

# FINAL COPY

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

Tuesday, April 12, 2022

Plant Administration Building

Members Present: George Kolba, Chairman  
Chris Papastrat, Vice Chairman  
Edward Crumb  
Stephen Andrew (Audio/Visual) (Exited 6:12PM)  
Bruce King  
Ronald Lake

Also Present: Elliott Wagner, Superintendent  
Ronald Warwick, Assistant Superintendent  
Charles Pearsall, Business Manager  
Chuck Shager, Fiscal Officer/City of Binghamton Comptroller (Exited 6:08PM)  
Alfred Paniccia, Jr., Esq., Co-Counsel  
Larry Travis, Electrical Engineer (Exited 5:30PM)  
Michele Cuevas, Confidential Secretary  
Janet Smith, Transcriptionist (Exited 6:12PM)

Guests: Clark Giblin, Village of Johnson City Trustee (Exited 6:12PM)  
Vaughn Golden, Reporter, WSKG (Exited 5:36PM)  
Adam Brown, Village of Johnson City Trustee (Exited 5:05PM)  
Jason Greene, P.E., GHD Consulting Services (Audio/Visual)  
(Entered 3:45PM Exited 4:10PM)

Chairman George Kolba called the meeting to order at 03:32PM. Sign in sheet was passed and attendance was noted aloud by Michele Cuevas, Confidential Secretary. Six (6) Board Members were present. Chairman Kolba confirmed all present signed in. Fire exits were identified, and Chairman Kolba requested cell phones be turned off or silenced during the meeting. All stood to recite the Pledge of Allegiance.

### **Privilege of the Floor**

Edward Crumb commented for the sake of importance and clarity on a March 28, 2022, memo regarding amendments made to the by-laws to the Board from Co-Counsel Paniccia to include sentences/information/language which were/was omitted in the original memo.

### **Meeting Minutes Approval**

**Edward Crumb made a motion to approve the submitted March 8, 2022 Regular Draft Board Meeting Minutes with the suggested changes made and as contained in the Board Folders.  
Motion seconded by Ron Lake.  
Motion carried. 6/0**

### **Superintendent's Report**

Elliott Wagner presented the Superintendent's Report, copies of which were distributed in the Board folders.

Superintendent Wagner overviewed the report below as well as the charts in the report stating that many of the numerical readings did not meet the permit. He is trying to balance every step in the recovery process that has been ongoing, and the constant rainy weather hasn't helped. He anticipates an Early Warning Notice of Significant Non-Compliance for CBOD<sub>5</sub> from EPA each month until all is up and running properly.

The month of March saw ServPro, Koberlein, and Plant staff finish the cleanup of the CN Gallery, Blower house basement, and removal of leftover media from CN-1.

It also came with an average effluent CBOD<sub>5</sub> of 74 mg/L, versus the Permit requirement of 18mg/L.

Total Suspended Solids of 34 mg/L, versus the Permit requirement of 20 mg/L.

Fecal Coliform of 425 mpn, versus the Permit requirement of 200.

Precipitation of 3.39 inches.

Total Nitrogen of 11.8 mg/L, versus the Permit requirement of 6 mg/L. 77,325 lbs. with two data points missing. (The 12-month rolling average limit is 639,261 lbs./year).

Phosphorus of 1.35 mg/L Permit requirement of 1.0 mg/L 8,486 total lbs. for the month. (The 12-month rolling average limit is 106,543 lbs./year).

We received a Notice of Violation (NOV) from the DEC on April 5<sup>th</sup>, 2022 for the month of February 2022, based on the Discharge Monitoring Report (DMR) filed in March.

We received an email from NYSDEC Region 2 of Early Warning of Notice of Significant Non-Compliance for CBOD<sub>5</sub>.

Plant Staff has installed, plumbed, wired, and scheduled an inspection of the chlorine tank and monitoring devices.

Mechanics have installed a heavy-duty compactor for the fine screens and are rehabbing another one in the Mechanics' shop.

Mechanics will be performing major maintenance on a mechanical thickener; end bearings, motors pumps, plates etc.

Plant staff will be performing maintenance on the Actiflo System while its down.

Plant operations staff has been operating a temporary Chlorine system to keep the fecal count within permit limits with some success. During normal flow we have enough pumping capacity to meet the limit. When it rains, it is not as effective.

Matco Electric is on-site and removing damaged wire and documenting the length to replace. Cleaning the inside of the RIO panels and de-terminating in preparation of replacing all electrical components. Testing wire as indicated.

Waiting for Price and Delivery quotations from Upstate Valve.

I would like to thank Charlie Pearsall, Chuck Shager, and all the unseen folks behind the scenes for working with the Travelers Insurance Company and The Niland Group to expediate the insurance monies to get this recovery project going.

The meeting between the Plant Management and the Union went well. If possible, the Union would like to meet with members of the Personnel Committee to discuss minor edits in the contract.

Superintendent Wagner recommended the Board continue using the services of GHD for the Industrial Wastewater Pretreatment Program (IWPP); that the relationship with GHD for the IWPP has been very positive and has proven to be a fundamental piece in supporting the day-to-day operations of the plant.

Superintendent Wagner stated that the Industrial Survey project is progressing right along as it should; that working with GHD has helped him to understand this process.

Continuing with his report, Superintendent Wagner overviewed the numbers on the chart and graphs which are well below permit requirements making a point that he is in constant communication with DEC, specifically Valerie Ellis and Thomas Vigneault updating progress and any current information, always keeping in mind the importance of protecting the Susquehanna River and Chesapeake Bay as we work to move forward with the assessment and repair process, and trying to meet permit requirements to the extent possible.

Superintendent Wagner shared that Basil Seggos, the Commissioner of New York State Department of Environmental Conservation along with Matthew Marko, the DEC Regional 7 Regional Director visited our facility today while on his travels throughout NY State. Also present were a couple of other DEC representatives, the Binghamton Mayor Kraham, Johnson City Mayor Meaney, Chairman George Kolba and Board Member Ron Lake. At this meeting, Superintendent Wagner presented a video of the February 18th event and showed photographs of the cleanup and current electrical remediation work, and then he took the group on a tour of the facility. While the visitors were interested in the event, they were also interested in the initial recent upgrade of the facility. There was a discussion of the needs for Plant recovery as well as Q&A discussions. Superintendent Wagner felt it was a very meaningful and productive meeting remarking that even the resident/neighborhood bald eagle appeared in a fly-over during the tour. Superintendent Wagner requested continuance of moving forward at the same continued pace and direction.

Chairman Kolba then gave the floor to GHD Engineer, Jason Greene, P.E.. He spoke on the March IWPP Report, a copy of which were distributed in the Board folders. He also updated information on the Industrial Survey and relisted priorities for future permits. Mr. Greene reiterated GHD's interest in continuing to provide services for the Plant for the incoming year.

**Bruce King made a motion to extend or sign the contract with GHD for the IWPP with the same terms and conditions for an additional year not to exceed \$80,000.**

**Motion seconded by Ron Lake.**

**Motion carried. 5/1/0 (EC)**

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

Overviewing his Business Manager's Report, copies of which were distributed in the Board's folders, Mr. Pearsall advised and recommended to piggyback on the City of Binghamton for AMREX to purchase Sodium Hypochlorite.

Mr. Pearsall also announced his retirement to the Board; that he will be retiring with a retirement date of 5/27/2022.

Chairman Kolba then wanted to speak on the water bill issue regarding TPS Facility. Bruce King spoke on the issues that surfaced after his review of billings received from the Village of Johnson City Water Department. Further research and resolutions would also involve the Vestal Water Department. Mr. King is requesting the Board to allow the Finance Committee extra time to research and meet with both municipalities to resolve the issues that have surfaced and before any contract for the Plant water is signed with the Town of Vestal.

Mr. Pearsall is requesting Board approval for a budget transfer amendment for recovery items not covered by insurance.

After Board discussion it was determined to obtain the engineer-stamped drawings for the plate installation from GHD.

- 1. Edward Crumb made a motion that the Board approves a transfer from J8130.54150 (Chemicals) to J8130.54610 (Building/Equipment Repair) in the amount of \$25,000.00 and that the appropriate Requests for Legislation be submitted to the Owner's Legislative Bodies.  
Motion seconded by George Kolba.  
Motion carried. 6/0**
- 2. Edward Crumb made a motion that the Board approves a transfer from J8130.54150 (Chemicals) to J8130. 54804.CNBAF (Sludge and Waste Disposal CNBAF) in the amount of \$15,000.00 and that the appropriate Requests for Legislation be submitted to the Owner's Legislative Bodies.  
Motion seconded by Chris Papastrat.  
Motion carried. 6/0**
- 3. Edward Crumb made a motion that the Board approves a transfer from J8130.54150 (Chemicals) to J8130.54520.CNBAF (Equipment Lease-CNBAF) in the amount of \$25,000.00 and that the appropriate Requests for Legislation be submitted to the Owner's Legislative Bodies.  
Motion seconded by Bruce King.  
There was a brief discussion on the *transfer from* line in the motions.  
Motion failed. 1/5 (BK, GK, SA, RL, and CP)**

**Bruce King made a motion that the Board approves a transfer from J8130.52000.CNBAF (Equipment-CNBAF) to J8130.54520.CNBAF (Equipment Lease-CNBAF) in the amount of \$25,000.00.  
Motion seconded by Chris Papastrat.  
Chris Papastrat withdrew his second.  
Motion seconded by Edward Crumb.  
Motion failed. 3/3 (GK, RL, and CP)**

**Edward Crumb made a motion that the Board approves to increase Estimated Revenues on Revenue Budget Line J.42680.CNBAF (Insurance Recovery-CNBAF) and increase Appropriations on Expenditure Budget Line J8130.54520.CNBAF (Equipment Lease-CNBAF) in the amount of \$25,000.00 and that the appropriate Requests for Legislation be submitted to the Owner's Legislative Bodies.  
Motion seconded by Chris Papastrat.  
Motion carried. 6/0**

**Ron Lake made a motion to rescind the previous motion noted as 2 of 3, above.  
Motion seconded by Chris Papastrat.  
Motion carried. 5/1/0 (EC)**

**Edward Crumb made a motion that the Board approves to increase Estimated Revenues on Revenue Budget Line-J.42680.CNBAF (Insurance Recovery-CNBAF) and increase Appropriations on Expenditure Budget Line J8130.54804.CNBAF (Sludge and Waste Disposal CNBAF) in the amount of \$15,000.00 and that the appropriate Requests for Legislation be submitted to the Owner's Legislative Bodies.**

**Motion seconded by Chris Papastrat.**

**Motion carried. 6/0**

Mr. Pearsall is requesting approval of the 2021 billable wastewater flows.

**Edward Crumb made a motion for the Board to ratify the 2021 Billable Waste-water Flows in the amount of 3,131,866 100 cubic foot units, allocated as shown in the charts presented by the Business Manager and that the allocated flows are certified and shall be provided to the Fiscal Officer.**

**Motion seconded by Bruce King.**

**Motion carried. 6/0**

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

Chuck Shager presented the Fiscal Officer's report overviewing the numbers, a copy of which was distributed in the Board folders.

Chairman Kolba asked Mr. Shager about the Vestal water billing agreement. Mr. Shager advised that it is a current "work in progress" which he believes is soon to be completed.

Mr. Crumb presented the Lead Agency Capital Project Chart Report and Graph Report that was distributed in the Board folders. 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 detailing the various lines in the financials.

Mr. Crumb reports no change in the First Quarter 2022 regarding the FEMA grants; that, together with Business Manager Charlie Pearsall, he has been participating in weekly conference calls with Howard Weaver and Tidal Basin Consultants, noting that progress has been made but that hasn't caused any new monies to be paid yet to the Sewage Board since September 2021 (when \$186,700.90 was received). As to the Owners, no new monies have been received since September 2021, either (when \$552,083.65 was received, following \$500,000.00 received in May 2021). Mr. Crumb is reminding the Board that while the progress is slow, it is being made.

Construction: George Kolba, Steve Andrew and Ron Lake – Nothing to report.

Chairman Kolba inquired about the search for a Project Manager for the recovery, and Superintendent Wagner advised that he is awaiting formal proposals, but the process is moving along, and he expects to reach a decision soon.

Finance: Edward Crumb – Mr. Crumb wanted to mention to the Board his concerns on emergency procurement for rehabilitation to the plant which led to a brief discussion.

Flow Management: Edward Crumb – Nothing to report.

Ad Hoc: Bruce King – Nothing to report, including as to the By-Laws.

Personnel: Steve Andrew – Nothing to report.

Future Planning: – Bruce King said the Board needs to do some finalizing regarding the TPS.

Correspondence: Michele Cuevas – Previously discussed noting the JC Village Clerk’s letter certifying the reappointment of Board member Bruce King which expires December 31, 2024.

Old Business: Previously discussed.

New Business: None

Transcriptionist Smith was excused from Executive Session, Confidential Secretary Cuevas transcribed minutes for the remaining meeting.

Executive Session:

**Chris Papastrat made a motion to go into Executive Session to discuss pending litigation and potential litigation.  
Motion seconded by George Kolba.  
Motion carried. 6/0**

(Vaughn Golden, Ron Warwick, and Larry Travis, E.E. exited the meeting)

At 5:35PM, the Board entered Executive Session.

(Fiscal Officer Shager exited the meeting during the Executive Session; Board Member Andrew exited the meeting during the Executive Session; a quorum of five Board Members remain)

**Chris Papastrat made a motion to come out of Executive Session.  
Motion seconded by Bruce King.  
Motion carried. 5/0/1 (SA)**

At 6:25PM, the Board exited Executive Session.  
No action was taken during the Executive Session.

**Bruce King made a motion to adjourn.  
Motion seconded by Chris Papastrat.  
Motion carried. 5/0/1 (SA)**

Meeting adjourned at 6:29PM.

The next regular meeting is May 10. 2022 at 3:30PM.

Respectfully submitted,

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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