

September 19, 2022

The safety and security improvement project that will replace, as needed, the doors and lighting fixtures in both the Cork Center and Cold Brook filtration plants was commenced in April 2022 during which time the City was operating and managing the Water Department under the emergency order. The City contracted with CT Male to complete the design and coordination and implementation of this project. This project will be funded with funds turned over to the City by the Water Board. We are hopeful to have everything ready to go out to bid in October for this project.

The City was first contacted by the NYS Department of Health in November of 2018 concerning the City's eligibility under the then new Lead Service Line Replacement Program which funds the replacement of lead mains and services within a municipality up to an eligible dollar amount. We have no remaining lead main but still have a number of lead services. We informed the Health Department at the time that the board would need to run point for this program. The engineer's office passed the project information on to the Water Board to be discussed at their January 2019 monthly meeting. We were made aware in April of 2022 again while the City was running the Water Department under the emergency order that nothing had been done with this project under the board and the funding (\$ 527,000) was about to be forfeited if the project did not begin to move forward. At this point the City contracted with CT Male to update and submit the required work plan for our specific project. Since we have been working with CT Male on addressing the comments and changes the NYSDOH wanted in the plan and on September 12, 2022 we were informed that our work plan and project outline had been accepted by NYSDOH and we have moved on to finalizing the project budget information and the MWBE utilization plan which are the next steps and they should be completed quickly. We are hoping that once the weather breaks in the Spring we will begin the physical service replacements.

The biggest water related project we have pending is the remaining phase 2 and phase 3 portions of the Hydaddy dam replacement project. Phase 2 includes the replacing of several of the valves that are needed to control the water level in the valves that haven't worked properly in years. Phase 3 is the replacement of the spillway portion of the dam and installing grout curtains as needed around the core wall. The project began being planned in 2015 at which time a rehabilitation of the spillway was still possible. However again as the board stalled another project we have seen the erosion under and around the spillway increase to a point where now a total replacement of the spillway is needed. On May 6<sup>th</sup> we received the results for the April inspection by NYSDEC of the Hydaddy dam where it was given a rating of *Unsound – Fair*. This report also cited violations with our Emergency Action Plan which at the time had no been revised since 2019. Worse was the fact they the Water Board had not contracted anyone to perform an annual certification on the integrity of the Dam to be submitted to the NYSDEC since 2016. It also outlined corrective measures that the NYSDEC was requiring the City implement going forward. The City will be voting on a resolution to have GPI perform the required annual certification and help us complete and inspection and maintenance plan for the dam so we can be compliant going forward. The intimal construction cost estimate was approximately 2 million dollars

however due to the inaction and the now inability to rehab the existing spill way that cost has gone to an estimated 5 million plus.

The board passed a resolution directing GPI to go out to bid on the construction component of phase 2 of the project at its August 8<sup>th</sup>, 2022 meeting. However after signing and agreement to turn over operational control of the Water Department to the City they did not have the authority to issue this directive and therefore the City could not permit GPI to go out to bid on this project until we had a legal resolution allowing us to do so. The Water Board was asked to rescind their resolution to allow the City to pass the required resolution. They refused however the Common Council will vote to send this bidding at the September 19<sup>th</sup>, 2022 meeting. There is an appropriate legal method for permitting contractors to perform this work on a municipalities behalf which have to be followed. This is why there was a delayed bidding from the original date as we have to get proper permission to do so which the Water Board no longer had the authority to issue. So it was a bit more than a technically which is how Mr. Caparello wants everyone to believe. This again show the board lacks proper understanding of the processes that need to be completed to do these projects.

There have been a couple of personnel issues that have arisen during this year. Including personnel turn over but more importantly a lack of qualified treatment plant operator personnel. The board failed to hire an additional certified operator after the former plant operator retired in January of 2019. They also did not begin the process of training any existing employees to begin the process of becoming a certified operator. This left the City in violation of NYSDOH requirements for the number of certified operators we are required to have on staff for our facilities. This has also created an extremely stressful working environment for our lone plant operator who had essentially no help until the beginning of 2022 due to the water board's inactions. After essentially 3 years of working in this environment the plant operator informed the City the he would no longer work at the plant while the water board had control over the system. Had he left the lack of any qualified operator would have resulted in a city wide boil water. Therefore for the safety of the users of our water system we decided it was necessary to issue an emergency order to prevent this from happening. The plant operator stayed on but again expressed his decision that he would not work at the plants if the water board regained control in an April letter addressed to the Mayor and the water board. During this time the board continue to pursue its lawsuit against the City seeking to regain control knowing full well that once they did they would not have a certified operator on staff and would need to make other arraignments to avoid a city wide boil water. Upon receiving Judge Slezack's ruling in June of 2022 the City began implementing a transition plan to turn operations of the water department back to the water board. This included reaffirming to them that the plant operator would be leaving as they had been informed on multiple time prior. The board reached out to one company to try and contract this work out. However they were did not provide the company with the actual extent of the work required to operate and maintain our filtration plants. Once the company came and was shown what necessary to keep these plants running in good working order they withdrew their interest and there was no plan B. The water board regained control over the water department without a plan for proper operation staff and within 24 hours we were on a City wide boil water notice that effected our residents and business owners alike. The board then approached the City to retake operational control of the water department so that we could get proper staffing back to lift the City wide boil water. Which we were able to accomplish. This will happen again

if the water board is not dissolved however this time it is likely that the City wide boil water will remain in place for a much longer period.

Instead of insisting the City is allowing an employee to hold the City hostage the water board should take a minute to try and figure out why an employee as important as the plant operator refuses to work for them. However it is also important to note that the City was able to contract with JCF Consulting to provide additional IIA operators to alleviate some pressure off of our plant operator. While the board has shown an obvious willingness to pay a consultant to come in and perform this work they refused to pay JCF's fee (approximately \$3k/month) to help share the work load.

We have also lost a couple of employees from the distribution staff due to the uncertainty of what will happen to their jobs if the water board was to be retained. They had families to support and could not take the risk of losing their jobs.

The other main personnel issue the board like to clean up is that they were written out of the collective bargaining agreement where the language was changed from "The City and/or water board" simply to just "the City". It is important here to understand that this change was approved via a unanimous vote by the bargaining unit including all of the water department employees on staff at this time. Again it may be a better use of time to try and figure out why all of the employees that keep our water safe to drink are so adamant against working for the water board.

It is imperative to understand the water board's, both past and present, inactions and lack of understanding for what it takes to properly operate and maintain the water system have put this City in a very vulnerable and dangerous position that will take a lot of time and effort to dig out of. They have already shown this year what will happen if given the chance to regain operational control over the system as they put us into our first ever City wide boil water from a lack of certified operational staff.