

**MEETING OF THE BOARD OF DIRECTORS OF
THE WATER AUTHORITY OF GREAT NECK NORTH
HELD ON DECEMBER 11, 2023
AT 50 WATERMILL LANE, GREAT NECK, NEW YORK.**

PRESENT:

Michael C. Kalnick, Chairperson and Director*	Town of North Hempstead
Jay Johnas, Director	Village of Great Neck
Dan Levy, Director	Village of Saddle Rock
Dana Lustbader, Director	Village of Kensington
Irving Rosenstein, Director	Village of Great Neck Plaza
Michael Smiley, Director	Village of Great Neck Estates
Steven Weinberg, Director	Village of Thomaston

ALSO PRESENT:

Ralph J. Kreitzman, Vice-Chairperson	Water Authority of Great Neck North
Gregory Graziano, Superintendent	Water Authority of Great Neck North
Adam Solow, Superintendent of Plant Operations	Water Authority of Great Neck North
Judith Flynn, Treasurer	Water Authority of Great Neck North
Debra Ray, Secretary	Water Authority of Great Neck North
Stephen G. Limmer, Counsel	McLaughlin & Stern, LLP
James Neri, Senior Vice President	H2M Architects + Engineers
Howell and Joann Moskowitz	Robert Kessler Agency

* Present by Video conferencing (not included for determining a quorum and voting)

NOT PRESENT:

Carol Frank, Director	Village of Kings Point
Robert Graziano, Deputy Chairperson	Water Authority of Great Neck North
Michael Rispoli, Assistant Superintendent	Water Authority of Great Neck North

The Board meeting was called to order at 6:06 p.m. Six members (Directors Johnas, Levy, Lustbader, Rosenstein, and Smiley) were present, constituting a quorum.

On the motion of Director Levy, seconded by Director Smiley, by Resolution #23-12-01, the Minutes of the Board's November 13, 2023, meeting were reviewed by the Directors and were approved. The vote was 5 for, 0 against, 0 abstentions. A copy of the Minutes is on file with the Secretary.

On the motion of Director Levy, seconded by Director Smiley, by Resolution #23-12-02, the Board reviewed and approved the Abstract of Claims. The vote was 5 for, 0 against, 0 abstentions. A copy of the Abstract is on file with the Secretary.

On the motion of Director Levy, seconded by Director Smiley, by Resolution #23-12-03, the Board reviewed and approved the Treasurer's Monthly Report. The vote was 5 for, 0 against, 0 abstentions. A copy of the Report is on file with the Secretary.

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James Neri, Senior Vice President, H2M, presented an update on the status of all projects since the previous meeting. The list of projects includes:

1. **2022 Water Main Improvements project** –100% complete; GIS map printing in progress.
2. **Wellhead Treatment at Community Drive** - Pilot testing ongoing. Second set of vessels and media has been delivered to the Watermill Lane site and currently operating. Weekly samples are being grabbed.
3. **A-Plant Flood Mitigation** - 99% complete with contract documentation for the scope of work under Project F finalized. RFP bids have been received. Contract Documentation for the scope of work under Project E sent to the Authority and comments have been received.
4. **Rehabilitation of Wells 9, 12, 13, 14, and 10A** –AC Schultes working on Well 10A and gearing up to begin work at Well 9.
5. **BRIC Application** – BCA revised per DHSES-Workshop with Authority. Notes for report updates before WAGNN for review and comment.
6. **2023 Water Main Replacement** – Completed Works received from NC Dept. of Health. Water service transfers complete. Final water main tie-ins completed 12/6. Restoration schedule pending.
7. **Valve Replacement Contract** - Project is complete. H2M is providing updated GIS maps.
8. **Asbestos Water Main Replacement**- Preliminary design and utility mark outs in progress. Field survey worked expected to begin this month upon completion of mark outs.

Superintendent Graziano presented the Assistant Superintendent's Report:

The following is a summary of the status of the current projects by CDM Smith:

1. **Weybridge Road Tank Cellular Company Antenna Project** – Project involves antenna replacement work by the four cellular companies.
 - T-Mobile has completed the work associated with the existing supports to their antennas. They did not do the upgrade work which has been postponed. AT&T completed a Video Quality Audit 12/6/23, work is complete barring any unforeseen issues.
2. **Pheasant Run (Kings Point) Water Main Extension** - Installation of approximately 1,280 feet of water main for new development.
 1. No change since last month. Waiting on developer regarding their schedule so WAGNN can re-issue for bid.
3. **Old Mill II Water Main Extension** - Installation of approximately 1,110 feet of water main for new development.
 1. No change since last month. Waiting on developer regarding their schedule so WAGNN can issue for bid.
4. **West Shore Road Water Main Improvements** - Installation of approximately 1,950 feet of water main for new development.
 1. No change since last month. Waiting on developer regarding their schedule so WAGNN can issue for bid.

Gregory Graziano presented the Superintendent's Report:

Superintendent Graziano presented the Board with the letter from USP Technologies with a price adjustment for the supply of 27% NSF Grade Hydrogen Peroxide for 2024. The Superintendent explained that the Authority piggy-backs on the contract with Hicksville Water District and that contract includes a 5% increase for 2024, from \$3.25 per gallon to \$3.41 per gallon effective January 1, 2024. He also

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explained that USP Technologies is the only supplier of this product and therefore recommended the Board approve the proposal. On the motion of Director Levy, seconded by Director Smiley, by Resolution #23-12-04, the Board approved the price increase for 2024 in accordance with the proposal letter dated November 15, 2023. The vote was 5 for, 0 against, 0 abstentions. A copy of the proposal letter is on file with the Secretary.

Director Weinberg entered the meeting at 6:30 p.m.

The Robert Kessler Agency, by letter dated December 8, 2023, submitted its recommendation that the Authority renew its insurance with Tokio Marine - Houston Casualty (the "HCC Program") for the period 12/28/23 through 12/28/24 with a 15% increase over the current year. Insurance brokers Howell Moskowitz and Joann Moskowitz from the Robert Kessler Agency explained that the HCC Package Policy includes the following coverage: General Liability, Employee Benefits Liability, Public Official Liability, Employment Practices Liability, Automobile, Property, Inland Marine, Mechanical Breakdown, and the Primary \$10,000,000 Excess Liability. Howell expressed some reasons for the increases including the transfer of risk to contractors and subcontractors, which is something they always watch, and the losses the Authority experienced due to Hurricane Ida. In addition, he explained that it is common that about every five years the public entity insurance market experiences a significant upheaval. Based upon their recommendation, on the motion of Director Levy, seconded by Director Smiley, by Resolution #23-12-05, the Board authorized the Robert Kessler Agency to renew the Authority's insurance with Houston Casualty in accordance with the Robert Kessler Agency's letter dated December 8, 2023, for the period 12/28/23 through 12/28/24. The vote was 6 for, 0 against, 0 abstentions. A copy of the letter is on file with the Secretary.

Audit Committee Chairperson Weinberg reviewed the Annual Audit Committee Report with the Board and advised the Board that the Committee is satisfied with the Authority's 2024 budget and that it will carefully review the overall scope of the external audit for 2023 and will continue to monitor the plans and progress of the audit. To date, the Committee has been satisfied that the audits of the Authority have been made in accordance with generally accepted accounting principles. A copy of the report is on file with the Secretary.

At the request of Secretary Ray, all Directors completed the Confidential Evaluation of Board Performance, which will be submitted by the Secretary to the Authorities Budget Office for the 2023 calendar year.

On the motion of Director Weinberg, seconded by Director Lustbader, by Resolution #23-12-06, the Board reappointed Director Johnneas to the Governance Committee for a term of three years, from January 1, 2024 to December 31, 2027. The vote was 6 for, 0 against, 0 abstentions.

On the motion of Director Lustbader, seconded by Director Weinberg, by Resolution #23-12-07, the Board went into Executive Session at 6:45 p.m. for advice of counsel with regard to a contractor's failure to properly perform pursuant to its contract. The Board emerged at 7 p.m. and Chairperson Kalnick announced that no action had been taken and no minutes would be produced.

On the motion of Director Levy, seconded by Director Johnneas, by Resolution #23-12-08, the Board adopted the following resolution:

WHEREAS, after competitive bidding as required by the General Municipal Law, the Authority entered into a one-year contract with Eurofins as of June 1, 2023, for certain laboratory services so that, in part, the Authority could meet the testing and reporting requirements of the Nassau County Department of Health; and

WHEREAS, pursuant to that contract, among other things, Eurofins agreed to provide professional laboratory services to meet the requirements of the Nassau County Department of Health and to provide for the appropriate preservation of samples, to provide quality control review of all data, and provide all of its services with generally accepted professional practices; and

WHEREAS, contrary to its obligations under the contract, from time to time, Eurofins, among other things, has:

1. failed to timely test and report the findings of the samples;

2. failed to properly label its reports, so the Authority could not tell from which well the sample was taken;
3. failed to protect the samples from degradation, so that the samples could not be used for the required testing;
4. failed to use bottles for samples that were not contaminated, so the test results could not be used; and
5. failed to communicate timely with the Authority with regard to its failures and inabilities in sufficient time to allow the Authority to take action timely to attempt to resolve or minimize the problems resulting from such failures and inabilities; and


WHEREAS, the contract provides, in part, that the Authority may suspend or reduce in scope the services for which Eurofins was engaged at any time and for any reason deemed to be in the Authority's interest,

NOW THEREFORE,

1. the Authority finds that a public emergency arising out of the unforeseen circumstances of Eurofins not performing in accordance with the contract and that required testing and reporting must be carried out immediately before a new competitive bidding or a request for proposals process can be met;
2. the total amount of the required testing and reporting between now and the May 31, 2024, termination date of the one-year contract with Eurofins will not exceed \$20,0000;
3. the contract is for professional services;
4. Pace Analytical Services, Inc. was the only other bidder for the subject 2023/2024 laboratory services contract, and Pace Analytical Services, Inc. has informed the Authority that if the Authority now chose to use it for any of the Authority's laboratory services, Pace Analytical Services, Inc. would perform those services in accordance with its bid;
5. in order to meet the immediate need for testing and reporting, the Board authorizes the Superintendent, in his sole discretion, to utilize either Pace Analytical Services, Inc., or Eurofins, for laboratory services in accordance with their respective bids between now and May 31, 2024.

The vote was 6 for, 0 against, 0 abstentions.

The meeting was adjourned at 7:02 p.m.

Approved by Secretary: 

Date: January 22, 2024