

FINAL COPY

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

Tuesday, March 8, 2022

Plant Administration Building

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

Also Present: Elliott Wagner, Superintendent
Ronald Warwick, Assistant Superintendent (Exited 5:00PM)
Charles Pearsall, Business Manager
Chuck Shager, Fiscal Officer/City of Binghamton Comptroller (Exited 5:30PM)
Alfred Paniccia, Jr., Esq., Co-Counsel
Howard Reeve, Facility Engineer
Adam Afify, Senior Operator
Larry Travis, Electrical Engineer
Scott Soliday, Safety Coordinator/Industrial Hygienist (Exited 4:30PM)
Michele Cuevas, Confidential Secretary
Janet Smith, Transcriptionist

Guests: Clark Giblin, Village of Johnson City Trustee
Vaughn Golden, Reporter, WSKG (Exited 6:20PM)
Adam Brown, Village of Johnson City Trustee (Exited 4:55PM)
Tom Vigneault, P.E., NYSDEC Regional 7 Water Engineer (Audio/Visual)
(Entered 3:15PM Exited 4:25PM)

Chairman George Kolba called the meeting to order at 03:30PM. 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

No one wished to speak.

Meeting Minutes Approval

Edward Crumb made a motion to approve the submitted December 23, 2021 Special Meeting Draft Board Meeting Minutes with the suggested changes made and as contained in the Board Folders.

Motion seconded by Bruce King.

Motion carried. 6/0

Edward Crumb made a motion to approve the submitted February 8, 2022 Regular Draft Board Meeting Minutes with the suggested changes made and as contained in the Board Folders.

Motion seconded by Bruce King.

Abstained. Ron Lake.

Motion carried. 5/0/1 (RL)

Edward Crumb made a motion to approve the submitted February 23, 2022 Special Emergency Meeting Draft Board Meeting Minutes with the suggested changes made and as contained in the Board Folders.

Motion seconded by Steve Andrew.

Abstained. Chris Papastrat.

Motion carried. 5/0/1 (CP)

Superintendent's Report

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

Superintendent Wagner overviewed the report as well as the charts in the report and stated that today was day 19 of the clean-up and recovery from the flooding incident of February 18, 2022. He reiterated the incident and described the process taken to include all the required notifications and stabilizations before further assessment could be made. Superintendent Wagner briefed the Board with the particulars of the clean-up thus far, commending Plant Personnel for their efforts. The Electrical/Instrumentation Dept. staff, Mechanics, Operators and Trainee Operators 1, 2, 3 and 4 as well as Management staff, Electrical Engineer and the Business Manager have exhibited a tireless dedication during this ongoing clean-up.

Superintendent Wagner spoke on all the current needs and concerns which would require immediate support and action to be in place for continuity in the clean-up and recovery. He reminded all how critical getting the Plant's effluent back to standards is to the protection of the Susquehanna River and the Chesapeake Bay Watershed; that the return to previous effluent quality prior to this event is of the utmost importance not only to our community but to all communities along the 440 miles of the Susquehanna River and the entire Chesapeake Bay; that the entire Chesapeake Bay is affected by how we react to the cleanup of this emergency and urges the Board to keep that in mind.

On another note, on behalf of Senior Operator Afify, Superintendent Wagner made a request to the Board to allow the use of an available conference room in the building for interested Operators and Junior Operators to form study groups thereby supporting their efforts and motivation to advance in this field. These employees would meet together on their own time reviewing the examination educational materials required to further advance their positions with the respective certificates. All Board members concurred.

Superintendent Wagner continued by asking the Board to quickly review the chart and graph which were provided in the Board's folders and notice the jump in the readings as of February 19, 2022 to realize the importance of quick and decisive measures needed to get those numbers back on track. He also made a request that the Board members go on-site to see the extensive scope of work remaining, adding that without the quick thinking of the Assistant Superintendent, Facility Engineer, and Senior Operator and all the other Operators on duty that day this Plant could be facing a significantly worse situation.

Addressing the work and scope remaining, Superintendent Wagner pressed the need for immediate support and means to expedite cleanup measures such as funding for vendor contracts, all equipment assessments, repairs, and other purchases. There is a dire need to have these in place right now to advance to a better point of recovery and to free up some of the Plant Staff to continuously run the day-to-day operations of the facility and get back on track to meet the SPDES Permit.

February Superintendent Report

3/8/2022

The Plant was continuing its run of 22 continuous months meeting the permit until 2/18/2022. The CN Gallery flooded that day after a viewport in CN-1 separated from the Cell wall causing flooding of the entire CN Gallery as well as a portion of the (Generator/Switchgear) Building 9 basement. The plant was pumping approximately 62 MGD at the time.

Operators reacted as the CN SCADA system began to fail, determining the extent of the failure operators proceeded to close valves feeding the CN cells, temporarily turning off the Main influent pumps for approximately 5 minutes.

Operators then stabilized all active processes and by-passed the De-Nitrification cells to ensure they were not damaged. Operators then ensured UV Disinfection was operating at 100%.

An NYALERT notification was issued, and the DEC Region 7 Representative was called. Contact was made with Superintendent, Mayors, Design Engineer, and associated contractors.

Operators began the dewatering phase of the Gallery, Generator Building basement and assessing the extent of the damage.

Once dewatered to allow entry, Operators began shoveling the media away from equipment. This allowed access for Plant Personnel and engineers to begin to assess the damage.

The DEC has asked for daily updates.

CN-8 and DN-4, which have similar viewports, have been drained.

Plant will start Chlorinating to help disinfection process. This was cleared by the DEC Friday.

Plant personnel have done an amazing job during the cleanup effort removing approximately 22 tons of media with shovels, while Koberlein Environmental has removed approximately 38 Tons with a vac truck. The Plant Electrical Department has set up temporary lighting and power as well as a 480-volt trash pump for filtration media removal. We still have a long way to go with cleanup and disinfection.

Items to get back to meeting permit:

Entering contracts with Contractors and vendors, cleaning and disinfection for the CN Gallery, Generator Building Basement, replacing all damaged equipment and wiring as necessary, procuring media and installation of same, checkout and start-up the system with help from the Process engineer. Addressing like cells so this doesn't happen again.

We will continue to remind everyone of how critical our effluent is to the protection of the Susquehanna and the Chesapeake Bay watershed. Making the return to previous effluent quality of utmost importance, not only to our community, but the communities along the entire Susquehanna River and The Chesapeake Bay.

Thank you

After Board discussion about moving forward it was determined to create a subcommittee to approve contracts and/or payments for cleanup and to request a letter from Traveler's Insurance detailing coverage for this emergency rather than the email which was received.

Edward Crumb made a motion the Board approves the ServPro Authorization to Perform Services and Direction of Payment agreement as negotiated for us by Counsel in the reserve price of \$325,000.00 to be encumbered against and paid for from J8130.55410 (Professional Services) to the extent of \$150,000.00, J8130.54804 to the extent of \$25,000.00 (Sludge and Waste Removal), and JH8130.554039 (Professional Services for Capital Projects) to the extent of \$150,000.00 and authorizes the Chairman to sign the same on behalf of the Board.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Edward Crumb made a motion that the Board accepts the proposal from the Niland Group of Syracuse dated March 2, 2022, and authorizes Chairman to sign the contract for public adjuster services as soon as possible.

Motion seconded by Bruce King.

Motion carried. 6/0

Edward Crumb made a motion in supplement to the previous motion that budget line J8130.54410.CNBAF be created to fund and pay any public adjuster fees not taken out of the insurance recovery payments.

Motion seconded by Bruce King.

Motion carried. 6/0

Fiscal Officer's Report

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

Mr. Shager reported that everything is in line and that the pending Vestal water billing agreement is ready to be addressed by the Board later in this meeting.

Mr. Crumb then 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.

Business Manager's Report

Overviewing his Business Manager's Report, copies of which were distributed in the Board's folders, Mr. Pearsall requested approval to purchase Sodium Hypochlorite.

Edward Crumb made a motion that the Board approves piggybacking on the City of Binghamton's agreement with AMREX Chemical for Sodium Hypochlorite (1.5%) at \$1.45 per gallon delivered in accordance with the terms and conditions of the City's Bid, including any extensions or renewals.

Motion seconded by Ron Lake.

Motion carried. 6/0

Mr. Pearsall advised that there will be a 3% price increase on the piggyback agreement with Oneida County for Polymer supply.

Edward Crumb made a motion that the Board approves accepting the first renewal option for the 2022 year through the Oneida County supply agreement for the Polymer piggyback on the terms and conditions of which Oneida County has made us aware.

Motion seconded by George Kolba.

Motion carried. 6/0

Mr. Pearsall then overviewed the clarification issue for the January 3, 2022 Paylocity proposal for payroll services which was distributed in the Board folders noting a difference in costs from the first year and the second year due to the costs of the initial set up process.

Edward Crumb made a motion that the Board approves to transfer from J8130.55000 (Contingency) to J8130.54434 (Payroll Services) in the amount of \$2,900.00 and that the appropriate Requests for Legislation be submitted to the owner's legislative bodies.

Motion seconded by Bruce King.

Motion carried. 6/0

Edward Crumb made a motion that the Board accepts and authorizes the Chairman to sign the updated proposal dated January 3, 2022 from Paylocity in the total year one amount of \$11,671.70 to be encumbered against and paid for from J8130.54434 (Payroll Services).

Motion seconded by Bruce King.

Motion carried. 6/0

Mr. Pearsall received a request from the City of Binghamton to update a budget transfer.

Edward Crumb made a motion that the Board requests the owners on a one time basis to waive or amend Paragraph 23G of the IMA with respect to the deadline for the making of budget transfers in the Joint Sewage Board budget post year through March 30, 2022 and that the Board requests budget transfers in the 2021 budget totaling \$900,000.00 to come from the lines that are on the chart in the Business Manager's report, the same as what we passed at the last meeting with the exception of the Health Insurance-Retirees is reduced from \$130,000.00 to \$89,000.00 based on available funds and that the remaining \$41,000.00 will come from J8130.54202 (Electricity) and that the corresponding Request for Legislation be submitted to the owner's legislative bodies.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Business Manager Pearsall is asking for Board approval to distribute the 2022 Rate Schedule, including Industrial Wastewater Surcharge Rates, copies of which were distributed in the Board's folders.

Edward Crumb recommended amendments to the following on the document:

- Footnote 1 to reflect a change to "...assumed that 2022 Wastewater Flow is equivalent to.."
- Footnote 6 to reflect a change to "...the latest available on 02/02/2022."

Edward Crumb made a motion that with those four (4) changes that the Board accepts the proposed 2022 Rate Chart submitted by the Business Manager, retroactive to January 1, 2022, to be finalized on letterhead and sent to the industrial users.

Motion seconded by Bruce King.

Motion carried. 6/0

Mr. Pearsall submitted an amendment for water charges and use regarding the Town of Vestal water billing process. After a brief discussion between Board members, Mr. Shager and Mr. Paniccia, this matter will require further attention and will be placed on a future agenda.

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

Finance: Edward Crumb – Mr. Crumb first wanted to thank the Business Manager and the Account Clerk for their support and the timely work to complete the processing of run-out claims under the 2021 Budget. He then distributed to each Board member a copy of the 2011 Procurement Policy which was enacted/used after the 2011 flood event for cleanup and recovery for their review, discussion, and consideration to develop Procurement Policy updates more in line for the cleanup and recovery after the February 18, 2022 event. Mr. Crumb advised that it will be necessary to make the appropriate changes in the language and the dollar amounts. The Board discussed what was needed to act quickly and responsibly through this emergency. The Board as a whole made the discussed changes to the subject Procurement Policy and signed the waiver of notice required under the By-Laws. The amended document as written below was then read aloud by Mr. Crumb. Board Member Steve Andrew orally agreed to the waiver on video and a copy will be mailed to him for signature. A copy of the waiver is attached to these minutes.

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03/08/22 Motion

Amending the Procurement Policy of the Binghamton-Johnson City Joint Sewage Board

PART I – Given it has expired, Subsection C of Section 1 of the current Procurement Policy, entitled:

C. PURCHASE CONTRACTS, PUBLIC WORKS CONTRACTS, AND LEASES RELATED TO THE SEPTEMBER 2011 FLOOD (EXPIRES AS PROVIDED BELOW)

is repealed effective immediately; and.

PART II – Effective immediately, the following Subsection C is added:

C. PURCHASE CONTRACTS, PUBLIC WORKS CONTRACTS, PROFESSIONAL SERVICES AGREEMENTS, AND LEASES RELATED TO EMERGENCY PROCUREMENT

Without being subject to any other provisions of this Policy, but subject to the legal requirement that sufficient unencumbered budget line funding exists, as confirmed in writing by the Business Manager, to support the award of any contract,

- 1) for contracts to purchase commodities, public works contracts, professional services, and leases of equipment (not to exceed one [1] year in duration) in an amount not to exceed \$1,000,000.00 per contract related to matters for which the Board has determined that there exists a public emergency, the Superintendent may award contracts, regardless of the amount thereof, without securing quotes, proposals or bids.

Contracts awarded by the Superintendent pursuant to the authority granted under this Section 1(C) shall not be counted towards the limits of authority set forth in Section 2.

Any awards made on or before the date of expiration of the emergency declared by the Board (or, if applicable, the date of Modification or termination) shall be honored even if the purchases, public works, professional services, or leases are completed after that date, but no contract extensions, modifications or change orders which increase scope or cost may be made or issued after such date (or, if applicable, the date of modification or termination).

Edward Crumb made a motion that the Board accepts the foregoing amended Procurement Policy for Purchase Contracts, Public Works Contracts and Leases Related to-Emergency Procurement Motion seconded by Bruce King. Abstained. Steve Andrew. Motion carried. 5/0/1

Flow Management: Edward Crumb – Mr. Crumb spoke about the NY-Alert notification from the Village of Johnson City, as a result of which inflows to the TPS have been running 2-3 times typical flows, copies of which were distributed in the Board’s folders.

Ad Hoc: Bruce King – Nothing to report.

Personnel: Steve Andrew – Mr. Andrew advised he has not heard anything from the Union as of late. Superintendent Wagner and Senior Operator Afify made a request to the Board for approval to allow a sick bank donation of individual employees for to an employee with a special need. The Board advised it was unnecessary for them to become involved at this point.

Correspondence: Michele Cuevas – Previously discussed noting the reappointment of Board members Ron Lake which expires March 1, 2023, and Edward Crumb which expires March 1, 2025.

Old Business: None

New Business: Joint Sewage Board Elections

Chris Papastrat nominated Edward Crumb as Chairman effective April 1, 2022. Ron Lake seconds the nomination. Edward Crumb accepts the nomination.

Steve Andrew nominated George Kolba as Chairman effective April 1, 2022. Bruce King seconds the nomination. George Kolba accepts the nomination.

No further nominations were made. Nominations were closed.

Vote was 3 for Crumb/ and 3 for Kolba. Neither candidate was elected.

The Board will then follow the By-Laws protocol/provision for a Chairman Pro Tem on April 1, 2022.

Executive Session:

Steve Andrew made a motion to go into Executive Session to discuss pending litigation. Motion seconded by Edward Crumb.

Motion carried. 6/0

At 6:20PM the Board entered into Executive Session.

Chris Papastrat made a motion to exit Executive Session.

Motion seconded by Edward Crumb.

Motion carried. 6/0

At 6:42PM the Board exited Executive Session.

No action was taken during the Executive Session.

After Board discussion, Edward Crumb was appointed to attend the upcoming BAF litigation mediation meetings to be held in New York City as the Board Member representative.

Bruce King made a motion for Edward Crumb to be the Joint Sewage Board Member representative for the BAF litigation mediation meetings in NYC and reimbursable expenses in accordance with the Board's Travel Policy shall not exceed \$2,000.00 and to be encumbered and paid from budget line J8130.54701A. Mr. Crumb to submit travel and expense report to the Business Manager.

Motion seconded by George Kolba

Motion carried. 6/0

Motion to adjourn was made by Chris Papastrat.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Meeting adjourned at 6:45PM.

The next regular meeting is April 12, 2022 at 3:30PM.

Respectfully submitted,

Janet Smith
Transcriptionist

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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