

Regular meeting of the Carthage/West Carthage Water Pollution Control Facilities Management Board
Held in the Board Room of the Carthage Municipal Building
April 17, 2019

Attendance:

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

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

Others Attending –Robert Stevenson and Carrie Tuttle, DANC; Bryan Malone, GHD, Clay Staley, Ox Specialty Paper.

Call to Order:

Chairman Astafan called the meeting to order at 4:12 p.m.

Approval of Minutes:

Motion by Trustee Peluso and seconded by Trustee Bigness to approve the minutes of the February 20, 2019 regular meeting as presented. Motion carried unanimously.

Motion by Trustee Peluso and seconded by Trustee Bigness to approve the minutes of the March 20, 2019 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 March. Mr. Stevenson stated the request to extend the consent order until June 2019 was approved by NYSDEC. Mr. Stevenson distributed the calibration report received from CPE Service Systems solutions verifying the flow meter at the Metro/Carthage Metering Building. Mr. Stevenson stated there appeared to be a flash flood which occurred in the Metro/Carthage Metering Building yesterday which produced over 18,000 gallons.

Motion by Trustee Peluso and seconded by Trustee Bigness to approve Hyde Stone Mechanical to perform semi-annual HVAC system preventative maintenance services in an amount not to exceed \$7,200.00. Motion carried unanimously.

Motion by Trustee Bigness and seconded by Trustee Peluso to approve the budget transfer in the amount of \$8,500.00 from JA.8130.4914 Repairs to JA.8130.2000 Sewer Treatment & Disposal Equipment to purchase a refrigerated sampler with pump heater. Motion carried unanimously.

Motion by Trustee Peluso 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 Chairman Astafan questioned the outstanding balance of \$374,190.00 under West Carthage which is attributed to Ox Specialty Paperboard. Mr. Staley stated he checked prior to attending the meeting and that amount was paid to West Carthage a while ago. The Clerk/Treasurer said she received correspondence from West Carthage that they intend to forward the funds to the WPCF.

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

Ox Specialty Paper, LLC Status Update:

Mr. Staley asked for Justin Offner to be removed as a contact and for his name to be added in his place. Mr. Staley request that he be copied on monthly notice of violation letters which are forwarded to the corporate office. Mr. Staley stated he has been talking with Mayor Burto about the contract Ox has with the WPCF which originally dates back to the 1960's. Chairman Astafan stated he was unaware of a contract or what Mr. Staley was discussing with Mayor Burto.

Monthly Expenditures:

Trustee Bigness and Trustee Smith-Spencer 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 \$84,094.05 and the capital project monthly expenditures in the amount of \$499,279.84. 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,

12/12/18: Change Order Number 3 for Collins-Hammond Electrical Contractors in the increased amount of \$37,913.95 and Change Order Number 3 for C.O. Falter Construction Inc. in the increased amount of \$88,523.67 were approved.

Update 1/16/19: The Board approved Change Order 3 for JE Sheehan Contracting Corporation in the increased amount of \$1,993.03; Change Order 4 for CO Falter Construction Inc. in the increased amount of \$119,441.19; and Amendment 2 for DANC Technical Services Agreement in the increased amount of \$15,000.00.

Update 2/20/19: The Board approved Change Order 4 for JE Sheehan Contracting Corporation in the increased amount of \$24,356.52 and Change Order 4 for CO Falter Construction, Inc. as revised for the changed increase amount of \$132,633.62.

Update 3/20/19: The Board approved Change Order 4 for Collins-Hammond Electrical Contractors in the increased amount of \$27,755.26; Change Order 5 for JE Sheehan Contracting Corporation in the increased amount of \$22,905.40; Change Order 5 for CO Falter Construction Inc. in the increased amount of \$123,855.15; and Amendment 5 for GHD Consulting Services Inc. in the not to exceed amount of \$11,400.00.

Motion by Trustee Peluso and seconded by Trustee Bigness to approve Change Order 5 Collins-Hammond Electrical Contractors in the increased amount of \$24,657.82. Motion carried unanimously.

Motion by Trustee Bigness and seconded by Trustee Peluso to approve Change Order 6 CO Falter Construction Inc. in the decreased amount of \$22,837.80. Motion carried unanimously.

Motion by Trustee Peluso and seconded by Trustee Bigness to approve the no cost GHD Amendment 6. 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.

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.

Update 1/16/19: Mr. Paragon is still waiting for information from NYSDEC.

Update 2/20/19: Mr. Stevenson will coordinate a meeting with NYSDEC and Mr. Paragon.

Update 3/20/19: There was a conference call which took place with representatives from Paragon Environmental, NYSDEC, DANC, and WPCF Board members who discussed options for the soil clean up. A second conference call took place with Paragon Environmental, DANC and WPCF Board members. Paragon Environmental will prepare proposals for each clean up method discussed and a meeting will be scheduled to discuss the next steps.

Update 4/17/19: Chairman Astafan stated there is nothing new to report.

At the January 16, 2019 meeting, President McIlroy requested the Clerk/Treasurer to hold the proposed DANC Management Services five year contract.

Update 2/20/19: Mayor Burto requested an Executive Session to discuss the employment history of a particular corporation.

Update 3/20/19: Chairman Astafan requested the Clerk/Treasurer to hold the proposed DANC Management Services five year contract until the April 17, 2019 meeting.

Update 4/17/19: Chairman Astafan expressed that we need to move forward with this contract as the current one expires May 31, 2019. Trustee Peluso requested an Executive Session to discuss the employment history of a particular corporation.

New Business:

The Board reviewed the NYSDOL PESH violation notices included in the Board packet and the steps Mr. Stevenson has taken to address the violations. The Clerk/Treasurer stated she received a Workplace Violence Prevention Program policy from Attorney Russell today of which she made copies for the Board.

Motion by Trustee Peluso and seconded by Trustee Bigness recommending that the Village of Carthage adopt the Workplace Violence Prevention Program policy as written. Motion carried unanimously.

Motion by Trustee Peluso and seconded by Trustee Bigness authorizing President McIlroy and Mayor Burto to sign the engagement letter from Barclay Damon to represent the Villages in the matter Petawatt Properties, LLC and Metro Paper Industries of NY, Inc. v. Village of Carthage, et al. Motion carried unanimously.

Executive Session:

Motion by Trustee Peluso and seconded by Trustee Bigness to enter Executive Session at 4:32 p.m. to discuss the employment history of a particular corporation. Motion carried unanimously.

Motion by Trustee Peluso and seconded by Trustee Bigness to resume Regular Session at 4:46 p.m. Motion carried unanimously.

Next Regular Meeting Date:

Wednesday, May 15, 2019 at the Village of West Carthage Municipal Building at 4:00 p.m.

Adjournment:

Motion by Trustee Bigness and seconded by Trustee Peluso to adjourn at 4:46 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
WPCF Clerk