

Regular meeting of the Carthage/West Carthage Water Pollution Control Facilities Management Board
Held in the Board Room of the Carthage Municipal Building
May 16, 2018

Attendance:

Carthage Members – President G. Wayne McIlroy and Trustee Linda Smith-Spencer. Chairman Michael F. Astafan was excused.

West Carthage Members – Mayor Scott Burto and Trustee Michael Bigness. Trustee Rob Peluso was excused.

Others Attending –Rob Stevenson, DANC and Elaine Avallone, Johnson Newspapers.

Call to Order:

President McIlroy called the meeting to order at 4:13 p.m.

Approval of Minutes:

Motion by Trustee Smith-Spencer and seconded by Trustee Bigness to approve the minutes of the April 18, 2018 regular meeting as presented. Motion carried unanimously.

Public Forum:

None.

Monthly Reports:

WPCF Status and Repair Report: Mr. Stevenson provided the highlights of his report for April. Mr. Stevenson stated that Will Cheuk is leaving CSP at the end of the month and will be replaced by Steve Renie. Mr. Stevenson expressed that he forwarded a fine to the Clerk/Treasurer for CSP in the amount of \$7,000.00 and would like to meet with a few Board members to develop a certificate of significant non-compliance to be issued to CSP. Mr. Stevenson stated he anticipates NYSDEC will increase our permit limits until December 2018 which should decrease our permit violations. Mr. Stevenson stated there continue to be multiple breakdowns and he is currently working on getting a permit so we can haul to the City of Watertown.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to approve the new hauler rates as recommended by Mr. Stevenson in the amount of Septage \$.045, Sludge \$.045, Leachate \$.02 and further authorize Mr. Stevenson to notify the haulers of the new rates to be effective when we begin accepting haulers again. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Bigness authorizing Mr. Stevenson to re-issue hauler permits with only the contact information changing in the documents. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer authorizing Mr. Stevenson to re-issue Significant Industrial User permits with only the contact information changing in the documents. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Bigness to accept the March WPCF Status and Repair Report as presented. Motion carried unanimously.

Financial Reports: The Financial Reports were reviewed and there were no questions.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to accept the Financial Reports as presented. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to approve the budget transfers as follows:

JA.8130.4460	Safety	1,230.00	
JA.8130.4700	Plant Supplies	2,000.00	
JA.8130.1000	Sewage Treatment Personal Services		3,230.00

Motion carried unanimously.

Carthage Specialty Paperboard, Inc. Status Update:

None.

Monthly Expenditures:

Trustee Smith-Spencer and Trustee Bigness reviewed the monthly bills, bank statements and bank reconciliations prior to the meeting. The monthly bills, bank statements and bank reconciliations were available for review at the meeting.

Motion by Trustee Smith-Spencer and seconded by Trustee Bigness to approve the regular monthly expenditures in the amount of \$54,396.89 and the capital project monthly expenditures in the amount of \$364,015.33. Motion carried unanimously.

Old Business:

At the June 21, 2017 meeting Mr. Prior stated the preconstruction meeting took place at the plant with the contractors. Mr. Prior expressed that he emailed the Notices to Proceed for the contractors to the Clerk/Treasurer to be signed by Mayor Burto and President McIlroy. Mr. Prior said the Water Funding Grant is complete and awaiting President McIlroy's signature. Mayor Burto asked why are we waiting to start construction and Mr. Prior expressed there are administrative items which need to take place prior to starting construction. Chairman Astafan asked if there was any protocol for the Board to follow when they want to review the capital project progress. Mr. Prior suggested contacting Mr. Crary who will coordinate with GHD for the construction site to be reviewed and GHD will provide safety equipment.

Update 07/19/17: Mr. Prior stated there was a meeting with the contractors yesterday to discuss mobilization and contractor responsibilities. Chairman Astafan questioned Ms. Tuttle regarding the request of CO Falter to post bonds as a substitute for retainage as he is not comfortable with their request. Ms. Tuttle stated she will coordinate a conference call with CO Falter and Attorney Gebo to discuss their request.

Update 08/16/17: Mr. Prior stated he attended the second construction meeting yesterday and the project is progressing. Mr. Prior stated the closing is complete with NYSEFC and the Villages can submit for reimbursement.

Update 09/20/17: Mr. Prior stated there was a progress meeting with the contractors and only two attended. Mr. Prior sent a letter to the contractor who didn't attend expressing the importance of their participating of the progress meetings. Mr. Prior stated when the master schedule for the project is complete; he will forward it to the Board. Mr. Prior expressed that contractor #1 has begun moving equipment to the treatment plant. Mayor Burto asked if GHD submitted a revised WMBE plan and Mr. Prior expressed they intend to submit the revised plan in the near future.

Update 10/18/17: Mr. Prior stated there was a progress meeting yesterday and he will forward the minutes of the meeting. Mr. Prior stated supplies for the capital project may be delayed due to the hurricanes. Ms. Tuttle stated NYSEFC representatives are planning a site visit on November 1, 2017. Ms. Tuttle stated she is planning to amend the CDBG grant to re-align line items over to construction costs and will forward the revised budget for President McIlroy's signature. Ms. Tuttle also informed CDBG representatives that we are going to be close to meeting the December 2017 grant deadline.

Update 11/15/17: Mr. Prior stated representatives from NYSEFC were on site November 1, 2017 and everything went well. Mr. Prior suggested moving the placement of the generator from the original site, which is near the recently discovered contamination site. Mr. Prior anticipates an increase cost due to the

site change. Chairman Astafan stated GHD needs a process to contact the Board if issues arise with the project. After considerable discussion it was suggested that Mr. Prior email the Clerk/Treasurer who will forward the information to the Board. Mr. Prior stated they are experiencing a disagreement with the general contractor over the removal of hazardous materials. Mr. Prior explained that the bid specifications for Water Street Pump Station included two equipment replacement options. Mr. Prior stated the general contractor chose the Smith and Loveless option which may require a change order for the electrical contract at an approximate cost of \$60,000.00. Mr. Prior stated he continues to work on a quote for the Long Falls Pump Station to install Floats.

Update 1/17/18: The Board approved CO Faulter to install an influent screen, which was in the original bid specifications, at no additional cost. Mr. Prior expressed there will be a significant delay with installing the new electrical panel due to the manufacturer. Mr. Prior stated they are looking into temporary electrical options so the new equipment can be operational prior to the new electrical panel being installed. The delay of the electrical panel and excessive solids throughout the plant may delay the completion of the project until late fall. Mr. Prior addressed the request for mediation by CO Faulter of which we are awaiting a response.

Update 2/21/18: Mr. Prior stated they are relocating the generator site due to the soil contamination. Mr. Prior expressed that CO Faulter agreed to table proceeding with mediation and asked to meet with GHD to discuss their issues first. Mr. Prior stated they will be submitting a no cost change order to extend the timeframe for the completion of the Water Street Pump Station which he anticipates will be completed by August 2018. The Board approved the no cost change order for the Water Street Pump Station to extend the completion date to August 2018.

Update 3/21/18: The response regarding the SPDES Notice of Violation was sent to NYSDEC. The Board authorized Mr. Stevenson to send a thirty-day notice to outside haulers notifying them that they will not be able to haul to the treatment plant until further notice. Mr. Stevenson was asked to submit a proposal to the Board prior to allowing the haulers to resume dumping at the treatment plant.

Update 4/18/18: Mr. Prior stated the Capital project is moving along well and still on target for a completion date in October 2018. Mr. Prior stated they reached an agreement with C.O. Falter Construction Corp. regarding having a third party perform hazardous materials monitoring during the demolition projects. The Board authorized Adirondack Operations to perform air monitoring during the demolition projects at a cost not to exceed \$5,000.00 which will be taken from Contingency funds in the Capital project. Mr. Prior stated his last day with GHD will be Friday, April 20, 2018 and introduced Bruce Munn who will be taking over the project.

Update 5/16/18: Mr. Stevenson stated the project is moving along with a few minor setbacks. Mayor Burto asked why a representative from GHD wasn't present and the Clerk/Treasurer stated Mr. Malone from GHD contacted her and stated they are running over budget on the project and will attend monthly meetings only if requested or they need action from the Board.

At the November 15, 2017 meeting, the Board authorized Chairman Astafan to sign the proposal with Paragon Environmental Construction, Inc. to perform a topographic survey of the contaminated site at the WPCF at a cost not to exceed \$29,500.00.

Update 1/17/18: Mr. Paragon presented his findings from the topographic survey which included hot spots in a confined area. Based on his conversations with NYSDEC, Mr. Paragon stated, on the conservative side, it will cost approximately \$200,000 which includes the removal of 1,500 – 2,000 dump truck loads to satisfy NYSDEC. The Board authorized Paragon Environmental Construction, Inc. to prepare a proposal to complete a work plan to address the contamination site and submit to the Board for their consideration at the February 21, 2018 meeting.

Update 2/21/18: The Board approved the Remedial Work Plan Proposal submitted by Paragon Environmental Construction, Inc. in the amount of \$11,500.00.

Update 3/21/18: Chairman Astafan stated he has nothing new to report.

Update 4/18/18: President McIlroy stated there was nothing new to report.

Update 5/16/18: President McIlroy distributed a report received from Paragon Environmental Construction, Inc. which included five cleanup options of which Mr. Paragon recommended number five

which could cost up to \$222,600.00. President McIlroy asked if a few Board members could meet with Mr. Paragon and NYSDEC to discuss. Mayor Burto volunteered and President McIlroy expressed Chairman Astafan could be the seconded representative. President McIlroy requested the Clerk/Treasurer to contact Chairman Astafan and ask that he set up the meeting.

At the January 17, 2018 meeting, Chairman Astafan set up a committee and alternates to meet regarding NYS Teamster negotiations which consisted of Chairman Astafan and Mayor Burto as committee members and President McIlroy and Trustee Peluso as alternates.

Update 2/21/18: Chairman Astafan stated that Attorney Gebo, President McIlroy, and the Clerk/Treasurer met with NYS Teamster representatives on February 12, 2018 but were unable to make progress without representation from West Carthage. Chairman Astafan stated there is a meeting scheduled for Friday, February 23, 2018 at 9:00 a.m. at the Carthage Municipal Building without NYS Teamster representatives, a meeting with NYS Teamster representatives on March 14, 2018 at 1:00 p.m. and further stated if three or more Board members are present, the meetings will need to be advertised.

Update 3/21/18: Chairman Astafan requested an Executive Session to discuss collective bargaining.

Update 4/18/18: President McIlroy requested an Executive Session to discuss collective bargaining.

Update 5/16/18: There is a meeting scheduled for May 23, 2018 with the Teamsters to discuss the contract.

At the March 21, 2018 meeting, the Board requested to have GHD submit a price quote to create a drawing to insert a device to shut off CSP's sewer flows.

Update 4/18/18: President McIlroy expressed the legal ramifications of shutting of CSP's sewer flows need to be addressed first. Mayor Burto stated Attorney Gebo researched the easements and the WPCF Board is within their right to insert a valve. President McIlroy is concerned with who is responsible for the waste when it backs up into the plant and potentially into the river. Mayor Burto suggested asking Attorney Gebo for clarification.

Update 5/16/18: President McIlroy stated we are still waiting for a price quote from GHD. President McIlroy also stated that Attorney Gebo provided a legal opinion for Metro Paper regarding blocking their industrial sewer line which can be attributed to CSP. Attorney Gebo spoke with NYSDEC who stated they would pursue the property owner for issues created by the blocked sewer line.

At the April 18, 2018 meeting, the Village of West Carthage submitted a bill to the WPCF for legal fees they incurred for bankruptcy proceedings to collect past due O&M payments from CSP of which Mayor Burto stated was paid in the past from interest and penalties received for past due payments. Mayor Burto stated he will provide a breakdown of late penalties received at the May meeting.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer authorizing the Village of West Carthage to withhold interest and penalty payments received from past due O&M payments from CSP to pay for their legal fees attributed to the bankruptcy and further, forward the remaining interest payments received to the WPCF. Motion carried unanimously.

At the April 18, 2018 meeting, Mayor Burto asked if Attorney Gebo filed CSP permit violations in bankruptcy court.

Update 5/16/18: President McIlroy stated that Attorney Gebo suggested having Conboy Law Firm file the CSP permit violations in bankruptcy court as they are familiar with the process because they have been handling the proceedings for the Village of West Carthage.

Motion by Trustee Bigness and seconded by Trustee Smith-Spencer to have the Clerk/Treasurer forward permit violations to Mayor Burto which were incurred prior to February 28, 2018 and he will send them to Attorney Burrows for bankruptcy collections.

At the March 21, 2018 meeting, the Board requested to move the WPCF funds from Key Bank to another bank. The motion was carried with Chairman Astafan opposed stating he felt it only prudent that the President McIlroy and Trustee Smith-Spencer be present for this discussion.

Update 4/18/18: President McIlroy stated the Village of Carthage will meet tomorrow and will discuss changing banks.

Update 5/16/18: President McIlroy stated the Village of Carthage voted not to change banks as they are happy with Key Bank and it is more convenient. Mayor Burto stated the WPCF Board voted to move WPCF funds to a different bank and President McIlroy stated the WPCF Board is only an advisory board and as the fiscal agent, the Village of Carthage voted to keep the funds at Key Bank. Mayor Burto stated he disagrees. Trustee Smith-Spencer stated the decision should have been tabled until the full Board was present and Mayor Burto stated there hasn't been a full Board all year.

At the April 18, 2018 meeting, the Board suggested having both Village Boards discuss who they would recommend for a new attorney due to the retirement of Attorney Gebo.

Update 5/16/18: Mayor Burto suggested sending an RFP for legal services and asked the Clerk/Treasurer to use the same RFP the Village of Carthage used. President McIlroy and Mayor Burto will sit on the interview committee.

New Business:

Motion by Trustee Smith-Spencer and seconded by Trustee Bigness authorizing President McIlroy to sign the June 1, 2018 – May 31, 2019 insurance renewal. Motion carried unanimously.

President McIlroy asked Mr. Stevenson if the outflows from Metro Paper have been tested recently and Mr. Stevenson stated they have not. Mr. Stevenson stated he will provide past reports for President McIlroy.

Liaison Reports:

Audit Committee:

None.

Waste Treatment Plant:

None.

Executive Session:

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to enter Executive Session at 4:57 p.m. to discuss a current litigation. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to resume Regular Session at 5:07 p.m.

Next Regular Meeting Date:

Wednesday, June 20, 2018 at the Village of Carthage Municipal Building at 4:00 p.m.

Adjournment:

Motion by Mayor Burto and seconded by Trustee Bigness to adjourn at 5:07 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
WPCF Clerk/Treasurer