

FINAL COPY

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

Tuesday, April 14, 2020

Plant Administration Building

Members Present: George Kolba, Jr., Chairman *Pro Tem*
Edward Crumb
Stephen Andrew AUDIO/VISUAL ATTENDANCE
Ray Standish AUDIO ATTENDANCE (exited 6:25pm)
Ronald Davis
Chris Papastrat

Also Present: Elliott Wagner, Acting Superintendent
Michele Cuevas, Confidential Secretary
Charles Pearsall, Business Manager
Howard Reeve, Facilities Engineer AUDIO ATTENDANCE
Alfred Paniccia, Jr., Esq., Co-Counsel
Chuck Shager, Fiscal Officer/City of Binghamton Comptroller
Janet Smith, Transcriptionist

Guests: No guests (physically) present during this meeting

George Kolba called the meeting to order at 3:37 PM. Six (6) Board Members were present albeit due to mandated COVID-19 limitations (no more than 10) for gatherings, two (2) were present via audio or audio/visual and attendance was noted aloud by Michele Cuevas, Confidential Secretary. Fire exits were identified.

Privilege of the Floor

Edward Crumb made a motion to nominate Chris Papastrat as Chairman of the Board for the term of April 1, 2020 until March 31, 2021.

Ray Standish seconded the motion.

Motion carried 4/2 (GK, RD).

March 10, 2020 Meeting Minutes Approval

**Edward Crumb made a motion to approve the submitted March 10, 2020 Draft Minutes with the suggested changes as contained in the Board Folders.
Steve Andrew seconded the motion.
Motion carried 6/0**

Superintendent's Report

Elliott Wagner presented the Superintendent's Report, a copy of which appears below.

**Superintendent's Report
April 14, 2020**

Violations and Significant Issues:

Fines: \$5000 for Phase 2 construction.

Compliance:

March 2020 Average Flow 16.94 MGD	Influent	Effluent	Average % Removal	Effluent Limit	
CBOD mg/l	171mg/l	13.45mg/l 1904 lbs/d	92% last month 90%	No Fine Monitor until Jan 1, 2018 then 18mg/l 5,254lbs/day. \$5K Fine	
Suspended Solids mg/l	131mg/l	10.5 mg/l 1498 lbs/day	92% Last Month 90%	No Fine Monitor until Jan 1, 2018 then 20mg/l 5,828lbs/day. \$5K Fine	
Other: Settleable Solids Max ml/l	12.2ml/l	0.04ml/l	99.7%	Monitor	
Total Nitrogen mg/l	Mar 2020 9.95mg/l	Feb 2020 9.46mg/l	57% Last month 55%	Monitor	
Chlorine mg/l	NA	0.06 Max.	NA	0.5Max.	
Avg. Temperature	12.0	13.7			
Solids Removed		Dec 2019	Jan 2020	Feb 2020	Mar 2020
Digested		505.89	608.24	564.52	573.74
Lime Stabilized		0		116.67	0
Total		505.89	608.24	681.19	573.74
Grit		19.92			
Grit/Screenings Combined			16.65 Tons		
Grease		0			

Construction Topics

- Expansion Joint at the intersecting joint between C/N cell 1-8 and 9-14 influent/effluent channels will need repair.
- Yard piping at Thickener D-Box is complete. We are running Thickener 2 and 3.
- Actiflo is producing sludge at 700 GPM, It is holding sand better after partial piping improvements.
- We await completion of Scum collection system equipment to allow us to remove scum from primaries.

Other Issues:

- We are sending flow from Settling Tanks 6, 1 & 2 and 7-10 to the CN cells.
- The plant has designed a temporary Seeding routine to allow us to seed Digester #1 from Digester #3. We have received quotes for Nitrogen to displace O2 in the digester during that time.
- Biosytr Start Up: Biosytr continues to run all 14 C/N cells and 1-4 DN cells in Automatic including backwashes.
- UV continues to operate, transmittance is OK at approx. 60 NTU, Wedecco has completed its 30 day test.
- Our Digester # 3 continues to run well with a volatile reduction avg of 60.27% for the month of March.
- We have again met our permit for CBOD5 and TSS.
- Operators continue performing process testing for the BioStyr.
- Operators continue to try to capture grease and move it through the existing infrastructure with limited success, permanent solution should be completed shortly. In the meantime we skim grease by hand at the C/N influent channel and behind the skimmers.
- Due to extensive wet weather preparation by operators and mechanics in the fine screen and compactor area, we have been able to avoid major system failures.
- Can we adopt the Employee Health and Safety coordinator position.
- Total Nitrogen 9.95 mg/l this month.
- Phosphorus of 0.89 mg/l.
- The plant is operating a temporary work schedule to reduce the exposure of personnel to other shifts. As well as the Administrative staff working alternating weeks from home as much as possible.
- We are under the new SPDES Discharge permit as of April 1, 2020 until March 31, 2025.
- I would like to acknowledge all plant employees stepping up in a stressful time and keeping the public's and river's health near the top of their personal priority list
- I would like to acknowledge Kristen Tocheny our lab director with the help of Ron Warwick and Adam Afify for paring down and eliminating un-needed and obsolete lab sampling and testing.
- I would also like to personally thank Mr. Kolba, Mr. Crumb, and Mr. Andrew for their parts in convincing the DEC to eliminate the need to test for Chlorine when we don't use it anymore. In doing so we have saved the Plant an estimated \$90,000 per year for the next five years.

Referring to his submitted informational graphs, Superintendent Wagner noted trends and progress.

He reported that much of the data collected by the operators and then processed by the lab is sent to Kruger in France and Germany that the plant operators and lab techs are doing a phenomenal job collecting and reporting that data. Superintendent Wagner said it is imperative that the testing equipment is always in good order as well as precise and that all numbers submitted are accurate to best support Kruger, which continues to control and refine the process. He and the staff strive to continue this trend by using and maintaining the best equipment possible.

He reported that he and the employees now work an alternate weekly schedule for the safety of the employees. That the schedule is working out for everyone so far.

Superintendent Wagner requested that the Board quickly move forward to adopt the Employee Health and Safety Coordinator position. Mr. Crumb then coordinated the scheduling of a meeting to attain consensus on the details of this request next week.

He wanted to thank Mr. Kolba, Mr. Crumb, and Mr. Andrew for their work in discussions with DEC to eliminate the need to test for Chlorine since it is no longer used at the plant. In doing so there will be a savings of an estimated \$90,000.00 per year for the next five years.

He wanted to acknowledge the work by all plant employees and for stepping up during this stressful time. They have been keeping the health of the public and the waterways near the top of their personal priority list.

He wanted also to acknowledge Lab Director Kristin Tocheny with the assistance of Ron Warwick, Assistant Superintendent, and Adam Afify, Acting Head Operator, Monica Moss, DEC, and Valarie Ellis, DEC for paring down and eliminating needless and obsolete lab sampling and testing therefore making the plant and the lab run more efficiently. They all did their part in this process and he was very pleased with their work.

Mr. Crumb wanted to mention that Lab Director Tocheny did an impressive job comprehending the detailed and intense process of complying with the procurement policy with respect to the multiple lab supply items which must be kept on hand.

Chuck Shager spoke on fiscal matters. Referring to his report, he stated that expenses have been paid and all monies due has been collected and that the annual budget is doing very well. He mentioned a slight concern for the budget line for protective clothing because to date it is close to the budgeted amount for this year and that it is only the first quarter. It is realized that it is not over the budget and the protective gear is necessary. It was noted that the annual clothing allowance for employees is paid early in the year, in accordance with the collective bargaining agreement and policy as to non-bargaining unit employees.

There should be a return/refund to the participating municipalities for 2019 somewhere between 1.5 to 2 million dollars due to expenditures for chemicals, electric use, and legal costs being less than budgeted, among other accountings. He anticipates that the Board will be working toward tightening up the numbers so the communities can set the rates that they actually should be which would make a smoother operation for everyone. It was noted that, in order to avoid a “deficiency budget” that the Owners would be required to fund, to be conservative the Board must budget for a “wetter than average” combined sewer and influent flow than may actually be received.

It is noted that the payment from New York State for WQIP is delayed but expected. It is understood that due to the COVID-19 order to work from home/stay in place many state office procedures are lagging.

Edward Crumb presented the Lead Agency Capital Project Charts Report and explained how to review the Chart Report, as well as the color-coding system and the scaling of the graphs in the Graph Report.

Charles Pearsall presented the Business Manager's Report. He is requesting the Board to accept the bid for Phosphoric Acid 75% at \$7.52 per gallon for an 18 month period from Surpass Chemical.

Edward Crumb made a motion to accept the bid from Surpass Chemical for Phosphoric Acid, 75% concentration, at \$7.52 per gallon delivered for an 18 month supply to be paid from the chemical budget line.
George Kolba seconded the motion.
Motion carried 6/0.

Edward Crumb made a motion to ratify 2019 billable wastewater flows as presented on the submitted chart in the Board folders, totaling 3,263,255 100 cubic foot units, and to transmit and certify to the Comptroller for the Fiscal Officer's use.
Steve Andrew seconded the motion.
Motion carried 6/0

There was a discussion on rates, fees, and Industrial Wastewater Pretreatment Program surcharges, and it was determined that a Special Meeting is necessary. Michele Cuevas will schedule this meeting for April 23, 2020 at 3:30PM and send notice of same.

Business Manager Charlie Pearsall requested permission to advertise for a Labor Relations Negotiator.

Edward Crumb made a motion to authorize and direct the Business Manager to advertise for proposals for labor relations negotiator services.
Chris Papastrat seconded the motion.
Motion carried 6/0

Mr. Pearsall also requested approval to renew the Rexel/Rockwell Automation contract for SCADA tech support.

Edward Crumb made a motion that the Board accepts the proposal from Rockwell Automation for SCADA Support Services at \$17,271.60 annually. First year costs to be from Professional Services line J8130.54410 and to authorize the appropriate chairperson to sign the appropriate contract documentation.
George Kolba seconded the motion.
Motion carried 6/0

Charlie Pearsall made a request to amend the budget debt line to transfer funds in the 2019 Budget to account for increased expenses due to additional debt costs of the City of Binghamton.

Edward Crumb made a motion to approve and authorize a Request for Legislation for a budget transfer in the 2019 budget in the amount of \$115,000.00 to be added to line J8130.54001.JZ (Reimburse City Debt Services) and debited from line J8130.54001.JG (Reimburse Village Debt Services).

George Kolba seconded the motion.

Motion carried 6/0

Mr. Pearsall said he received a request to email invoices/statements (as opposed to postal mailing of paper documents) and discussed with FEMA the processes during this COVID-19 pandemic, which has been Presidentially-declared an emergency in New York State; to consider declaring the COVID-19 pandemic as a State of Emergency; that it would behoove the reimbursement process to keep copious records of the effect of the differences for the public and employees. During this disaster emergency, there could possibly be reimbursement of particular items purchased due to this disaster and record keeping will be important to substantiate future reimbursement claims.

Edward Crumb made a motion to recognize and declare the COVID-19 Pandemic as declared by the World Health Organization to be an emergency situation that affects the health and safety of our employees and other personnel that are involved with the wastewater plant and that we direct that through the Business Manager to make the appropriate enrollment or applications for FEMA reimbursements; that the expenses be tracked and documented as appropriate to support any claim for reimbursement.

Steve Andrew seconded the motion.

Motion carried 6/0

Mr. Pearsall advised that the Simmons Recovery Contract is now closed due to that company's cessation of operations, and Mr. Pearsall is awaiting Howard Weaver's information and/or affirmation as to his professional business as a FEMA representative, including potential services for the Joint Sewage Board and will communicate with the Board as he moves forward. That Mr. Weaver in fact expressed that he would definitely be willing to take on the Binghamton-Johnson City Joint Sewage Plant as a client. Some Board Members had a concern on the timing of this and the procurement process to hire a representative such as advertising; that this could take months to get someone in place. This may be discussed at the next Board meeting.

PC Construction submitted an invoice that was very questionable in that it was for a May 2018 job for work done by a subcontractor of PC Construction, ZMK Construction. The fact that the job was done in 2018 for the current prevailing wage rates and the submitted paperwork for substantiating the invoice was the issue and was discussed at length.

Edward Crumb made a motion to reject PC Construction's submitted invoice number 005 dated 3/23/20 in the amount of \$2,486.00 for claimed emergency chlorine tank support work based on the fact that this was not authorized as an emergency service; the change proposal was not signed by either a construction administrator or contractor, and no certified payroll was submitted in accordance with NYS Labor Law.

**Ronald Davis seconded the motion.
Motion carried 6/0**

Business Manager Pearsall is in contact with Shumaker for the elevation certificate for the Admin. Building and any other buildings that need this certificate for flood insurance. The insurance company has notified him that the Admin. Building WILL NOT be renewed for flood insurance if there is no elevation certificate. Mr. Pearsall will contact Shumaker for a status on this certificate.

(Mr. Shager exited the meeting)

Committee Reports

Construction: Steve Andrew and George Kolba. Mr. Kolba asked about the Rock Catcher/Grinder/Shield for the Compactor systems. Howard Reeve is working on standardization information for the equipment with Hydrodyne and will submit it to Al Paniccia for review before presenting to the Board. It is imperative that a Rock Catcher is in place to protect the existing equipment before working on the pumps. Elliott Wagner may research a local sheet metal business to fabricate a Rock Catcher.

Finance: Edward Crumb spoke on the Municipalities that may be receiving a refund under the Fiscal Officer's preliminary draft 2019 Final Bill. He also mentioned the issue of billable wastewater flows reported by the Town of Kirkwood and the engineering allowance claimed by the Town for Frito Lay and Triple Cities Metal Manufacturing. Kirkwood is seeking a reduction in the amount of its billable wastewater flows, but the Town did not report the amount of water supplied and the amount of water discharged by these industries, which is required under its Agreement with the Owners in order for a determination to be made as to whether the water discharged is "substantially less" than the water supplied. The information needed is historical, but has not been supplied by the Town, so additional research is needed on this issue, before a reply can be furnished to the Town.

Personnel: Steve Andrew questioned about the revised employee work schedule. Elliott Wagner advised that all the crucial work is being completed as is additional cleaning and any maintenance. Some projects cannot be finished but can be on hold with no operational problems. Steve Andrew asked about hiring an outside cleaning company to perform additional cleaning during this COVID-19 Emergency. Steve Andrew expressed a concern that employees felt safe. Elliott Wagner brought up a concern about liability should a cleaning company be hired. Mr. Andrew was mostly interested in the HMI panels, the lab, the administration building, and the restrooms. Currently the Plant employees work a 7-day stretch with 2 employees to clean (one for each 7-day stretch). Mr. Andrew wanted Mr. Wagner to get price quotes for outside cleaning.

AdHoc: Ronald Davis - Nothing to report.

Flow Management: Edward Crumb - Nothing new to report.

Correspondence – Discussion took place regarding the SUNY Broome 3/30/2020 Written Appeal of IWPP Violations. Elliott Wagner had a conversation with Jason Greene about changing the sampling manhole. GHD does not recommend this since a representative sample could not be obtained from a different location “downstream” into which discharges from other campus buildings have been mixed. Al Paniccia advised that if they want to change the parameters of testing, the Board should schedule a hearing. Elliott Wagner strongly suggested that SUNY Broome would have to follow the process to apply for a new permit.

(Ray Standish exited the meeting; a quorum of five Board Members remains)

Old Business - None

New Business - None

Executive Session – None

The next regular monthly meeting is scheduled for May 12, 2020.

A Special Meeting will be held April 23, 2020 at 3:30PM.

Chris Papastrat made a motion to adjourn.

Edward Crumb seconded the motion.

Motion carried 5/0/1 (absent)

Meeting adjourned at 6:32PM.

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
Robert Bennett, P.E., Village of Johnson City, Engineer
Ray Standish, P.E., City of Binghamton, City Engineer
File