

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 24th day of January 2024, 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:
 - a. Construction Accident: Waiting for OSHA report regarding the accident on site.
 - b. Facility Construction: Equipment and piping installation underway in the AOP Building. Work in the Well 20 Building is anticipated to start in February. Conduit installation underway. D&B will seek conditional approval from NCDOH to operate through the AOP and GAC equipment for summer 2024.
2. Well 22 Facility Improvements & AOP Treatment: The weekly meeting was held yesterday at D&B's office with all contractors. The lack of progress and cooperation from the GC has been holding up the work of both the electrical and mechanical contractors.

Mr. Ingham reported that he contacted the bonding company to schedule a meeting with D&B, Superintendent Logan, East End Group and himself. Mr. Ingham recommended to the Board that Contract No. C12-22R, Construction of the 1,4-Dioxane & PFOA Treatment at Well No. 22 General Construction with East End Group be terminated for convenience and the project re-bid. East End Group will be compensated for the time and effort completed to date. Mr. Merklin will send the contractor a stop work order today to cease

activity as notice of termination is forthcoming. Mr. Logan informed the Commissioners that once East End Group demobilizes, there will be a change modification for Contract No. C14-22R Construction of the 1,4-Dioxane & PFOA Treatment at Well No. 22 Mechanical Construction with Philip Ross Industries to reference the property so the site is secure. Miss Cannon will discuss the situation with the EFC since this project was awarded a WIIA grant. After discussion, the Commissioners authorized Contract No. C12-22R Construction of the 1,4-Dioxane & PFOA Treatment at Well No. 22 General Construction with East End Group to be terminated for convenience and passed the following resolution:

RESOLUTION TERMINATING FOR CONVENIENCE

WHEREAS, the Jericho Water District undertook its regular Board Meeting on January 24, 2024; and

WHEREAS, during the Board meeting, Mr. Merklin, the District's retained engineer from D & B Engineers and Architects, presented his regular report on the status of various construction projects taking place within the District; and

WHEREAS, during Mr. Merklin's presentation he discussed the status of East End Group's progress as general contractor for Contract C12-22R; and

WHEREAS, Superintendent Logan also presented to the Board his opinion as to the status of the above reference project; and

WHEREAS, District's counsel Mr. Ingham presented to the Board its option to terminate the above referenced contract with East End Group at the convenience of the District;

NOW THEREFORE, in recognition of the above recitals, and upon motion made by Commissioner Asmus, and seconded by Commissioner Beckerle; the Board

UNANIMOUSLY RESOLVED as follows:

FIRST, the Contract with East End Group for Contract C12-22R is hereby terminated for convenience under Section 15.4 of the District's contract with East End Group;

SECOND, District's counsel was directed to correspond with the East End Group to inform them of the Board's unanimous decision to terminate the District's Contract with East End Group for the District's convenience.

VOTE AYES 3 NOES 0 ABSENTIONS 0

Commissioner Abbate AYE
Commissioner Asmus AYE
Commissioner Beckerle AYE

3. Kirby Lane AOP: Final startup testing will occur in March. The best-case substantial completion date is estimated as May 2024. Additional information will be provided as progress is made.
4. Southwoods Road - New Well and Treatment Facility:
 - a. Well Construction Contract: Layne will return to the site to address the outstanding well construction issues in mid-March. This will allow the building construction to continue in the meantime.
 - b. Treatment Facility Contracts: D&B is addressing comments from NCDOH. An approval is expected shortly. Treatment equipment was delivered and installed the week of January 8th. Trusses will be installed in February following delivery of some large diameter piping.
5. PTAS at the Wheatley Rd. Site (Well 6 & 16): MCC delivery currently scheduled for May 2024. A meeting will be held with National Grid to evaluate the cause of gas supply limitations on the generator. Contractors are addressing punch list items and additional work requested by JWD.
6. Split Rock Tank Booster Station: The Contractor has indicated that the shipping date for the booster station has been delayed.
7. Syosset Tank Replacement: D&B is working with Landmark to close out the contract. Grass and asphalt restoration will be performed in the spring. Waiting for directions from NYSDEC regarding lead concentrations in soil surrounding the old tank site. D&B and JWD are working to address discrepancies with the property line survey.
8. Pump Rehabilitation Projects:
 - Well 18: Contractor is performing the well cleaning work.
 - Well 19: Contractor is performing the well cleaning work.
 - Well 26: Pump has been released for fabrication. Delivery date requested.
 - Well 30: Pump has been released for fabrication. Delivery date requested.
9. Convent Road Facility Architectural Improvements: Bids were received on January 19th. D&B is evaluating the bids. The low bidder for the Architectural Improvements Contract has requested to withdraw their bid.
10. Water Service Gooseneck Replacement: D&B is preparing updated public outreach documents to address NCDOH's verbal comments.
11. LIE Service Road Water Main Connection (Hunts Club Road): D&B is working with JWD to determine easement alternatives.

12. Main Plant SCADA Improvements: D&B is working with the Contractor to close out the contract.
13. Transfer Switch Replacements: Contractor is addressing punch list and close out items.
14. Juneau Pump Station Improvements: Contractor notified the District that the MCC will not be delivered until June 2024. A meeting was held to discuss temporary alternatives that can be installed before summer with no additional cost to the District. D&B is reviewing a submittal on this approach.
15. Wheatley Tank Altitude Valves: Punch list and outstanding SCADA work remains to be completed.
16. Grant Opportunities:
 - a. BIL Grant received for Well 12 PFAS project in the amount of \$5,000,000.00 (WIIA grant denied)
 - b. WIIA grant denial letter received for the Convent Road Treatment Project. D&B working on SHPO determinations. Project will be resubmitted for next round.
 - c. D&B has submitted a proposal for WIIA grant applications in 2024. A new round of WIIA grant funding is opening in February. The deadline for submittal is anticipated to be April, but details have not yet been released.

Mr. Merkin then presented to the Commissioners a proposal from D&B Engineers and Architects D.P.C. for engineering services for the preparation of applications for funding and associated engineering reports for the treatment of emerging contaminants at multiple facilities throughout the District. If awarded, grant funding would come through the Environmental Facilities Corporation (EFC) under the NYS Water Infrastructure Improvement Act (WIIA) and/or the Drinking Water State Revolving Fund (DWSRF) through the Bipartisan Infrastructure Law (BIL). The application deadline for WIIA has not yet been announced, but it is anticipated that an announcement is forthcoming, and it will require submittals in early April 2024. The schedule for BIL submittals is unknown at this time. As part of this proposal, D&B will complete the following:

- a) Convent Road Wells 3, 4 & 5 Emerging Contaminant Treatment: Application will be resubmitted for WIIA and BIL and Updated Engineers Report in the not to exceed fee of \$7,000.00.
- b) Jericho Turnpike Well No. 13: Relist on IUP for the not to exceed fee of \$2,500.00.
- c) Stillwell Lane Well No. 17: List on IUP for the not to exceed fee of \$2,500.00
- d) Sunnyside Well 23 Treatment for PFAS: Relist on IUP, WIIA and BIL Applications and Engineering Report in the not to exceed fee of \$19,000.00.
- e) Glen Cove Road Well 28: Relist on IUP, WIIA and BIL Applications and Engineering Report in the not to exceed fee of \$19,000.00.

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

RESOLVED that the Commissioners approve hiring D&B Engineers and Architects, D.P.C. to provide engineering services for the preparation of applications for funding and associated engineering reports for treatment for emerging contaminants at multiple facilities in the not to exceed amount of \$50,000.00 to be charged to Capital Account No. H-8397-885-2303 NYS WIIA and BIL Grant Application Fees.

Miss Cannon then requested authorization to appropriate funds from the Capital Reserve Fund (A-0878) to Capital Account No. H-8397-885-2303 NYS WIIA and BIL Grant Application Fees, to cover the engineering fees. After discussion, and upon motion duly made and seconded, the Commissioners passed the following resolution:

RESOLUTION AUTHORIZING THE TREASURER TO TRANSFER FUNDS WITHIN THE CAPITAL IMPROVEMENT RESERVE FUND FOR THE PURPOSE OF PROVIDING FUNDING FOR ENGINEERING FOR PREPARATION OF GRANT APPLICATIONS AND REQUIRED ENGINEERING REPORTS FOR TREATMENT OF EMERGING CONTAMINANTS AT MULTIPLE FACILITIES THROUGHOUT THE DISTRICT IN THE ESTIMATED AMOUNT OF \$50,000.00

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 January 24, 2024, the Capital Improvement Reserve Fund (A-0878) had a balance of \$2,626,605.00; and

WHEREAS, the District received an engineering proposal from D&B Engineers & Architects in the amount of \$50,000.00 for the development of grant applications and required engineering reports for the treatment of emerging contaminants at multiple facilities throughout the District; and

WHEREAS, the grant funding is available through the Environmental Facilities Corporation (EFC) under the NYS Water Infrastructure Improvement Act (WIIA) and/or the Drinking Water State Resolving Fund (DWSRF) through the Bipartisan Infrastructure (BIL) Law; and

WHEREAS, as of January 24, 2024, the capital project account H-8397-880-2303, SCADA System Replacement, (originally funded by appropriating the capital reserve fund), had an excess balance of \$272,113.14; and

WHEREAS, the Board of Commissioners desires to fund Engineering Costs for the preparation of grant applications and engineering reports for the treatment of emerging contaminants at multiple facilities throughout the District with the excess balance in the above listed account in the total amount not to exceed \$50,000.00; and

WHEREAS, funds would be transferred from the excess balance in the existing capital project account initially funded from the Capital Improvement Reserve Fund (A-0878) 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. §617.5 (c)(5) and therefore no further SEQRA review is required; and

NOW THEREFORE,

BE IT RESOLVED that the Board of Commissioners hereby authorizes the transfer of \$50,000.00 from H-8397-880-2010, SCADA System Replacement to capital project account no. H-8397-885-2303, NYS WILA & BIL Grant Applications.

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

d. Waiting for announcement on BIL funding for Lead Service Line Replacements (LSLRP).

17. Wheatley Tank Anniversary Inspection: Caldwell has not submitted their proposed approach. D&B is preparing a draft letter notifying Caldwell that JWD would like to perform the work this spring that will be going out today.

18. Requirements Contracts:

- a. GAC Media Purchasing: A revised draft has been reviewed by JWD and D&B is working on incorporating comments.
- b. SCADA Managed Services: A managed service agreement is being drafted.

19. PFAS Treatment at Wells 18, 19 & 29: A draft BODR has been submitted for JWD review. A 60 percent design submittal is scheduled for May.
20. Jericho Tank Rehabilitation: D&B is addressing in-house comments on the 60 percent submittal prior to submitting to JWD.
21. Evaluation of System Capacities: D&B is working with JWD to develop a detailed scope of work.
22. GIS Improvements: D&B is preparing to start the work.
23. Wheatley Grading and Paving: D&B is preparing draft contract documents with a goal of advertising for bids in late February.
24. Exemption Reporting: The next report is due on April 10th, 2024.
25. 2024 Bond Issue: D&B has submitted a proposal to assist the District with their 2024 Bond Application.

Mr. Merklin then presented to the Commissioners a proposal from D&B Engineers and Architects D.P.C. for engineering services to assist the District with their application for bonding for capital improvement projects included in the 2024 Capital Plan in the not to exceed amount of \$13,000.00. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners approve D&B Engineers and Architects D.P.C.'s proposal for engineering services to assist the District with their application for bonding for capital improvement projects included in the 2024 Capital Plan in the amount of \$13,000.00, 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

Status of Proposed Development Projects – Engineers Report

1. Engineers Country Club: D&B is addressing in-house comments on the draft memorandum prior to submitting to JWD.
2. Country Club Developers: The contract has been executed. A NTP will be transmitted once bonds have been provided. D&B and JWD will work with the developer to obtain an easement following installation of the main.

3. Cove Edge Road Property Owners: Evaluation work is underway.
4. National Grid Water Main Relocation: A meeting was held with JWD, D&B and National Grid to discuss the project schedule. D&B intends to submit the plans and specs for NCDOH approval in February.

Discussion was held regarding Prevailing Wage Schedules in District contracts. Mr. Ingham informed the Commissioners that the NYS Department of Labor had indicated that the full prevailing wage schedule should not be included in District contracts, as it could change from day to day, and that the District should only be referencing the PRC# and NYS DOL website link associated with the project in the bid specifications. Mr. Merklin took note of the change and will inform staff to remove the full prevailing wage schedule from future contracts.

Mr. Logan reported that all analysis of wells and bacteriological sampling for the period January 10, 2024 to January 23, 2024 had been completed and all were within state and federal standards.

Mr. Logan then presented to the Commissioners Contract Modification No. 6 from Rolands Electric, Inc. for Contract No. C5-21, Kirby Lane AOP, Electrical Construction, to install two (2) new heaters in the booster building in the amount of \$3,996.05. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners approved Contract Modification No.6 from Rolands Electric, Inc. for Contract No. C5-21, Kirby Lane AOP, Electrical Construction, in the amount of \$3,996.05 to be charged to the Misc. Work Allowance line in the contract with no overall increase to the total cost of the project.

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

Miss Cannon then presented and reviewed with the Commissioners a Cash Balance/Cash Deposit report as of January 22, 2024. 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 January 10, 2024 and January 22, 2024. After discussion, the report was ordered filed.

Miss Cannon then requested authorization to transfer \$600,000.00 from the General Fund Checking Account to the General Fund Investment Account in order to maximize interest earned. After discussion, the Commissioners authorized the bank transfer.

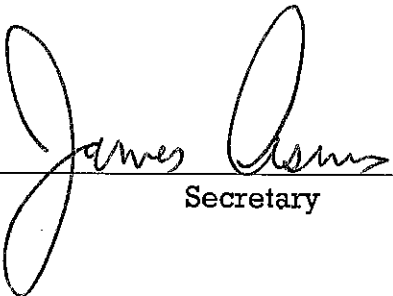
Miss Cannon then presented to the Commissioners a letter from Mr. David S. Phillips, P.E. of NYS Department of Health notifying the District that the PFAS Treatment at Well No. 12, DWSRF Project No. 19580, is eligible for a BIL-EC grant award through the Drinking Water State Revolving Fund (DWSRF) of up to \$5,000,000.00. The next step is for the District to confirm acceptance of the funding award and intent to proceed with the project by completing and signing the Acknowledgement and Acceptance of BIL-EC Funding Award form by February 16, 2024. After discussion, the Commissioners authorized Commissioner Abbate to sign the required form for Miss Cannon to return to NYSDOH by the deadline.

Miss Cannon informed the Commissioners that she received a request to waive a penalty on Account No. 70103571-2 in the amount of \$95.72. 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 customer.

Pending agenda items list was read and filed.

The following claims were then audited and approved for payment: General Fund #28153 to #28171 and Construction Fund #2712.

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


Secretary