

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 4<sup>th</sup> day of September 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(s)	William D. Merklin James Van Horn

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

Monthly report of Engineer was read and ordered filed.

1. Well 20 & 21 AOP Treatment: Optimal testing of the AOP will be performed when the GAC vessels are 100 percent filled with carbon and the motor starters have been installed (Estimated November 2024). Ongoing work includes site work, peroxide shelter, painting, sample lines and wiring equipment. The electrical gear will ship on September 27<sup>th</sup>. Substantial Completion is anticipated early in 2025.
2. Well 22 Facility Improvements & AOP Treatment: D&B is working to close out the East End Group contract. The Substantial Completion date for all contracts is May 26, 2025. The general contractor is working on the first-floor slab.
3. Kirby Lane AOP: The AOP facility is operational. Miscellaneous open work items continue. Site restoration will follow. The new motor has been installed on Well 26.
4. Southwoods Road - New Well and Treatment Facility:
  - a. Well Construction Contract: Development continues.
  - b. Treatment Facility Contracts: Ongoing work includes interior piping, connections and painting. Waiting for PSEG to set transformer for a new electrical service. MCC is scheduled for March 2025.

5. PTAS at the Wheatley Rd. Site (Well 6 & 16): Wire to Water has indicated that the ship date for the electrical equipment is October 8<sup>th</sup>, 2024. The generator is capable of operating under full plant load, but inlet pressures are lower than expected. Working with the generator manufacturer to identify cause and solution.
6. Split Rock Tank Booster Station: Coating issues have been resolved. Tentative shipping date is September 9<sup>th</sup>. Working with contractor to address site grading issues adjacent to the transformer.
7. Syosset Tank Replacement: The one-year anniversary inspection has been scheduled on September 14<sup>th</sup>. Contract close out will commence after the one-year anniversary inspection and any associated repairs. Final paving, trench drain, and hatch work remains to be completed (pending change order with Landmark/Wargo to switch).
8. Pump Rehabilitation Projects:
  - Well 18 & 19: Working on contract close out.
  - Well 26: Motor has been installed. Pump installation will be performed in the fall.
  - Well 30: This work will be postponed until Well 3 work is completed.
  - Well 3, 27 & Kirby Booster Pumps: Well 3 work is being expedited.
9. Convent Road Facility Architectural Improvements:
  - a. Architectural Contract: Waiting for windows prior to completing tile installation and subsequent work. Evaluating potential contract modification for upsizing of the electrical panel.
  - b. Barn Roof: Roof membrane has been installed. Working on facias and gutters.
10. Water Service Gooseneck Replacement: D&B is finalizing public outreach documents to address JWD comments. D&B is finalizing the inventory spreadsheet. GIS map preparation is next. Water service replacement contract docs will be updated to address pending NCDOH comments on a project for another water supplier in hopes this will streamline the submittal process.
11. The Hunt Club Road Water Main Connection: JWD is coordinating with the Meadow Brook Club for an easement to connect to Hunt Drive. D&B will proceed with a markout and survey of the existing utility easement in 50 Jericho Quadrangle to confirm that this adequate space for the proposed water main.
12. Juneau Pump Station Improvements: The permanent electrical equipment will be installed late in September or early in October. JWD is coordinating with the Contractor. Working with Bancker and security vendor to coordinate camera installations.

13. PFAS Treatment at Wells 18, 19 & 29: D&B addressed DOH comments on BODR. A 60 percent design has been submitted to JWD. D&B is advancing the 90 percent design for submittal next week. Congressionally Directed Spending (CDS) grant in the amount of \$700,000 is pending approval.
14. Jericho Tank Rehabilitation: Waiting for NCDOH comments or approval. D&B has prepared conformed contract documents.
15. GIS Improvements: D&B is working on creating new layers.
16. Wheatley Grading and Paving: Contract execution is underway. Contracts have been signed. Preconstruction meeting is scheduled for today and notice to proceed will be sent.
17. Exemption Reporting: NYSDOH has granted an exemption extension until April 25<sup>th</sup>, 2025. Letters have been sent to request a correction for August 25, 2025.
18. Sugar Toms Road Water Main: D&B has submitted a proposal for the design and construction services for the water main improvements on Sugar Toms Road.

Mr. Merklin then presented to the Commissioners a proposal from D&B Engineers and Architects D.P.C. for engineering services for the design and permitting of water main improvements to replace approximately 600 feet of 8-inch water main along Sugar Toms Lane in East Norwich between Sunny Hill Drive and Oyster Bay Road (NYS Rte. 106). The work also includes the abandonment of the existing mains, connections to existing mains and new hydrants as required to meet regulatory criteria. The not to exceed fee of the project includes \$12,000.00 for Markout, Survey and Base Mapping, \$17,000.00 for Detailed Design and Permitting, \$7,000.00 for NYSDOT Permitting, \$16,000.00 for Bidding and Construction Services, and \$6,000.00 for Part-Time Inspection Services for the total not to exceed fee of \$58,000.00. After discussion, and upon motion duly made and seconded it was

RESOLVED that the Commissioners approve D&B's proposal for Sugar Toms Lane Water Main Improvements in the not to exceed amount of \$58,000.00 to be charged to Capital Project Account No. H-8397-316-2300 Sugar Toms Water Main Improvements. It was

FURTHER RESOLVED, that the Commissioners approve a budget transfer from Capital Project Account No. H-8397-315-2300 Water Main Improvements to H-8397-316-2300 Sugar Toms Water Main Improvements in the amount of \$619,835.00.

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

19. Well 12 Grant: D&B is evaluating the water quality data as it relates to the grant award.
20. PFAS Treatment at Wells 23 & 28: D&B is preparing a draft scope of work documents and proposals for discussion with JWD.
21. LIU Post Distribution Mapping: D&B sent a draft proposal for review for assisting the District with mapping of JWD and LIU Post water mains.

Status of Proposed Development Projects – Engineers Report

1. Country Club Developers: D&B is working with the developer and their surveyor to obtain an easement.
2. Cove Edge Road Property Owners: JWD sent the final memorandum to Cove Edge.
3. National Grid Water Main Relocation: The contract has been closed out.
4. Woodbury Hills: D&B is addressing JWD comments prior to NCDOH submittal. D&B prepared an updated construction cost estimate. Funds will be requested from the developer prior to bidding.

Mr. Ingham reported that the District will be terminating their contract with UniFirst for uniform services, and will be switching to Cintas. Mr. Ingham prepared the termination letter will transmit it Certified Return Receipt once the District has received Cintas uniforms on September 13<sup>th</sup>, 2024.

Mr. Merklin then presented to the Commissioners the Preliminary Cost Opinion for the Woodbury Hills Water Main Installation itemizing costs for the Water Main Layout in the total amount of \$419,740.00 (to be paid by the developer). Mr. Logan & Mr. Ingham informed the Commissioners that they will begin to draft the Developer’s Agreement, however, they are still awaiting D&B’s completion of the plans to submit for Nassau County Board of Health approval on the project. Commissioner Abbate recused himself from all discussions and decisions relating to the Woodbury Hills Development. After discussion, and upon motion duly made and seconded, it was

RESOLVED, that the Commissioners approve the Preliminary Cost Opinion for the Woodbury Hills Water Main Installation in the total amount of \$419,740.00 to be paid by the developer.

VOTE	AYES	2	NOES	0	ABSENTIONS	0
	Commissioner Asmus		AYE			

Commissioner Beckerle

AYE

At 9:00 A.M., Commissioner Abbate suspended the regular meeting of the Board of Commissioners and opened the public hearing to hear and consider comments on the New York State Department of Health August 25, 2024 Exemption from the Maximum Contaminant Levels for 1,4-dioxane. A public notice was placed in the Oyster Bay Guardian on August 30<sup>th</sup>, 2024. It was further noted that the hearing notice was placed on the District's website and the District's own sign board located just outside the main gate.

At 9:11 A.M., Commissioner Abbate noted that there were no speakers and closed the hearing.

The Board accepted the recommendation of counsel Ingham to retain Sher Edling on a contingency fee basis to proceed with litigation claim on behalf of the District principally against Tyco entities for PFAS and PFOAs and passed the following resolution:

**JERICHO WATER DISTRICT  
CLASS ACTION SETTLEMENT RESOLUTION**

**WHEREAS**, in August 2020 the New York State Department of Health formally adopted new Maximum Contaminant Levels ("MCLs") for per- and polyfluoroalkyl substances ("PFAS") at 10 parts per trillion; and

**WHEREAS** the Jericho Water District ("District") is now required to install treatment equipment on impacted water wells to remediate the PFAS in its raw water to achieve compliance with these MCL regulations; and

**WHEREAS** the Court in the Aqueous Film-Forming Foam Multidistrict Litigation No. 2873 ("AFFF MDL") preliminarily approved a settlement class for claims against Defendant TYCO FIRE PRODUCTS LP ("TYCO") for certain water providers throughout the country, of which, the District is a qualifying class member; and

**WHEREAS**, the District has, with the assistance of its counsel and its outside litigation counsel, fully analyzed the proposed settlements and has addressed all relevant questions; and

**WHEREAS**, the District, with the assistance of its counsel and outside litigation counsel, has been informed of and has assessed the potential risks, benefits, pros, and cons of participating in the TYCO settlement; and

Now therefore, be it **RESOLVED** that the District elects to participate in the class action settlement reached through the AFFF MDL with Defendant TYCO; and be it

**FURTHER RESOLVED**, that the District authorizes its outside litigation counsel, Sher Edling LLP, to take all action necessary to effectuate the District's participation and receipt of funds from the settlements, including but not limited to, working with the District to

confirm and gather additional information that may be needed through the claims process, completion of claim forms on behalf of the District, communicating with Class Counsel, Defendants, and/or the Claims Administrator and Special Master, and all other necessary communication, evaluation, and action through the settlement process.

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

Miss Cannon informed the Commissioners that Maureen Data Systems (the District's IT contractor) forwarded an annual agreement for Microsoft Office 365 licensing. While the District has been utilizing Office 365 services for several years, the annual agreement was a new process. Mr. Ingham reviewed the agreement and advised Miss Cannon that all was in order for her to execute the agreement.

The Board of Commissioners went into executive session at 9:20 AM to discuss pending potential litigation and personnel matters and re-entered at 9:36 AM and re-entered with the following actions taken:

Monthly Report of the Superintendent was read and ordered filed.

Mr. Logan reported that all analysis of wells and bacteriological sampling for the period of August 21, 2024 to September 3, 2024 had been completed and all were within state and federal standards.

Mr. Logan informed the Commissioner of a water main break on Hoaglands Lane & Foxboro Lane in Old Brookville on August 26<sup>th</sup>, 2024 which the District repaired in-house. The break affected a large part of the Glen Head area, and District staff were able to isolate the break quickly to restore water. Mr. Logan informed the Commissioners that the owners of 1 Foxboro Lane experienced water damage from the break, which Mr. Logan forwarded to the District's insurance company to resolve.

Mr. Logan informed the Commissioners that the District was having issues with the VFD (Variable Frequency Drives) at Kirby Lane PTAS booster motor. Mr. Logan received a quote from Lexington Technologies to replace the VFD under Requirements Contract No. G2-24 Instrumentation and Controls in the amount of \$25,684.60. Additionally, Mr. Logan informed the Commissioners that the PLC (Programmable Logic Controller) at Well 9 and 14 also needed replacement. Mr. Logan received a quote from Lexington Technologies to replace the PLC under Requirements Contract No. G2-24 Instrumentation and Controls in the amount of \$10,154.00. Miss Cannon informed the Commissioners that both projects would require a blanket increase. After discussion the Commissioners authorized a blanket increase of \$25,000.00 to Blanket Purchase Order No. 24-00031. Ms. Cannon advised that

this project would deplete both the remaining funds on Purchase Order No. 24-00031 as well as Operating Account No. A-8340-000-4650 Repairs to Wells & Distribution.

Mr. Logan then presented to the Commissioner Contract Modification No. 8 from Construction Consultants LI, Inc. for Contract No. C17-22 in the amount of \$4,526.50 for labor and material to install the transformer pad. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the Commissioners approve Contract Modification No. 8 for Contract No. C17-22 with Construction Consultants LI, Inc. for the total not to exceed amount of \$4,526.50 to be charged to the misc. work allowance line of the contract with no overall increase to the cost of the project.

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

Mr. Logan informed the Commissioners that the District received a Summons and Complaint for the alleged Well 33 accident that happened back in December of 2023. Mr. Logan forwarded the Summons and Complaint to the District's Insurance company.

Mr. Logan informed the Commissioners that the District was awarded an additional grant from PERMA (the District's Workers Compensation Policy) for a monogrammed indoor safety mat. After discussion, the Commissioners were delighted to hear of the news of the grant award and pleased to expand the District's safety program.

Miss Cannon then presented and reviewed with the Commissioners a Cash Balance/Cash Deposit report as of August 30<sup>th</sup>, 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 August 20<sup>th</sup>, 2024 and August 30<sup>th</sup>, 2024. After discussion, the report was ordered filed.

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

A discussion was held regarding Well No. 12 AOP Treatment project and the \$5 Million NYS EFC BIL-EC grant awarded to the District in January. Mr. Merklin and Mr. Van Horn requested more time to analyze sample results and requested to table the discussion until the first board meeting in October. Miss Cannon then informed the Commissioners that she was concerned about the required documentation the District was receiving from

contractors for all NYS WIIA and BIL-EC grants. The Commissioners recommended that she meet with D&B Engineering to review the process and report back to them.

Miss Cannon the presented to the Commissioners Contract Modification No. 1 from A.C. Schultes, Inc. for Contract No. C15-22 Rehabilitation of Well Pump No. 18 for unutilized items/quantities for the total net decrease of \$15,798.15, thereby amending the contract price from \$163,682.79 to \$147,884.64. After discussion, and upon motion duly made and seconded, it was

RESOLVED, that the Commissioners approve Contract Modification No. 1 from A. C. Schultes, Inc. for Contract No. C15-22 Rehabilitation of Well Pump No. 18 for a total net decrease to the original contract price of \$15,798.15.

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

Miss Cannon the presented to the Commissioners Contract Modification No. 1 from A.C. Schultes, Inc. for Contract No. C16-22 Rehabilitation of Well Pump No. 19 for unutilized items/quantities for the total net decrease of \$18,687.45, thereby amending the contract price from \$148,489.59 to \$129,802.14. After discussion, and upon motion duly made and seconded, it was

RESOLVED, that the Commissioners approve Contract Modification No. 1 from A. C. Schultes, Inc. for Contract No. C16-22 Rehabilitation of Well Pump No. 19 for a total net decrease to the original contract price of \$18,687.45.

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

Miss Cannon discussed the upcoming insurance renewal with the Board of Commissioners.

Miss Cannon then informed the Commissioners that she received a letter from Ms. Nicole Morton of Salerno Brokerage Corp., the District's Insurance Broker, recommending that the District renew insurance policies in the amount of \$397,536.59 for the period of September 1, 2024 through August 31, 2025. Miss Cannon discussed with the Commissioners several ways the District could save on the upcoming renewal including removing spousal liability and increasing the deductible from \$10,000 to \$25,000. These changes would save the District approximately \$15,000. After discussion, the

Commissioners approved the changes to the policy. Ms. Morton will also attend the October 2<sup>nd</sup>, 2024 meeting of the Board of Commissioners to discuss builder's risk insurance and excess liability insurance.

Miss Cannon then informed the Commissioners that Ms. Morton recommended the District renew their General Liability, Property & Equipment, Automobile, Umbrella, Public Officials & Employment Practices and Owners Protective Insurance with Munich Re Specialty Insurance Company (reflecting the above changes) in the amount of \$372,544.41 for the period of September 1, 2024 through August 31, 2025. Munich is the replacement carrier for Zurich, as Zurich non-renewed as Zurich is exiting the Public Entity marketplace. Ms. Morton indicated in her letter that the 2024 Insurance Market Place continues to be extremely challenging and that reinsurers are dictating terms, conditions and rates. The reinsurers have been more concerned with liability claims and costs to defend them. In addition, the increase was expected due to the addition of assets of the District's list of insurable values and exposure changes. Ms. Morton recommended the District renew the Cyber Liability/Cyber Extortion policy with Cowbell Insurance for an annual premium of \$8,507.00. Additionally, Ms. Morton recommended renewal of the Public Employee Blanket Bond from Utica National Insurance for an annual premium of \$1,055. After discussion, and upon motion duly made and seconded, it was

RESOLVED that the District renew insurance coverage for the period of September 1, 2024 through August 31, 2025 with Munich Re Specialty Insurance company through Salerno Brokerage Corp. in the amount of \$372,544.41, Cyber Liability/Cyber Extortion Policy from Cowbell Insurance in the amount of \$8,507.00 and Public Employee Blanket Bond in the amount of \$1,055.00 from Utica National Insurance to be charged to Operating Account No. A-8310-000-4300 Insurance.

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

Miss Cannon then discussed with the Commissioners a draft of the 2025 Calendar of Board Meetings. After discussions, the Commissioners authorized Miss Cannon to finalize the calendar for 2025.

Miss Cannon informed the Commissioners that she received notification from the New York State Retirement System that employee, Debra Riccinto will be retiring from the District as of November 12<sup>th</sup>, 2024 (last day on payroll will be November 11<sup>th</sup>, 2024).

Miss Cannon informed the Commissioners that she received the following request to waive a penalty:

1. Account No. 30201800-2 in the amount of \$275.92.

After discussion, the Commissioners denied the request due to a prior penalty being waived on the account on June 5<sup>th</sup>, 2024. The Commissioners requested Miss Cannon send the consumer a letter advising them of their decision.

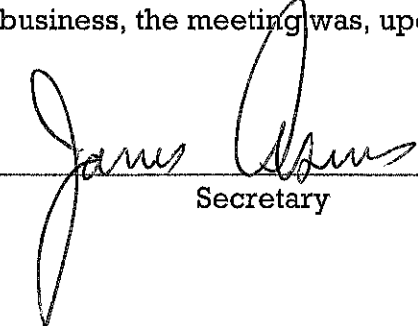
Miss Cannon then requested authorization for Ms. Blum to attend the NYS Office of the Comptroller's virtual Accounting Principles and Procedures class on October 8<sup>th</sup> and 9<sup>th</sup>, 2024 for a cost of \$85.00. Additionally, Miss Cannon requested authorization for Jill Galantini to attend the NYS Office of the Comptroller's virtual Introduction to Governmental Accounting class on November 20<sup>th</sup> & 21<sup>st</sup>, 2024 and Accounting Principles and Procedures class on December 11<sup>th</sup> and 12<sup>th</sup> for a total cost of \$170.00. After discussion, the Commissioners authorized Ms. Blum and Ms. Galantini to attend the the webinars.

Miss Cannon then informed the Commissioners that the New York State and Local Retirement System released the employer contribution rates for 2026. The Jericho Water District's proposed 2025 budget included a 20% increase in NYS Retirement contributions. The rates came in at an average of 19% increase across all tiers and are projected to be under budget by approximately \$30,000.

The pending agenda items list was read and filed.

The following claims were then audited and approved for payment: General Fund #28738 to #28766, Construction Fund #2751 and Installation Fund #4200.

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

  
Secretary