

DRAFT COPY

MINUTES OF A REGULAR MEETING OF THE BINGHAMTON - JOHNSON CITY JOINT SEWAGE BOARD

Tuesday, March 14, 2023

Plant Administration Building

Members Present: George Kolba, Chairman Pro Tem
Chris Papastrat
Edward Crumb
Stephen Andrew (Remote)
Ron Lake (entered 3:43 PM)
Bruce King

Also Present: Elliott Wagner, Superintendent
Billie J. Goodson, Business Manager
Chuck Shager, JSB Fiscal Officer and Comptroller, City of Binghamton
(Exited at 4:43pm)
Alfred Paniccia, Jr., Esq., Co-Counsel
Ron Warwick, Assistant Superintendent
Howard Reeve, Facility Engineer
Larry Travis, BJCWWTP, Electrical Engineer
Michele Cuevas, Confidential Secretary
Janet Smith, Transcriptionist

Chairman Pro Tem Kolba called the meeting to order at 3:28 PM. Sign in sheet was passed. Five (5) Board members were present, albeit Board member Steve Andrew was present remotely. Chairman Pro Tem Kolba confirmed all present signed in, identified fire exits and requested cell phones be turned off or silenced during the meeting. All stood to recite the Pledge of Allegiance.

Privilege of the Floor

No one wished to speak.

Meeting Minutes Approval

**Edward Crumb made a motion that the Board approves the submitted. February 14, 2023, Regular Board Meeting Minutes with the suggested changes as contained in the Board Folders.
Motion seconded by Steve Andrew.
Motion carried. 5/0/1 (SA Remote, RL Absent)**

Fiscal Officer's Report

Chuck Shager overviewed the Fiscal Officer's Report, copies of which were distributed in each of the Board folders and then opened the floor for any questions or comments pertaining to the ES, J, and HX funds prompting only a few.

(Board member Ron Lake entered the meeting at 3:43PM. Six (6) Board members now present).

At this time, Chairman Pro Tem Kolba asked Howard Reeve, Plant Facility Engineer, about payment for the cost of repair pertaining to the leaking roof issues. A brief discussion pertaining to warranty and the roofing repair companies ensued.

Superintendent's Report

Superintendent Wagner overviewed his Superintendent's Report below which included graphs, charts, and photos, copies of which were distributed in the Board's folders. The report is set forth below.

February Superintendents Report 03/14/2023

We have met all permit parameters for our sixth consecutive month at the close of February. We received 1.53 inches of precipitation in February with a total average flow of 17.08 MGD. Fecal averaged 2 Mpn for the month.

We had no O1B for Feb.

Our average discharge NH₃ was 0.3 mg/L or 41 lbs./day.

Our average Phosphorous discharge was 0.321 mg/L or 45 lbs./day.

We averaged 3.7 mg/L TN discharge.

Our Mercury discharge was 0.500 ng/L.

Total Maximum Daily Load (TMDL)

Rolling 12 Month Sum TN discharge was 494,482 lbs. Our Limit is 639,261 lbs.

Rolling 12 Month Sum Phosphorous discharge was 42,508 lbs. Our Limit is 106,543 lbs.

See update of Water Leak, and H-Line issues.

Ron Lake and George Kolba have been helping with the H-Line and Water leak issues.

Thank you very much.

*****end of report*****

Superintendent Wagner further reviewed his charts and graphs and referred to the photos. He played some short videos showing the recent discovery of Link-Seal groundwater leakage occurring in Building 9 (Generator Building basement). Superintendent Wagner expressed his appreciation to Ron Lake and Chairman Pro Tem Kolba for the assistance with this issue. Ron Lake spoke suggesting that a thorough investigation for long-term repair would be the best avenue to take to resolve this and prevent further leakages. Currently, two leaks were located on site.

Brainstorming the goals, policies, and possible logistics for these major repairs before more damage occurs were discussed at the table with the Board agreeing that these issues be declared emergencies.

Business Manager's Report

Ms. Goodson reviewed her Business Manager's Report to include an update on the CN Event as well as a request for a 2023 budget transfer, renewing the Engagement Letter with the EFPR Group, approval of Surcharge Rates, and acceptance of the submitted bid for Ferric Chloride 38% solution. Ms. Goodson requests Board approval as follows:

Budget Modification

Edward Crumb made a motion that the Board approves a transfer from the 2022 Budget to the 2023 Budget of \$100,000.00 as follows:

**From the 2022 budget J8130. 52000.CNBAF, Capital Outlay to the 2023 ES8130. 52000.CNBAF Insurance Recoveries and that the corresponding requests for legislation be submitted to the Owners' legislative bodies.
Seconded by Ron Lake.**

At this time, Fiscal Officer Shager offered a clearer understanding for the accounting transactions to be addressed in the motion.

Mr. Lake withdrew his second; Mr. Crumb withdrew his motion on the floor and made the following motion:

Edward Crumb made a motion that the Board approves transfers in the 2022 JSB Budget to fund the look-back adjustment for 2022 under the 2021-2025 Collective Bargaining Agreement:

decrease J8130.51699 (Salary Adjustment/Pool) in the amount of \$11,127.00.

•

increase J8130.51000 (Personal Services) in the amount of \$9,376.00.

•

increase J9010.58000A (State Retirement) in the amount of \$1,033.00; and

•

increase J9030.58000B (Social Security) in the amount of \$718.00.

and that the corresponding requests for legislation be submitted to the Owners' legislative bodies for expedited consideration.

Motion seconded by Ron Lake.

Motion carried. 6/0 (SA Remote)

Auditor Engagement Renewal

**Edward Crumb made a motion that the Board approves the audit engagement letter of January 4, 2023, from EFPR Group, CPAs for the terms and cost of the 2022 audit which would be performed in 2023 for \$19,800.00 to be paid for from Professional Services (line ES8130.54410).
Motion seconded by Bruce King.
Motion carried. 6/0 (SA Remote)**

Rate Chart

**Edward Crumb made a motion that the Board approves retroactive to January 1, 2023, the Rate Chart as presented in the Board folders including the Industrial Wastewater Pretreatment Program Surcharges as computed on page 3.
Motion seconded by Bruce King.
Motion carried. 6/0 (SA Remote)**

Ferric Chloride

**Edward Crumb made a motion that the Board accepts the bids received and awards the contract for Ferric Chloride to PVS Technologies, Inc. for a 12-month service period at \$2.71 per gallon, delivered.
Motion seconded by Bruce King.
Motion carried. 6/0 (SA Remote)**

Committee Reports

Construction: George Kolba, Steve Andrew, Ron Lake. Nothing to report although Chairman Pro Tem Kolba wanted to point out that it is important that the TPS update be ready and placed on the April 11, 2023, Regular Board Meeting Agenda.

Finance: Edward Crumb – Mr. Crumb updated the Board that he is working on the year-end close and that a committee meeting was held pertaining to the historical Vestal water bill issue which he will present at a later meeting and then he overviewed the FEMA reimbursement reports, copies of which were distributed in the Board folders. Mr. Crumb pointed out that FEMA has awarded the additional chemical costs submitted for the operation of the temporary CEPT system.

Personnel: Steve Andrew inquired if the Union personnel received their adjustment checks. This matter is currently awaiting legislative approval.

Flow Management: Edward Crumb – Mr. Crumb reported that there was a meeting with representatives from the Town of Binghamton regarding a new housing development project, and the meeting went well.

Ad Hoc: Bruce King – Nothing to report.

Correspondence: Michele Cuevas – Previously discussed.

Old Business:

Engagement of Counsel

Edward Crumb made a motion that the Board approves the retainer letter for 2023 and subsequent services as submitted by Co-Counsel Al Paniccia and dated February 28, 2023.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Chairman Pro Tem Kolba mentioned that, in his opinion, the T&M (Time & Material) emergencies must be handled differently; that if something has been deemed an emergency then time would be of the essence. Basically, Chairman Pro Tem Kolba was not satisfied with the length of time it takes to resolve “emergency” issues. This sparked further discussion at the table; that vendors/contractors (in-line with the Plant Procurement Policy and New York State law) could be lined up with proper bidding and paperwork, proof of insurance, etc. and be what could be called “emergency-on-call.” Not cherry-picking vendors/contractors, simply having vendors/contractors willing to participate submit bids for “on call” contracts awarded on a “should the need arise” basis.

New Business:

Emergency Declarations

Edward Crumb made a motion that the Board approves the Resolution Declaring Emergency with respect to an underground water leak in the form that was distributed in the Board folders with corrections as follows: 3rd paragraph, adding the clause *adversely affecting the ability of the Plant to meet its environment protection mission*; (before the last word “and”) 4th paragraph, 4th line, correct the spelling of the word *healt* to *health*. This resolution shall be effective through April 11, 2023.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Edward Crumb made a motion that the Board approves the Resolution Declaring Emergency with respect to an uncontrolled discharge of partially treated wastewater in the vicinity of the H Line area of the CN BAF gallery, the source of which has not yet been detected in the form that was distributed

in the Board folders. Said discharge jeopardizes the health, safety and welfare of the employees and integrity of sensitive electrical equipment. This resolution shall be effective through September 13, 2023.

A copy of the Resolution Declaring Emergency will be distributed in the Board emails tomorrow.

Motion seconded by Bruce King.

Motion carried. 6/0

Executive Session: None

The next regular Board meeting is April 11, 2023, at 3:30PM.

Adjournment

Bruce King made a motion to adjourn.

Motion seconded by Edward Crumb.

Motion carried. 6/0 (SA Remote)

Meeting adjourned at 5:10PM.

Janet Smith
Transcriptionist

Michele Cuevas
Confidential Secretary

cc: Board Members
Mayor Kraham, City of Binghamton
Mayor Meaney, Village of Johnson City
City Clerk, City of Binghamton
Village Clerk/Treasurer, Village of Johnson City
Alfred Paniccia, Esq.
Chuck Shager, Fiscal Officer
Elliott Wagner, Superintendent
Brown & Brown Empire State
Haylor, Freyer & Coon
Joshua Holland, Village of Johnson City Director of Public Services
Ronald B. Lake, P.E., City of Binghamton Engineer
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