

Regular meeting of the Carthage/West Carthage Water Pollution Control Facilities Management Board
Held in the Board Room of the Carthage Municipal Building
October 17, 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, DANC; Bruce Munn, GHD and Elaine Avallone, Johnson Newspapers.

Call to Order:

Chairman Astafan called the meeting to order at 4:20 p.m.

Approval of Minutes:

Motion by Trustee Smith-Spencer and seconded by Trustee Bigness to approve the minutes of the September 19, 2018 regular meeting as presented. Motion carried unanimously.

Public Forum:

Robert Havens stated he is interested in purchasing the Metro Paper building and is here on behalf of the current owner, Karim Jadavji. Mr. Havens questioned the change in how Metro Paper is now being billed and President McIlroy explained how the original formula was put into place in 1999 was only suppose to last one year but was never changed. President McIlroy explained both Villages have been supplementing Metro Paper for years and once the mill closed, and they were no longer a significant industrial user, they were considered a customer of the Village of Carthage and charged accordingly. Mr. Havens stated he and his partners are looking to buy the mill and are hoping to work with the villages to decrease the outstanding balances due to the inflow and infiltration within the mill. Mayor Burto asked if he had a business plan to present to the Board which includes creation of jobs, etc. Chairman Astafan stated this is the first he heard of it and suggested meeting with a few Board members. Mr. Havens stated he presented a Power Point presentation to the JCIDA and would be happy to share it with the Board. A meeting was scheduled for Thursday, October 25, 2018 at 2:00 p.m. at the Village of Carthage Municipal Building to include Chairman Astafan and Mayor Burto.

Monthly Reports:

WPCF Status and Repair Report: Mr. Stevenson provided the highlights of his report for September.

Motion by Mayor Burto and seconded by Trustee Bigness to approve the reassignment of Carthage Specialty Paperboard Significant Industrial User permit to Long Falls Paperboard, LLC contingent upon Long Falls Paperboard, LLC becoming the owner of CSP. Motion carried unanimously.

Motion by Mayor Burto and seconded by President McIlroy to accept the bid received from Han-Tek to inspect the WPCF cranes and hoists for a cost of \$2,238.26. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to approve the service work to be performed on the Hoffman Blower in an amount not to exceed \$8,000.00. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Bigness to hold off on certification of back flow preventers until the new back flow preventers are installed. Motion carried unanimously.

President McIlroy questioned why an 8” pump was rented and Mr. Stevenson stated it was brought in due to an emergency at the plant. Mr. Stevenson stated there was a lack of communication with the

contractor and the expense will be submitted to NYSEFC for reimbursement. Mayor Burto suggested that maybe the contractor should pay for it and Mr. Stevenson stated he will look into it.

Motion by Trustee Smith-Spencer and seconded by Trustee Bigness to accept the WPCF Status and Repair Report as presented. Motion carried unanimously.

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

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

Carthage Specialty Paperboard, Inc. Status Update:

Mayor Burto stated there are two companies who placed bids to purchase CSP and the auction is tomorrow and the closing is scheduled for Friday.

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 \$98,178.21 and the capital project monthly expenditures in the amount of \$605,825.59. 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 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. The Board requested the Clerk to forward the contract with GHD to the attorney and hold this over until the September 19, 2018 meeting. The Board approved 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 and requested Ms. Tuttle to forward the information to Attorney Russell to seek damages from contractors due to

missed deadlines. The Board requested GHD to correspond with the contractors and insist that they address the excessive sludge removal as soon as possible.

Update 9/19/18: Mr. Malone stated he has been pushing the contractors and they are currently working on the clarifiers and thickeners. Mr. Malone stated he spoke with Edgar Countryman about disconnecting the power at Turning Point Park so they can begin construction at the Water Street Pump Station and asked if there was space available to store equipment and supplies during the reconstruction. President McIlroy stated they could store their supplies on the other side of the brick building, near the boat dock. Trustee Smith-Spencer asked if there were more workers that could be working on the project and Ms. Tuttle stated it needs to be completed in steps and there have been unforeseen issues which have arisen. Ms. Tuttle stated she forwarded the documents to Attorney Russell after the last meeting but due to Attorney Russell merging with a different firm, his email address changed and he did not receive the documents until a few days ago. Attorney Russell is currently reviewing the contract with GHD and the contractors and will provide a legal opinion at the next meeting. President McIlroy inquired about the Village of Carthage's electrical entrance at Water Street Pump station. Mr. Mallone stated there was some confusion when the project was originally engineered but the logistics have been addressed and it will be included in the project.

Update 10/17/18: Chairman Astafan requested an Executive Session to discuss the employment history of a particular corporation. Chairman Astafan requested the Clerk/Treasurer to follow up with Attorney Russell regarding seeking damages from contractors due to missed deadlines.

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.

Update 9/19/18: Chairman Astafan stated he is still attempting to coordinate a meeting with Mr. Paragon and NYSDEC.

Update 10/17/18: Chairman Astafan spoke with Mr. Paragon who has been having discussions with NYSDEC who continue to request more information from him. Mr. Paragon will contact Chairman Astafan when once he is able to schedule a 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 this over until the September 19, 2018 meeting.

Update 9/19/18: Chairman Astafan requested the Clerk to hold this over until the October 17, 2018 meeting.

Update 10/17/18: Chairman Astafan requested the Clerk/Treasurer to hold this over until the December 12, 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.

Update 9/19/18: Mayor Burto did not submit an update.

Update 10/17/18: Mayor Burto stated he spoke with the attorney and all of the outstanding fines have been forwarded to the bankruptcy court.

Motion by President McIlroy and seconded by Trustee Smith-Spencer authorizing to pay attorney fees for the collection of O&M and Debt payments due to CSP Bankruptcy. Motion carried unanimously.

New Business:

Chairman Astafan stated the Village of Carthage water tanks have been drained on behalf of the Joint Water System which accounted for increased sewer flows for Carthage. Chairman Astafan asked if the approximately 438,000 gallons could be adjusted from Carthage and Mayor Burto suggested to wait and make the adjustment to coincide with the Village of West Carthage adjustment due to faulty meter readings.

Executive Session:

Motion by Mayor Burto and seconded by Trustee Bigness to enter Executive Session at 5:03 p.m. to discuss a union grievance received regarding a particular Plant Operator and to discuss the employment history of a particular corporation to include Mr. Stevenson. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Bigness to resume Regular Session at 5:30 p.m. Motion carried unanimously.

Motion by Mayor Burto and seconded by Trustee Bigness to have Attorney Russell send a letter to GHD regarding the Boards concerns with signing Amendment #4 to include setting up a meeting with them. Motion carried unanimously.

Next Regular Meeting Date:

Wednesday, December 12, 2018 at the Village of Carthage Municipal Building at 4:00 p.m.

Adjournment:

Motion by Mayor Burto and seconded by Trustee Smith-Spencer to adjourn at 5:31 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
WPCF Clerk