

Regular meeting of the Carthage/West Carthage Water Pollution Control Facilities Management Board
Held in the Board Room of the Carthage Municipal Building
December 12, 2018

Attendance:

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

West Carthage Members – Mayor Scott Burto and Trustees Michael Bigness and Rob Peluso.

Others Attending –Robert Stevenson and Carrie Tuttle, DANC; Bryan Malone, GHD; Joseph Russell, Attorney; and two Participation in Government Students.

Call to Order:

Chairman Astafan called the meeting to order at 4:43 p.m.

Approval of Minutes:

Motion by Trustee Peluso and seconded by Mayor Burto to approve the minutes of the October 17, 2018 regular meeting as presented. Motion carried unanimously.

Motion by President McIlroy and seconded by Trustee Smith-Spencer to approve the minutes of the October 25, 2018 special meeting as presented. Motion carried unanimously.

Motion by Trustee Peluso and seconded by Trustee Bigness to approve the minutes of the November 8, 2018 special meeting as presented. Motion carried unanimously.

Executive Session:

Motion by Mayor Burto and seconded by Trustee Peluso to enter Executive Session at 4:45 p.m. to discuss a potential litigation to include Attorney Russell, Ms. Tuttle, Mr. Stevenson and Mr. Malone. Motion carried unanimously.

Motion by Trustee Peluso and seconded by Mayor Burto to resume Regular Session at 4:57 p.m. Motion carried unanimously.

Attorney Russell left at 4:57 p.m.

Public Forum:

None.

Monthly Reports:

WPCF Status and Repair Report: Mr. Stevenson provided the highlights of his reports for October and November.

Motion by President McIlroy and seconded by Trustee Bigness to send two WPCF employees to no cost safety trainings provided by CITEC titled Slip Trips, and Falls & Fall Protection on February 8, 2019, Watertown, NY; PPE and Respiratory Protection on February 22, 2019, West Carthage; NFPA-70E Electrical Safe Work Practice & Arc Flash on March 22, 2019; and Ergonomics and Back Safety with proper Lifting on May 17, 2019, West Carthage; to include employee mileage reimbursement. Motion carried unanimously.

Motion by President McIlroy and seconded by Trustee Peluso to accept the lowest quote received by Kinsley Power to conduct annual generator maintenance for two years for the generator in the Blower Building in the amount of \$640.00 for each year and the third year for all three generators including the

Blower Building, Main Building, and Water Street Pump Station in the amount of \$2,130.00. Motion carried unanimously.

Mr. Stevenson stated he will have a Request for Proposal to fix the West Carthage flume for the Boards consideration at the next WPCF meeting on January 16, 2019.

Motion by Mayor Burto and seconded by Trustee Peluso to permit Mr. Stevenson to purchase a new refrigerator and microwave for the employee break room in an amount not to exceed \$600.00. Motion carried unanimously.

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

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

Motion by Trustee Peluso and seconded by Trustee Bigness to approve budget transfers as follows:

JA.1420.4000	Law Contractual Expense	3,000.00	
JA.8110.4923	Lab Services Sewer Admin	1,114.00	
JA.8130.4460	Safety	200.00	
JA.8130.4934	Process Chemicals Sewage Treatment	100.00	
JA.1990.4000	Contingencies		4,414.00
Motion carried unanimously			

Chairman Astafan asked if Ox Specialty Paper, LLC has been paying their fines and the Clerk/Treasurer stated that we received a check in the amount of \$4,500.00 this week. Chairman Astafan asked about the \$9,000.00 amount which is over ninety days and the Clerk/Treasurer stated she thought the amount was applicable to the former Carthage Specialty Paperboard but would look into it and get back to him.

Motion by Trustee Peluso and seconded by Trustee Bigness to accept the Financial Reports as presented. 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.

Trustee Bigness asked Mr. Stevenson why paper products were ordered from Hillyard, which is an out of state company, instead of Black River Paper. Mr. Stevenson stated that is where the products have been ordered in the past but will order from Black River Paper in the future. Trustee Bigness asked why the 2016 Ford truck was not taken to a dealership to repair the wiring on the taillights and Mr. Stevenson stated he was unaware the vehicle had a three year, thirty thousand mile warranty and further stated he was not sure if the wiring would have been covered anyways. Trustee Smith-Spencer asked about the Gleason bill and Mr. Stevenson stated the drain lines were plugged and needed to be jetted.

Motion by Trustee Peluso and seconded by Trustee Bigness to approve the regular monthly expenditures for November and December in the amount of \$188,563.52 and the capital project monthly expenditures for November in the amount of \$229,678.53. 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.

Update 10/25/18: Chairman Astafan asked what excess expenses can be charged back to the project and Ms. Tuttle stated it depends on how much contingency is available.

Motion by President McIlroy and seconded by Trustee Peluso to approve Change Order Number 2 for J.E. Sheehan Contracting Corporation in the increased amount of \$1,263.49 and further, authorize President McIlroy and Mayor Burto to sign. Motion carried unanimously,

Motion by President McIlroy and seconded by Trustee Peluso to approve Change Order Number 3 for Collins-Hammond Electrical Contractors in the increased amount of \$37,913.95 and further, authorize President McIlroy and Mayor Burto to sign. Motion carried unanimously.

Motion by Trustee Peluso and seconded by Mayor Burto to approve Change Order Number 3 for C.O. Falter Construction Inc. in the increased amount of \$88,523.67 and further, authorize President McIlroy and Mayor Burto to sign. Motion carried unanimously.

Chairman Astafan stated the required OMB Circular No. A-133 CDBG program audit is included in the packet for the Boards information.

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.

Update 12/12/18: Chairman Astafan stated the Groundwater Sampling Results are included in the packet for the Boards information. Chairman Astafan stated Mr. Paragon continues to try and coordinate a meeting with NYSDEC but has been unsuccessful.

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.

Update 12/12/18: Chairman Astafan requested the Clerk/Treasurer to remove this item from the agenda.

At the October 17, 2018 meeting, 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.

Motion by Trustee Peluso and seconded by Mayor Burto to have Mr. Stevenson adjust the flows from the Village of Carthage sewer flows due to draining the water tanks of which approximately 438,000 gallons were processed through the sewer system for the month of September 2018. Motion carried unanimously.

Motion by President McIlroy and seconded by Trustee Peluso authorizing the Clerk/Treasurer to pay Capital Project expenses for the month of December after they are audited by Trustee Smith-Spencer and or Trustee Bigness.

Ms. Tuttle explained how the principal payments made toward the capital project were credited only to the Village of Carthage because Carthage originally took out a bond anticipate note prior to the Villages closing on short-term financing with NYSEFC. The Clerk/Treasurer stated that according to the IMA between the Villages, debt for the project will be repaid based on usage not the actual amount each Village bonded.

New Business:

Motion by Trustee Peluso and seconded by Mayor Burto to issue the four full time employees gift certificates for the Carthage Market in an amount not to exceed \$200.00. Motion carried unanimously.

Next Regular Meeting Date:

Wednesday, January 16, 2019 at the Village of West Carthage Municipal Building at 4:00 p.m.

Chairman Astafan thanked Ms. Tuttle, Mr. Stevenson, and Mr. Malone for all of their hard work and wished them Happy Holidays.

Adjournment:

Motion by Mayor Burto and seconded by Trustee Peluso to adjourn at 5:29 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
WPCF Clerk