

FINAL COPY

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

Tuesday, September 13, 2022

Plant Administration Building

Members Present: George Kolba, Chairman Pro Tem
Chris Papastrat
Edward Crumb
Stephen Andrew
Ron Lake
Bruce King

Also Present: Elliott Wagner, Superintendent
Ron Warwick, Assistant Superintendent
Billie J. Goodson, Business Manager
Chuck Robinson, Assistant Comptroller, City of Binghamton (Exited 4:22pm)
Alfred Paniccia, Jr., Esq., Co-Counsel
Howard Reeve, Facility Engineer (Exited 5:25PM)
Larry Travis, Electrical Engineer (Exited 5:25PM)
Michele Cuevas, Confidential Secretary
Janet Smith, Transcriptionist

Guests: Angela Riley, City of Binghamton Council Member, 3rd District (Audio/Visual)
(Exit 5:25PM)
Aviva Friedman, City of Binghamton Council Member, 4th District (Entered
5:43PM)
Vaughn Golden, Reporter, WSKG Public Media (Exited 5:25PM)

Chairman Pro Tem George Kolba called the meeting to order at 3:33PM. Sign in sheet was passed and Confidential Secretary Cuevas noted roll call aloud. 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

No one wished to speak.

Chairman Pro Tem Kolba then called for the Fiscal Officer's Report.

Fiscal Officer's Report

Charles Robinson, Assistant Comptroller for the City of Binghamton, presented the Fiscal Officer's Report, copies of which were distributed in each of the Board folders. Mr. Robinson, after completing his overview of report, stated that if there were any questions which he could not answer, to please refer them to Mr. Shager in an email or over the phone.

Meeting Minutes Approval

**Edward Crumb made a motion to approve the submitted August 9, 2022, Regular Board Meeting Minutes with the suggested changes made and as contained in the Board Folders.
Motion seconded by Steve Andrew.
Motion carried. 6/0**

Chairman Pro Tem Kolba called on Superintendent Elliott Wagner to present the Superintendent's Report, copies of which were distributed in the Board folders.

Superintendent's Report

Superintendent Wagner overviewed the report which included graphs and charts. He pointed out that, even though his report shows that everything is headed in the right direction pertaining to the SPDES Permit and chemical usage, there is much more to accomplish to get everything up to the standards the regulators are seeking.

August Superintendent Report

9/13/2022

In August we received 3.75 inches of precipitation and averaged 10.87 MGD.

On 8/1/2022 we started flow through 9-14 CN cells.

On 8/11/2022 all 14 CN cells were placed in Auto.

On 8/18/2022, the DN-4 infill was poured. On 8/30/2022 GHD informed us DN-4 was ready to be put in Auto.

On 8/1/2022, we began utilizing the UV system solely and stopped the introduction of Sodium Hypochlorite for disinfection purposes. Our 30 days mean fecal count met the permit with a 42.

We achieved a CBOD5 number of 24 mg/L, down from 97 mg/L in July. Our TSS also dropped to 11.9 mg/L, from 19.7 mg/L. With one data point remaining we have a TN average of 8.6 mg/L, down from 27.3 mg/L.

August Superintendent Report

9/13/2022 – cont.

Plant operations continues maximizing the process to meet the permit and increase the efficiency of chemical usage.

We continue to work towards finalizing the CN repairs.

We are still waiting for HVAC equipment to arrive, miscellaneous electrical components and may need to seek a 14th project for Matco Electric about manufactured cabling that will need to be replaced. Met with Ryan from Matco on 9/12/2022 to go over needed repairs.

Started budget process with the City and Village.

Superintendent Wagner is requesting the Board to support his request to immediately purchase 183 UV lamps as the February event has caused excessive use on the current lamps thereby cutting into the lifespan of the bulbs. Elliott reviews the usage of the bulbs and the reasoning behind the purchase to the board. The cost for 183 UV lamps would be \$79,605.00.

Edward Crumb made a motion that pursuant to the Sole Source policy the Joint Sewage Board approves that the Superintendent or his designee purchase 183 UV Lamps from the Sole Source supplier not to exceed \$80,000.00 plus shipping.

Motion seconded by Bruce King.

Motion carried. 6/0

Superintendent Wagner then continued overviewing the charts and graphs pointing out the positive sharp changes in the graphs.

Steve Andrew asked about a timeline on the plant generating electricity. Superintendent Wagner explained that as the processes continues going in the positive direction, we will be generating electricity in the very near future.

Business Manager's Report

Ms. Goodson read her Business Manager's Report, copies of which were distributed in the Board's folders, Ms. Goodson pointed out encumbrances, budget amounts spent, and budget amounts available.

Business Manager Goodson is requesting the Board to approve 2022 budget transfers, contract approvals as well as permission to dispose of surplus mechanical and electrical items.

Budget Transfer

Edward Crumb made a motion that the Board approves a transfer in the Joint Sewage Board 2022 budget to decrease line J8130.54202 Electricity by \$2,500.00 and to increase line J8130.54114 Lubricants by \$2,500.00 and that the corresponding Requests for Legislation be sent to the Owner's Legislative Bodies.

Motion seconded by Bruce King.

Motion carried. 6/0

FEMA

Business Manager Goodson then reported that she has received a check from FEMA in the amount of \$2,533,639.59 and she is requesting to increase State Aid-Emergency Disaster Assistance and the Federal Aid Emergency Disaster Assistance.

Edward Crumb made a motion that the Board approves to modify the 2022 Joint Sewage Board Budget on the revenue side to increase State Aid-Emergency Disaster Assistance Line J.43960 by \$633,409.90 and to increase Federal Aid Emergency Disaster Assistance Line J.44960 by \$1,900,229.69. On the appropriations side to increase line J8130.54899 by the sum of \$1,358,860.76 plus \$1,120,812.16 which are the respective payments to be made to the City of Binghamton and the Village of Johnson City, to increase JF8130.559105 by \$53,966.67, and that the corresponding Requests for Legislation be submitted to the Owners' Legislative Bodies.

Motion seconded by Bruce King.

Motion carried. 6/0

(Historical note: the above motion was modified at the Board's September 22, 2022, Special Meeting to add accounting details pertaining to interfund transfers required to increase JF Fund Appropriations).

Methanol Bid

Edward Crumb made a motion that the Board rejects the Coyne Chemical bid for inability to perform in accordance with the contract specifications and that the Board awards the contract for methanol supply to Solvents and Petroleum Service (SPS) in accordance with its bid alternative for \$2.10 for a 12-month period with 2 annual extensions.

Motion seconded George Kolba.

Motion carried. 6/0

Elevator Maintenance Bid

Edward Crumb made a motion that the Board accepts the minibid of ThyssenKrupp Elevator at \$188.24 per month maintenance fee, 200% labor markup and 25% materials markup in accordance with the NYS-OGS minibid and that this contract would be in effect for 12 months with two annual extensions for the Elevator Maintenance Agreement.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Surplus

Edward Crumb made a motion that the Board declares as surplus the 21 items on the attached list to the email from Facility Engineer, Howard Reeve to Elliott Wagner, Billie Goodson and Michele Cuevas dated September 8, 2022, at 3:36PM.

Motion seconded by Bruce King.

Motion carried. 5/1 (George Kolba Nay)

Edward Crumb made a motion that the Board enter into the Frito-Lay Contract to Extend Agreement for treatment of overstrength wastes through December 31, 2023.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Ms. Goodson wanted to discuss the unresolved Vestal Water Service Agreement.

Bruce King then distributed to the Board a report detailing his findings after his extensive research regarding the meter readings, pointing out that there was no treated “Plant water” at the plant for use after the February 18, 2022, event, requiring consumption of potable water, which is reflected in the numbers. He overviewed his findings which were categorized and highlighted reporting his calculations to determine the amount due and owing. The numbers in the report will be verified by the Town of Vestal Water Superintendent prior to billing.

A special meeting was discussed and decided on for September 22nd at 4pm. Topics of discussion are Audit, Budget Transfer, Civil Service Job Title, Town of Vestal Water Agreement, Flood Insurance Quotes.

Committee Reports

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

Finance: Edward Crumb - Mr. Crumb presented the Lead Agency Capital Project Chart Report and Graph Report that was distributed to the Board members. 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 thanked Superintendent Wagner, Business Manager Goodson, and management staff for their presentations at the Joint Legislative Body Work Sessions held September 12, 2022. Mr. Crumb reported on the resulting success of that meeting, which was the first regarding the Board's proposed 2023 Budget.

Mr. Crumb wanted to ask the Board to direct the Business Manager to develop a Request for Qualifications for an engineering firm for the as-builts and certifications to support a determination by FEMA and/or the U.S. Army Corps of Engineers that the JSTP site be deemed "flood-proofed" and, thus, removed from the floodplain, such that thereafter "standard" flood insurance rates would apply to the JSTP's flood-insurable buildings, and the Board concurred.

Mr. Crumb also brought up the need for appraisals for the above/below ground buildings for insurance purposes (in order to determine, by appraised value, the relative percentages of above-grade and below grade values) and asked the Board to direct the Business Manager to prepare a Request for Qualifications for a professional services proposal on above/below ground appraisals, and the Board concurred.

Flow Management: Edward Crumb- Nothing to report.

Ad Hoc: Bruce King – Nothing to report.

Personnel: Steve Andrew- Nothing to report.

Correspondence: Michele Cuevas – Copies distributed in the Board folders of GHD's IWPP August 2022 Status Report for the Board's review. Ms. Cuevas overviewed the report pointing out that the resolution of BU's ACH payments is still being worked on.

The Board discussed at length the 09/13/22 email from Chuck Shager regarding budget modifications for the proposed litigation settlement and the Owners' NYS-EFC bonds.

Old Business: The Town of Vestal Water Service Agreement was discussed previously in this meeting. The potential TPS project will be adjourned to a future meeting when Ron Harting is available. Business Manager Goodson updated that the title changes for one of the positions should be available September 21, 2022 (following action by the City of Binghamton Civil Service Commission), and would like to slate this for the September 22, 2022, meeting if possible.

New Business: The FOIL Request in letter form dated September 13, 2022, from Vaughn Golden regarding particular records being made public along with a requested waiver of fees in the interest of the public was discussed.

**Edward Crumb made a motion to go into Executive Session to discuss pending litigation.
Motion seconded by Bruce King.
Motion carried. 6/0**

At 5:26PM the Board entered Executive Session.

**Steve Andrew made a motion to exit Executive Session
Motion seconded by Bruce King.
Motion carried. 6/0**

At 5:43PM, the Board exited Executive Session. No action was taken during the Executive Session.

**Edward Crumb made a motion that the Board ratifies the litigation Settlement Agreement, Confidential Side Agreement, and subrogation Release Agreement, and authorizes the Chairman Pro Tem to sign the same.
Motion seconded by Steve Andrew
Motion carried. 6/0**

**Edward Crumb made a motion that the Board ratifies the revised Consent Order as prepared by the DEC and authorizes the Chairman Pro Tem to sign said Order.
Motion seconded by Steve Andrew
Motion carried. 6/0**

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

Meeting adjourned at 5:50PM.

The next regular meeting is October 11, 2022, at 3:30PM.

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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