

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 7th day of June 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

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 and NYSDOH comments. Waiting for EFC approval on MWBE documents. D&B has requested approval from NCDOH to operate the existing facility, which should come any day, after which it will be brought online.
2. Well 22 Facility Improvements & AOP Treatment: Responding to NCDH and NYSDOH comments on contract documents. MWBE Utilization Plans have been submitted to JWD for review. On site construction starts on August 25th. Progress meetings are being held in the interim.
3. Kirby Lane AOP: NCDOH has approved the existing facility for operation. Contractors will continue to work on the new treatment facility.

Mr. Logan then presented to the Commissioners Contract Modification No. 3 from Bensin Contracting Inc. for Contract No. C6-21 Kirby AOP- Mechanical Construction to install caustic heat blankets and fiberglass insulation on Well 25 & 26 existing caustic tanks in the not to exceed amount of \$42,678.00. After discussion and upon motion duly made and seconded, it was

RESOLVED, that the Commissioners approve Contract Modification No. 3 from Bensin Contracting Inc. for Contract No. C6-21 Kirby AOP- Mechanical Construction in the amount of \$42,678.00 to be charged to the general allowance line of the contract.

VOTE AYES 3 NOES 0 ABSENTIONS 0

Commissioner Abbate AYE
Commissioner Asmus AYE
Commissioner Beckerle AYE

Mr. Logan then presented to the Commissioners Contract Modification No. 4 from Bensin Contracting Inc. for Contract No. C6-21 Kirby AOP- Mechanical Construction. The Change Modification is for a credit for unutilized items/quantities for a fire suppression system included in the original contract price for a total net decrease of \$120,000.00, thereby amending the contract price from \$3,955,000.00 to \$3,835,000.00. After discussion and upon motion duly made and seconded, it was

RESOLVED, that the Commissioners approve Contract Modification No. 4 from Bensin Contracting Inc. for Contract No. C6-21 Kirby AOP- Mechanical Construction for a total net decrease to the original contract price of \$120,000.00.

VOTE AYES 3 NOES 0 ABSENTIONS 0

Commissioner Abbate AYE
Commissioner Asmus AYE
Commissioner Beckerle AYE

Mr. Logan then presented to the Commissioners Contract Modification No. 9 from Stalco Construction, Inc. for Contract No. C4-21 Kirby AOP- General Construction. The Change Modification includes reallocation of some contract funds from Contract No. C6-21, Kirby AOP – Mechanical Construction with Bensin Contracting to cover the installation of additional fencing under the General Construction contract in the amount of \$120,000.00 (to increase the general allowance), thereby amending the contract price from \$4,660,000.15 to \$4,780,000.15. After discussion and upon motion duly made and seconded, it was

RESOLVED, that the Commissioners approve Contract Modification No. 9 from Stalco Construction, Inc. for Contract No. C4-21 Kirby AOP- General Construction to increase the general allowance line item in the amount of \$120,000.00 to be charged to Capital Project Account No. H-8397-011-2303 Well No. 20 & 21 AOP System.

VOTE AYES 3 NOES 0 ABSENTIONS 0

Commissioner Abbate AYE
Commissioner Asmus AYE
Commissioner Beckerle AYE

Mr. Logan then presented to the Commissioners Contract Modification No. 10 from Stalco Construction, Inc. for Contract No. C4-21 Kirby AOP- General Construction to install

new fencing around the perimeter of the site in the amount of \$134,167.52. After discussion and upon motion duly made and seconded, it was

RESOLVED, that the Commissioners approve Contract Modification No. 10 from Stalco Construction, Inc. for Contract No. C4-21 Kirby AOP- General Construction for the total not to exceed fee of \$134,167.52 to be charged to the general allowance of the contract.

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

4. Southwoods Road - New Well and Treatment Facility:
 - a. Well Construction Contract: Layne was directed to demobilize to allow facility construction to commence. The well will be video inspected prior to full demobilization. A meeting is being scheduled to discuss next steps.
 - b. Treatment Facility Contracts: D&B is addressing comments from NCDH. Waiting for a cost proposal from GC to address the grading issues. Potential delay claims from prime contractors due to Well construction delays.
5. PTAS at the Wheatley Rd. Site (Well 6 & 16): Permanent electrical equipment will be installed in the fall. Contractors are addressing punch list items.
6. Split Rock Tank Booster Station: Tentative delivery date is mid-November.
7. Syosset Tank Replacement: Surface preparation and coating application has been completed, and the tank is being prepped to be hoisted into place. The tank is scheduled to be operational in late September or early October. D&B has submitted the draft demolition contract to JWD. The schedule is to receive bids in September.
8. Pump Rehabilitation Projects:
 - Well 29: Working on contract close out.
 - Well 18 & 19: Pump installations will commence in the fall.
 - Well 26 & 30: The schedule is to issue draft work orders at the end of June.
9. Convent Road Facility Architectural Improvements: Design work is on hold pending direction on funding availability on additional scope items requested by the District.

10. Water Service Gooseneck Replacement: D&B is preparing updated public outreach documents to address NCDH's verbal comments. D&B has prepared a draft cost estimate to include the Public Outreach effort, assuming the same will be approved by NCDH. This will be incorporated into the Capital Plan.
11. Water Main Improvements: A meeting has been requested with the Engineers Country Club to discuss easement alternatives. The owner has been unresponsive. JWD is working with property owner at 1 Roosevelt to discuss an easement. Also, D&B is preparing a proposal for a water main project to connect the LIE Service Road deadend water main through several residential developments.
12. Main Plant SCADA Improvements: Contract close out underway.
13. Transfer Switch Replacements: Punch list items are being addressed by the Contractors.
14. Juneau Pump Station Improvements: The generator has been delivered to the site. 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-Builts: Survey work will be performed this week and next.
16. Wheatley Tank Altitude Valves: Construction is ongoing with final work to be completed in the fall.
17. Grant Opportunities:
 - a. BIL notification emails have been received indicating that resubmittals are due on June 16th.
 - b. Waiting for announcement on BIL funding for Lead Service Line Replacement (LSLRP)
 - c. D&B is preparing applications for the following projects:
 - i. Convent Road Wells 3,4 & 5 – Large Scale Treatment Facility
 - ii. Jericho Turnpike Well 12 – Treatment for PFAS compounds with GAC
 - iii. Jericho Turnpike Well 13 – Treatment for PFAS compounds with GAC
 - iv. Sunnyside Well 23 – Treatment for PFAS compounds with GAC
 - v. Glen Cove Road Wells 27 & 28 – Treatment for PFAS compounds with GAC
18. GAC Media Pilot Testing: Updated information received from NCDH.

19. Wheatley Tank Anniversary Inspection: This work will be performed in the fall of 2023.

20. 2023 Capital Plan: D&B is updating the draft Capital Plan in preparation for the next meeting with JWD to be scheduled in the next two weeks.

21. Compliance Deferral: No response has been received from NYSDOH to the request for a one-year extension to August 25, 2024.

22. Requirements Contracts:

- a. D&B is preparing the following requirements contract for bidding in October:
 - i. GAC Media Purchasing
 - ii. GAC Vessel Pre-purchasing
 - iii. SCADA Managed Service
 - iv. Supply and Delivery of Liquid Hydrogen Peroxide
- b. D&B is working on a separate proposal for a Hach equipment maintenance requirements contract.

23. PFAS Treatment at Wells 18, 19 & 29: D&B has submitted a proposal to prepare the BODR, Design, Permitting and Bidding for PFAS treatment at Wells 18, 19 & 29.

Mr. Merklin then presented to the Commissioners a proposal from D&B Engineers and Architects D.P.C. to provide engineering services for Basis of Design Report (BODR), plans and specifications and assist with permitting for the construction of granular activated carbon (GAC) treatment system for the removal of PFAS compounds at Wells 18, 19 & 29 in an amount not to exceed \$828,000.00. A separate proposal will be provided for bidding and construction services upon completion of the design and permitting work. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners approve D&B's proposal for engineering services for PFAS Treatment at Well Nos. 18, 19 & 29 in the not to exceed fee of \$828,000.00 to be charged to Capital Project Account No. H-8397-022-2303 PFAS Treatment System for Well Nos. 18, 19 & 29.

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

A discussion was held regarding the funding of the approved proposal for engineering services to prepare a Basis of Design Report (BODR), plans and specifications and assist with permitting for the construction of granular activated carbon (GAC)

treatment system for the removal of PFAS compounds at Wells 18, 19 & 20. Miss Cannon then recommended that the District re-allocate funding originally approved in the 2022 Bond Authorization for construction of the AOP facility at Wells 20 & 21 for this project. Subsequent to the bond authorization, the District received a NYS WIIA Grant in the amount of \$12,115,200.00 for this project thereby decreasing the need to bond \$20,192,000.00 under the 2022 Bond Authorization.

After discussion, and upon motion duly made and seconded, the following resolution was then presented to the Board for their consideration:

RESOLUTION TO REALLOCATE FUNDING APPROVED IN THE DISTRICT'S 2022 BOND AUTHORIZATION TO FUND ENGINEERING SERVICES AND PERMITTING FEES TO PREPARE A BASIS OF DESIGN REPORT (BODR), PLANS AND SPECIFICATIONS AND ASSIST WITH PERMITTING FOR THE CONSTRUCTION OF A GRANULAR ACTIVATED CARBON (GAC) TREATMENT SYSTEM FOR THE REMOVAL OF PFAS COMPOUNDS AT WELL NOS. 18, 19 AND 29 IN THE AMOUNT OF \$840,000.00

WHEREAS, On March 1, 2022, the Town of Oyster Bay passed Resolution No. 156B-2022 that authorized the issuance of \$39,149,150 in bonds for improvements to the facilities of the Jericho Water District; and

WHEREAS, Resolution No. 156B-2022 listed various improvement projects the District intended on funding through the issuance of these bonds; and

WHEREAS, the resolution stated the purpose of the bond was to pay costs for improvements to the District consisting of but not limited to these said projects; and

WHEREAS, on March 15, 2023 the District received a 2022 Bipartisan Infrastructure Law Emerging Contaminants (BIL-EC) grant through the Drinking Water State Resolving Fund (DWSRF) in the amount of \$5,000,000.00, (Five Million Dollars), for PFAS Treatment at Well Nos. 18, 19 & 29, and

WHEREAS, as part of the grant requirements the District will need to submit engineering reports, a current project schedule and budget, environmental review documentation, SHPO project review determination letter, and a bond/funding resolution, and

WHEREAS, the District received an engineering proposal from D&B Engineers & Architects in the amount of \$828,000.00 to provide engineering services to prepare a BODR, plans and specifications and assist with permitting for the construction of a GAC Treatment System for the removal of PFAS compounds at Well Nos. 18, 19 & 29, and

WHEREAS, the District estimates an additional \$12,000.00 may be required to fund various permit/review fees from New York State and Nassau County, and

WHEREAS, the 2022 Bond Authorization included funding in the amount of \$20,192,000.00 for the construction of an Advanced Oxidation Process (“AOP”) facility for Wells 20 & 21 with granular activated carbon, (“GAC”) units and building; and

WHEREAS, on April 25, 2022 the District was awarded a NYS WIIA Grant – Project No. 19081 to assist with the construction of the AOP facility at Wells 20 & 21 in the amount of \$12,115,200.00; thereby decreasing the amount the district will need to bond; and

WHEREAS, the District desires to reallocate funding from the AOP Facility at Wells 20 & 21 to provide funding for required engineering services to construct a GAC Treatment System for the removal of PFAS compounds at Well Nos. 18, 19 & 29 in the amount of \$840,000.00; and

NOW THEREFORE,

BE IT RESOLVED, that the Board of Commissioners hereby authorizes the Treasurer/Clerk to transfer \$840,000.00 from Capital Project No. H-8397-021-2303 AOP facility at Wells 20 & 21 to H-8397-022-2303 PFAS Treatment System for Well Nos. 18, 19 & 29.

FURTHER BE IT RESOLVED THAT the Treasurer/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 (b) 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

24. Jericho Tank Rehabilitation: D&B submitted a proposal for this work.

Mr. Merklin then presented to the Commissioners a proposal from D&B Engineers and Architects D.P.C. to provide engineering and inspection services relating to the rehabilitation of the 1.5 MG elevated water storage tank on Merry Lane in Jericho in an amount not to exceed \$223,000.00. This will include a complete rehabilitation of the tank interior and exterior as well as miscellaneous site upgrades and modifications. 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 Rehabilitation of the 1.5 MG Jericho Elevated Water Storage Tank in the not to exceed fee of \$223,000.00 to be charged to Capital Project Account No. H-8397-017-2303 Tank Rehabilitations.

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

Status of Proposed Development Projects – Engineers Report

1. Cove Edge Road Property Owners: JWD will send a letter to the developer in response to their inquiry.
2. Jericho Plaza Hotel: JWD has sent the letter of water availability.
3. Engineers Country Club: JWD is reviewing D&B's memorandum revision.
4. Tam O'Shanter Development: JWD sent a 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: JWD has sent a letter of water availability. 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.

The Board went into Executive Session at 8:59 am to discuss pending litigation matters and re-entered at 9:10 am with the following actions taken:

Mr. Ingham presented to the Commissioners the Settlement Agreement and Mutual Release between Caldwell Tanks (CTI), Inc. and the District with regards to the new 1.5 MG Elevated Water Storage Tank at Wheatley Road and the delayed completion, time extension requests by CTI, additional compensation requested by CTI, JWD's failure to issue prompt payment to CTI and JWD's proposed assessment of liquidated damages and/or deductions for additional engineering fees incurred by JWD. In lieu of assessing liquidated damages, JWD agrees to accept \$319,000.00. JWD and CTI acknowledge and

agree that the adjusted final Contract Amount, is \$7,296,799.01 (\$7,615,799.01 less \$319,000.00 Administrative Settlement). To date, the District has issued partial payments to CTI in the amount of \$5,632,825.50 resulting in an outstanding balance of \$1,663,973.51. JWD will issue a revised payment amount of \$1,483,973.51. Final payment after inspection including retainage will be made in the amount of \$180,000.00 (\$5,000.00 for as-built drawings and \$175,000.00 for the coatings punch list repairs). The Commissioners reviewed the agreement and deemed the terms to be fair and reasonable. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners execute the settlement agreement with Caldwell Tanks, Inc. in the amount of \$319,000.00 and authorize the release of the revised current payment due in the amount of \$1,483,973.51 pending receipt of Completed AIA Contractors Application for Payment, Change Orders with supporting documentation, Certified Payrolls and Payroll Affidavit, Maintenance Bond, Signed TOB Claim Form and fully executed settlement agreement.

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

Mr. Ingham presented to the Commissioners the Settlement Agreement and Mutual Release between WHM Plumbing and Heating Contractors and the District with regards to the bid submitted for Contract No. C6-22 Merry Lane AOP- Plumbing Construction. The Commissioners reviewed the agreement and deemed the terms to be fair and reasonable. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners execute the settlement agreement with WHM Plumbing and Heating Contractors.

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

Monthly report of the Superintendent was read and ordered filed.

Mr. Logan reported that all analysis of wells and bacteriological sampling for the period May 17, 2023 to June 6, 2023 had been completed and all were within state and federal standards.

A discussion was held regarding homeowners' insurance for water service lines. Mr. Logan informed the Commissioners that he had reached out to Nicole Morton of Salerno

Insurance who recommended that the District inform consumers via the newsletter and/or website that insurance is available and reiterate homeowners responsibility for service leaks and breaks on their main water service. After discussion, the Commissioners instructed Mr. Ingham and Mr. Logan to draft a page for the website.

Mr. Logan gave an update to the Commissioners of the insurance claim from July 25th, 2022 for roof damage at the District Headquarters. Mr. Logan informed the Commissioners that Zurich Insurance Company has agreed to a net payment of \$31,915.44 (original estimate of repair was \$45,604.34 less \$3,688.90 of recoverable depreciation and the \$10,000.00 deductible). The District may recover an amount up to the Replacement Cost Value of the claim by submitting documentation which exhibits the actual cost of repairs. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners accept the insurance payment in the amount of \$31,915.44 for Claim No. 5630082717 for roof damage at the District Headquarters. It was

FURTHER RESOLVED that the Commissioners approve the following budget amendments(s):

To Increase Budget for Roof Repair

H-8397-848-2102	New Roof @ District Headquarters	\$31,915,44
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Corresponding Revenue Account

H-6848-5031	New Roof @ District Headquarters	\$31,915,44
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VOTE	AYES	3	NOES	0	ABSENTIONS	0
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Commissioner Abbate	AYE
Commissioner Asmus	AYE
Commissioner Beckerle	AYE

Mr. Logan informed the Commissioners that the District was contacted by the Long Island Water Conference (LIWC) requesting that the District voice opposition to the Lead Pipe Right to Know Act Assembly Bill (A6115).

Mr. Logan informed the Commissioners that the District's 2022 Annual Water Quality Report (ADQR) and Centennial Edition of the District's Spring Newsletter was delivered to consumers by the May 31, 2023 deadline. Progressive Marketing Group informed Mr. Logan that there was a significant overage on the production side of the allocated budget due to numerous sets of alterations to the layout which equated to \$915.25 spent in additional time. After discussion, the Commissioners approved the increase in fees for the Spring Newsletter and AWQR.

Miss Cannon then presented and reviewed with the Commissioners a Cash Balance/Cash Deposit report as of June 5, 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 May 16, 2023 and June 5, 2023. After discussion, the report was ordered filed.

Miss Cannon then reported that the Bank Reconciliation for the month of May 2023 were completed. After discussion, the Commissioners ordered the Bank Reconciliation filed.

Miss Cannon informed the Commissioners that she had received a request from Mr. Raymond Festa requesting certified payrolls for the painting subcontractor on the Syosset Elevated Tank project. Miss Cannon sent Mr. Festa a letter acknowledging receipt of his FOIL request within five (5) days of the receipt of his request as required under Section 89 (3) of the Freedom of Information Law, stating that his request will be granted or denied, (in whole or part), within approximately thirty (30) days. The Commissioners instructed Miss Cannon to compile the requested information to comply with the FOIL request.

Miss Cannon informed the Commissioners that Ms. Blum & Ms. Riccinto have been working with Badger Meter on new enhancements to their software that would be very useful to the District and would automate many of the current manual processes involved with analyzing Beacon Data. Miss Cannon requested authorization to sign a software demo agreement with Badger Meter to beta test these new enhancements at no additional cost. After discussion, the Commissioners authorized Miss Cannon to sign the agreement on behalf of the District.

Miss Cannon informed the Commissioners that the EFC released new terms and conditions for compliance in the new round of grant funding.

Miss Cannon informed the Commissioners that she received a request to waive a penalty on Account No. 30068033-0 in the amount of \$72.67. Miss Cannon informed the Commissioners that no penalty on the account had been waived in the last five (5) years. After discussion, the Commissioners authorized Miss Cannon to waive penalties on the accounts listed above and instructed her to send a revised bill to the consumer.

Mr. Logan then gave the Commissioners a project status report on behalf of H2M architects + engineers:

Mr. Logan informed the Commissioners that the Merry Lane AOP project is progressing close to schedule and contractors are on track.

Mr. Logan then presented to the Commissioners Contract Modification No. 3 from WEB Construction Corp. for Contract No. C4-22 Merry Lane AOP General Construction for

the additional labor and material for installation of a CMU containment dike for the chlorine tank for the not to exceed fee of \$16,338.72. After discussion and upon motion duly made and seconded, it was

RESOLVED, that the Commissioners approve Contract Modification No. 3 from WEB Construction Corp. for Contract No. C4-22 Merry Lane AOP General Construction in the amount of \$16,338.72 to be charged to the contingency allowance of the contract.

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

Mr. Logan then presented to the Commissioners Draft Contract Modification No. 1 from Philip Ross Industries for Contract No. C6-22 Merry Lane AOP Mechanical Construction to supply and install a new chlorine tank for the not to exceed fee of \$4,368.00. After discussion and upon motion duly made and seconded, it was

RESOLVED, that the Commissioners approve Contract Modification No. 1 from Philip Ross Industries for Contract No. C6-22 Merry Lane AOP Mechanical Construction in the amount of \$4,368.00 to be charged to the contingency allowance of the contract.


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

Pending agenda items list was read and filed.

The following claims were then audited and approved for payment: General Fund #27467 to #27517 and Construction Fund #2662 to #2665.

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


Secretary