61 Saratoga Drive, Jericho NY (Sec 11 Blk 483 Lot 36) has been sold as of April 28<sup>th</sup>, 2023. Mr. Carman presented the Commissioners with the executed contract of sale and closing statement. The property was sold to Sabu Varghese and Blessy M. Joseph for a total purchase price of \$895,000.00.

Monthly report of the Superintendent was read and ordered filed.

Mr. Logan reported that all analysis of wells and bacteriological sampling for the period April 19, 2023 to May 2, 2023 had been completed and all were within state and federal standards.

Mr. Logan then informed the Commissioners that a report came in around 3:00 PM on April 25<sup>th</sup>, 2023 of a water main break on Maytime Drive, Jericho. The District's Repair Crew had already worked overnight repairing a service leak and were physically exhausted. The prudent decision was to call in Bancker Construction under the District's Requirements Contract for Emergency Water Main Repairs for this break. After discussion, the Commissioners requested Mr. Logan to get an invoice from Bancker Construction for the cost of repairs as soon as possible.

Mr. Logan then reported that Sourcewell's Contract No. 062415 with Unifirst for the procurement of uniforms and uniform related products and services will expire on May 21, 2023, but was extended for one additional year. After discussion, the Commissioners authorized utilizing Sourcewell's contract with Unifirst for the procurement of uniforms and uniform related services until the expiration date of May 22, 2024.

Mr. Logan then requested employee John Minucci (currently provisional Water Plant Operator) be appointed from the Nassau County Civil Service Commission (NCCSC) List

No. 2011D Water Plant Operator. After discussion, and upon motion duly made and seconded was

RESOLVED that employee John Minucci be appointed as a Water Plant Operator from the NCCSC List 2011D.

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

Mr. Logan then requested employee Peter Van Beek (currently Meter Reader) be appointed from the Nassau County Civil Service Commission (NCCSC) List No. 2011D Water Plant Operator. After discussion, and upon motion duly made and seconded was

RESOLVED that employee Peter Van Beek be appointed as a Water Plant Operator from the NCCSC List 2011D.

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

Mr. Logan informed the Commissioners that there is a need to remove and replace the fence along the three sides of the property at the Kirby Lane AOP site for an approximate cost of \$120,000.00, (Contract No. C4-21 General Contract with Stalco Contracting). To offset the cost of the fencing, Mr. Logan reported that the Mechanical Contract for Kirby Lane AOP, (C6-21 with Bensin Contracting), included a line item for a fire suppression system in the amount of \$220,000.00 that will not be installed. After discussion, the Commissioners approved both contract changes and authorized D&B to prepare formal final change modification documents.

Miss Cannon then presented and reviewed with the Commissioners a Cash Balance/Cash Deposit report as of May 1, 2023. 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 April 18, 2023 and May 1, 2023. After discussion, the report was ordered filed.

Miss Cannon then requested authorization to transfer \$750,000.00 from the General Fund Checking Accounts to the Investment Account in order to maximize interest. After discussion, the Commissioners authorized the bank transfer.

Miss Cannon then advised the Commissioners that she received a notification from First National Bank of Long Island (FNBLI) that the interest rate increased from 3% to 4.5%.

Miss Cannon then presented and reviewed with the Commissioners the Employee Accrual Report for the quarter ended March 31, 2023. After discussion, the report was ordered filed.

Miss Cannon recommended adding an additional Board Meeting on August 23, 2023 at 8:30 a.m. to review the 2024 Operating and Capital Budget. After discussion, the Commissioners approved the additional meeting and directed Miss Cannon to place the public notice in the Oyster Bay Guardian stating same.

Miss Cannon then requested that the Commissioners approve the following budget transfer(s) and budget amendment(s):

To fund 100<sup>th</sup> Anniversary Newsletter Pages

A-8310-000-4755	100 <sup>th</sup> Anniversary	(\$3,000.00)
A-8310-000-4480	Other Professional Services	\$3,000.00

To fund Expenses for Sale of 61 Saratoga Drive (nunc pro tunc)

Revenue	A-8310-2660	Sale of Property	(\$42,280.00)
Expense	A-8310-000-4480	Other Professional Services	\$39,530.00
Expense	A-8310-000-4410	Legal Services	\$ 2,750.00

RESOLVED that the Commissioners authorize the above listed budget transfers.

VOTE                      AYES:              3              NOES:              0              ABSTENTIONS:      0

Commissioner Abbate              AYE  
 Commissioner Asmus              AYE  
 Commissioner Beckerle              AYE

Miss Cannon reviewed with the Commissioners pending expenditures to be charged to the 100<sup>th</sup> Anniversary Celebration expenditure account. After discussion, the Commissioners approved the expenses.

Pending agenda items list was read and filed.

The Board went into Executive Session at 9:48 am to discuss pending litigation matters and personnel and re-entered at 10:07 am with the following action(s) taken:

A discussion was held regarding Contract No. C3-21 Water Service Gooseneck Replacement with Alessio Pipe and Construction Co. Inc. The project was a three (3) year project estimated at a total cost of \$6,101,135.00 (\$1,464,000 in year one of the contract).



While Alessio had been prepared to mobilize since the contract was awarded on January 22, 2022, the District never issued a Notice to Proceed and D&B sent a letter of non-renewal on January 24, 2023. NCDH approval was not secured prior to going out to bid for the project and the contract never commenced. Mr. Ingham informed the Commissioners that such "exposure" to a valid claim of negligence authorizes the District to negotiate a settlement prior to the filing of a formal Summons and Complaint. Mr. Jeffrey Alessio submitted requests for payment equaling a total of \$436,675.00 in his letter to Mr. Logan dated January 30, 2023 for Performance Bond, 5% of Contract administration, 5% of Off-site construction preparation and 20% liquidated damages due to owner default. Mr. Merklin and Mr. Ingham analyzed Mr. Alessio's request recommended to the Commissioners the ultimate settlement amount for year one of the contract which could be paid. After discussion, and upon motion duly made and seconded, it was

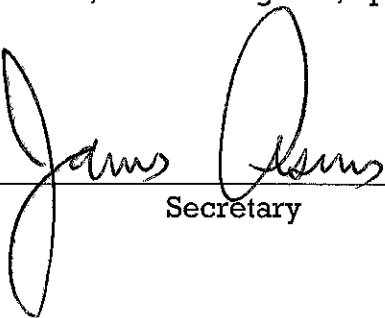
RESOLVED that the Board of Commissioners authorize Mr. Ingham to negotiate a settlement with Alessio Pipe and Construction Co. Inc. in the amount of \$140,000.00 for the District's aborted Contract No. C3-21 Water Service Gooseneck Replacement.

VOTE                      AYES:            2            NOES:            1            ABSTENTIONS:    0

Commissioner Abbate            AYE  
Commissioner Asmus            NO  
Commissioner Beckerle        AYE

The following claims were then audited and approved for payment: General Fund #27389 to #27422 and Construction Fund #2660.

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

  
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Secretary