

FINAL COPY

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

Tuesday, May 12, 2020

Plant Administration Building

Members Present: Chris Papastrat, Chairman
George Kolba, Vice Chairman
Edward Crumb
Stephen Andrew
Ray Standish - AUDIO ATTENDANCE
Ronald Davis

Also Present: Elliott Wagner, Acting Superintendent
Michele Cuevas, Confidential Secretary
Charles Pearsall, Business Manager - (Exited at 3:47PM and returned at 4:15PM)
Howard Reeve, Facilities Engineer - AUDIO ATTENDANCE
Alfred Paniccia, Jr., Esq., Co-Counsel
Chuck Robinson, Staff Accountant, City of Binghamton - AUDIO ATTENDANCE
Jason Greene, P.E., GHD – AUDIO ATTENDANCE
Angela Riley, Council Member, City of Binghamton – AUDIO ATTENDANCE
Howard Weaver, Weaver Recovery Consulting – (Entered at 3:47PM. exited at 4:15PM)
Janet Smith, Transcriptionist

Chris Papastrat called the meeting to order at 3:31 PM. Six (6) Board Members were present albeit due to mandated COVID-19 limitations (no more than 10) for gatherings, one (1) was present via audio and attendance was noted aloud by Michele Cuevas, Confidential Secretary. Fire exits were identified.

Privilege of the Floor

Steve Andrew made a motion to nominate George Kolba as Vice Chairman.

Ron Davis seconded the motion.

Motion carried 6/0.

It is noted that all the appointed Committee Chairpersons/Representatives for this Board will remain the same.

April 14, 2020 Meeting Minutes Approval

**Edward Crumb made a motion to approve the submitted April 20, 2020 Draft Minutes with the suggested changes as contained in the Board Folders.
Steve Andrew seconded the motion.
Motion carried 6/0.**

April 23, 2020 Special Meeting Minutes Approval

**Edward Crumb made a motion to approve the submitted April 23, 2020 Draft Minutes with the suggested changes as contained in the Board Folders.
Ron Davis seconded the motion.
Motion carried 6/0.**

Jason Greene, PE, representative for GHD reported on the submitted Industrial Wastewater Pretreatment Program (IWPP) Status Report. This report shows the results of the first month following the new pre-treatment program year, which coincides with the New York State fiscal year. The majority of the industrial users are operating as normal and doing work in relation to their main purpose. All are deeming themselves essential and have been continuing along. The only users impacted are Binghamton University and BCC--SUNY Broome in terms of curtailed activities and GHD is continuing to communicate with that. He shared that the final pre-treatment report for March was submitted to the USEPA and receipt was confirmed. That report is available by *.pdf upon request.

(At 3:37 PM Charles Pearsall stepped out of the meeting room to allow the presence of Howard Weaver).

Mr. Weaver -made a presentation to the Board as a proprietor of a new recovery consulting company and as a previous consultant for the Board -working for Simmons Recovery Consulting, which has ceased operations due to issues with Mr. Simmons' health. Mr. Weaver expressed his interest in continuing as a FEMA consultant for the Board in that capacity from his own consulting business, Weaver Recovery Consulting. He advised that he will continue with the same architecture/procedures as Simmons. Mr. Simmons will be maintaining existing records, including computerized records, and afford Mr. Weaver's business access for four years, after which Mr. Weaver's business will maintain/provide access. Mr. Weaver stated that he is looking to bring-on a person to assist him with DR-4480 (Coronavirus in NYS) matters. Mr. Weaver noted his experience and good working relationship with FEMA and NYS Division of Homeland Security and Emergency Services (NYS-DHSES) representatives involved with the Board's claims. His business will have arrangements for immediate ongoing service to the Board in the event of his illness/absence. Mr. Weaver noted that an ongoing concern is obtaining data/records from Jacobs or the City of Binghamton, as Lead Agency with respect to environmental compliance in connection with construction of the Flood Wall, both the North and East portion constructed by Streeter Associates and the West and South portion constructed by

PC Construction. Further, no single engineer/firm has as yet certified the overall flood protection status of the Flood Wall/flood protection for the entire JSTP site.

(Mr. Weaver exited the meeting at 4:15 PM and Mr. Pearsall returned).

City of Binghamton Staff Accountant Chuck Robinson reported on fiscal matters on behalf of Fiscal Officer Chuck Shager. Referring to his report, he stated that the first quarter looks good. Expenses have been paid and most monies have been collected and a follow up is in progress to confirm payment for anything outstanding. He had nothing to report for April financials. Mr. Robinson left the conference call.

Edward Crumb presented the Lead Agency Capital Project Chart Report and Graph Report, copies of which are in the Board Folders, 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.

Superintendent’s Report

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

**Superintendent’s Report for April 2020
May 12, 2020**

Violations and Significant Issues:

Fines: \$5000 for Phase 2 construction.

Compliance:

April 2020 Average Flow 16.97 MGD	Influent	Effluent	Average % Removal		Effluent Limit
CBOD mg/l	170mg/l	12.50mg/l 1,769 lbs/d	93%	last month 92%	18mg/l 5,300lbs/day
Suspended Solids mg/l	157mg/l	10.2 mg/l 1444 lbs/day	94%	Last Month 92%	20mg/l 5800lbs/day
Other: Settleable Solids Max ml/l	18.7ml/l	0.08ml/l	99.57%		0.3
Total Nitrogen mg/l	Apr 2020 17.87mg/l	Apr 2020 4.66mg/l	74%	Last month 57%	6mg/l 639,261lbs/year
Phosphorus mg/l	2.98 mg/L	0.49mg/L	84%		1.0 Max. Monitor
Avg. Temperature	12.0	13.7			
Solids Removed		Jan 2020	Feb 2020	Mar 2020	Apr 2020
Digested		608.24	564.52	573	571.4
Lime Stabilized		0	116.67	0	0
Total		608.24	681.19	573	571.4
Grit					
Grit/Screenings Combined		16.65 Tons			16.9
Grease		0			3.2

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.
- South Volute thickener Has been starting up. North Volute is waiting vendor setup or correction
- We are still waiting for the Drain to be placed in the Scum screen room.
- We are still waiting for the re-work of the truck bay drain and cleanout.
- We received a final Certificate of Occupancy for what appears to be the entire project. No building or Buildings is defined on the certificate.

Other Issues;

- We are sending flow from 6, 1 and 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: Biostyr 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 43% 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.
- With 2 data points missing, we are averaging 4.66 mg/L Total Nitrogen this month. The last time we met the permit limit of 6 mg/L was in April of 2011 when we averaged 3.7 mg/L for the month.
- Phosphorus of 0.49 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.
- Kristen Tocheny has passed her class with an A. We are waiting for her transcripts and will get them processed with Civil service and DOH as soon as possible. Until then it will be necessary to keep Cathy Young's firm, Worth Consulting, on until we satisfy the DOH.
- Mary Scofield has passed all 5 of her PT's (Proficiency tests) and is doing well.
- The Lab has again received a Certificate of Excellence from ERA (a national provider of Proficiency Testing [PT] products and Certified Reference Materials [CRMs]) for achieving 100% acceptable data on our annual PTs for CBOD5, Settleable Solids, Solids, and two Fecal Coliform tests.
- At this time we have 3 of 5 Micro-Turbines running and producing on average 4,500 KwH/day or reducing our electric bill approx. \$300.00/day.
- Travel allowance for Deron Biechele June 15th -26th.

Superintendent Wagner reported that the CBOD and TSS limits have been met again and that, in fact, the total nitrogen limit has been met as well for the first time in 9 years. Construction is

heading towards the end with various issues being worked out. The microturbines have been started up and the Contractor and Manufacturer are diligently working on resolving any problems that they've encountered, including problems with the cooling water supply and systems tripping-out.

Mr. Wagner reported that Lab Director Kristen Tocheny and Lab Technician Mary Scofield successfully completed the classes they have been taking. He also wanted to report that the Lab has again received a Certificate of Excellence from ERA (a national provider of Proficiency Testing [PT] products and Certified Reference Materials [CRMs]), recognizing the Lab as a Laboratory of Excellence for achieving 100% acceptable data and demonstrating superior quality in the PTs for CBOD5, Settleable Solids, Solids, and two Fecal Coliform standards.

Superintendent Wagner is also requesting expenses for training for the newly hired Plant Operator, Devin Biechele.

He is looking forward to seeing the team being able to return to a full work schedule at the Plant, as the COVID-19 restrictions ease.

George Kolba brought up that there were complementary letters received from DEC, and Superintendent Wagner wanted to be sure that any commendations reflect that they are because of the work done by the whole team.

Referring to his submitted informational Plant Performance graphs, Superintendent Wagner noted trends and progress specifically bringing attention to the continuing electric bill savings resulting from the solar and microturbine equipment.

**Edward Crumb makes a motion to approve payment of the required/allowed expenditures in accordance with the Travel Policy for the June 15, 2020 through June 26, 2020 course training program at SUNY Morrisville for Plant Operator Deron Biechele.
Seconded by Ron Davis.
Motion carried 6/0.**

Superintendent Wagner received the submitted Commissioning Checklist from the Contractor for his signature a maintenance plan with regard to the microturbine equipment. He reviewed the checklist and executed same.

Charles Pearsall presented the Business Manager's Report. He has prepared a claim for the payment of the \$5,000.00 DEC penalty for Phase II construction deadline and is anticipating compliance for the April level. It was noted that this is dependent on the Lead Agency being successful in getting the Contractor to repair/remedy the leaking expansion joint in the influent/effluent channels between C/N Cells 1-8 and C/N Cells 9-14.

Mr. Pearsall is asking for approval for a FEMA Disaster Recovery Consultant. The Board discussed the funding for this position and successfully strategized this funding within the current budget.

Edward Crumb made a motion to liquidate the encumbrances in favor of Simmons Recovery, LLC in the “ENCUMBRANCES” column shown on page 4 of the May 8, 2020 Flood Capital Report in the amount of \$76,508.60. Once these monies are liquidated they, will be part of the revised Flood Professional Services budget line JF8130.559105.

Steve Andrew seconded the motion.

Motion carried 6/0.

Edward Crumb made a motion to transfer \$3,953.00 in “AVAILABLE BUDGET” funding from the Flood Recovery - Building 18 budget line JF8130.559137 to the Flood Professional Services budget line JF8130.559105.

Steve Andrew seconded the motion.

Motion carried 6/0.

After a lengthy discussion, the Board noted that for at least 8 years, Howard Weaver has been the primary employee of Simmons Recovery and was responsible for the thus far successful efforts undertaken by Simmons Recovery to recover Federal and State Disaster Assistance Funding that the Board and the Owners have recovered, amounting to in excess of \$2.8 million for the Board and in excess of \$21.7 million for the Owners. That the procedures to recover such funds require a familiarity with the state and federal rules and procedures; and a detailed understanding of the Plant as well as knowledge of the history of the construction project and that but for the change in the health status of the proprietor of Simmons Recovery Services there would be no need to procure a different professional services provider for these services.

Edward Crumb made a motion for the Board to enter into an agreement with Weaver Recovery Services as a sole proprietor or a Limited Liability Corporation as soon as possible but not later than June 1, 2020 in accordance with the May 11, 2020 proposal from Howard Weaver to serve as successor to Simmons Recovery Services through December 31, 2020 at an initial rate of \$150.00 per hour with all-inclusive expenses as described in the proposal not to exceed \$128,975.00 which would be encumbered and paid for from Flood Professional Services budget line JF8130.559105. The Contract for these professional services will be procured on a non-competitive basis prepared or approved by Board Counsel.

Steve Andrew seconded the motion.

Motion carried 6/0.

Mr. Pearsall made a request to amend 2019 budget line J8130.54001.JZ (Reimburse City Debt Service Costs) to transfer funds in the 2019 Budget to account for increased expenses due to additional debt costs incurred by the City of Binghamton. No wording for this motion was presented, and no action was taken.

Edward Crumb made a motion to approve a three (3) month extension of the methanol supply agreement with SPS for the supply period from June 7, 2020 through September 6, 2020 at a price of \$1.38 per gallon delivered to be paid from budget line J8130.54150 (Chemicals).

George Kolba seconded the motion.

Motion carried 6/0

Business Manager Pearsall wanted to share simply as information at this time the he received a proposal for a Labor Negotiator (at \$275.00 per hour) and offered to pass the copy around to the Board for review, which was declined as being premature given the pending solicitation for proposals with a June 4, 2020 opening date. There was a discussion as well as questions on this topic, which has been placed on hold at this time.

Committee Reports

Construction: Steve Andrew and George Kolba. George asked Howard Reeve to talk about the Rock Catcher issue. Mr. Reeve and Mr. Wagner shared information that negatively affected the topic of a locally fabricated Rock Catcher. Edward Crumb suggested that Howard Reeve put together an outline of equipment and summary of each piece for easier future discussions with updated information. George Kolba also asked Howard Reeve about his results to replace a damaged fence due to the Owners' construction project. Howard Reeve reported he had no information at this time and will follow up. Edward Crumb thought the avenue to take would be to get quotes and submit them to Lead Agency for a possible insurance claim under the Contractor's insurance.

Finance: Edward Crumb reported that next month is the start of the new budget development season and will be anticipating submission of the Superintendent's proposed 2020-2021 budget.

Personnel: Steve Andrew wanted to note for the record that the essential employees should be advised that they could request testing for Coronavirus. Michele Cuevas added that she had received a call from Debbie Nettles, a representative from Occupational Medicine (OccMed). Ms. Nettles advised that the employees can request testing through their agency and Ms. Nettles also asked if any additional equipment, gloves or masks are needed for protection of JSTP employees. Michele Cuevas requested a thermometer to have available for use. Mrs. Cuevas was advised that she should send a list of any employees wanting to be tested to OccMed. The Board discussed having necessary tools and equipment for all employees and the possibility of a medical professional to educate the Board on behavior and personal care during a pandemic. Michele Cuevas will follow up with a call to Debbie Nettles at OccMed for more information and to ask about the availability of a medical professional and/or consulting services.

Mr. Andrew wanted to discuss the position of Mechanic and Mechanic's Assistant stating he and Mr. Wagner had a conversation discussing the need to have qualified Mechanics with experience on the Plant equipment; that due to the defunding of the Assistant Mechanic positions by the Owners' legislative bodies in the 2020 budget process last Fall, there is no path for obtaining the required experience to become qualified as a "Mechanic" and therefore the Personnel Committee is requesting the Board approve Requests for Legislation for funding for an Assistant Mechanic.

**Steve Andrew made a motion for Board approval to modify the Budget to defund a Mechanic position for the remainder of the year and fund an Assistant Mechanic position for the remaining year of 2020 and that the corresponding Requests for Legislation be submitted to the Owners' legislative bodies.
Seconded by George Kolba.
Motion carried 6/0**

Steve Andrew advised that he will bring up the positions of Operator 1 and Operator 2 in the near future.

Ad Hoc: Ronald Davis - Nothing to report.

Flow Management: Edward Crumb - Nothing new to report.

Executive Session:

**Steve Andrew made a motion to go into executive session to discuss personnel matters.
Seconded by George Kolba.
Motion carried 6/0.**

The Board entered Executive Session at 6:26PM.

**Steve Andrew made a motion to exit executive session.
Seconded by Ray Standish.
Motion carried.**

The Board exited Executive Session at 6:42PM. No action was taken during the Executive Session.

**Ray Standish made a motion to adjourn.
Seconded by George Kolba.
Motion carried 6/0.**

Meeting adjourned at 6:43PM.

The next regular monthly meeting is scheduled for June 9, 2020.

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
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