

# FINAL COPY

## MINUTES OF A REGULAR MEETING OF THE BINGHAMTON - JOHNSON CITY JOINT SEWAGE BOARD Tuesday, February 9, 2021 Plant Administration Building

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

Member Absent: Ron 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 (Exited at 4:00PM.  
Rejoined via audio at 4:15PM)  
Ronald Warwick, Acting Assistant Superintendent  
Adam Afify, Acting Head Operator  
Howard Reeve, Facility Engineer  
Ron Lake, P.E., City of Binghamton Project Engineer (Exited at 5:42PM)  
Michele Cuevas, Confidential Secretary  
Janet Smith, Transcriptionist

Guests: Jason Greene, P.E., GHD Consulting Services (Audio. Exited at 3:55PM)

Chairman Chris Papastrat called the meeting to order at 3:33 PM. Sign in sheet was passed and Confidential Secretary Michele Cuevas took attendance aloud. Five (5) Board Members were present, two (2) were present via audio/visual (Ray Standish and Steve Andrew) and one (1) was absent (Ron Davis). Fire exits were identified.

### **Privilege of the Floor**

No one wished to speak.

### **January 12, 2021 Regular Meeting Minutes Approval**

**Edward Crumb made a motion to approve the submitted January 12, 2021 Draft Minutes with the suggested changes as contained in the Board Folders.**

**Motion seconded by Steve Andrew.**

**Motion carried. 5/0/1 Absent (RD)**

Jason Greene, P. E., representative for GHD, reported on the submitted Industrial Wastewater Pretreatment Program (IWPP) Status Report which was distributed in the Board Member-folders. Mr. Greene reviewed the status list highlighting they are wrapping up PCR reviews for the second half of the year 2020; that they have prepared and are ready to issue the solids report once they submit the information to Superintendent Wagner for approval. Mr. Greene brought the noted \$3,000.00 fine due and owing by Binghamton University (BU) into discussion. In that discussion, Vice Chairperson Kolba expressed his concern over the continued oil and grease effluent violations by BU. It was concluded that Mr. Greene will send out correspondence to BU not only to address the outstanding balance but also to address the continued oil and grease effluent violations.

Mr. Crumb asked about revamping the printed chart in the report for easier reviewing. After a brief discussion it was suggested that perhaps Mr. Greene consider when generating the report that the violations for the last 3-5 years only are in a bolder font.

Business Manager Charlie Pearsall reminded the Board that April 1, 2021 the IWPP Consultant contract expires. After discussion, the Board Members agreed that they ~~will~~ are favorable to extending the contract under the same terms and conditions when the same is presented for a vote.

Mr. Greene also wanted to remind the Board that they need to consider performing an Industrial Survey for the local sewer watershed in the near future. The Board Members agreed and will take action after they review the requirements. Mr. Greene also mentioned that, once the capital upgrade project is completed and all performance testing has been satisfactorily concluded, it would be appropriate to consider having an updated Headworks Analysis performed.

Mr. Greene exited the meeting at 3:55 PM.

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

Fiscal Officer Chuck Shager reviewed report which was distributed in the Board Member folders. He is working at wrapping up 2020 lines and will have a more accurate reporting status the following month. One concern regarding 2020 is the shortfall in Federal (FEMA) and State (NYS-DHSES) Aid. As Howard Weaver has reported, there are personnel vacancies at NYS-DHSES, in part due to the pandemic, and NYS-DHSES has contracted-out some of its workload to Tidal Basin Consultants, an affiliate of Adjusters International, as of mid-November. Mr. Shager then gave the floor to Edward Crumb before exiting the meeting at 4:00PM.

Mr. Crumb presented the Lead Agency Capital Project Chart Report and Graph Report, copies of which were 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.

## **Superintendent's Report**

Elliott Wagner presented the Superintendent's Report which appears below and was distributed in the Board Folders along with the charts and graphs and a listing of positions with vacancies noted for Board Members to review. He also gave his updated weekly status report.

Superintendents report for January (dated 2/9/2021)

Construction topics:

SCADA programming is nearly complete.

Streeter had contractor in to remove obstruction in the PST 7-10 drain line, Brendon is trying to remove a piece of angle iron from the pipe.

Bollards.

Generator training and final SOP Feb. 23rd and 24th.

Other Notes:

Digesters 1 and 2 continue to produce good gas. All three were sampled and sent out. Digester 1 sample was not acceptable. Digesters 2 and 3 were good. Digester 1 is being re sampled and sent out this week.

BioStyr continues to achieve very good results for how cold it is.

Actiflo: Sand loss is improving but we are still a way off.

Micro turbines produced approximately 107,000 KWH in January.

Garrehy has passed his Operator 1 DEC test.

We are waiting for Occ Med to get a start date for an operator trainee.

We have interviewed 3 Computer systems engineer candidates. One is not available for 6 months, 1 needs experience.

Interviewed electrician candidate, Not enough pay. Industrial Hygienist due to start February 16, 2021. Head electrician candidate did not respond to call back. Still looking for an Electrician.

Ron W completed annual WTC Report.

Wet weather operating plan was completed and submitted last week, Ron W., Adam A., and Mike R. contributed greatly to the plan. It was sent in and accepted by Valarie Ellis, P.E., DEC Region 7 Engineer. Annual CSO, BMP Report will be finished and submitted this week.

Vice Chairman Kolba wanted clarification of the obstruction in the Primary Settling Tank #s 7-10 drainpipe. He also anticipates that a video will be taken of the inside of the pipe where the obstruction is located to fully understand and correct the problem. Mr. Kolba also wanted an update on the resolution for the bollards. Mr. Lake advised that it has been difficult to ascertain as to the type of bollards. He also advised that he is looking at placing a jersey barrier. Mr. Lake commented that “this has not been a ‘good finish’”.

Superintendent Wagner continued with his report. He is continuing interviews and conversations with future candidates for the available positions. The pool of interested candidates has been low so through networking the available position listings, so they have now been posted on multiple job-search websites which will also reach out to many schools and colleges, so he is hopeful. He does have a candidate he wishes to discuss with Board Members in Executive Session. Currently, the start date of an Operator Trainee is pending final processing, and a newly hired Operator 1 passed the DEC test. Superintendent Wagner also stated the need for approval for necessary certification and re-certification trainings for five (5) employees.

Required Annual Water Treatment Chemical (WTC) Report as well as Wet Weather Operating Plan were all completed. Ronald Warwick, Adam Afify and Mike Rex contributed greatly to these reports which were submitted to and accepted by Valerie Ellis, P.E., Region 7 DEC Engineer.

**Edward Crumb made a motion for Board approval in accordance with the Board’s travel and training policy of allowances up to \$240.00 each for three (3) employees designated by the Superintendent or his designee to attend the Backflow Prevention Re-Certification Training held locally on March 16, 2021 and allowances up to \$900.00 each for two (2) employees designated by the Superintendent or his designee to attend the Backflow Preventer Certification Course to be held locally April 19-22 2021 to be paid from the Board’s Travel and Training line.**

**Motion seconded by Steve Andrew.**

**Motion carried. 5/0/1 Absent (RD)**

Superintendent Wagner asked Co-Counsel Al Paniccia the status of the RSP contract. Mr. Paniccia recommended to the Board that they approve and sign the contract.

**Edward Crumb made a motion to approve the contract agreement with RSP Systems as a Novation of the GEM Energy Agreement and authorize the Chairman to sign the same.**

**Motion seconded by Steve Andrew.**

**Motion carried. 5/0/1 Absent (RD)**

Howard Reeves spoke on his research regarding the compactors and submitted a proposal which was distributed in the Board Member’s’ folders. He stated that the company Hydrodyne recommended to purchase one (1) new compactor and rebuild 2 existing compactors along with a spare parts package. After Board discussion regarding the current available information, it was determined that Mr. Reeves continue his research further and to encompass the whole project, preparing documentation for soliciting competitive bids as needed before proceeding.

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

Business Manager Pearsall reported that the 2020 Flow Reporting files have been sent to the Municipal Users and that he received Notice of Substantial Completion from GHD for the WQIP Project and a final invoice from J.B. Excavation. This project is now complete, and he will be following through for the final grant payment and will be forwarding a final balance sheet at Mr. Crumb's request.

Mr. Pearsall needed Board approval for increases for necessary and legitimate 2020 expenses in budget lines.

**Edward Crumb made a motion for Board approval to transfer \$307,967.03 from the 2020 Budget Line J8130.51000 (Personal Services) to 2020 Budget line J8130.54000.JG (Reimburse Village of Johnson City Debt Service) with the corresponding Budget Transfer Requests for Legislation to be submitted to the Owners' Legislative Bodies.**

**Motion seconded by Ray Standish.**

**Motion carried. 5/0/1 Absent (RD)**

**Edward Crumb made a motion for Board approval to transfer \$544.72 from 2020 Budget line J8130.55000 (Contingency) to 2020 Budget line J8130.54149 (Laboratory Supplies) with the corresponding Budget Transfer Requests for Legislation to be submitted to the Owners' Legislative Bodies.**

**Motion seconded by Steve Andrew.**

**Motion carried. 5/0/1 Absent (RD)**

**Edward Crumb made a motion for Board approval to transfer \$3,903.52 from 2020 Budget line J8130.55000 (Contingency) to 2020 Budget Line J8130.54221 (Water) with the corresponding Budget Transfer Requests for Legislation to be submitted to the Owners' Legislative Bodies.**

**Motion seconded by George Kolba.**

**Motion carried. 5/0/1 Absent (RD)**

**Edward Crumb made a motion for Board approval to transfer \$1,489.63 from 2020 Budget Line J8130.55000 (Contingency) to 2020 Budget Line J8130.54621A (Equipment and Pump Repairs – Electrical)-with the corresponding Budget Transfer Requests for Legislation to be submitted to the Owners' Legislative Bodies.**

**Motion seconded by Steve Andrews.**

**Motion carried. 5/0/1 Absent (RD)**

Business Manager Pearsall is asking for Board approval for Sole Sourcing for the following: Vogelsang pump repair parts, ChemScan parts software and reagent kits, and Schwing Material Handling Equipment parts.

**Edward Crumb made a motion for the Board to ratify the resolution as outlined in the provided document [see below] effective 2/10/2021 until 2/9/2022 to ChemScan, Inc. for ChemScan Parts, Software and Reagent Kits.**

**Motion seconded by Steve Andrew.**

**Motion carried. 5/0/1 Absent (RD)**

BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD

RESOLUTION DETERMINING A SOLE SOURCE FOR CHEMSCAN PARTS, SOFTWARE, AND REAGENT KITS

MOTION BY: \_\_\_Edward Crumb\_\_\_

SECONDED BY: \_\_\_Steve Andrew\_\_\_\_\_

WHEREAS the Binghamton-Johnson City Joint Sewage Treatment Plant is in need of repair parts, software, and reagent kits for its ChemScan brand process analyzer device(s); and

WHEREAS, the Business Manager has advised the Board that, to the best of his knowledge, following research on the issue, ChemScan, Inc., 2325 Parklawn Dr., Suite I, Waukesha, WI 53186 is the sole source for ChemScan brand repair parts, software, and reagent kits, and that there is no competing source thereof; and

WHEREAS, the Business Manager has received correspondence from ChemScan, the manufacturer of ChemScan brand process analyzer systems, confirming that ChemScan, Inc. is the sole source distributor of ChemScan brand repair parts, software, and reagent kits; and

WHEREAS the Business Manager further advises that the alternative to acquiring the goods from ChemScan, Inc. would be to void warranties on Owner purchased equipment and stock non-interchangeable spares; and

WHEREAS, based upon these representations, the Board has concluded that the repairs parts, software, and operating reagents for ChemScan process analyzers proposed to be acquired from ChemScan, Inc., have unique benefits and that no other product or service can compare; now, therefore, be it.

RESOLVED that, in accordance with both General Municipal Law Section 103 and the Board's Procurement Policy, ChemScan, Inc. is the sole source of repair parts, software and reagent kits for ChemScan brand process analyzers; and be it further.

RESOLVED that, upon approval of the Plant Superintendent and/or the Board, as required by the Board's Procurement Policy, the Plant may acquire parts, software, and reagent kits for ChemScan brand process analyzers from ChemScan, Inc., without soliciting bids or quotes, provided that the cost thereof is reasonable for the product offered; and be it further.

RESOLVED that, this determination will remain in effect for one year from the date of adoption.

VOTE: \_\_\_5\_\_\_ AYE, \_\_\_0\_\_\_ NAY, \_\_\_1\_\_\_ ABSENT, \_\_\_0\_\_\_ ABSTAIN      Date: \_\_\_02/09/2021\_\_\_\_\_

**Edward Crumb made a motion for the Board to ratify the resolution as outlined in the provided document [see below] effective 2/10/2021 until 2/9/2022 to Koester Associates, Inc. for Vogelsang brand pump repair parts.**

**Motion seconded by George Kolba**

**Motion carried. 5/0/1 Absent (RD)**

BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD

RESOLUTION DETERMINING A SOLE SOURCE FOR VOGELSANG PUMP REPAIR PARTS

MOTION BY: \_\_\_Edward Crumb\_\_\_

SECONDED BY: \_George Kolba\_\_\_

WHEREAS the Binghamton-Johnson City Joint Sewage Treatment Plant is in need of repair parts for its Vogelsang brand rotary lobe pumps; and

WHEREAS, the Business Manager has advised the Board that, to the best of his knowledge, following research on the issue, Koester Associates, Inc., 2101 Seneca Turnpike, Canastota, NY 13032 is the sole source of repair parts for Vogelsang brand rotary lobe pumps, and that there is no competing source thereof; and

WHEREAS, the Business Manager has received correspondence from Vogelsang USA, the manufacturer of Vogelsang brand rotary lobe pumps, confirming that Koester Associates, Inc. is the sole source distributor of Vogelsang brand rotary lobe pumps; and

WHEREAS the Business Manager further advises that the alternative to acquiring the goods from Koester Associates, Inc. would be to void warranties on Owner purchased equipment and stock non-interchangeable spares, and that the cost of that alternative is substantially greater than acquiring the required goods from Koester Associates, Inc.; and

WHEREAS, based upon these representations, the Board has concluded that the repairs parts for Vogelsang brand rotary lobe pumps, proposed to be acquired from Koester Associates, Inc., have unique benefits and that no other product or service can compare; now, therefore, be it.

RESOLVED that, in accordance with both General Municipal Law Section 103 and the Board's Procurement Policy, Koester Associates, Inc. is the sole source of repair parts for Vogelsang brand rotary lobe pumps; and be it further.

RESOLVED that, upon approval of the Plant Superintendent and/or the Board, as required by the Board's Procurement Policy, the Plant may acquire repair parts for Vogelsang brand rotary lobe pumps from Koester Associates, Inc., without soliciting bids or quotes, provided that the cost thereof is reasonable for the product offered; and be it further.

RESOLVED that, this determination will remain in effect for one year from the date of adoption.

VOTE: \_\_5\_\_ AYE, \_\_0\_\_ NAY, \_\_1\_\_ ABSENT, \_\_0\_\_ ABSTAIN CARRIED: \_\_X\_\_ YES \_\_\_\_ NO

Date: \_\_02/09/2021\_\_\_\_\_

**Edward Crumb made a motion for the Board to ratify the resolution as outlined in the provided document [see below] effective 2/10/2021 until 2/9/2022 to Schwing Bioset, Inc. for Schwing Material Handling Equipment Parts.  
Motion seconded by George Kolba.  
Motion carried. 5/0/1 Absent (RD)**

BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD  
RESOLUTION DETERMINING A SOLE SOURCE FOR PARTS FOR  
SCHWING MATERIAL HANDLING EQUIPMENT

MOTION BY: \_\_\_\_\_Edward Crumb\_\_\_\_\_

SECONDED BY: \_\_\_\_\_George Kolba\_\_\_\_\_

WHEREAS the Binghamton-Johnson City Joint Sewage Treatment Plant is in need of repair parts for its Schwing brand material handling equipment; and

WHEREAS, the Business Manager has advised the Board that, to the best of his knowledge, following research on the issue, Schwing Bioset, Inc., 350 SMC Drive, Somerset, WI 54025, is the sole source of repair parts for Schwing brand material handling equipment, and that there is no competing source thereof; and

WHEREAS, the Business Manager has received correspondence from Schwing Bioset, Inc., the manufacturer of Schwing brand material handling equipment, confirming that Schwing Bioset, Inc. is the sole source of repair parts for Schwing brand material handling equipment; and

WHEREAS the Business Manager further advises that the alternative to acquiring the goods from Schwing Bioset, Inc. would be to redesign our material handling assemblies or have custom fabrication of parts, and that the cost of that alternative is substantially greater than acquiring the required goods from Schwing Bioset, Inc.; and

WHEREAS, based upon these representations, the Board has concluded that the repair parts for Schwing brand material handling equipment, proposed to be acquired from Schwing Bioset, Inc., have unique benefits and that no other product or service can compare; now, therefore, be it.

RESOLVED that, in accordance with both General Municipal Law Section 103 and the Board's Procurement Policy, Schwing Bioset, Inc. is the sole source of repair parts for Schwing brand material handling equipment; and be it further.

RESOLVED that, upon approval of the Plant Superintendent and/or the Board, as required by the Board's Procurement Policy, the Plant may acquire repair parts for Schwing brand material handling equipment from Schwing Bioset, Inc., without soliciting bids or quotes, provided that the cost thereof is reasonable for the product offered; and be it further.

RESOLVED that, this determination will remain in effect for one year from the date of adoption.

VOTE:   5   AYE,   0   NAY,   1   ABSENT,   0   ABSTAIN Date:   02/09/2021  

**Edward Crumb made a motion for Board approval and to authorize the Chairman to sign a one-year extension to the discharge agreement with Frito Lay identical to the prior years' agreement changing/extending the date to the year forward.**

**Motion seconded by George Kolba.**

**Motion carried. 5/0/1 Absent (RD)**



**Edward Crumb made a motion for Board approval of the 2021 Rate Chart with a change noted in page 3, footnote 6, to update 2020 to reflect “2021” and that this approval is retroactive to January 1, 2021.**

**Motion seconded by Steve Andrew.**

**Motion carried. 5/0/1 Absent (RD)**

Mr. Pearsall is seeking approval to accept the letter of engagement to contract with EFPR Group. Mr. Crumb stated that in the current public health environment relating to Covid-19 EFPR Group has been able to perform much of the work remotely due to their familiarity with Board financial records and the City Financial Officer’s fiscal records and that they do appear in person for actual/specialized work, and that going just slightly outside the scope of the normal Procurement Policy is within the Board’s discretion to approve the letter of engagement with EFPR Group.

**George Kolba made a motion for the Board to approve the engagement letter submitted by EFPR Group, CPAs, PLLC for auditing and related services for the 2020 year.**

**Motion seconded by Edward Crumb.**

**Motion carried. 5/0/1 Absent (RD)**

Mr. Pearsall is also seeking approval for distribution of the Flow Credit Bank Statements which were distributed in the Board Member’s folders. Mr. Crumb stated that, again, in the current public health environment, and with the plant construction not yet completed, that although action on the Flow Management Plan could be more aggressive that the Board accepts the current Flow Credit Bank Ledger.

**Edward Crumb made a motion to ratify Flow Credit Bank Ledger provided and authorize and direct the Business Manager to distribute the Flow Credit Bank Statements to the Municipal Users.**

**Motion seconded by George Kolba.**

**Motion carried. 5/0/1 Absent (RD)**

Mr. Pearsall advised of pending topics for discussion in the near future highlighting the Flygt Pump purchase and that the proper representatives will gather more information to submit to the Board Members and Counsel for a clearer discussion at the March 9, 2021 meeting.

### **Committee Reports**

Construction: George Kolba and Steve Andrew - George Kolba advised that he received an essential worker status determination from the Broome County Health Department for the treatment plant employees and recommends that they now schedule to receive the vaccination at Broome County Health Department vaccination sites. George Kolba requested the specifications for the bollards so he can at least research pricing. He also asked about the situation of the TPS Auxiliary Building Permit and Certificate of Compliance ~~in~~ from the Town of Vestal and asked Howard Reeve to remind Ron Lake to look into this. Steve Andrew had nothing more to report.

Finance: Edward Crumb – The cost of the 2021 insurance policy premium with Haylor, Fryer and Coon came out to be \$279,999.05 which is less than the approved amount. Mr. Crumb is interested in following up on insurance for filling the gap for insuring “replacement cost” Architect and Engineering fees for buildings with a replacement cost greater than \$6,666,667 (8 or so) and will report his findings. He also is noting that the final close-out for 2020 financial activity occurs at the end of the month.

Personnel: Steve Andrew – will make a motion to go to Executive Session after committee reports.

Ad Hoc: Ronald Davis - Absent

Flow Management: Edward Crumb – Mr. Crumb will bring up a related topic during New Business.

Correspondence: All correspondence was previously discussed.

Old Business: Previously discussed.

New Business: Edward Crumb stated that he wanted to note the WBNG news article titled “Digging Deeper” represents free speech but does not include much of the important information necessary to show clarity and perspective as a whole picture, actually ‘digging deeper’.

**George Kolba made a motion to go into Executive Session to discuss Personnel Matters.**

**Seconded by Edward Crumb.**

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

Ron Lake, P.E. exited the meeting, and the external voice-only audio link was discontinued. (Members Andrew and Standish continued to participate in the meeting via their respective audio-visual links). The Board entered Executive Session at 5:45PM.

**George Kolba made a motion to go out of Executive Session.**

**Seconded by Edward Crumb.**

**Motion carried. 5/0/1 Absent (RD)**

The Board exited Executive Session at 6:21PM. No action was taken during the Executive Session.

**Edward Crumb made a motion to adopt the proposed Electrical Engineer-WWTP job description in the form distributed with the amendment on page two, the third line under Minimum Qualifications to add the word *Technology* after the word *Engineering* and that the same job description and associated New Position Duties Statement be submitted to the Binghamton Civil Service Commission for approval.**

**Motion seconded by George Kolba.**

**Motion carried. 5/0/1 Absent (RD)**

**Edward Crumb made a motion to go into Executive Session to discuss Personnel Matters including collective bargaining negotiations.  
Motion seconded by George Kolba.  
Motion carried. 5/0/1 Absent (RD)**

The Board entered Executive Session at 6:23PM

**Ray Standish made a motion to return from Executive Session.  
Motion seconded by Edward Crumb.  
Motion carried. 5/0/1 Absent (RD)**

The Board exited Executive Session at 6:43PM. No action was taken during the Executive Session.

**Ray Standish made a motion to adjourn.  
Motion seconded by George Kolba.  
Motion carried. 5/0/1 Absent (RD)**

Meeting adjourned at 6:45 PM.

The next regular monthly meeting is scheduled for March 9, 2021.

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 Engineer  
File