

# FINAL COPY

## MINUTES OF A REGULAR MEETING OF THE BINGHAMTON - JOHNSON CITY JOINT SEWAGE BOARD Tuesday, January 12, 2021 Plant Administration Building

Members Present: Chris Papastrat, Chairman  
George Kolba, Vice Chairman  
Edward Crumb  
Stephen Andrew  
Ray Standish (Audio/Visual Attendance)  
Ronald Davis

Also Present: Elliott Wagner, Acting Superintendent  
Charles Pearsall, Business Manager  
Alfred Paniccia, Jr., Esq., Co-Counsel  
Chuck Shager, Fiscal Officer/City of Binghamton Comptroller  
Ronald Warwick, Acting Assistant Superintendent  
Adam Afify, Acting Head Operator  
Howard Reeve, Facility Engineer  
Clark Giblin, Village of Johnson City Trustee  
Janet Smith, Transcriptionist  
Ron Lake, P.E., City of Binghamton Project Engineer (Audio)

Guests: Dan Adams, Esq., Adams+Leclair, LLP, City DRB Counsel (Audio)  
Howard Weaver, Weaver Recovery Consulting, LLC (Entered 4:00PM/Exited 4:30PM)  
James Stoddard, Jr., Sr. Vice President, Haylor, Freyer and Coon, Inc.  
(Entered 4:26PM) (Audio)

Chris Papastrat called the meeting to order at 3:36 PM. All six (6) Board Members were present. Board Member Standish was present via audio/visual attendance. Attendance was noted aloud by Chairman Papastrat. Fire exits were identified.

### **Privilege of the Floor**

No one wished to speak.

## **November 10, 2020 and December 8, 2020 Regular Meeting Minutes Approval**

**Edward Crumb made a motion to approve the submitted November 10, 2020 Draft Minutes with the suggested changes as contained in the Board Folders.**

**Motion seconded by Steve Andrew.**

**Motion carried 6/0.**

**Edward Crumb made a motion to approve the submitted December 8, 2020 Draft Minutes with the suggested changes as contained in the Board Folders.**

**Motion seconded by Steve Andrew.**

**Motion carried 6/0.**

## **Executive Session**

**Edward Crumb made a motion to go into Executive Session to discuss potential litigation.**

**Motion seconded by George Kolba.**

**Motion carried. 6/0**

(Trustee Giblin, Fiscal Officer Shager, and Messrs. Lake, Afify, and Reeve exited the meeting)

The Board entered Executive Session at 3:40 PM.

**Edward Crumb made a motion to exit Executive Session.**

**Motion seconded by Ron Davis.**

**Motion carried. 6/0**

The Board exited Executive Session at 3:58 PM; no action was taken during the Executive Session.

(Trustee Giblin, Fiscal Officer Shager, and Messrs. Lake, Afify, and Reeve entered the meeting)

## **FEMA Claims**

Howard Weaver had the floor to update the Board Members regarding FEMA payments due for project closeouts. NYS-DHSES has apologized for its utter failure to timely proceed with the processing of the JSB's reimbursement submittals. NYS-DHSES has now outsourced processing of the JSB's Project Worksheet [PW] reimbursement submittals and, so far, three [of six] of the December 2019 PW submittals have been forwarded to Tidal Basin. Mr. Weaver has reached out to Tidal Basin and has connected with an agent for answers. He is confident that now he will be able to get faster results. Mr. Weaver submitted a completed a close-out package for the Terminal Pumping Station [TPS] and will be awaiting communication regarding payouts. He stated that FEMA is very interested in closing out this project, but apparently the delay is due to several hold-ups within New York State government. Mr. Weaver has everything 'entered' into the new FEMA electronic data system with the exception of the floodwall.

George Kolba and Edward Crumb mentioned concerns on the lack of certifications for aspects of the Project. Ron Lake will follow through, submitting the information available to the Lead Agency, and follow-up.

**Edward Crumb made a motion for Board approval for the Professional Services contract with Weaver Recovery Consultants, LLC with a *change on page 19 in the number for paragraph 9.10 to 8.10*. Payment to be encumbered and paid from budget line JF8130.559105 Professional Services Flood.**

**Motion seconded by George Kolba.**

**Motion carried. 6/0**

### **Fiscal Officer's Report**

Chuck Shager had the City's Staff Accountant email Board Members the fiscal report through December 31, 2020, but nothing was printed-out to distribute in the Board Member's folders (due to the Board Secretary's absence). Fiscal Officer Shager reported that the revenue side looks fairly well except for Emergency Disaster Recovery (due to the NYS-DHSES issues discussed by Mr. Weaver), and expenses are paid and under budget. He gave the floor to Edward Crumb who presented the Lead Agency Capital Project Chart Report and Graph Report, copies of which are in the Board Folders. Mr. Crumb reported that, since July 2011, contracted Project Costs are \$275,177,136.45, of which \$258,966,729.64 have been paid through December 31, 2020, and he explained how to review the Chart Report, as well as the color-coding system and the scaling of the graphs in the Graph Report. Mr. Crumb also presented the quarterly Grant Report through year-end 2020. Through the end of 2020, \$73,118,507.30 in grant funding has been awarded/obligated, 62.2% of which (or \$45,517,762.03) has been received through the end of 2020. Since July 2011, the Net Project Cost after Grants, when the Project is completed and satisfies all of the grant conditions, presently stands at a net \$202,058,629.30.

James Stoddard, Jr. from Haylor, Freyer and Coon spoke on audio regarding what he is doing to work through the insurance policy renewal. He was ready to answer any questions from the Board Members. He noted a concern on coverage for the floodwall or the underground pipes. Consistent with discussions with the Business Manager and Finance Committee, he has not included the floodwall in the insured value as it is a concrete wall. Vice Chairman Kolba asked if the valuation of insuring the underground pipes has been determined. It was noted that these values were not determined or included in the HCA Asset Management, LLC appraisal report. This prompted a discussion as he was no longer in favor of insuring underground pipes. Board Members discussed this issue with Mr. Stoddard with the matter being placed on hold for further review and discussion before a final determination. Mr. Crumb felt the Board should consider approval of certain aspects of the 2021 policy at this time and address other issues at a later time.

**Edward Crumb made a motion for Board approval to accept the Haylor, Freyer & Coon, Inc. 2021 Insurance Program Proposal, as outlined on page 28 of the Proposal received December 22, 2020, but revising the Blanket Limit for Property Coverage down to \$193,274,690 (\$192,111,003 for Building Coverage, plus \$1,163,687 for**

**Business Personal Property Coverage), as detailed in the chart e-mailed Monday evening), for a total insurance program premium not to exceed \$280,000.00 to be encumbered and paid from budget line J8130.54300 (“Insurance”).**

**Motion seconded by Steve Andrew.**

**Motion carried.6/0**

**Edward Crumb made a motion for Board approval to decline the optional Terrorism coverage for 2021.**

**Motion seconded by George Kolba.**

**Motion carried. 6/0**

**Edward Crumb made a motion for Board approval to accept, at no additional premium cost, the Underwriter’s offer to increase the limit for “Demolition Cost Coverage” under the Property Coverage from \$250,000.00 to \$1,000,000.00 per covered loss.**

**Motion second by Steve Andrew.**

**Motion carried. 6/0**

**Edward Crumb made a motion for Board approval to accept, at no additional premium cost, the Underwriter’s offer to increase the limit for “Increased Cost of Construction Coverage” under the Property Coverage from \$250,000.00 to \$1,000,000.00 per covered loss.**

**Motion seconded by George Kolba.**

**Motion carried. 6/0**

**Edward Crumb made a motion for Board approval to purchase, for \$164.00 in additional premium cost [for 2021], increased limits for the “Pollutant Clean-Up and Removal Coverage” under the Property Coverage (increasing it from \$25,000.00 in the “standard policy” terms to \$500,000.00 per covered loss) to be encumbered and paid from budget line J8130.54300 (“Insurance”).**

**Motion seconded by George Kolba.**

**Motion carried.**

Mr. Stoddard exited the meeting.

## **Superintendent's Report**

Elliott Wagner presented the Superintendent's Report, a copy of which appears below and was handed out for Board Members to review. Tables and graphs he referenced were also projected on the wall screen in the front of the room.

### Superintendents Report for December 2020

1/12/2021

#### Construction Topics:

SCADA programming by GHD is winding down.

We still have an approximate 8-10-foot obstruction in in the Primary Settling Tank 7-10 drain line that returns to the Wetwell.

Bollards. Waiting on Jacobs resolution.

Waiting for Matco turnover and generator training possibly Feb. 23, 24.

#### Other Notes:

Digesters #1 and #2 are producing good gas, based on Volatile Reduction they are at approx. 20,000 cu.ft/day. each with Digester #3 averaging 96,000 cu.ft/day.

BioStyr continues to produce good results, ChemScan has been operating in auto. The Senior Operator and Instrumentation Dept. continue working with ChemScan technical support group. We continue operating the Micro-Turbines in Semi-Auto. We have produced 121,485 KWH for the month of December.

Brody has passed his Operator 1 DEC test.

We have hired a new operator trainee.

We are interviewing operator trainee candidates.

We scheduled an interview with a computer system engineer, but he decided he didn't want to relocate.

We sent Applications and resumes to the City of Binghamton Civil Service Office for Industrial Hygienist and Head Electrician 1/4/2021; we await the decision on their qualifications.

2020 performance results for key SPDES Permit parameters are summarized in the following chart:

**Superintendents Report for December 2020**

	FLOW	CBOD5		REM	Tot Susp Solids		REM	Settleable Solids		REM	Total Nitrogen		REM	Phosphorous		REM
	MGD	In	out	%	In	out	%	In	out	%	In	out	%	In	out	%
	AVG		limit			limit			limit			limit			limit	
		18 mg/L			20 mg/L			0.3 mL/L			6.0 mg/L			1.0 mg/L		
January	18.32	181	18	90%	134	11.1	92%	7.32	0.04	99%	21.43	8.13	62%	3.24	0.49	85%
February	21.02	150	16	90%	127	12.1	90%	7.80	0.02	100%	20.77	9.46	54%	3.27	0.60	82%
March	16.94	171	13	92%	131	10.5	92%	8.70	0.01	100%	22.85	9.95	56%	3.31	0.89	73%
April	16.97	170	13	93%	157	10.2	94%	8.10	0.01	100%	18.89	4.61	76%	2.98	0.49	84%
May	19.40	132	10	92%	136	8.9	93%	7.40	0.01	100%	17.30	3.60	79%	2.70	0.49	82%
June	13.57	203	11	95%	216	9.7	96%	9.60	0.02	100%	23.30	3.30	86%	4.02	0.62	85%
July	12.03	208	13	94%	239	13.1	95%	11.70	0.02	100%	25.50	3.70	85%	3.92	0.37	91%
August	13.74	220	13	94%	212	8.7	96%	9.20	0.03	100%	26.40	2.40	91%	4.03	0.49	88%
September	10.84	388	14	96%	515	7.9	98%	17.60	0.01	100%	40.90	2.90	93%	5.68	0.36	94%
October	11.63	306	11	96%	280	6.4	98%	13.6	0.02	100%	35.9	3.80	89%	5.81	0.55	91%
November	13.31	296	10	97%	294	5.8	98%	12.3	0.05	100%	31.5	3.00	90%	5.17	0.44	91%
December	18.25	245	12	95%	265	6.5	98%	11.1	0.02	100%	27.6	2.6	91%	4.42	0.27	94%

Avg Year	15.50	223	13	94%	226	9.2	95%	10.4	0.02	100%	26.03	4.79	79%	4.05	0.51	86%
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**Outfall 001**

**Notes:**

The Permit for TN = 6mg/L from Outfall 01A

The Permit for TN = Monitor month avg. from Outfall 001 Not to exceed 639,261 lbs. 12 month rolling avg.

TN has been updated

Landfill Solids 2020

Date	Digested	Lime Stabilized	BioSolids Total	Bar screen	Grit and Screen	Grease
	Tons	Tons	Tons	Tons	Tons	Tons
January	608.24		608.24		16.65	
February	564.52	116.19	680.71		22.52	7.01
March	573.74		573.74	8.84	5.57	2.59
April	571.4		571.4		16.90	3.20
May	754.53		754.53		23.79	2.45
June	797.51		797.51	2.94	12.64	
July	773.43		773.43	6.97	11.59	
August	878.67		878.67		42.72	
September	736.87		736.87	4.47	17.55	
October	869.19		869.19		30.6	
November	636.88		636.88		16.53	1.24
December	506.25		506.25		20.69	1.24
Average Tons	689.27	116.19	698.95	5.81	19.81	2.96
Total Tons	8271.23	116.19	8387.42	23.22	237.75	17.73

Notes:

If cell is blank, that item did not go to the landfill

December Digested is lower as we seeded digesters 1 and 2 for 8 days (No centrifuging) 492,000 gallons

During this segment there was a brief audio discussion of items with Lead Agency Engineer Ron Lake. Edward Crumb requested that the unresolved issue with the moldy ceiling tiles located on the west wall of the conference room in the Administrative Building be addressed as this is hazardous and a safety issue for employees using the room for their meal breaks and those using the conference room. He suggested that this issue be placed on the punch list, while George Kolba wanted to mention that the grass/nature area on the rooftop just outside the same wall, same building is a struggle to maintain and enjoy and is appearing to be a potential hazard. Engineer Lake advised that these particular issues have been handed over to Streeter Associates to resolve given PC Construction's failure to remedy. Mr. Lake will advise.

Superintendent Wagner continued his presentation stating permit limits are being met and overviewed the Landfill Solids report as well as the daily performance graphs.

Regarding plant staff, Superintendent Wagner stated that an Operator 1 passed the DEC test, a new Operator Trainee has been hired and that he is interviewing more Operator Trainee candidates. While there was a scheduled interview with a computer system engineer, the candidate decided he did not want to relocate from Rochester. Superintendent Wagner sent applications and resumes of candidates to the Personnel Director for an Industrial Hygienist and Head Electrician and is awaiting the qualifications decision.

Finishing up with the Weekly Plant Status, Superintendent Wagner reports he is very pleased with the everyday operations being performed and that the plant is doing very well after the recent high water event. Biologically, the Plant has fully recovered. There remains an unresolved issue with the HydroDyne system, although it can be used in an emergency. The Lead Agency's engineering consultants are working on adjusting two wiers in the Primary Settling Tanks. The Actiflo® system continues to "bleed" sand. According to Ron Lake, P.E., it has not passed its performance testing (the first attempt at which began October 19<sup>th</sup>). Kruger has furnished six tons of replacement sand thus far.

Edward Crumb and Steve Andrew mentioned a couple of snippets from a DEC meeting earlier in the afternoon. Regional Director Tom Vigneault and Regional Engineer Valerie Ellis, P.E. were impressed with the spreadsheet and the report Superintendent Wagner developed along with help from his staff, that it was very clear and concise; that they emphasized the importance of being able to review the numbers in the reports. They also gave kudos to the plant manager (Superintendent Wagner) as well as to the *entire* support staff for the work they perform to which Mr. Crumb and the entire Board agreed and added that they also appreciate the communication from staff during concerning events (such as the Christmas wet weather event), all of which creates a very professional and pleasant working environment between NYS-DEC and the Plant. Mr. Kolba said that the dedication by employees is commendable; the operation of the plant is extremely crucial to the population and considering the current pandemic they should classified as "front line workers".

According to Eric Dienst, P.E. of GHD, draft as-built drawings for the Project are at least two months out.

### **Business Manager's Report**

Business Manager Pearsall reported that the 2021 first quarter estimated bills have been sent to the Municipal Users.

**Edward Crumb made a motion for Board approval to transfer \$83,257.19 from 2020 Budget Reimburse Village of Johnson City Debt Service line J8130.54001JG to 2020 Budget Reimburse City Debt Service line J8130.54001JZ, with the corresponding Budget Transfer Requests for Legislation to be submitted to the Owners' Legislative Bodies.**

**Motion seconded by Steve Andrew.**

**Motion carried. 6/0**

Business Manager Pearsall reported also that there are overbudget conditions on the Equipment and Pump Repair lines for repairs.

**Edward Crumb made a two part motion for Board approval to transfer \$20,000.00 from the 2020 Budget J8130.54656 Maintenance Agreements line specifically \$17,000.00 into 2020 Budget J8130.54621 Equipment and Pump Repairs-Mechanical line and \$3000.00 into 2020 Budget J8130.54621.A Equipment and Pump Repairs-Electrical line, with the corresponding Budget Transfer Requests for Legislation to be submitted to the Owners' Legislative Bodies.  
Motion seconded by Steve Andrew.  
Motion carried. 6/0**

**Edward Crumb made a motion for Board approval to transfer \$32,000.00 from 2020 Budget Contingency line J8130.55000 into 2020 Budget J8130.54150 Chemical line, with the corresponding Budget Transfer Requests for Legislation to be submitted to the Owners' Legislative Bodies.  
Motion seconded by Steve Andrew.  
Motion carried. 6/0**

Business Manager Pearsall wanted to conclude with a reminder that all Board Members submit their 2020 Committee Participation Sheets as soon as possible.

George Kolba wanted to bring up an item not on the agenda. That he would like to see Superintendent Wagner's reports emailed to Binghamton Council Members as well as Johnson City Trustees.

**George Kolba made a motion for Board approval that Superintendent Wagner's reports be emailed to Binghamton Council Members as well as Johnson City Trustees.  
Motion seconded by Steve Andrew.  
After discussion, the motion was withdrawn.**

Superintendent Wagner suggested that if he is provided with email addresses of interested persons and he would send the reports directly.

### **Committee Reports**

Construction: George Kolba and Steve Andrew. George Kolba wanted a discussion on purchases made via state contract or locally at a competitive or better price. The discussion brought up time spent researching price comparisons when the state contract list was already approved also that many times a piece of equipment or repair part is needed immediately. Chairman Papastrat wanted this matter will be placed on another agenda for further discussion.

Finance: Edward Crumb – As referenced earlier, the Finance Committee has been closing out the year's procurement of insurance. Mr. Crumb noted that the number of claims on the Superintendent's list and on the Business Manager's list for 2020, at 567 each, is greatly less this

year than previous years (for example, 1,183 and 1,192, respectively for 2015). He attributes that to the work and efficiency by the Business Manager and the Account Clerk in grouping related claims.

Personnel: Steve Andrew – Mr. Andrew reports that there has been DEC and union discussion as to how many Grade 3 Operators are needed for the “rating” of the Plant. There will be another meeting with the union on this topic February 3<sup>rd</sup>. He reports that there still is no contract with the union.

Ad Hoc: Ronald Davis - Nothing new to report.

Flow Management: Edward Crumb – In 2021, he will be reaching out to the Municipal Users to get their Flow Management Plan/CMOM reporting up to date given that the Owners’ capital projects should be winding down.

Correspondence: All correspondence was previously discussed.

Old Business:

Edward Crumb wanted to note that, as a gratuity, the HCA Asset Management, LLC appraisal, from an affiliate of the Insurer, was received but incomplete and he is concerned that there wasn’t a breakdown of particular areas. He wanted to note that once completion certificates are received from the Lead Agency that it may be prudent to obtain detailed appraisals.

Also brought up was the red trailer remaining on the Plant property; that the Board needs to discuss options. A discussion on this red office trailer was had and it was confirmed that a previously interested party to whom a sale was approved no longer wishes to proceed with owning nor removing said trailer. Business Manager Pearsall will research further removal alternatives.

**Steve Andrew made a motion to rescind the previous sale of the red office trailer, approved at the April 26, 2018 Board Meeting.  
Motion seconded by Edward Crumb.  
Motion carried. 6/0**

New Business: Already discussed.

**Steve Andrew made a motion to adjourn.  
Motion seconded by Ron Davis  
Motion carried. 6/0**

Meeting adjourned at 6:09 PM.

The next regular monthly meeting is scheduled for February 9, 2021 at 3:30PM.

Respectfully submitted,

Janet Smith  
Transcriptionist

cc: Board Members  
Mayor Rich David, City of Binghamton  
Mayor Greg Deemie, 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, Acting Superintendent  
Brown & Brown Empire State  
Haylor Freyer & Coon  
Joshua Holland, P.E., Village of Johnson City, Engineer  
Ray Standish, P.E., City of Binghamton, City Engineer  
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