

**MEETING OF THE BOARD OF DIRECTORS OF
THE WATER AUTHORITY OF GREAT NECK NORTH
HELD ON NOVEMBER 13, 2023
AT 50 WATERMILL LANE, GREAT NECK, NEW YORK.**

PRESENT:

Michael C. Kalnick, Chairperson and Director
Carol Frank, Director
Jay Johnas, Director
Dan Levy, Director
Dana Lustbader, Director
Irving Rosenstein, Director
Michael Smiley, Director
Steven Weinberg, Director

Town of North Hempstead
Village of Kings Point
Village of Great Neck
Village of Saddle Rock
Village of Kensington
Village of Great Neck Plaza
Village of Great Neck Estates
Village of Thomaston

ALSO PRESENT:

Ralph J. Kreitzman, Vice-Chairperson
Robert Graziano, Deputy Chairperson
Gregory Graziano, Superintendent
Michael Rispoli, Assistant Superintendent
Adam Solow, Superintendent of Plant Operations
Judith Flynn, Treasurer
Stephen G. Limmer, Counsel
Stephanie Biehl, Counsel
James Neri, Senior Vice President

Water Authority of Great Neck North
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McLaughlin & Stern, LLP
Sher Edling LLP
H2M Architects + Engineers

NOT PRESENT:

Debra Ray, Secretary

Water Authority of Great Neck North

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

On the motion of Director Weinberg, seconded by Director Smiley, by Resolution #23-11-01, the Minutes of the Board's October 16, 2023, meeting were reviewed by the Directors and were approved. The vote was 8 for, 0 against, 0 abstentions. A copy of the Minutes is on file with the Secretary.

On the motion of Director Smiley, seconded by Director Frank, by Resolution #23-11-02, the Board reviewed and approved the Abstract of Claims. The vote was 8 for, 0 against, 0 abstentions. A copy of the Abstract is on file with the Secretary.

On the motion of Director Weinberg, seconded by Director Levy, by Resolution #23-11-03, the Board reviewed and approved the Treasurer's Monthly Report. The vote was 8 for, 0 against, 0 abstentions. A copy of the Report is on file with the Secretary.

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; H2M will submit final payment requisition.
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. Initial samples grabbed.
3. **Well 8 Investigation** – No update for this month.
4. **A-Plant Flood Mitigation** - 99% complete with contract documentation for the scope of work under Project F finalized. RFP has been sent out to contractors for bids. Contract Documentation for the scope of work under Project E under final internal review.
5. **Rehabilitation of Wells 9, 12, 13, 14, and 10A** – Pre-construction meeting conducted. AC Schultes to submit schedule. Department of Health response is being prepared.
6. **2023 Water Main Replacement** - Water Main installation is complete and satisfactory pressure tested and sampled. CWA has been submitted to Health Department for approval to complete final tie-ins and service work.
7. **Valve Replacement Contract** - Construction is completed. As-builts complete. H2M has prepared final payment requisitions and closeout documentation.
8. **Asbestos Water Main Replacement**- Preliminary design meeting held on November 2nd. H2M gathering record drawings, requesting 811 markouts and preparing field survey team.

Michael Rispoli 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.
 - Sprint has finished with their work, including restoration. AT&T has also completed their work. T-Mobile is scheduled to start work on Monday, November 13, 2023. Close out documents for Sprint and AT&T work are being finalized and will be provided by CDM Smith. Final tank restoration will be under a separate contract once all carriers are done with their work.
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:

The Proposal by letter dated November 8, 2023, from H2M for the Engineering Services at Well 8 for the removal, disinfection and reinstall of Well 8 was tabled until further notice as the bacterial issue at Well 8 seems to have been resolved.

Superintendent Graziano reminded the Directors that each Board Member was to complete Sexual Harassment Prevention Training each year which could be done through the Authority by contacting Debra Ray, the Secretary, or by providing Ms. Ray with a certificate of completion for such training through their own employers.

Superintendent Graziano presented the Board with the dates for the 2024 Monthly Board Meetings. On the motion of Director Levy, seconded by Director Smiley, by Resolution #23-11-04, the Board reviewed and approved the schedule for the regular monthly meeting in 2024, as follows: January 22, February 26, March 25, April 15, May 20, June 17, July 15, August 19, September 16, October 21, November 18, and December 16. The vote was 8 for, 0 against, 0 abstentions. A copy of the schedule will be posted on the Authority's website and will be posted at the Authority's office on Watermill Lane.

On the motion of Director Levy, seconded by Director Lustbader, by Resolution #23-11-05, the Board went into Executive Session at 6:15 p.m. to discuss pending litigation with 3M and DuPont, and employee salaries. The vote was 8 for, 0 against, 0 abstentions. The Board emerged from its executive session at 7:45 p.m. The Chairperson announced that action with regard to employee contractual negotiations, which is not subject to the Freedom of Information Law, was taken during the executive session and minutes of the meeting will be produced; but will not be subject to the Freedom of Information Law.

After a detailed presentation during the Board's executive session by Sher Edling LLP, the Authority's special litigation counsel for the matter, and based upon the recommendation of Sher Edling LLP and General Counsel Stephen Limmer, on the motion of Director Levy, seconded by Director Lustbader, by Resolution #23-11-06, the Board adopted the following resolution as proposed by Sher Edling LLP:

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 Water Authority of Great Neck North ("Authority") 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 Authority filed suit on November 22, 2019, against Defendants 3M Company ("3M") and E.I. DuPont de Nemours and Company, The Chemours Company, Corteva, Inc., and DuPont de Nemours, Inc. ("collectively, DuPont") arising out of contamination of its water sources with PFAS substances ("PFAS Litigation"); and

WHEREAS on August 22, 2023, the Court in the Aqueous Film-Forming Foam Multidistrict Litigation No. 2873 ("AFFF MDL") preliminarily approved a settlement class for claims against the DuPont Defendants for certain water providers throughout the country, of which, the Authority is a qualifying class member; and

WHEREAS on August 29, 2023, the AFFF MDL Court preliminarily approved a settlement class for claims against Defendant 3M for certain water providers throughout the country, of which, the Authority is a qualifying class member; and

WHEREAS, the Authority has undertaken, with its counsel and its outside litigation counsel (Sher Edling LLP), projections of an estimated recovery for the Authority from both the 3M and DuPont settlements and such estimates are based upon a number of variable factors which cannot be fully ascertained until all class action claims are submitted to the Class Action Administrator; and

WHEREAS, the Authority is informed of and has assessed the potential risks, benefits, pros, and cons of continued litigation and of participating in the settlements; and

WHEREAS, the Authority's Board of Directors duly acknowledges that it has reviewed, with its counsel and outside counsel, the proposed class action settlements and has diligently evaluated the provisions and potential risks and benefits of participation in the settlement; and

WHEREAS, on November 13, 2023, an Executive Session of the Board was held to review the proposed settlements and address all relevant questions;

Now therefore, be it RESOLVED that the Authority elects to participate in the class action settlement reached through the AFFF MDL with Defendant 3M Company; and be it

FURTHER RESOLVED that the Authority elects to participate in the class action settlement reached through the AFFF MDL with Defendants E.I. DuPont de Nemours and Company, The Chemours Company, Corteva, Inc., and DuPont de Nemours, Inc.; and be it

FURTHER RESOLVED, that the Authority authorizes its outside litigation counsel, Sher Edling LLP, to take all action necessary to effectuate the Authority's participation and receipt of funds from the settlements, including but not limited to, working with the Authority to confirm and gather additional information that may be needed through the claims process, completion of claim forms on behalf of the Authority, 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.

The vote was 8 for, 0 against, 0 abstentions.

On the motion of Director Levy, seconded by Director Lustbader, by Resolution #23-11-07, the Board reappointed Judith Flynn as Treasurer for a term of one year, from January 1, 2024 to December 31, 2024. The vote was 8 for, 0 against, 0 abstentions.

On the motion of Director Levy, seconded by Director Lustbader, by Resolution #23-11-08, the Board reappointed Debra Ray as Secretary for a term of one year, from January 1, 2024 to December 31, 2024. The vote was 8 for, 0 against, 0 abstentions.


On the motion of Director Levy, seconded by Director Lustbader, by Resolution #23-11-09, the Board reappointed Robert Graziano as Deputy Chairperson for a four-year term, from January 1, 2024, to December 31, 2027. The vote was 8 for, 0 against, 0 abstentions.

On the motion of Director Levy, seconded by Director Lustbader, by Resolution #23-11-10, the Board approved the following increases in annual compensation effective January 1, 2024:

- The Superintendent will receive the 4% contractual increase in his rate of compensation for 2024.
- All officers, the Assistant Superintendent, and the Supervisor of Water Plant Operations will receive a 3.5% increase in the rate of their compensation for 2024.

The vote was 8 for, 0 against, 0 abstentions.

There being no further business to come before the Board, the meeting was adjourned at 7:48 p.m.

Approved by Secretary: 

Date: 12/12/2023