

**MINUTES OF A SPECIAL MEETING
OF THE NEW YORK CITY WATER BOARD**

A Special Meeting of the New York City Water Board (the “Board”) was held on July 10, 2009 at 8:30 a.m. at the New York City Department of City Planning, 22 Reade Street, Spector Hall, New York, N.Y. The following members of the Board were present:

Alan M. Moss;

Marcia Bystryn;

Dawn S. Davis;

Amaziah Howell;

Mehul Patel; and

Benjamin Tisdell

constituting a quorum. Mr. Moss chaired the meeting, and Albert F. Moncure, Jr., served as Secretary of the Meeting.

Adoption of Minutes

The first item on the agenda was approval of the minutes of the Board’s previous meeting held on June 26, 2009. Mr. Moss clarified that his request for a correspondence log referred to in the minutes was a request for correspondence other than administrative appeals of water and sewer charges. There being no further discussion, upon motion duly made and seconded, the minutes of the Board’s meeting held on June 26 2009, were unanimously adopted.

Approval of Motion to Proceed to Executive Session

- **Discussion of MTBE Litigation**
- **Approval of Motion to End Executive Session**

The next item on the agenda was the approval of a motion to proceed to Executive Session. Upon motion duly made and seconded the Board resolved to convene in Executive Session to discuss a proposed settlement of pending litigation. Following such discussion, upon motion duly made and seconded, the Board resolved to reconvene in open session without having taken any action in Executive Session.

Approval of Settlement of MTBE Litigation

Upon motion duly made and seconded, the following resolution was unanimously adopted:

WHEREAS, the Water and Wastewater Systems of the City of New York (the “City”) have been leased to the New York City Water Board by the City pursuant to an Agreement of Lease (the “System Lease”), dated as of July 1, 1985, as amended;

WHEREAS, the System Lease requires the City to administer and operate the leased property, maintain the leased property in good and safe order and condition and make all repairs therein;

WHEREAS, the City is a plaintiff in a civil action (the “Action”) entitled *City of New York v. Amerada Hess Corp., et al.* 04 civ. 3417 (S.D.N.Y.) in which the City is seeking damages from petroleum refiners and other defendants for the cost of removing methyl tertiary butyl ether from the City’s drinking water wells in southeastern Queens, which upon the City’s acquisition from the Jamaica Water Supply Company in 1996 became part of the leased property leased to the Board pursuant to the System Lease;

WHEREAS, the Court, by order dated July 6, 2009, joined the New York City Water Board and the New York City Municipal Water Finance Authority as party plaintiffs to the Action; and

WHEREAS, the City and certain defendants in the Action have proposed to settle the Action with respect to such defendants upon terms and conditions which the Board considers reasonable and appropriate and not detrimental to the interests of the Board and the City may hereafter agree to fully or partially settle any other aspect of the Action with any other defendant; it is therefore

RESOLVED, that the Board hereby approves the proposed settlements and authorizes the Executive Director, Treasurer, or Secretary, each acting individually, upon the advice of counsel to execute such documents as any of them shall approve, such approval to be conclusively evidenced by such execution, as may be necessary or appropriate to effectuate the proposed settlements and authorizes the Executive Director, upon the advice of counsel, to fully or partially settle any other aspect of the Action with any other defendant and to otherwise give effect to this Resolution.

Adjournment

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

SECRETARY