

**Village of Walden  
Board of Trustees Special Meeting  
December 18, 2007**

Mayor Becky Pearson called the special meeting of the Village of Walden Board of Trustees to order at 6:30pm.

On roll call the following were:

Present:	Mayor	Becky Pearson
	Deputy Mayor	Mary Ellen Matisse
	Trustees	Mary Jean Norman
		Roy Wynkoop
		Richard Hurd
		Jose DeJesus
		Edmond Leonard

Also Present:	James C. Politi, Village Manager
	Victoria Kurtz, Deputy Village Clerk

Absent:	Nancy Mitchell, Village Clerk
	Kevin Dowd, Village Attorney

**Wastewater Treatment Plant Digester Rehab Status**

Jim Fitzsimmons, Village Engineer stated that the treatment plant operator has been having problems with the digester. The digester mixers and heat exchanger system are in need of repairs. There are also cracks in the concrete that need to be sealed. There are a lot of maintenance items that they are trying to catch up on with the digester. The slug pumps are old and they need to be refurbished or replaced. They provided an estimate of \$600,000 to rehab the digester. The alternative would be to haul sludge instead of digesting it and that tends to be more costly. A new digester would cost double that amount to repair it, about 1.2 million.

Manager Politi stated that one of the items that was added to this beyond the big vessel itself that we are working on is going into the building and replacing the pumps that are quite old. If we are doing this system wide we may as well clean it up all at once. They work but they are old and when they break parts are hard to find. Once you complete the project other than maintenance and little things along the way you're sewer plant will be up to speed.

Mr. Fitzsimmons stated that there will be a sealant that will go on.

Mayor Pearson stated that she did some research and she found out about T lock PVC which is inside the pipes. They do this for digesters and it lasts 50 years and longer. She asked what they were going to do once they get in and see the cracks there.

Mr. Fitzsimmons stated that you would use a product to seal the cracks. If you get in there and it looks like you want to line the tank or you might want to line the tank which is a urethane type coating which is an eighth of an inch thick. The cost to coat the tank would be approximately \$85,000, which would be the urethane spray on.

Trustee Leonard expressed his concerns with the weather and applying the concrete.

Manager Politi stated that the tank is meant to hold heat so he's sure there is a heating process that you can use inside the tank.

Deputy Mayor Matisse asked if it is a replacement of the lid and what material would that be.

Manager Politi stated that you are not replacing the lid. Those are the hatches.

Deputy Mayor Matisse asked how much it would be to replace the lid.

Manager Politi stated that they are not exploring that because the lid is in good shape. They do have cracks that are typical of concrete and they need to be sealed.

Mayor Pearson stated that the report says, to seal cracks and provide protective coating on the concrete to increase the life of the structure. With doing that what is our life expectancy.

Mr. Fitzsimmons stated that they will have to look into the tank to see what it looks like.

Mayor Pearson asked if the \$600,000 was on the low side.

Manager Politi stated that this is a conservative number. This is a high number. The next step would be replacement if it's that bad.

Deputy Mayor Matisse stated that what we don't know is the condition of the tank itself. If they get in there and the assessment is that it's not worth repairing or can't be repaired, then we've already gone out to bond on this. Then what do we do?

Manager Politi stated that what you can see now indicates that you can repair this.

Mayor Pearson stated that if we're going to fix this for ten years and we are spending \$600,000 and we could buy a new unit for one million dollars.

Manager Politi stated that this is similar to insituform that you use when you repair the trenches. You're putting a urethane coating on this.

Mayor Pearson asked what the life expectancy of that.

Manager Politi that its 50 years.

Mayor Pearson stated that this is a liner; there is no plastic pipe, no coatings, no chemical treatments and its fights erosion of sewer gases. It's used for pipes, digesters, heating wells, man holes and its used for many, many things.

Manager Politi stated that's what insitu products are based on.

Mayor Pearson asked about the life expectancy with the insitu products.

Mr. Fitzsimmons stated 15 to 20 years.

Trustee Leonard indicated that the product will have a spec sheet which will give you the life expectancy. Urethane is very durable and it will handle acid with no problem and the coating has a long life.

Mayor Pearson stated that this product has been there for 50 years. She doesn't know if the same product that the manager is looking at, where they got their cost from, that is why she asked that question whether its 5, 10 or 15 years. If we can look at something that lasts 50 years that might be more cost effective.

Deputy Mayor Matisse asked if this was including capturing the gas to convert to electric.

Mr. Fitzsimmons stated that would be separate.

Manager Politi stated that it is a separate application to NYSERTA and its an add on to what you're doing now.

Deputy Mayor Matisse asked if it would be something done in the future.

Mr. Fitzsimmons stated that it could be done through a NYSERTA grant.

Mayor Pearson asked what a supernatant is.

Mr. Fitzsimmons stated that is the liquids that separate and rise to the top of the sludge layer.

Trustee Leonard asked what was the material for the hatch cover.

Mr. Fitzsimmons stated that it was stainless steel.

Trustee Hurd asked if the board authorizes this how long before they start.

Manager Politi stated that because of the size of the bond we will have to go through the estoppel period.

Mr. Fitzsimmons stated that it would take a couple months to put the bid documents together and get approval to put them out to bid. Probably another six months after that to wrap it up.

Manager Politi stated that there might be DEC review process.

Trustee Leonard stated that in six months we might have to pump that tank again.

Manager Politi stated that since the belt filter press has been on line we have been able to maintain that three or four feet of keeping it down. There will be a point in the winter where you can't run the belt filter press and have to draw some down to stay safe. It won't be the entire tank.

Trustee Leonard stated that when you draw down the tank you have to be prepared to coat that.

Mayor Pearson asked how long are we bonding for.

Manager Politi stated more than ten years.

Mayor Pearson asked if this work is performed by a company, who does the work.

Deputy Mayor Matise asked who would be on site here.

Manager Politi stated that the operator of the plant does not leave that plant. The collection system is separate. So, you have our own employees on site all the time. In a process like this which is going to be highly structured schedule wise the engineers will be on site. A company will be doing the work.

Mayor Pearson stated that this fee is for the engineers on site inspections.

Mr. Fitzsimmons stated that it's for design, inspections, and shop drawing reviews.

Mayor Pearson asked about inspections and she would like to have a schedule of inspections, who will be doing that and how are that being done and why it hasn't been down already. The report says that the tank hasn't been inspected anytime recently and that internal inspections should be done periodically.

Manager Politi stated he doesn't know what the time frame is. Assuming we haven't done it we don't know what the typical time frame is for sludge to be inspected.

Mr. Fitzsimmons stated that it's recommended the tanks be drawn down once a year to get a look at what's inside. It's something that the operator can do. He would say every year or every other year.

Manager Politi stated that the other settling tanks we're in there all the time.

Trustee DeJesus questioned Section 3 of the bond resolution, period of probable usefulness, 30 years.

Manager Politi stated that it will be more than 10 years. He can't give the outside number.

Trustee Leonard asked if there was any way to expedite the bidding process.

Manager Politi stated that he will speak to the attorney about that.

Mayor Pearson asked about the engineering cost, is it hourly or is it a set amount at \$80,000 or if they go over can we set an amount with them as an engineering firm.

Mr. Fitzsimmons stated that this is just an estimate.

Manager Politi stated that you have to understand that the numbers were set high. They built in a 25% contingency.

Trustee Leonard moved to adopt the bond resolution, Authorizing the Issuance of \$600,000 Bonds of the Village of Walden, Orange County, New York, To Pay the Cost of the Partial Rehabilitation of the Village Sewage Treatment Plant, in and for said Village. Seconded by Trustee DeJesus. All ayes. Resolution adopted.

Deputy Mayor Matise moved to declare a Type 2 action with regard to SEQRA. Seconded by Trustee Hurd. All ayes. Motion carried.

### **Beazer Homes-Status of Project**

Mayor Pearson stated that representatives from Beazer Homes is here tonight to address the concerns of the residents.

John Kovalsky 16, Hidden View Drive stated that he'd like to address the drainage that was altered by his property, was it inspected two years ago when it was done and is that the way it should be done. He had water damage to his home, cracks in his foundation and basement floor. He would like to know who supervised this when it was done. A tree was planted over the pipe that drains into the sewer. Was that inspected? Where it drains into the sewer connection there is no screen cover, so any kind of animal can crawl in there and plug it up. That would become an issue. He wanted to know if that can be done. When his home flooded there was no one there for them. The landscaping is still unfinished.

Mr. Fitzsimmons stated that the work was supervised two years ago. It worked for two years through very severe rain storms. When they dug it up they found the pipe was crushed. He doesn't know why.

Mr. Kovalsky stated that there was a tooth mark in the pipe from a backhoe. No one has worked on the site since the alteration was made.

Mr. Fitzsimmons stated that the footing discharge into where the road was being built made the area too wet for them to do any work on. So you build a road with the French drain to get the water out of there. The village has had major storm water problems and he didn't have any problems during any of those. The sidewalk and landscaping were all happening much more recently. He feels the damage to the pipe was done during one of those two activities.

Mr. Kovalsky asked if the engineer was saying that someone dug it up.

Mr. Fitzsimmons stated that he's saying they were doing excavating work in the area with landscaping and sidewalks.

Trustee DeJesus asked if it was crushed now.

Mr. Kovalsky stated that it's been fixed. It seems to be draining now. He thought it was draining two years ago. It wasn't been working right for two years. There were cracks that formed in his foundation and slab of his house. The way the pipe was buried, you could see it was sheared in half and covered over. He's not sure who was on site. He asked if Mr. Fitzsimmons was out there while they were working.

Mr. Fitzsimmons stated that a representative from his office was out there.

Mr. Kovalsky stated that he spoke to Lanny after all this had happened and he said the same thing. That it worked for two years.

Mr. Kovalsky asked him if he saw to where the pipe was.

Lanny said yes.

Mr. Kovalsky stated that is where he dug it up. That's exactly what it looked like and it was two feet down. You could tell it hadn't been disturbed. He told Lanny that is the way the pipe was and he said oh, so they buried it like that. That lead to the impression that he hadn't seen it.

Mayor Pearson asked if the engineers are on site every day.

Mr. Fitzsimmons stated that almost every day they are there. It depends on what is going on.

Mr. Kovalsky stated that when the alterations were made to the pipe that was found was there someone on site to watch the job.

Mr. Stickles stated yes there was and there is also a clean out so you can clean out the pipe both ways.

Mr. Kovalsky asked if that is connected to the bigger 12 inch pipe that has a tree directly above it.

Mr. Stickles stated that there is no tree above this pipe.

Mr. Kovalsky asked, in the general area. Well, the pipe that was installed.

Mr. Stickles stated that the pipe that was installed and the clean out that were installed wasn't done with trees in site.

Mr. Kovalsky asked if that feeds into a bigger pipe.

Mr. Stickles stated that feeds into the basin.

Mr. Kovalsky stated that there is a tree directly above the bigger pipe.

Mr. Stickles stated, not that he is aware of.

Mr. Kovalsky stated that there is. It's a foot away from the basin. When they dug it up they buried everything in gravel so you could see where they put the augur through and when they installed the tree he told them about it and they cringed, like why did they put this tree there. They actually came out and put more trees in and straitened that tree that is inside the pipe.

Mr. Stickles stated that isn't a fair statement because every time somebody has had an issue, complaint or something before this board, either himself or Lanny has been there to see what they could do about it.

Mr. Kovalsky stated that the statement was not to attack anybody. He appreciates you guys helping them. The statement was to the builder and their subcontractors. Two years is plenty of time to get issues resolved. A lot of the stuff around his property is unprofessional. He has neighbors that can't be here tonight and they have issues too. He asked if the tree will be looked at and will the pipe be checked to see if it was put through and will the stream be installed there. That general area the landscaping has never been finished. There is a basketball court still sitting there that was on the curb line. Is the removal of the basketball court part of the project? There is erosion on the buffer zone between his house and adjoining properties. Beazer installed trees in the buffer zone. Four out of the five trees were replaced. Trees need to be trimmed along the sidewalk. When the contractor came to do the trees he said he doesn't want the equipment on his

property and when he came home he had trees in his yard, oil stains on his driveway and the driveway was crushed. He feels that if any work is to be done on his property he needs to be notified so he can be there to supervise it or at least protect his interest. They were insured Hidden View was not going to become a way for the heavy trucks to go in and out and nobody was there to stop them. The road has been damaged.

John Herzog, Production Manager for Beazer Homes stated that he's not the builder on site but he does oversee production and land development. In regard to the drain, two years ago the drain was installed and there was an issue. Lanny went out and addressed it and made a field change to tie in the drain to the catch basin. At that point it was done and there were no issues. There was no water going into his house at that time, there was no notification to them that there were issues with the basement, cracks or flooding. He was notified a couple months ago from the village engineer stating that there is an issue. They met with the site foreman and he was there, they replaced the pipe, dug it up and found it was crushed. Does he believe that pipe was crushed for two years, no. They put in the sidewalk, replaced his driveway and there were street trees going into that area so there is the possibility one of their vehicles crushed it. They went in, dug it up, it was inspected by the village and it was backhoed. There is a cleanout there in case there is a blockage.

Mayor Pearson asked if they would have done that to begin with.

Mr. Herzog stated that you don't need a cleanout for a footing drain, its not a standard practice, and it's not like a sewer drain. It was something they did above and beyond.

Mayor Pearson asked when Mr. Kovalsky had the water in his basement.

Mr. Kovalsky stated October 26<sup>th</sup>, 2007.

Mr. Herzog stated that they worked with the village on moving the side which originally the plan for the sidewalk was to \_\_\_\_\_ the gentleman's tree and they didn't want to do that. They wanted to work with him and save the tree and the village worked with them to move the sidewalk closer to the curb line. They moved the curb so they could save that tree. That is an existing tree, not a Beazer tree. It would not be their responsibility to prune that tree. At the time it would have been easier for them to remove the tree and put the sidewalk in, but they didn't. They worked with the village to save the tree. It was not their obligation to repave his whole driveway. They were cutting through his driveway so their obligation was to patch it and they agreed to repave his entire driveway and well as trees along the buffer line. Regarding the stain in his driveway he looked at it with Lanny and he doesn't know if its from them. It's a small stain that looks like it's from a vehicle. There are no tracks or bobcat marks on his driveway. The stain is as big as a quarter.

Mr. Kovalsky stated that where the blacktop was crushed by the sidewalk, it looks like a bobcat mark

Mr. Herzog stated that when he was out there he doesn't remember it. He is willing to set something up with Mr. Kovalsky to walk out there.

Mr. Kovalsky stated that the tree is in the line of the sidewalk and there were improvements made there so basically they're saying they are not responsible to trim that tree.

Mr. Herzog stated that tree is an existing tree; there was an agreement between Beazer Homes and the village to relocate the sidewalk to save that tree.

Mr. Kovalsky stated that Clifford Bell who was on site stated that the tree trimming would all be done.

Mr. Herzog stated that if it's okay with the village he will trim the tree. The question is how far back you take it and what if the tree dies.

Mr. Kovalsky stated that its if he'd like the tree trimmed or not, it's is it an issue that it's along public sidewalk.

Mr. Herzog stated that it was never brought to his attention from the village engineer.

Trustee DeJesus asked that the manager look at the tree and see what can be done. In the past we had a lot of complaints. We had issues of the workers going into homeowners yards when they were not there and a lot of the people work in the city and outside the village. They went into their property when they were asked not to. In some cases the police couldn't enforce it because we didn't see it. He doesn't know how much more work they have to do but he expects it will be done according to specs and that peoples property will be respected.

Mr. Herzog stated that he thinks the village engineer can agree that they've don't everything to specs.

Mayor Pearson stated that we wouldn't have all these people here if things were done properly.

Mr. Kovalsky stated that the issue of the pipe being damaged at a later date. He doesn't understand that where there was no excavation done in that area how a pipe that is a foot and a half, two feet under ground can be damaged by activity related to a sidewalk or driveway when everything was at least seventy to eighty feet away from that area and it was not excavated since the time it was originally repaired.

Mr. Herzog stated that they disagree with that because they believe that they used that area to construct that sidewalk.

Mr. Kovalsky asked if Mr. Herzog is saying they dug it up.

Mr. Herzog stated that they never said they dug it up. You could have had heavy equipment, you could have dug a tree and put it in the wrong spot, we don't know. When we went out there to dig it up after it was told to them by the village that it was damaged, we realized that it was crushed. We don't know how that happened. You dug it up the first time, a little hole in the ground; we came back out to fix the repair. We needed to see what we needed to do to fix the repair, so they went out and dug it up.

Mr. Kovalsky asked if Mr. Herzog said they ran heavy equipment across it that crushed it.

Mr. Herzog stated that he doesn't know. They were trying to be good neighbors and they were assuming that there was something that they could have caused. He doesn't know if they caused it or not.

Deputy Mayor Matise asked how deep should it be.

Mr. Stickles stated that he doesn't believe it was more than a foot in the ground.

Mr. Kovalsky stated that when he dug it up he found the broken pieces.

Mr. Herzog stated that when they dug it up he doesn't know if the pieces were there or not.

Mr. Kovalsky asked if the basketball court was going to be addressed.

Mr. Herzog stated that it's not on their punch list, its not their obligation.

Mayor Pearson asked where the basketball court came from.

Mr. Kovalsky stated that the road used to be a u turn, it was short and there was a basketball court on the curb line. It was his basketball court. There was ten feet of property that was originally his and they took it for the right of way.

Mayor Pearson asked if it would take a lot to take this down.

Mr. Herzog stated that it's not their obligation.

Mr. Stickles stated that it's in the village code that the basketball court isn't allowed in a right of way and they would have to get permission from this board to install one.

