

Minutes of a Meeting of the Board of Trustees of the Village of
Williamsville held in the Municipal Building, Williamsville, New
York on Thursday, October 1, 1981 at 4:10 PM

Present Gordon J. Kuzon, Mayor

 William Bancroft
 Lawrence R. Brenton Trustees
 Michael Kibby
 Connie C. Murray

 Theresa L. Cummins, Village Clerk

 Douglas Bissell
 Phil Boudreau

Absent Thomas V. Troy, Village Attorney

Trustee Brenton: We are recording this because normally we would have Ruth Fuchs here who is our stenographer, legal stenographer, and we feel we should have a record of this meeting so that this is being recorded. Now what has brought this to mind - this particular Brookside project - was the conditions that have been left on the project were primarily begun with the question of what type of pipe was to be used in the sanitary laterals, which in particular were that No. 75, I believe, Brookside Drive, and that's the Young's residence. And just as background when I was on the project myself, when these laterals were being dug, I noticed that PVC pipe was being used and I believe, although my memory's not correct on this, I believe I discussed this with Boudreau and he indicated to me that PVC pipe was not in the specifications. That cast iron pipe was in the specifications and with this I then questioned the contractor, Mr. Tony Cimato, and he said that this was a field decision.

Mike, do you know Doug Bissell?

Trustee Kibby: No I don't.

Trustee Brenton: and you know Phil Boudreau.

Trustee Kibby: Yes, I do.

Trustee Brenton: To get back to the business at hand, I talked to Mr. Tony Cimato about the use of PVC pipe at which time he told me that this was a field decision and that these types of decisions are commonplace in the construction industry. I commented no further on it because I didn't think that it was the position of a trustee to be involved in this level of work, but I did then go to the office of Bissell-Merrill and discuss the situation with Doug Bissell and with Phil Boudreau and the result of that discussion was that it is acceptable to use Schedule 40 PVC pipe and that indeed I later determined that our plumbing and sanitary code does allow for the use of Schedule 40 with the Building Inspector's approval. At that

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time I also asked Phil for verification of the type of pipe that was being used on this project. Toward the middle of the following week the - I was on the project and did look at some PVC pipe that was similar to the type that was being placed in the sanitary laterals and I noticed that it was Schedule 3034 PVC pipe and this brought about a question in my mind as to whether or not this pipe was indeed the type of the pipe that the Village should have. With this in mind, and with the reports from our own Building Inspector and from our D.P.W., the following list of apparent irregularities and non-compliance with specifications on Brookside storm drainage project has been compiled and the purpose of this meeting is to determine whether there are any significant deviations from specifications or whether there could be any future problems that exist as a result of some of the workmanship that has evolved from this particular project. And so with that I think that you all have a copy of the agenda for this conference and I think then that we can just go down through the agenda and develop the facts as they pertain to each one of these nine subjects that are included here.

And with that we can go right to No. 1 and I think - which is the most important and that's alleged use of Schedule 3034 PVC pipe in reconstruction of sanitary laterals. Now, I would direct the question to you, Doug, as to what your feelings are.

Mr. Bissell: We had a discussion and Phil was in the room and you said if they used the heavy gauge it was perfectly all right. I didn't have a tape recorder on it but you remember in the coffee room that we sent Hal up to get the numbers and they came back right and you quoted some number that I'm unfamiliar with.

Mr. Boudreau: It came back right?

Mr. Bissell: Yes. It was heavy gauge PVC pipe.

Mr. Boudreau: Now you're asking me if it was. This is the number he gave me finally.

Mr. Bissell: And that's light gauge?

Mr. Boudreau: Well it's 3034. It's not Schedule 40, if you're trying to draw a difference between them.

Mr. Bissell: No. I'm trying to draw a difference whether it's heavyweight or lightweight. It's what they use all over.

Mr. Boudreau: 3034 is what the Town precludes in use.

Trustee Brenton: I would like to inject that I contacted the Town Building Department and I didn't get a name because the Plumbing Inspector was not available, or the plumbing man, and the girl that talked to me forwarded my question to someone

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else and they informed me that the minimum grade of PVC pipe that
the Town allows is Schedule 40.

Mr. Boudreau: Who said that?

Trustee Brenton: I don't know. It's the Town Building Department.
Marty Meidel was there when I called them and Norm Wolf was there
also when I called.

Mr. Boudreau: I'd have to say the last time I checked, in new
subdivision work they allowed the use of Schedule 3034. That's
the information I got.

Mr. Bissell: As far as I know that's what they do use. And you're
relining the whole sewer with it, right? The Main sewer?

Trustee Brenton: We don't know. We've got two alternatives when
you're talking about our sewer rehabilitation program. We have
two alternatives - excavate and repair, or slip line and we haven't
made a decision as to which way we'll go so that the job is
actually bid out right now for the two alternatives and - but
the question is if our code - our Village Code doesn't allow
anything other than Schedule 40 you know. Is there a code
violation here. Should the contractor have conformed to our
code by the use of Schedule 40 rather than Schedule 3034 and also,
if we had an inspector on the job it would seem to be, in my
opinion, the inspector's duty to see that our codes - that he
would first be knowledgeable of our codes and then that our codes
would be adhered to.

Mr. Bissell: The inspector, just to clarify that, is an observer
and witnesses the workmanship, not the design. He happens to be
a civil engineer but today they call them observers and you
notice in our reports it says observer on it because some
legal thing that Fraleigh got into so that all the engineers
changed it. They're not supposed to be design engineers.

Trustee Kibby: They observe something that's not right. What
are they supposed to do?

Mr. Bissell: Then they write it on a report and they call us up
here. Like Phil - you may notice from the billing he goes up
there quite often to answer questions that he is not qualified to
answer. He reports back to the - to our office, writes the
reports which you eventually get. But if you notice on there they're
marked observer and if they put broken pipe in or the joints are
loose and they're not doing a workmanlike job he can stop them,
and Phil or someone else starts them up.

Trustee Brenton: In other words, they don't have to conform to...

Mr. Bissell: They have to conform to the plans. He just makes
sure they do, but he doesn't stake it out or anything. He just
checks grades.

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Mr. Boudreau: Doug, I think in this case Cimato Bros. made a
unilateral decision on their own to substitute PVC pipe whatever
class it is for cast iron pipe.

Mr. Bissell: I don't know who made the decision.

Mr. Boudreau: Well he did.

Mr. Bissell: You say that. I don't know that.

Mr. Boudreau: Well, whoever. I don't know.

Trustee Brenton: Well, I can verify...

Mr. Bissell: We asked Larry and he said it was acceptable if
it met the standards. That's all I know.

Trustee Brenton: Well, we've got to clarify that a little bit
because the pipe was already in the ground.

Mr. Bissell: Well they dug that one up as you know, yesterday,
and replaced it.

Trustee Brenton: Right. But the only thing is every house
from 75 through to the intersection up to the end of the line
actually had been placed in the ground and covered up with soil
and it was all PVC.

Mr. Bissell: But when I got there - when you and I questioned
it, he hadn't done any of them yet.

Trustee Brenton: Oh, yes. They'd all been done I'm sure. I do
have the dates and to clarify this issue as to whether or not
I agreed with the use of Schedule 40 PVC I did upon your recommenda-
tion that this was an acceptable alternative and that our code
did call and allow for Schedule 40.

Mr. Bissell: And that was when they dug Young's and then from
Young's they went on east and tied in Cadman and then when they
got back going west they did the rest of them. They're all difficult
as you know.

Trustee Brenton: That was a Friday afternoon. Specifically two weeks
ago from this past Friday and at that time, when we had the meeting
at your office, all the sanitary laterals were completed and
Mr. Cimato - Tony Cimato - told me that if we wanted cast iron
he would bring cast iron to the project site Monday and work
every lateral west of Young's with cast iron in that every lateral
east of Young's had already been completed.

Mr. Bissell: How many were there - east of Young's?

Trustee Brenton: About five.

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Mr. Bissell: I know they extended the job. They hit Cadman.
I was there when they were digging it.

Mr. Boudreau: There were four.

Mr. Bissell: And we checked the gas line to make sure they
went under.

Trustee Brenton: At any rate those were all completed and the question
of the Schedule 40 I agreed, not being an engineer, and I think
that was my terms. I'm not an engineer. You said Schedule 40.
Our code accepts Schedule 40. Then I will buy that. That is
acceptable. However we do have - we do have a pipe here now
that - if the information I received from the builder's supplies
is correct - Schedule 40 has a wall thickness of .28" and
Schedule 3034 has .18" wall thickness so that we have certainly
a lesser structural degree of...

Mr. Bissell: Schedule 3034 is .18?

Trustee Brenton: Yeah. That's what I have. Phil might know
that.

Mr. Bissell: Phil might. I don't.

Mr. Boudreau: The numbers are familiar. Yeah, it's a thinner
wall pipe.

Trustee Brenton: It's a thinner wall pipe. That's what they
told me. It's not a rigid pipe and...

Mr. Boudreau: In fact Schedule 40 pipe is - the tubing parameters
on it are what we call rigid pipe design, if you remember, and
the other one being thinned wall is a flexible kind of
design. So they're both checked in a different manner.

Mr. Bissell: They both do the job.

Mr. Boudreau: Depending on what kind of road you put them on.

Trustee Bancroft: What was in the specifications?

Mr. Boudreau: Cast iron.

Trustee Bancroft: Cast iron. So the substitution from cast iron
to something else had to have been approved by the engineer.

Mr. Bissell: That's right.

Trustee Brenton: According to your specs that's the way it is.

Trustee Bancroft: Who approved that substitute?

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Trustee Brenton: The original installation of the PVC from the
Young's eastward to the termination of those four houses - I
don't know. I have no idea. That's when it was brought to my
attention. When I investigated through the conversations with
Mr. Cimato I think I asked, as I said before, I asked Phil about
it; and then I came into Doug's office.

Mr. Bissell: The three of us talked about it.

Trustee Bancroft: The specifications say that if there are going
to be any substitutions of materials the engineer has to approve
those substitutions.

Mr. Bissell: That's right.

Trustee Bancroft: Is there any record of any approval of the
substitutions? Whether it was Schedule 40 plastic or Schedule
3034 is secondary to the fact that there was a substitution made
and I don't see any approval.

Trustee Brenton: I agree with you totally.

Trustee Bancroft: In that case, would it be your responsibility,
Phil, to make that approval or the inspector/observer's?

Mr. Bissell: It wouldn't be the inspector.

Mr. Boudreau: May I ask a question? First, before I answer that
one - Did Cimato have some of this pipe into the ground before
it got down to our office - the information...

Mr. Bissell: Just the Young's piece and that's when you and I
talked. I went up to look at it and they had it backfilled.
Then we had our discussion right afterward.

Trustee Brenton: The only thing, if my memory serves me correctly -
and it does - it was that very day from my discussion with Cimato
that I went to your office late in the afternoon in fact, and
it was Friday and I have it in my book as to what day it was and
at that time Cimato told me that Monday he would come in with the
cast iron and work west of that point with cast iron if that's
what the Village wanted.

Mr. Bissell: But most of the work that we were discussing was
whether or not he could dig up Young's and relay it.

Trustee Brenton: And eventually the decision was then left with
me. The recommendation, I believe, was not to dig it up - to let
it continue as it was and then over the weekend I determined
that after conversations with a significant number of people,
that this really was not a safe way to go about this in regards
in particular to the amount of water that could be retained in this
system when the creek was high, so then it was at that point,
I think, that...

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Mr. Bissell: There won't be any water in the sanitary.

Trustee Brenton: Well we're not talking about the sanitary.
We're talking about the storm laying over these individual laterals.
In fact, for the benefit of the people here who might not under-
stand this, basically what we're talking about is the fact that
the storm line is thus, and it is sitting on a lateral that's
running from a house to the sanitary out here, the main. So
the specs call for 6" clearance in between these two points.
6" clearance and in particular the Young's there is only 2"
clearance.

Mr. Bissell: There was.

Trustee Brenton: There was. And I assume he excavated a little
bit underneath there. This is where my primary concern is - that
we had 2" of clearance. This line - when the creek is high it
will be fully charged. It will be a retention system and there's
a great deal of weight there and I just wasn't comfortable a) with
the fact that we have a lower schedule of PVC pipe than your - than
our codes call for, and b) that we only had the 2" of clearance
rather than 6" of clearance. So after a weekend of deliberation
on that subject I determined that the Village should require the
contractor to excavate Young's and lower - and lower - I believe
I said with cast iron - however I don't recall if it was - at
least lower to what our codes call for and that's Schedule 40.
Now that I did. I talked on a Monday so that really precipitated
the entire question of what's been done here and in particular,
I think the Board has questioned me at our last - after our last
official meeting as to the competency of the inspector and before
we go on with - unless you want to stay with item one - perhaps
we should determine just what this - as you say he's not an inspector -
what his qualifications are pertaining to this type of work. Because
I want to make this clear when we went into this situation, this
project, I was very apprehensive about any damage being done to
the Young's and Hartman's property. As I have explained many
times to Phil and also Phil shared those feelings I guess, but
he definitely did and I don't guess that. So that Phil told me
that when this project was ready to go to the construction phase
that we would have a highly qualified hydraulic engineer.

Mr. Bissell: Hydraulic? Did we say that?

Trustee Brenton: I believe he said that.

Mr. Boudreau: Can I correct you on that. I said a pipe - a
qualified pipe conduit inspector and that's all.

Trustee Brenton: All right - qualified pipe conduit inspector.
And I then determined that this would involve someone that had
knowledge of hydraulics to the degree that they would make sure
the pipes were put together properly and that they didn't cause

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damage to other property. Now -so that was my feeling and then while I was on vacation I had arranged for Phil to come in and discuss with the Board this particular project before we accepted bids. Phil did so and the Board - those members of the Board that were at that meeting, in that I was on vacation, can best tell what type of inspector you thought we were going to have, and I'm sure that you thought we were going to have a skilled inspector that would...

Mr. Bissell: You're saying that you didn't?

Trustee Brenton: Well I'm not saying that - no. I'm definitely not saying that. I'm not saying that, but in that you have brought to light the individual that is retained to stand there and watch doesn't necessarily have to do anything but report and I would say then that perhaps we're having over-qualified people because I can get people for a lot less money to stand there and report events as far as that's concerned. But I'm not saying whether the man is qualified or not. What is his background?

Mr. Bissell: Would that have any bearing, Larry, on the job?

Trustee Brenton: Yes, I think it does. Because a number of times that I was up there on certain occasions I found the recorder in his automobile.

Mr. Bissell: Well, you don't watch them dig a trench. I've been in it 40 years. I don't know how long you've been in it. The kid graduated from engineering college. He's passed the first two parts of his professional engineering exam and will have the P.E. license in a couple of years and I don't know what qual.... You don't have an inspector in the county that's an engineer, let alone the Village, the Town, or anywhere. They can't afford them. Even if Phil went up and inspected every day, he's got the experience but he's not licensed and you sound like you want a licensed engineer to stand around and watch somebody dig a trench.

Trustee Brenton: The only thing I can tell you, Doug, is what I felt I had assurances of and the Board thought they had those assurances also.

Trustee Kibby: Who caught the difference between 3034 and 40?

Mr. Bissell: Nobody. You came and asked us what class of pipe was acceptable and Phil gave you two numbers. He said if it's the larger one it's acceptable. I sat and listened to the conversation.

Trustee Kibby: The observer has sent a message, or the way you said to us, the observer sends a message to Phil saying that they're using Schedule 3034 pipe.

Mr. Bissell: 3034.

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Trustee Kibby: You got that message from your observer?

Mr. Boudreau: Eventually I did.

Mr. Bissell: The same day.

Trustee Kibby: Eventually. You mean after Larry pointed it out?

Mr. Boudreau: Oh, yeah. Eventually.

Trustee Bancroft: Where are the inspection logs?

Mr. Boudreau: In the office I guess.

Mr. Bissell: Didn't you bring them with you?

Mr. Boudreau: No, I don't have them here. I don't think I do.

Mr. Bissell: They're in a folder like that.

Trustee Kibby: How come the day that 3034 pipe went in the
ground there wasn't a note to you saying that was 3034 pipe in the
ground? How come Larry had to find it?

Mr. Bissell: He didn't. The guy wrote it up on the inspection
sheet - drew a sketch of it and through that sketch alerted Phil
and he raised the question.

Mr. Boudreau: Then I raised the question.

Mr. Bissell: And it was the same day. I want to get that straight.

Trustee Bancroft: All of these items - one through nine - are
the source of these items one through nine your inspector's log
comments?

Trustee Brenton: No. As I pointed out when I opened this
conference, basically these are observations that have occurred
even by residents in the area and by our own D.P.W. observations.

Trustee Bancroft: So it's our own collection of observations and
these are the highlights. Do these agree with the inspector's
log?

Mr. Boudreau: I haven't had a chance to check them.

Mr. Bissell: The insufficient clearance between the laterals and
the storms is only one - Young's, and they dug it up the other
day and replaced it. The rest are all 6".

Trustee Bancroft: I think the question we have here, Doug,
and the reason why there are five Board members here talking
about this thing, is whether we're getting a quality inspection

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job. Whether it is our - whether it is the action of the observer, or the inspector, or whether it's the action of your engineer, or it's the action of someone not being paid to perform that job that's coming up with these things.

Mr. Bissell: I think that most of these are the result - a lot of them sound to me like Young's lateral but they are the result of the inspection notes. Now we don't run down here the minute the guy comes in at 4:30 and tell you what he found that day, but Phil does contact Larry if there's something that has to be decided outside of our realm.

Trustee Bancroft: Are you familiar with all these then, Phil?

Mr. Boudreau: Well some of them I've seen myself on the job the few times I've been up there. I have to admit to that, yes. Some of them I haven't seen.

Trustee Brenton: I think we've spent enough time on the - on the question of 3034. However, how do we - and I'm sorry that the attorney isn't here - but how do we, as a Village Board, allow for a substitution of lesser materials than our code calls for, i.e., 3034 pipe?

Mr. Bissell: Nobody seems to know what the code calls for.

Trustee Brenton: Oh, yes.

Mr. Bissell: You said you called the Town and they told you they use 40 - now, they use 3034 pipe.

Trustee Brenton: Now let's be perfectly clear. This is the Village of Williamsville. Our codes call for Schedule 40 as I pointed out when I started this, and they call for Schedule 40 upon the approval of our Building Inspector. Now that's the Village of Williamsville. The reason I called the Town is to see if the Town did allow for a lesser quality to somehow determine whether it was confusion on Mr. Cimato's part as to whether he was working within the incorporated limits of the Village of Williamsville or perhaps he could use as an excuse the fact that he thought he was in the Town.

Mr. Bissell: No. I think Larry, he's been in the business 40 years that I know of. I don't think he would try that trick.

Trustee Brenton: Well he tried the trick I think and I have this to further elaborate on who found the Schedule 3034. I requested our Building Inspector to go up on the site and question Mr. Cimato as to what type of pipe he was using and that was the first official knowledge that this Board of Trustees, myself included, had that we were definitely known to be using Schedule 3034 on that particular job.

Mr. Boudreau: Did Marty see the pipe?

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Trustee Brenton: Marty looked at the pipe that was laying on the job site and it looked like the Schedule 3034 - the same thing as I did a week ago last Wednesday night which was the first time that I was positively inclined to believe that this 3034 was used on the property. And in the instance of this particular type of situation deferring to an engineer's knowledge of this pipe I will defer to that, it did not appear to me that this is the type of pipe that should have been used in particular in that we had already weighed cast iron down to Schedule 40. We had diminished our structural ability from cast iron as the specs called for to Schedule 40, and now we find we are not Schedule 40.

Mr. Bissell: Cast iron isn't too good in rock anyway; you know. It breaks. Plastic doesn't.

Trustee Brenton: Right. Then again they should be bedded and in that we have I think covered the PVC pipe aspect, we can move onto insufficient clearance between sanitary laterals and bottom of storm line. Well...

Mr. Bissell: That's why your other line was plastic, because it won't give in rock.

Trustee Bancroft: Our specs, that were prepared by your firm, do specify cast iron.

Mr. Bissell: Right.

Trustee Bancroft: And our specs also clearly state that if there are any substitutions are the responsibility of - the approval of substitutions are also the responsibility of the engineer. So whether cast iron pipe was right or not, Doug, is not a question for this Board. That's a question for your own firm. And whether an approved substitution was made or not is also a question for your own firm.

Mr. Bissell: And you people have to approve our decisions. But I know what you mean. We don't do anything you know of that we don't approve.

Trustee Bancroft: I don't know if it says the owner has to approve the approval of the approval.

Mr. Bissell: They approve everything, even the...

Trustee Brenton: The only thing I approve is a change order whereby we enlarge the project. Those are the only things I've ever approved.

Trustee Kibby: Well regardless, I don't think Phil approved 3034, did you?

Mr. Boudreau: No.

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Mr. Bissell: We didn't approve anything. But we sat there together
and approved plastic pipe. We didn't list any numbers. It was
given on the basis it was the heavy gauge plastic.

Trustee Kibby: Whether the owner does it or not is a peripheral
argument.

Mr. Bissell: He wrote it up and gave the numbers.

Trustee Kibby: The question is 3034 was put in the ground and
then - and to my knowledge I haven't seen any information yet that
said it wasn't discovered by our people. That's what bothers
me. The question comes right back to why isn't the observer -
why hasn't the observer reported this to you.

Mr. Bissell: Mike, to get it straight, the very first piece
they used was four feet long on the Young's sewer under the
storm and it was in the report and not only was it in but he
read it to us when he came back into the office that night -
Fletcher did - and that's what raised the question. Right away,
Phil said they can't do it.

Mr. Boudreau: They did it anyway.

Mr. Bissell: Well then they redug it up and in the meantime,
they decided they could use plastic pipe but that sewer was the
only lateral in at that time when the question came up.

Trustee Brenton: I have to disagree with that.

Mr. Bissell: That's all right.

Trustee Bancroft: One of the other things called for here is that
any of the materials the contractor intends to use will be listed
and approved by the engineer. Do we have that list of approved
material?

Mr. Bissell: Phil might. I don't know. He's been running it.

Mr. Boudreau: I had a list of all the shop drawings. They were
submitted directly by Cimato Bros. PVC pipe was not one of the
products I personally approved of. Does that answer your question?

Trustee Bancroft: I guess it does.

Mr. Bissell: The second one goes right with the first one - the
clearance underneath, that's taken care of.

Trustee Brenton: Yes, but do we know it's alleged that in some
instances the sanitaries, you know, do not have the full 6".

Mr. Bissell: Well most of them have more.

Trustee Brenton: Do the drawings show that?

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Mr. Bissell: Well, alleged - they may not be the right aspect.
The only close one, the Young's one, which was 2". The farther
away you get the more clearance they have.

Trustee Brenton: Yeah, I know it, and on some you've got hung
plumbing so you're talking about laterals being on top of the
storm, but...

Mr. Boudreau: Well to that point there is one over the top of
the storm sewer - Hartman's. It's in violation of the specs.
Everybody aware of that? We'd better discuss that too.

Mr. Bissell: Well open it up and have to relay the whole thing out
in the street.

Mr. Boudreau: That's what the specs said.

Mr. Bissell: They replaced it where it was.

Mr. Boudreau: The reason I bring that up is that it is right
there at the edge of the highway exposed to the highway load.

Mr. Bissell: That's been for years, right? We can't raise it
that's for sure. It won't work. You have to replace it.

Trustee Bancroft: Who has to do what there, Phil?

Mr. Bissell: Phil says that according to the specs they have to
lower the sewers under the...

Mr. Boudreau: Well I'll read it -

Mr. Bissell: Even though they go over.

Trustee Bancroft: They, the contractor, has to do what?

Mr. Boudreau: Here, you read it please. Pass it on. It's the
bottom specification and you draw your own conclusions out of that.
My intent was to make them go underneath because I know that
most of it - it was hung plumbing up there.

Mr. Bissell: Well at the interceptor of the pipe we would go
under and clear by 6" but if the pipe went under it they could
have dug right under it and never touched it but it's easier
to take it out, lay the pipe and replace it.

Mr. Boudreau: That's why I did it that way.

Mr. Bissell: Well they do it that way all day. Some of
of the water lines are under it and you have to do the same thing.

Trustee Bancroft: And these are your red marks here.

Mr. Boudreau: It was my intent...

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Trustee Bancroft: So that guy has to take it out and redo it.

Mr. Boudreau: It was my intent to get it below while he had
to take it out and take it below. More protection.

Trustee Bancroft: But the note here on the side says...

Mr. Boudreau: But the...

Trustee Bancroft: But the house lateral was installed over the
top of the storm sewer.

Mr. Boudreau: I'm pretty sure...

Mr. Bissell: You wrote installed but it was replaced over the
top of it. He didn't move it. The thing is you have to lower
it two feet under. You've got to dig out to the riser in the
street and replace about 30 feet of sewer instead of four and
you dig a trench that long.

Mr. Boudreau: It's expensive.

Mr. Bissell: It's very expensive.

Trustee Brenton: There might be rock there.

Mr. Bissell: Well there would be. That's why it's hard to begin
with. The guy's...

Trustee Murray: Is this also in the observer's reports - that
it was required that it be under but it placed over?

Mr. Bissell: No. You just report that it went over.

Mr. Boudreau: No. No, I believe the report I saw, picked it up
and showed it over the top.

Mr. Bissell: He drew a sketch.

Mr. Boudreau: Doug says he just cut the line - passed through
with the trench to the outfall trunk and then put a piece back in at
the same grade. He only has to relay six foot of sewer instead
of thirty.

Mr. Bissell: Six feet instead of thirty.

Trustee Murray: What I don't understand is why the observer did
not catch that the specs required that it be...

Mr. Bissell: He wrote it up so that Phil would know and Phil
knows the specs. He sits in the car and reads them but he can't
tell them to stop working so he gives it to Phil.

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Trustee Bancroft: You told us earlier, Doug, that he could authorize
the contractor to stop work.

Mr. Bissell: We are authorized in the Town to do it. We'd like
to do the same thing...

Trustee Bancroft: You described the duties of the observer and
what you said was that he can tell a contractor to stop work
until a question is satisfactorily resolved.

Mr. Bissell: That's right.

Trustee Bancroft: So he does have the authority to stop the job.

Mr. Bissell: Is that part of your Village Code. It is in the
Town. Larry?

Trustee Brenton: I can't answer that. I'd have to have the
Building Inspector...

Mr. Bissell: Well your Building Inspector can stop it, right?

Trustee Brenton: Oh I'm sure the Building Inspector -
he can stop a lot of things. But our Building Inspector was
explicitly not requested to be on this project site because...

Mr. Bissell: Until you asked him to go.

Trustee Brenton: Until I asked him to go to determine, as an
official representative of the Village in the capacity of
Building Inspector rather than I as a Trustee - I wanted authenti-
cation of just what type pipe Mr. Cimato was claiming he was
using and I have the results of these two inspections that
Mr. Meidel made right here and the dates. Now as far as that,
the aspect as to whether or not this plumbing in this particular
instance should be above or below the storm line, I'm unclear
as to whether or not this is accepted practice.

Mr. Bissell: Well it's accepted but as Phil just said, it was
his intent that they lower it if they hit one that went over it.

Trustee Brenton: Then how do we determine that the contractor
doesn't in fact get paid for lowering it?

Mr. Bissell: Is it discovered in there he has to lower it
that he did an extra item, or what?

Mr. Boudreau: I think it's a special item set up for each one
of those.

Mr. Bissell: So there's your answer.

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Mr. Boudreau: He bid them low so if he can cut a corner he will.
They all do. Don't blame just Cimato.

Trustee Brenton: No, I'm not...

Mr. Boudreau: He bid \$150. He bid cheap on this, gambling
per house, and to take it down lower like that is a lot more
expensive.

Mr. Bissell: So just like when he has to take rock out to lower
the lateral to the riser.

Mr. Boudreau: We have a unit price for the rock we pay him.

Mr. Bissell: But he evidently made an agreement with someone
on the kind of material so he can't take 6" of rock out of there
at a cubic rock price. There's no way. You know it and I know
it, at least I hope you do. They take three feet of rock
out cheaper than 6".

Trustee Brenton: Well that's immaterial.

Mr. Bissell: Yeah.

Trustee Brenton: And I'm not clear about making a deal, you know,
as far as any deals made up there were concerned they could only
have been made with the observer and Cimato.

Mr. Bissell: He doesn't make any deals with anyone. That's
sort of an unusual statement.

Trustee Brenton: What? Who? Cimato?

Mr. Bissell: No, that you think that we make deals with someone.

Trustee Brenton: Well, no, but I mean you mentioned, you used
the term deal.

Mr. Bissell: No, I didn't.

Trustee Brenton: And I'd think that would imply everyone that's
in this room with the exception of the Village Clerk.

Mr. Bissell: No, I didn't say that - deal. You said it.

Trustee Brenton: You said it - wasn't it a statement that
unless there was some deal made...

Mr. Boudreau: Let's not get wrapped up in this.

Trustee Brenton: All right.

Trustee Bancroft: How is something like that handled, Phil,
in the specifications. If they come across a situation like
that is there a unit price established for the additional work?

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Mr. Boudreau: Oh, yes.

Trustee Bancroft: Okay, and did they go to a unit price basis?

Mr. Boudreau: No, he avoided it by simply going over the top,
he didn't have to take any rock out.

Trustee Bancroft: But wasn't there going to be money out of
their lump sum contract to do it the way we wanted it done?

Mr. Boudreau: Oh, yeah, a lot more expensive.

Trustee Bancroft: Out of his pocket - No. Out of our pocket - Yes.
because we established a unit price extra for doing it that way,
right?

Mr. Boudreau: No - yes and no. To relocate a sanitary lateral
according to the design I show on my specs he bid a unit price
and...

Mr. Bissell: They all go under you notice.

Mr. Boudreau: Underneath - all underneath.

Mr. Bissell: None going over.

Mr. Boudreau: I tell you in my specs beneath, not over - beneath.

Trustee Bancroft: Okay, so it's not an extra.

Mr. Boudreau: In all cases so there's no extras except rock.
You have to pay the man for rock. I did not spell it in my specs.
Rock is...

Trustee Bancroft: If he encounters rock in getting those laterals...

Mr. Boudreau: Then we measure whatever he takes out and pay him
for it.

Trustee Bancroft: We will give him a unit price for the rock
that he takes out?

Mr. Boudreau: Yes. There's a unit price for rock.

Trustee Bancroft: And he has bid on a unit price?

Mr. Boudreau: Yes, he has, and...

Trustee Bancroft: And has he come back and says he wants a unit
price for the rock that he took out.

Mr. Boudreau: I didn't get into that.

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Mr. Bissell: He hasn't submitted a bill for that yet, has he?

Mr. Boudreau: We haven't had our first bill.

Mr. Bissell: So we don't know.

Mr. Boudreau: That's true. We wouldn't know.

Mr. Bissell: But the thing is they're all assumed to go under.
We thought one might go over. Normally they wouldn't go over
with that size pipe. They're not necessarily hung plumbing but
we knew they were laying on top of the rock and they happened
to hit one that went over. But there isn't any sketch showing
one going over and how they replaced it. That isn't prepared
yet, right?

Mr. Boudreau: No. We simply say relocate it if it intersects -
period. We can't...

Mr. Bissell: It doesn't intersect so you don't relocate it. You
replace it.

Mr. Boudreau: Well, okay.

Mr. Bissell: I know what your're saying.

Trustee Brenton: All right. I believe we're down to No. 3 -
improper bedding of sanitary laterals. Now...

Mr. Boudreau: What is that - improper bedding?

Trustee Brenton: One of the sanitary laterals - I understood
that some sanitary laterals might even be sitting on rock.
Is that called for?

Mr. Bissell: No.

Trustee Brenton: Is that allowable?

Mr. Bissell: It's not allowable - it's not called for and
they're not on anything but sand. They replaced the part
where they excavated and they filled the whole trench with sand.

Trustee Brenton: Okay. You're sure that the observer's drawings
so indicate?

Mr. Bissell: yes.

Trustee Brenton: This again - I wasn't there to witness these
things.

Mr. Bissell: I was only there occasionally.

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Trustee Brenton: But these are impressions of....I do have to say
this. There's some very astute neighbors in that particular
area.

Mr. Bissell: Yeah. We were going to hire Young as an inspector.

Trustee Brenton: No, he's one of the few that you would make a
poor decision on.

Mr. Boudreau: He calls me about once a day.

Mr. Bissell: He's very friendly anyway. He asked me what's
the difference between cast iron and plastic so I figured he
really knew a lot about it.

Trustee Brenton: All right. So No. 4 - pipes within receivers
not cutoff at wall of the receiver.

Mr. Bissell: Well they aren't yet.

Trustee Brenton: They aren't yet and I assume they will be, but
this...

Mr. Bissell: With a couple of inches sticking in here and there.

Trustee Brenton: Right, and this, I'm sure, will be taken care of.

Mr. Bissell: One, I just thought, because they hit the boxes
at an angle.

Trustee Brenton: No. 5 ~~flex~~ cutoff walls not all built to specifica-
tions. This is true. This I witnessed. I was unsure and it
was corrected before - apparently before - it went too far. I
don't know how far it did go, but again our time is limited -
from the creek your X line - your line between Young's and
Hartman's goes like this. This is the creek, this is the
flex center.

Mr. Bissell: There's bends in the middle, yeah.

Trustee Brenton: This is for simplification. Where you have a
joint, the specs - in other words, where one piece of pipe
joins with the other piece of pipe, the specs call for a concrete
wall to be poured within this trench to cover the joint and this
wall is supposed to be square or rectangular in shape, i.e.,
like this. The purpose of it is to assure the integrity of the
joint and prevent any type of flow from some unknown, some
hydraulic flushing - maybe Bill knows why that is designed the
way this is - to prevent backflow from the creek or seepage
or something from going along the side of the line and also
to insure the integrity of the joints. Now this is a top view,
okay, of the pipe.

Trustee Murray: You mean the wall goes around the pipe?

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Trustee Bancroft: Like a collar.

Trustee Brenton: Yes, that's right.

Trustee Murray: Oh, I see.

Trustee Bancroft: It seals the joint.

Mr. Boudreau: Exactly. It's also a two purpose wall the way I
set it up to help contain the joint getting displaced and maintain
its hydraulic integrity. Secondly, the cutoff wall from (the) -
where the back of the creek gets up on the creek coming back up
our trenches and getting in around the foundation. Water will
seek the path of least resistance. Everybody knows that.
Come up a sawtooth trench and migrate underneath the footings
and you have displacement. That's the purpose of that wall.

Trustee Bancroft: What is the spec call for - what's on it?

Trustee Brenton: This would be a side view of the drain pipe
itself. Now this is basically the trench, the trench it's in,
and the concrete should be poured up to the trench and, correct me,
I don't know if you witnessed this Phil - whether you were there
or not, but I believe these walls were built something similar
to this. So that this was removed and, you know, I couldn't -
I'm not sure I agreed with the wall. Let's put it that way. Or
the collar if you will, and - but when it was like this, you know,
there didn't seem to be any logical explanation to the ability of
that to really stop the type of hydraulic action that it was
intended to do, i.e., that some type of water flow coming up in
this one so that was corrected. I don't know how many of
these situations were built in the manner that I showed which
do diverge from the specs, that being the manner, something like
this. The specs calling for something like this. But nonetheless
they were. And then the question arises that obviously some of
this was done not in compliance with the specs. Question: Are
we assured then that we have the integrity which we guaranteed
these two people - the Hartman's and the Young's - and if that
answer can be in the positive what is the - how are these people
paid? How is Cimato paid for a lesser situation in the trenches?

Mr. Bissell: I tell you the trenches are nice rectangular...

Trustee Brenton: Right.

Mr. Bissell: So the concrete goes way out and then comes back
so the whole bottom of the trench is filled with concrete and the whole
joint is sealed. You can get by the upper corners, I guess, if that's a
problem. You get more water coming out of the trench than going in
it. As you said, it runs around the bottom of the trench outside
the pipe just from ground water. It will keep it back from going
to the creek and it will keep the creek from coming in.

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Mr. Boudreau: How many of the joints are built like this?

Trustee Brenton: I really don't know, to tell you the truth.

Mr. Bissell: How many did it call for?

Mr. Boudreau: Twenty foot lengths. What is it about 160 feet
they have.

Mr. Bissell: There's probably one between the manhole and the head-
wall - the headwall is sealed, or the joints rather.

Mr. Boudreau: Probably half a dozen.

Trustee Brenton: But the ones nearest the creek are the ones that
are in deviation from the design, which would be the ones...

Mr. Bissell: At the top half of them you're talking about.

Trustee Brenton: Yeah, and they would be the ones that would be
more critical than the ones closer to the road and, you know, so
I don't know what the answer is there and I feel this is part of
the observers'...

Mr. Bissell: He just writes it in the report. All you can do, is have --
Like Phil can go up there and tell them not to do it that way.

Mr. Boudreau: That's a good point and he won't do it anyway.

Trustee Brenton: He won't?

Mr. Bissell: In other words, the joint seals are not according
to specs.

Mr. Boudreau: You know what it is dealing with Cimato and...

Trustee Brenton: Well I - and that's what I'm trying to arrive
at here. As a representative, the Board has asked me to determine
these facts. The best way we can do it is to sit down and discuss
it and find out just what took place. We have, as you know, a
major sewer rehabilitation program that we have to put together -
that we are in the process of putting together and quite frankly,
we want to be sure we have only acceptable, qualified contractors.
And I'm not in anyway compromising myself by making that statement,
nor am I implicating anyone and I want to make that perfectly clear.
At this particular time we are developing facts and from these
lessons we will be better able to assess the work to be done
in our sewer rehabilitation program. So that what we will - we
will have an answer, I'm sure that even though we have discussed
and perhaps rebutted some of these points that the best way to
handle this entire log here is to have a written answer for each
item even though some of them have been apparently settled, for
instance, the pipes sticking out in the receivers. We know that's

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going to be done. However, the answer to that would be - will
be completed prior to completion of the project. Okay, so
No. 6 is catch basin affect immediately below x-line outfall
at headwall created by overly-raised concrete in path of "U"-shaped
drainage area. Now this I observed myself.

Mr. Bissell: Well they took that out, as you know.

Trustee Brenton: They didn't take it out last night. They took
it out today?

Mr. Bissell: Cimato's going to take it out. He only had to go
out three feet with concrete, then 35 feet into the creek for
the swale. What good the swale does in the creek, I don't know. I
stood on it and showed him what I wanted cut out.

Trustee Brenton: I'm not sure we're talking about the same thing.

Mr. Bissell: Well they raised the outfall up so the creek wouldn't
run in and it creates a catch basen effect.

Trustee Brenton: Right. Immediately to the outfall of this
storm line.

Mr. Bissell: Right. So the base of that U-shaped thing, as you
call it, is supposedly cut out. He was going to cut it out
before the concrete set. Before it was too soft. I stood on
it so...

Trustee Brenton: I think I should explain it because I want you
all...

Mr. Boudreau: Has it been done?

Mr. Bissell: I left. I didn't stay there and watch him do it.

Mr. Boudreau: I haven't seen it. I don't know.

Trustee Brenton: At the creek where the line ends you have what
is known as the headwall. It's a concrete structure which houses
the pipe right to the creek, Okay? Here you're going to have a
flap valve. The flap valve in the open position with the water
draining out into the low level of the creek. A very rudimentary
drawing. Now the specs call, I believe, for a 3" clearance.

Mr. Bissell: Or more.

Trustee Brenton: Or more. Six inches perhaps.

Mr. Bissell: As long as they can get the ring on.

Trustee Brenton: Oh, I know why I'm confused. There is 3" here.
There is three inches of clearance from the bottom of the storm line

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where the outfall - where it meets the concrete headwall. There is three inches of clearance. Then going out toward the creek out here we run down into a little bit of a dip, like this, which is actually created by a little hump here before you get to the creek so that you can easily see - readily see that this is going to be a water trap. And as this trap retains water it could easily freeze and other ice that might be coming down the creek if the creek does happen to be at that level, it could cause problems with our flap valve. Now I'm not sure what the specs called for in this...

Mr. Boudreau: 6".

Trustee Brenton: 6" clearance. All right. And we have three, we have three.

Mr. Boudreau: Three.

Trustee Brenton: And we got 3" clearance from this point to the concrete here. But I'm also uncomfortable about the U-shape this would be opposed on.

Mr. Bissell: Larry, I said that's gone. Unless you want to talk about it.

Trustee Brenton: Well then it's gone today because it was there last night.

Mr. Bissell: Well if it isn't gone, it will be gone.

Trustee Brenton: Okay.

Mr. Bissell: He's got a crew up there today and they cut that down and they went down to rock out to the creek - bedrock.

Trustee Brenton: Okay.

Mr. Bissell: There's no impounding of water in this.

Trustee Brenton: There will be no possibility of the water flow coming out of the storm line eroding underneath the concrete that he's got...

Mr. Bissell: I think the concrete's on the rock too, but the thing is that there isn't 6" clearance between the bottom of the pipe and the top of the water, if you read the elevations today. Now in July the rains won't be here, but right now there isn't three inches, when I was there. We just shot it with a hand level but he dipped it up which caused the problem that you're talking about to keep the water out of there while he poured the concrete and it did make a catch basin out of it, in effect a pond.

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Trustee Brenton: All right, but...

Mr. Bissell: So we told him to take it out and he said he would
and I thought he was going to do it then. He was running the roller
himself and he was going to send a couple of his men over to
take it out. It would have been easy. It was soft.

Mr. Boudreau: Has it been done?

Trustee Brenton: But it hasn't been done.

Mr. Bissell: It hasn't been done?

Trustee Brenton: I'm sure it hasn't been done. I'm sure they
didn't do it today.

Mr. Bissell: They were there today. They dug all the driveways
They may have done it. I don't know. Norm was up there. I'll
have to ask him.

Trustee Brenton: All right then, but that will be another job.

Mr. Bissell: If it isn't done, it will be.

Trustee Brenton: General design of area on creekside at base
of headwall not to specification. Well, now, this is a question
that I have. Where do we show the specs - or the...

Mr. Bissell: We've got a drawing of it right here.

Trustee Brenton: In my opinion, when we discussed this way back
when, was that the...

Mr. Boudreau: Here's the second set of plans.

Trustee Brenton: Right. How much of this is concrete, or
riprap, or whatever?

Mr. Bissell: Riprap on stone.

Mr. Boudreau: It's concrete bound riprap three foot in front,
cut off going into a swale section. It's frequently done.

Mr. Bissell: It's three foot in front of the headwall towards
the creek.

Mr. Boudreau: It's 12 feet wide at this point right in front
of the headwall.

Trustee Brenton: The riprap doesn't extend to the outside perimeters
of the headwall.

Mr. Bissell: No.

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Trustee Brenton: It's not intended to?

Mr. Bissell: Well it does.

Mr. Boudreau: It was designed that way. It was designed to go
12 feet left and right.

Trustee Brenton: Well that's what I mean. He doesn't have that.

Mr. Boudreau: I haven't measured that.

Mr. Bissell: I haven't measured that either, but its the width
of the headwall. Does the riprap go beyond the headwall?

Mr. Boudreau: Yes.

Mr. Bissell: And then the swale over there if you want that,
Phil, that's 35 feet into the creek so it would be under a foot
and a half of water.

Mr. Boudreau: 24 lineal feet of riprap.

Mr. Bissell: So you see, you've got even with the headwall.
You've got your headwall so he did that.

Mr. Boudreau: No, Doug, I'm sure the riprap, if you read this
note here...

Mr. Bissell: I've got it on the drawings. Am I reading the
drawing wrong?

Mr. Boudreau: Well...limited stones for protection 12 feet left
and right of the center of the pipe.

Mr. Bissell: And that's the way you drew it, right?

Mr. Boudreau: Yep.

Trustee Brenton: My concern is that...

Mr. Bissell: Well then the headwall isn't big enough either.

Trustee Brenton: The headwall could in effect be compromised
by lack of protection immediately below it, or could be...

Mr. Bissell: I don't think - it won't be. The headwall evidently
isn't as wide as Phil calls for.

Mr. Boudreau: He didn't build it that way.

Mr. Bissell: Well over here you've got two four foot on top and
four foot side slopes and it looks that way to me with two and
four would make six and the riprap goes out to the base of the
headwall and then it's a mound there that creates the U-shape
that Larry's talking about. It looks like it but it may not be.
I'll have to measure it.

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Mr. Boudreau: You haven't measured it?

Mr. Bissell: No, but then on the front page, or what page is it
where they show the swale. The front page shows 36 feet of swale.
We'd be halfway across the creek. I don't know who designed
that, or...

Mr. Boudreau: I did.

Mr. Bissell: How did you kick that up to 36 feet?

Mr. Boudreau: At the time the water level on 3/17/81 was measured
around -this was during the summer, I think. It says so on the
drawings.

Mr. Bissell: Now it's right up to the headwall.

Mr. Boudreau: It's the wet season.

Mr. Bissell: So there's no way they can build that until next
summer when it's dry and if they do build it it will be full the
first time the water comes up. I took it upon myself; I guess
I got ahead of Larry. I told him not to go out into the creek.

Mr. Boudreau: Did you give them a letter?

Mr. Bissell: They can decide next summer whether they want to
dig it out to the middle of the creek. It's beyond the middle
of the creek. The creek's only about 55 feet wide and you go
out 36 feet beyond the riprap you're out 40 feet.

Trustee Bancroft: Is there a place to get into the creek next
year?

Mr. Bissell: The water's running about that deep now.

Trustee Bancroft: Access to the creek?

Trustee Brenton: If you had to you could find access from land.

Mr. Bissell: you could go out with boots on and do it and walk
out in the creek. You can't run a canoe up there.

Mr. Boudreau: Well then what's reasonable?

Mr. Bissell: I don't think - you can't do that, Phil, according
to what - you've got to follow the specs. I think that next
summer's the only time they could do it.

Mr. Boudreau: Obviously, if that's true, you can't do it.

Trustee Brenton: The only thing I'm questioning here as far as
this aspect or any of these aspects, is what I'm asking for is
an answer. That's all. If you as a building engineering firm say

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look this we really don't need for this reason or that reason,
then...

Mr. Bissell: Well I've got a note here to send you a letter on
it and you can act on it.

Trustee Brenton: Okay. And where these questions come from is
the Board's concern as to the status of this particular project
and that was as of Monday.

Mr. Bissell: Okay. The eighth one - it is seeded, or it was.
Now they dug it all up for the conduit.

Trustee Brenton: But the Young's and Hartman's were promised
sod.. Now...

Mr. Bissell: Well they could have put it on. A good thing they
didn't. It was all graded already for it anyway.

Trustee Brenton: Granted, but nonetheless there is a change
here and my understanding with change is from Mr. Hartman.
Mr. Hartman was asked by the inspector and I don't know if he
assumed that's Bissell-Merrill's inspector. I think he knows
Bissell-Merrill's inspector.

Mr. Bissell: He does by now.

Trustee Brenton: And if seed would be acceptable, and by the same
token Mr. Young said he was asked if PVC pipe would be acceptable.

Mr. Bissell: What did he say?

Trustee Brenton: Hartman said anything, just get out of here.

Mr. Bissell: And Young probably did too.

Trustee Brenton: And Young said the same thing not knowing the
qualities, as he put it, of PVC, cast iron, etc..

Trustee Bancroft: Larry, the point is kind of important though
if the inspector is asking the property owners what is acceptable.

Trustee Brenton: That's what's alleged here.

Trustee Bancroft: I don't - that might be second and third-hand
information, but if that is anywhere close to being correct that
guy--he's talking to the wrong people.

Trustee Brenton: I think so.

Trustee Bancroft: Doesn't that concern you, Doug, if you've got
a guy that's going...

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Mr. Bissell: The property owners that he's talking to - the guy that you're trying to please and he's asking them what he wants so he gets what he wants. Then he doesn't come to you with a complaint.

Trustee Bancroft: If the guy said can I sod instead of seed?

Mr. Bissell: No.

Trustee Bancroft: If seed was specified, would you like sod?

Mr. Bissell: You wouldn't use sod instead of seed.

Trustee Bancroft: Sure he wouldn't.

Mr. Bissell: No he wouldn't.

Trustee Brenton: I know he wouldn't.

Mr. Bissell: Anyway they haven't had time to sod it so they dug it up before they could sod it. It's all seeded.

Trustee Brenton: It was seeded rather than sodded.

Mr. Bissell: It was only supposed to be seeded in the back. But he did happen to seed that little bit in the front. I agree with you.

Trustee Brenton: Well then...

Mr. Bissell: You can lay sod over seed. That's no problem.

Trustee Brenton: Okay. Well then I think that's probably going to be required that they do sod the areas.

Mr. Bissell: Well probably after the Village gets done with the conduit and they regrade it they can lay the sod on it.

Trustee Murray: Do the specs call for sod?

Trustee Brenton: Sod in that particular area.

Mr. Bissell: The back was all bushes wasn't it?

Trustee Brenton: Yeah.

Trustee Bancroft: How about No. 9.

Trustee Brenton: Excessive height on three receivers. Now this is an eyeball observation by one of our people in the D.P.W. I talked to our General Foreman about it and I have looked at them myself. Now the two receivers at the X line - the one on the south side of Brookside and the one on the north side of Brookside, do appear a little bit high. Eddie Way said that you know...

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Mr. Bissell: We do have elevations on them and they're set according
to Phil's drawings.

Trustee Brenton: Okay. They are set according to the drawings.

Mr. Bissell: They're listed as so far below the centerline of
the pavement. What is it .12, .16? I can't remember.

Mr. Boudreau: Inch and a half below the edge there.

Mr. Bissell: Eight and four - .12 below.

Trustee Brenton: The edge or the centerline?

Mr. Bissell: The centerline. That's what they set them at.
Norm shot them all for me. We shot them with a hand level and
then we went up with a crew and shot them. But he's got them.
You check them.

Trustee Brenton: But they are above the edge. To me a DI
would be below the edge.

Mr. Bissell: They're above the edge and they're set - what?
6" or 8" back of the edge.

Mr. Boudreau: Yeah.

Mr. Bissell: And they did blacktop up to the receiver and you
called for dirt and seed between the edge of the pavement and
the receiver right where you've got it. They didn't do that so
if you want that done you better have them do it too.

Trustee Brenton: Well, Mr. Traska, I think his name is, is one
that has a problem there. And Young's and Hartman's. They feel
that the water is going to lay there until the street is repaved.

END OF SIDE I

SIDE II

Mr. Bissell: They can do it again if you want.

Trustee Brenton: Well we're going to have to - they're not
going to accept water unless it's higher than the intended
receiver.

Mr. Bissell: It's got to be lower than the pavement.

Trustee Brenton: Yeah, and they're not. They're not lower than
the edge of the pavement. I mean the ones that I'm referring to.

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Mr. Bissell: Well there wasn't any pavement there to begin
with but now they're lower than the pavement because they re-
placed it when they put the crossing piece in. But anyway, we'll
shoot it again for you.

Trustee Brenton: Okay. The question is whether the top of it -
of the receivers, is too high for paving. I think that we can
pave to it. However, is that our job to be...

Mr. Bissell: No, but the road doesn't have any crown on it to
speak of anyway and I guess the Village (???)
are 6" from a high crown.

Trustee Brenton: From what I see, we don't...

Mr. Bissell: Six or four.

Mr. Boudreau: I like to use six.

Mr. Bissell: The center of the pavement is usually the same
height as the curb - the top of the curb, and it's very hard
to eyeball it in so I can see why it would look different to
someone walking down the street.

Trustee Brenton: Well the way it is paved now you can see that
it's not going to accept water. There's going to be a puddle
there, in particular the south side of Brookside at the X-line.
He's just got to bind her down. I don't know what his intentions
are as far as the...

Mr. Bissell: No, but when they get the edge regraded, replace
the sod or grass along the edge of the road it'll make a trough
that will go right in that receiver. It will go in the top.
It can't get in the side, of course. It's solid.

Trustee Brenton: Okay. Well I think unless anybody else has
any questions that will wrap it up.

Mr. Bissell: The end result I gather is that you want letters
from us on 1, 3, 5 and 6. That's what I noted.

Trustee Brenton: Well...

Mr. Bissell: The other ones we'll just make sure the pipe's
cut off and you want a letter that the bedding is acceptable
and was filled according to your specs.

Trustee Brenton: You're sure that No. 2...

Mr. Bissell: I wouldn't write it if I'm not sure.

Trustee Brenton: The clearance - you'll check that with the
observer?

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Mr. Bissell: It's in the report.

Mr. Boudreau: The report will show it, sure.

Trustee Bancroft: Phil, I think it would be worthwhile at this
point, just to clarify some of the things we were discussing today,
if you could bring down the log book tomorrow morning and let us
make a copy.

Mr. Boudreau: Well we'll give you a copy.

Mr. Bissell: We always give you a set of everything.

Trustee Bancroft: Well let's see what we've got right now.

Mr. Boudreau: We'll give you a copy of the reports. I think
this is what they want to see.

Trustee Bancroft: There's a log book.

Mr. Boudreau: No, it's a daily sheet-he executes it every day.

Trustee Bancroft: If you could, in the morning, make a copy
and bring it into the office.

Mr. Boudreau: Sure.

Mr. Bissell: There are 10 to 12 pages in it now.

Trustee Bancroft: Okay. But now rather than at the completion
of the job.

Mr. Bissell: Well, okay.

Trustee Brenton: I think that even though we apparently have an
understanding as to each and every item here, with the ones that
are not totally clear being indicated to reply to, I still think
the best thing to do is to answer to each one of these situations.
That way, if we are questioned we can simply say this is the report
or the engineering firm's recommendation on Item No. 2, Item
No. 4, or the items that...

Mr. Bissell: Okay. Well we'll answer them all then. But I got
during conversations there were certain ones that you felt the
engineer should write a letter of acceptance that that material
was acceptable or that the work was done or isn't done.

Trustee Brenton: Right, and disposition of the other as to
your feeling that they're compatible with...

Mr. Bissell: Well, we'll try to cover more then.

Trustee Brenton: Okay. Fine.

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Trustee Bancroft: The other thing it would probably be worthwhile too, Phil, is just to see that list of approved materials.

Mr. Boudreau: Oh, sure. I'll give you a copy of all the shop drawings. Is that what you'd like?

Trustee Bancroft: No.

Mr. Boudreau: Well, that's...

Trustee Bancroft: Unless that's where they are. If there are shop drawings.

Mr. Bissell: They submitted drawings.

Trustee Bancroft: What are shop drawings?

Mr. Boudreau: Cuts of the products I designed into the job and then he submits the manufacturer's cuts and I approve or reject them.

Trustee Bancroft: Good. Okay. Whatever you approved, whatever you looked at to approve I'd like to see that.

Mr. Bissell: Give them the whole thing and then they won't have any doubt.

Trustee Murray: Before you go, let's just lay it all out from the beginning to the end and let me tell you what my concerns are. I think they are the concerns of the Board. When Phil came to talk to us about the Brookside storm sewer we had concerns because Cimato was the low bidder and because there were problems with Cimato on Mill Street and I believe that's why the Mayor voted no, because we had problems with Cimato. You assured us at that time, that Cimato did quality work and that if there was a qualified inspector on the job that you would see - you saw that there would be no problems with Cimato with the Brookside storm sewer.

Mr. Boudreau: I felt there would be no problem.

Trustee Murray: And that's why I voted yes for that, because I was assured by our Village Engineer that they would be watched and we provided the money to hire a qualified inspector and to provide for what we were told was more watching than was usual because of the fact of the problems that we had on Mill Street. Now it appears to me that what we hope would happen has not happened and here we are back again with more problems.

Mr. Boudreau: Are you questioning the integrity or the qualifications of the job inspector?

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Trustee Murray: Well, I just want to know what you had to say about
this because I think that is what the whole Board is concerned
about. And that's what - I just think we should just lay it out
and say we're looking ahead, as Larry said, to the sewer rehabilitation
program. What if Cimato should be low bidder on that?

Trustee Bancroft: I don't think we have to look ahead to any other
damn project than the one we got right now.

Trustee Brenton: This is true.

Trustee Bancroft: And the assurances that we had, and the
recommendations that we had from the engineer that inspection
and monitoring of that specific contractor was going to be a key
aspect of a good quality job. Okay. And I've heard that we've
got a young engineer who's going through qualification for
his P.E. license. Academically he may be trained. I question
his field experience in observing field construction work. Okay.
And from what I've seen in this discussion here today it's not
clear to me that he's worth the money that you, and in turn we're
paying him. If it was my job, I don't think I would have taken
an hour and half to talk about running the guy off and getting
somebody else. Okay.

Mr. Bissell: Well I have a feeling anyway that the Village feels
that out of town people are smart, in town are dumb. Now this
kid is well qualified. You don't believe me.

Trustee Bancroft: I haven't - before should have - asked one
other question. What is his field construction inspection
experience?

Mr. Bissell: He worked with us in the summers, okay, so he
knows how to run a crew, has worked in the field.

Trustee Bancroft: Surveying or on construction work?

Mr. Bissell: Construction surveying. There is a difference.
He couldn't be a land surveyor, okay. He doesn't have that
experience.

Trustee Bancroft: Construction inspection work?

Mr. Bissell: He has enough experience to stake out U.B. and the
waterfront, or not do it alone but work on a crew. I feel he's
qualified. I said it earlier and you still doubt it.

Trustee Bancroft: You feel very comfortable with the quality
of the work he was doing?

Mr. Bissell: Yes.

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Trustee Bancroft: And you also feel comfortable about the record
keeping and the quality of the flow of information between this
guy in the field and the guys in the office, the engineer and
the whole...

Mr. Bissell: It's the same that's been going on that I know of,
for 40 years. That's all I can say.

Trustee Bancroft: Then why on a little job - a little job like
that is - do we have these problems.

Mr. Bissell: Normally, we wouldn't have an inspector there two
hours a day if it wasn't requested.

Trustee Bancroft: It was upon your recommendation also.

Mr. Bissell: Phil's recommendation.

Trustee Bancroft: Okay, you don't recommend that?

Mr. Bissell: We don't watch them dig trenches. We set the
grade and we watch them late at night.

Trustee Brenton: But, Doug, they dig a trench and they put a pipe
in and they're filled right then and there on that project. That's
the way they work.

Mr. Bissell: I was there one day and they spent all day drilling
the rock and we had him sitting there like you said watching
them drill rock.

Trustee Brenton: Well I was there one day and they were going
this way laying pipe and that way drilling rock.

Mr. Bissell: He checks the grade of every pipe; that's his job.
They lay it with a laser and we have to check them all so they
didn't go up or down. I don't know anything about inspection
evidently. I did it for 10 years myself.

Trustee Brenton: Our biggest problem is the Schedule 34.

Mr. Bissell: I know it's your problem.

Trustee Brenton: I'm sorry the attorney isn't here because I
don't know if we can deviate from our code.

Mr. Bissell: You can't. You have to dig the whole thing up
and start over.

Trustee Brenton: I wonder. I don't know.

Mr. Bissell: The only thing we can do is lift it out. You
see that no one is going to be able to answer it right here, I
don't think, without going to the handbook.

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Mr. Boudreau: The code says use it or don't use it.

Mr. Bissell: Yeah, well you'll have to do that. Then put it in
letter form. I don't see - we're not going to get anywhere just
talking about it.

Trustee Murray: What concerns me, Doug, is that you said it was
upon Phil's recommendation. Is Phil not an employee of Bissell-
Merrill who serve as the Village Engineers.

Mr. Bissell: Well he is an employee. I don't know who serves
as the Village Engineer. We used to do it as a firm and I don't
know who you're appointing this year, Gordon.

Mayor Kuzon: I'm sorry. For what?

Mr. Bissell: For Village Engineer.

Mayor Kuzon: I think it's Bissell-Merrill. It's the same as it's
always been for several years.

Mr. Bissell: I know they do it different every now and then.
Sometimes it's an individual, sometimes it's a company and so on.
But we used to get a letter to that effect at the beginning of the
year when the appointments were made, but I have never seen one?
Have you?

Mr. Boudreau: It hasn't passed my desk.

Mr. Bissell: I thought maybe Bill Merrill was appointed personally.
All the letters are addressed to him so I figured that's who they
appointed. But I didn't know for sure.

Mayor Kuzon: All right. When we first came into office Bissell-
Merrill was put back on as the Village Engineer and there might
have been no letter initially and we've just continued the practice.

Mr. Bissell: That's fine.

Mr. Boudreau: Doug, at the time - the point Connie brought up
here - maybe I can clarify this. I was called in. Larry was out
of town, I believe on vacation. I think you were on vacation
at the time, and I was the only one left in the office to come
down and represent them, our office, okay. And Connie's right.
It was a dogfight on Mill Street with Cimato.

Mr. Bissell: It was what?

Mr. Boudreau: It was a dogfight. I had my life threatened down
there.

Mr. Bissell: Well you and Cimato don't get along I know.

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Mr. Boudreau: Well, as you say, it's a personality problem and
I'm the only one that has the personality problem.

Mr. Bissell: I just said that you and Tony didn't get along.

Mr. Boudreau: I'll go on. The Board asked me for that job
if they awarded to Cimato can we get a quality inspector to -
full time get a guy who's qualified in inspection of pipeline
conduit and I said yes I had already looked into it.

Mr. Bissell: I think if you can design it you can inspect it.

Mr. Boudreau: I've done both, yes, but you're out of town,
Bill was someplace, so I made the decision for the company
in good faith. If I was wrong, in saying that we could provide
a qualified inspector I'm wrong, but at the time here's what
I had in mind.

Mr. Bissell: But it doesn't say in the specs what the educational
background of the inspector has to be. It just says qualified
and he is qualified unless someone here can prove he isn't.

Mr. Boudreau: Now, let me finish what I was going to say before
please, and I'll shut up. I had a guy in mind. Jane called
around and maybe you don't know about this...

Mr. Bissell: I don't.

Mr. Boudreau: the employment agencies - the temporary employment
agencies, and it took...

Mr. Bissell: Manpower.

Mr. Boudreau: No, somebody else.

Mr. Bissell: Yeah, I do know about it. You told me.

Mr. Boudreau: We had a guy in mind that had 10 or 15 years just
working in the field working as a pipeline inspector and that's
the guy I had in mind when I came before the Board that
afternoon.

Mr. Bissell: Well he worked for American () and
he was out of work and he was trying to get a job through Manpower.

Mr. Boudreau: Okay. To make a long story short what happened here
Connie was Doug hired another qualified fellow to serve in that job and this is
how this happened. In his opinion he's qualified, fine.

Trustee Murray: Well the question is really not what his qualifica-
tions are, or what his educational background is. The question
is there are problems - and how did the problems arise...

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Mr. Bissell: He didn't create the problems. I don't know who
created them. I was up there myself on that job more than on
any job I've been on.

Mr. Boudreau: The contractor created them.

Trustee Murray: Well then if the contractor created the problems
and you were hired to watch to be sure that he didn't, then why
have the problems happened?

Mr. Bissell: I can't tell you because I didn't notice the problems
that we're talking about but we're going to try to adjust them
for you.

Trustee Murray: Okay. Good.

Trustee Brenton: I think that covers it.

Trustee Murray: But I think sometimes we don't tell it like
it is and it should be so that we can - so that our concerns
can be alleviated.

Trustee Brenton: There is no way that I'm going to continue
to live in this community and five years hence have someone
call me up, whether it's Mr. Young or the person that buys his
house, and asks me, you know, why is it that his sanitary
lateral is collapsing and I don't say that it will as a result
of the use of this pipe. I just don't - I liked the design of
the system the way it was with cast iron to be honest with you.

Mr. Bissell: Well there wasn't any cast iron up there, as you
know.

Trustee Brenton: No.

The meeting ended at 5:25 PM.

Theresa L. Cummins
Village Clerk-Treasurer

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