

FINAL COPY

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

Tuesday, November 8, 2022

Plant Administration Building

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

Also Present: Elliott Wagner, Superintendent
Ron Warwick, Assistant Superintendent
Billie J. Goodson, Business Manager
Chuck Shager, JSB Fiscal Officer and Comptroller, City of Binghamton
(Exited 4:23PM)
Alfred Paniccia, Jr., Esq., Co-Counsel
Howard Reeve, Facility Engineer (Exited 5:37PM)
Larry Travis, Electrical Engineer (Exited 5:37PM)
Michele Cuevas, Confidential Secretary
Janet Smith, Transcriptionist

Chairman Pro Tem George Kolba called the meeting to order at 3:30 PM; Sign in sheet was passed and Confidential Secretary Cuevas noted roll call aloud. Six (6) Board members were present, albeit one (1) member was present remotely. Chairman Pro Tem Kolba confirmed all present signed in. Fire exits were identified, and Chairman Pro Tem Kolba requested cell phones be turned off or silenced during the meeting. All stood to recite the Pledge of Allegiance.

Privilege of the Floor

Chairman Pro Tem Kolba gave the floor to Edward Crumb. Mr. Crumb wanted to make of point of order regarding a topic briefly discussed at last month's Board meeting and in the Ad Hoc Committee which is the need to pay some attention to current By-Laws in place with regard to Board member vote casting and how it relates to a Board member when attending a meeting remotely. A Board discussion to include Co-Counsel about implementing procedures was on the table with many valid and considerable points and suggestions.

Bruce King will conduct some more research pertaining to policies and procedures that may already be successfully in place elsewhere being mindful of the importance to expedite quickly. This matter will then be placed on a near future agenda.

Meeting Minutes Approval

Edward Crumb made a motion that the Board approves the submitted September 1, 2022, Special Meeting Minutes with the suggested changes made and as contained in the Board Folders.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Remote SA)

Edward Crumb made a motion that the Board approves the submitted October 11, 2022, Regular Meeting Minutes with the suggested changes made and as contained in the Board Folders.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Remote SA)

Fiscal Officer's Report

Chuck Shager overviewed the Fiscal Officer's Report, copies of which were distributed in each of the Board folders.

Edward Crumb brought up a point that it is important that we keep in mind *wet weather* operating costs when factoring-in costs during the budgeting process.

There was a brief discussion between Mr. Crumb and Mr. Shager regarding the need for reserves for various events; that there needs to be a discussion to settle this issue very soon.

Mr. Shager continues with his report that expenses look to be in good order and after reviewing all the PO's they too appear to be in good order.

Superintendent's Report

Superintendent Wagner overviewed his Superintendent's Report below that included graphs and charts, copies of which were distributed in the Board's folders and posted below.

October Superintendents Report 11/7/2022

In October we received 2.20 inches of precipitation and averaged 11.96 MGD.
October numbers were:

CBOD=9 mg/L with 96% removal. TSS=3.7 mg/L with 98% removal.
Fecal=2mpn. Ammonia=0.70 mg/L with 96% removal. Phosphorus=0.370 mg/L with 92% removal.

Total Nitrogen (minus 6 data points) =4.6 mg/L with 84% removal.

For the month of October, we have met all permit parameters.

We continue to fine tune the instrumentation and chemical addition to maximize the efficiency of each process.

As part of our CMMS program preventative maintenance schedule, we need to operate the Vestal Bunn Hill trunk sewer 12-inch valve. This will be the first time we will operate this valve, and we will coordinate with the Town of Vestal water and sewer department. There is the potential for disaster, so we will investigate emergency recovery methods and reach out to GHD to be prepared for any potential issues.

Mechanics were able to have the coils for the UV electrical room HVAC units replaced under warranty.

Mechanics have removed, had repaired, and reinstalled 2 screw conveyors saving approximately \$45,000.00. Each conveyor was quoted at \$25,000.00. Outside labor would have been more than in-house.

As part of our CMMS program preventative maintenance schedule, the Tegg group should be here 11/8/2022 to perform regularly scheduled maintenance on the Headhouse electrical gear.

We are procuring the chemical needed for flushing out the Scrubber system to shut the system down for the winter.

We have turned the plant water on to the parts of the plant where we can use it. We are seeing average turbidity of around 2 NTU in the effluent, making it clean enough to use.

Superintendent's Report-cont.

We have received multiple FOIL Requests and are in the process of setting up a link to a server containing public info in addition to the public info available on the plant website.

Business manager Billie Goodson and I met with City of Binghamton Comptroller to go over Capital lines in the budget and spoke about setting up Capital Reserve and Repair and Replacement Reserve Funds to comply with Enterprise Fund (ES) budget presentation format required by the NYS Comptroller's office.

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

Moving on, Superintendent Wagner pointed out the positivity with numbers and stated that basically for the month of October all permit parameters have been met.

Superintendent Wagner continued and repeated the need for Capital Reserve and Repair and Replacement Reserve Funds which he brought up at a Board meeting a few months ago. Mr. Shager stated he has not been able to dedicate any time to this request. Both Mr. Crumb and Mr. King would like to set up a meeting with Fiscal Officer Shager sooner rather than later.

Superintendent Wagner continued overiewing the charts and graphs; that in gathering additional data for landfilled solids between 2021 and 2022, the totals show a difference of about 100 tons per month. He will continue compiling data now with the *new* City water filtration plant for the updated cost differences.

Business Manager's Report

Ms. Goodson reviewed her Business Manager's Report to include information pertaining to the requests for Board approval, copies of which were distributed in the Board's folders; Ms. Goodson pointed out encumbrances, budget amounts spent, and budget amounts available. Ms. Goodson requests Board approval as follows:

Actuarial Valuation Renewal

Edward Crumb made a motion that subject to a change to the October 20, 2022 letter in the second paragraph, line two to reflect April 1, 2023 and not May 15, 2023, that the Board accepts and approves the extension proposal of Jefferson Solutions, Inc. for the GASB 75 Report - Actuarial Valuation as of December 31, 2022 at the not-to-exceed price of \$3,450.00 for the current year-end report, and to include a follow-up extension report as of December 31, 2023 in accordance with the terms that are stated in the letter to be encumbered and paid for from Professional Services line J8130-.54410.
Motion seconded by Bruce King.
Motion carried. 5/0/1 (Remote SA)

Refuse Collection Extension

Edward Crumb made a motion that the Board accepts and approves the one-year extension for the 2023 calendar year with the same terms and conditions as presently in effect for waste removal by Taylor Garbage to be encumbered and paid for from Sludge and Waste Disposal line J8130.54804.

Motion seconded by George Kolba.

Motion carried. 5/0/1 (Remote SA)

International Dump Truck Purchase

Edward Crumb made a motion that the Board accepts and approves the October 26, 2022 proposal number 23047-01 by Allegiance Trucks, as agent/dealer for Navistar, Inc., under Onondaga County Bid Reference #8996, in the amount of \$177,263.70 to be encumbered and paid for from Capital line J8130.554064, or its successor, for an International HV513 SFA Series 2024 Series dump truck per the specification package submitted.

Motion seconded by Chris Papastrat.

Motion carried. 5/0/1 (Remote SA)

Reclassification

Bruce King made a motion to reclassify \$100,000.00 spent in March 2022 from JH8130.554039 Professional Services for Capital Projects to J8130.54410.CNBAF Professional Services.

Before the above motion was seconded, there was Board discussion as to the coordination for this reclassification with Fiscal Officer Shager, as a result of which it was determined that the transfer would be handled via a journal entry; **Bruce King withdraws said motion.**

Budget Modifications/Transfers

Edward Crumb made a motion that the Board approves a budget modification as follows:

To increase J.43960 State Aid Emergency Disaster Assist in the amount of \$295,737.08.

To increase J.44960 Federal Aid - Emergency Disaster Assist in the amount of \$887,211.23.

To increase J8130.54899 Reimburse Owner Recovery Expense in the amount of \$1,150,892.74.

To increase J8130.55000 Contingency in the amount of \$32,057.00, and that the corresponding Requests for Legislation be sent to the Owners' Legislative Bodies.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Remote SA)

Budget Modifications/Transfers-cont.

Edward Crumb made a motion that the Board approves a budget transfer to increase J8130.54802 Permits Fees and Fines in the amount of \$2,500.00 and decrease J8130.55000 Contingency in the amount of \$2,500.00, and that the corresponding Requests for Legislation be sent to the Owners' Legislative Bodies.

Motion seconded by Bruce King.

Motion carried: 5/0/1 (Remote SA)

Edward Crumb made a motion that the Board approves a budget transfer to increase J8130.54430.JØBAF Legal Services-BAF Litigation in the amount of \$33,277.14 and decrease J8130.55000 Contingency in the amount of \$33,277.14, and that the corresponding Requests for Legislation be sent to the Owners' Legislative Bodies.

Motion seconded by Bruce King.

Motion carried: 5/0/1 (Remote SA)

Edward Crumb made a motion that the Board approves a budget transfer to increase J8130.52000.CNBAF Equipment and Capital Outlay in the amount of \$100,000.00, decrease J8130.54410.CNBAF Professional Services in the amount of \$45,000.00, decrease J8130.54520.CNBAF Equipment Lease/Rental in the amount of \$52,000.00, and decrease J8130.54804.CNBAF Sludge and Waste Disposal in the amount of \$3,000.00; and that the corresponding Requests for Legislation be sent to the Owners' Legislative Bodies.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Remote SA)

Flood Insurance

Edward Crumb made a motion that the Board accepts the quote submitted by Selective Insurance Company dated 11/7/2022 for the building 8 Headworks Facility to provide National Flood Insurance Program flood insurance in the amount of \$500,000.00 building coverage and \$500,000.00 contents coverage with \$2,000.00 deductible on each coverage with an annual premium of \$3,479.00 to be paid from J8130.54300 Insurance.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Remote SA)

As a note, Edward Crumb mentioned that he anticipates receiving a quote for Building 15 Excess Flood Insurance Coverage which would simply update the geographic requirements under the commercial "blanket" Excess Flood Insurance Policy.

Committee Reports

Construction: George Kolba, Steve Andrew, Ron Lake – Mr. Kolba wanted to make note that he is awaiting confirmation (in writing) from both Mayors as to Owner approval for the Board to proceed with soliciting proposals for a modification to the Owner-procured October 2018 *TPS Improvements* Preliminary Engineering Report. Nothing to report from Mr. Lake or Mr. Andrew.

Finance: Edward Crumb – New and current status at the end of October for the FEMA Project is that \$22,795,804.75 is still outstanding, that progress being made but is incredibly slow. Mr. Crumb made a suggestion that perhaps the Board could meet with some of the newly elected representatives to discuss any assistance they would be willing to think about providing/facilitating. Bruce King wanted to report that he has been working on and continuing to do so on water billings; that he is currently waiting for a response from Binghamton and that the Vestal bill needs to be paid.

Flow Management: Edward Crumb – Nothing to report.

Personnel: Steve Andrew – Mr. Andrew is reporting that he has the agreement from the CSEA Union Bargaining Unit prepared and ready for signature by Chairman Pro Tem Kolba, and Mr. Andrew will sign in the next few days. Confidential Secretary Cuevas noted to the members that the last page of the agreement the date was updated to November 8, 2022.

**Steve Andrew made a motion that the Board approves and accepts the Union's 1/1/21 to 12/31/25 Collective Bargaining Agreement as finalized.
Motion seconded by Ed Crumb
Motion carried. 5/0/1 (Remote SA)**

Ad Hoc: Bruce King – Noted when discussed earlier in this meeting.

Correspondence: Michele Cuevas – IWPP: Copies distributed in the Board folders. Also, a reminder for the Board to turn in their committee sheets for 2022.

Superintendent Wagner wanted to note regarding the IWPP report that the City of Binghamton Water Plant had a violation for copper and mercury, and they are rescheduling follow-up testing.

Old Business: none

New Business: Edward Crumb overviewed the information for the 2023 health benefits program package which had been previously emailed to the Board members for review. Copies of the Notice Packet first pages and proposed motions were also distributed in the Board's folders.

Edward Crumb made a motion that the Board amends the plan document of its voluntary Health Flexible Spending Account [FSA] program sponsored by the Board:

a) in calendar [plan] years after 2023, [i] to define the “maximum annual salary/wage deferral contribution of a participant employee” to be the maximum annual amount allowed by the United States Internal Revenue Service for the calendar [plan] year; and [ii] to define the “maximum unspent amount that a participant employee may carry forward into the following calendar [plan] year” to be the maximum annual amount allowed by the United States Internal Revenue Service for the calendar [plan] year; and

b) effective January 1, 2023, to [i] increase the maximum for the salary/wage deferral contribution of a participant employee to \$3,050.00 per calendar [plan] year; and [ii] increase the maximum unspent amount that a participant employee may carry forward into the following calendar [plan] year to \$610.00 following the end of 2023; and

c) to ratify, effective January 1, 2022, that [i] the maximum for the salary/wage deferral contribution of a participant employee is \$2,850.00 per calendar [plan] year and [ii] the maximum unspent amount that a participant employee may carry forward into the following calendar [plan] year is \$570.00 following the end of 2022; and

d) to ratify, effective January 1, 2020 that [i] the maximum for the salary/wage deferral contribution of a participant employee is \$2,750.00 per calendar year (*note: this amount remained unchanged as of January 1, 2021*) and [ii] the maximum unspent amount that a participant employee may carry forward into the following calendar year is \$550.00 following the end of 2020 and 2021, respectively, subject to the additional Internal Revenue Code §214 carryover of the entire remaining balance permitted at the end of 2020 and/or 2021; and

e) to ratify, effective January 1, 2019, that the maximum for the salary/wage deferral contribution of a participant employee is \$2,700.00 per calendar [plan] year; and

f) to ratify, effective January 1, 2018, that the maximum for the salary/wage deferral contribution of a participant employee is \$2,650.00 per calendar [plan] year; and

g) to ratify, effective January 1, 2017, that the maximum for the salary/wage deferral contribution of a participant employee is \$2,600.00 per calendar [plan] year; and

h) to ratify, effective January 1, 2015, that the maximum for the salary/wage deferral contribution of a participant employee is \$2,550.00 per calendar [plan] year (note: *this amount remained unchanged as of January 1, 2016*); and

i) to ratify, effective January 1, 2013, that the maximum for the salary/wage deferral contribution of a participant employee is \$2,500.00 per calendar [plan] year (note: *this amount remained unchanged as of January 1, 2014*).

**Motion seconded by Bruce King
Motion carried. 5/0/1 (remote, SA)**

Edward Crumb made a motion that the Board accepts the Lifetime Benefit Solutions proposal to extend its present Health Reimbursement Account (HRA) and Flexible Spending Account (FSA) Administration Services fees of \$2.95/Participant/month for 2023, subject to a \$99.00/month minimum fee as to each of the HRA and FSA programs and authorizes the Chairman Pro Tem to sign an extension/modification agreement on behalf of the Board in a form approved by counsel.

**Motion seconded by Bruce King
Motion carried. 5/0/1 (remote, SA)**

Edward Crumb made a motion that the Board authorizes extension of the Professional Services Agreement with NFP Corporate Services (NY), LLC for one year, covering Plan Year 2023 services, upon the same terms and conditions as presently in force, including the not-to-exceed \$13,500.00 annual fee, and authorizes the Chairman Pro Tem to sign an extension agreement on behalf of the Board in a form approved by counsel.

**Motion seconded by Chris Papastrat
Motion carried. 5/0/1 (remote, SA)**

Edward Crumb made a motion that the Board authorizes extension of the Professional Services Agreement with Haylor, Freyer & Coon, Inc. (HFC) for one year, covering Plan Year 2023 services, upon the same terms and conditions as presently in force, and authorizes the Chairman Pro Tem to sign an extension agreement on behalf of the Board in a form approved by counsel.

**Motion seconded by Bruce King
Motion carried. 5/0/1 (remote, SA)**

Edward Crumb made a motion that the Board accepts the Excellus 2023 renewal proposal (dated October 2022) for SimplyBlue Plus Bronze 4+ Health Insurance coverage (Excellus Plan Code TQQV), as contained in the Board Folders, and authorizes the Chairman Pro Tem to sign the quote sheet

or other acceptance form provided by Excellus on behalf of the Board in a form approved by counsel.

Motion seconded by Bruce King

Motion carried. 5/0/1 (remote, SA)

Edward Crumb made a motion that the Board accepts the Excellus 2023 proposal for Dental Blue Options (Excellus Plan Code DBOV-1E-26/26) Dental Insurance coverage, as presented on page four of HFC's October 2022 Confidential Proposal and authorizes the Chairman Pro Tem to sign the requisite documentation for the same on behalf of the Board in a form approved by counsel.

Motion seconded by Bruce King

Motion carried. 5/0/1 (remote, SA)

Edward Crumb made a motion that the Board accept Guardian's proposal for 2023 to extend Vision Insurance coverage, on the same financial terms as presently in force, as presented on page five of HFC's October 2022 Confidential Proposal and authorize the Chairman Pro Tem to sign the requisite documentation for the same on behalf of the Board in a form approved by counsel.

Motion seconded by Bruce King

Motion carried. 5/0/1 (remote, SA)

Edward Crumb made a motion that the Board accepts the Aetna 2023 financial terms and conditions via the City of Binghamton Medicare (P01) ESA PPO with \$10/\$25/\$40 prescription copay as set forth in its August 2022 Proposal and authorizes the Chairman Pro Tem to sign the requisite documentation for the same on behalf of the Board in a form approved by counsel.

Motion seconded by Bruce King

Motion carried. 5/0/1 (remote, SA)

Edward Crumb made a motion that the Board ratifies the 2023 front pages for the Health Benefits Program Notice Packets in the form contained in the Board Folders and authorizes distribution of the 2023 Joint Sewage Board Health Benefits Packets in the form presented, so as to open the 2023 enrollment period.

Motion seconded by Bruce King

Motion carried. 5/0/1 (remote, SA)

Executive Session

Bruce King made a motion that the Board to go into Executive Session to discuss Personnel Matters.

**Motion seconded by George Kolba.
Motion carried. 5/0/1 (remote, SA)**

The Board entered into Executive Session at 5:37PM.

**Bruce King made a motion that the Board exit Executive session.
Motion seconded by Edward Crumb.
Motion carried. 5/0/1 (remote, SA)**

The Board exited Executive Session at 6:12PM.

No action was taken during executive session.

Adjournment

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

Meeting adjourned at 6:12PM.

The next meeting is December 13, 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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