

Regular meeting of the Carthage/West Carthage Water Pollution Control Facilities Management Board
Held in the Board Room of the Carthage Municipal Building
August 15, 2018

Attendance:

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

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

Others Attending –Robert Stevenson and Carrie Tuttle, DANC; Bryan Malone and Bruce Munn, GHD.

Call to Order:

Chairman Astafan called the meeting to order at 4:09 p.m.

Approval of Minutes:

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to approve the minutes of the June 20, 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 reports for June and July. Mr. Stevenson stated CSP violated their permit limits three times in June and nine times in July. Chairman Astafan stated he feels CSP is not looking at the violations seriously and asked Mr. Stevenson for his opinion. Mr. Stevenson stated the new person at CSP is better at submitting the required written responses to the violations. Ms. Tuttle stated CSP is not addressing the actual issues but feels the Board is responding correctly to the violations and hopes things will improve after they move from their bankruptcy status and are acquired by another company.

Motion by President McIlroy and seconded by Mayor Burto to approve the revised WPCF Health and Safety Manual as presented. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to approve the National Turbine Corporation service call and repair of the non operating Hoffman Blower. Motion carried unanimously.

Motion by President McIlroy and seconded by Trustee Smith-Spencer to send Gregory Pinkham to the Northern New York Water Works Conference in Alexandria Bay at a cost of \$40.00 and further compensate the operator for miles driven to the conference. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Bigness to accept the June and July WPCF Status and Repair Reports as presented. Motion carried unanimously.

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

Motion by President McIlroy and seconded by Mayor Burto to accept the Financial Reports as presented. Motion carried unanimously.

Carthage Specialty Paperboard, Inc. Status Update:

None.

Monthly Expenditures:

Trustee Bigness reviewed the monthly bills, bank statements and bank reconciliations for July 2018 and Chairman Astafan authorized payment of the regular monthly expenditures in the amount of \$62,845.41 and the capital project monthly expenditures in the amount of \$711,297.75.

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 \$96,197.52 and the capital project monthly expenditures in the amount of \$778,572.91. 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.

Update 6/20/18: Mr. Malone stated they are starting to place the newly installed equipment online. Mr. Malone stated construction on Water Street Pump Station will not begin until after July 14, 2018.

Update 8/15/18: Mr. Malone stated he submitted GHD Amendment No. 4 to continue their services until February 2019 due to the project being delayed. Mr. Malone further stated they bill hourly and will only charge for hours worked on the contract. Chairman Astafan stated he thought the original contract with GHD was until the project was completed, not the anticipated completion date. After considerable discussion, the Board requested the Clerk to forward the contract with GHD to the attorney and hold this over until the September 19, 2018 meeting. Mr. Malone submitted Change Order No. 2 for C.O. Falter with an increase of \$295,339.34 and Change Order No. 2 for Collins-Hammond Electrical Contractors with an increase of \$28,736.82 to include new completion dates. Ms. Tuttle stated the date should not be contained in the change order, but an explanation should be submitted to NYSEFC as to why the project did not meet the intended deadline.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to approve Change Order No. 2 for C.O. Falter with an increase of \$295,339.34 and Change Order No. 2 for Collins-Hammond Electrical Contractors with an increase of \$28,736.82 for the additional work only and further requested Mr. Malone to remove the revised completion dates. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to have Ms. Tuttle forward the information to Attorney Russell to seek damages from contractors due to missed deadlines within their original contracts. Motion carried unanimously.

Mr. Munn stated they have been dealing with excessive solids in the plant throughout the capital project. Chairman Astafan asked if this was attributed to CSP and Ms. Tuttle stated CSP contributes approximately sixty-seven percent of the solids to the plant. Ms. Tuttle stated the majority of the excessive solids are attributed to the Capital Project and equipment failures. Ms. Tuttle stated it is contained in the contracts with the contractors to remove sludge from the plant while they are replacing equipment. Ms. Tuttle stated the WPCF has already taken on more responsibility for the sludge removal.

Motion by Mayor Burto and seconded by Trustee Bigness to have GHD correspond with the contractors and insist that they address the excessive sludge removal as soon as possible. Motion carried unanimously.

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.

Update 6/20/18: Chairman Astafan stated he is having a difficult time coordinating a meeting and will provide the Board with an update as soon as it is available.

Update 8/15/18: Chairman Astafan stated he will contact Mr. Paragon again regarding coordinating the meeting with NYSDEC.

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.

Update 6/20/18: Mr. Mallone stated he will have the price quote at the July 18, 2018 meeting.

Update 8/15/18: GHD submitted a price quote to perform the design engineering to block the sewer line from CSP in the amount of \$25,700. Chairman Astafan requested the Clerk to hold until the September 19, 2018 meeting.

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. The Board requested the Clerk/Treasurer forward permit violations to Mayor Burto incurred prior to February 28, 2018 and he will send them to Attorney Burrows for bankruptcy collections.

Update 6/20/18: Mayor Burto requested the Clerk/Treasurer to send him a list of outstanding invoices to date for CSP to be forwarded to Attorney Burrows.

Update 8/15/18: Mayor Burto stated Attorney Burrows sent a request to the bankruptcy court regarding the submittal of the fines due to permit violations.

New Business:

Motion by Mayor Burto and seconded by Trustee Bigness formally authorizing president McIlroy to sign an audit engagement letter with Stackel & Navarra, CPA, PC to perform a required program audit of the CDBG program in the amount of \$2,500.00. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to approve the Agreed Upon Procedures for Fiscal Year 2018 performed by Stackel & Navarra, CPA, PC. Motion carried unanimously.

The Board reviewed the Annual Update Document submitted to New York State Office of the State Comptroller on July 27, 2018.

Executive Session:

Motion by Mayor Burto and seconded by Trustee Bigness to enter Executive Session at 4:54 p.m. to discuss a potential litigation with CSP and NYSDEC consent order received to include Ms. Tuttle, Mr. Stevenson, Mr. Malone, and Mr. Munn. Motion carried unanimously.

Mr. Malone and Mr. Munn were excused at 5:12 p.m. Mayor Burto left at 5:15 p.m.

Motion by President McIlroy and seconded by Trustee Smith-Spencer to resume Regular Session at 4:59 p.m. Motion carried unanimously.

Next Regular Meeting Date:

Wednesday, September 19, 2018 at the Village of West Carthage Municipal Building at 4:00 p.m.

Adjournment:

Motion by Trustee Bigness and seconded by Trustee Smith-Spencer to adjourn at 5:15 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
WPCF Clerk