

FINAL COPY

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

Thursday, June 6, 2019

Plant Administration Building

Members Present: George Kolba, Jr., Chairman *Pro Tem*
Edward Crumb
Steve Andrew
Ronald Davis

Members Absent: Ray Standish

Also Present: Craig A. Matias, Acting Superintendent
Elliott Wagner, Assistant Superintendent
Michele Cuevas, Confidential Secretary
Charles Pearsall, Business Manager
Alfred Paniccia, Jr., Esq., Counsel
Laura Lee Perkins

Guests:	Laborers #785:	Michael Dundon	exited at 5:03 PM
	CSEA:	Thorn Mendes	exited at 5:03 PM
	CSEA:	Gary Edwards	exited at 5:03 PM
	Clark Giblin		exited at 5:10 PM
	Dan Livingston, Councilman		exited at 5:10 PM
	Josh Rosenblatt, WBNG		exited at 5:10 PM
	Adam Afify, CSEA		exited at 5:10 PM

George Kolba called the meeting to order at 4:34 PM. All Board Members were present. It is noted that the Board is still without a third representative from the City of Binghamton.

Attendance sheet was passed for signatures. Fire exits were identified.

Charles Pearsall asked the Board to review a legal ad prepared for the Professional Technical Services Laboratory Certification and Consulting Services. These are currently being performed by Worth Environmental until such time as the Plant can get a NELAP Certified Lab Director. Mr. Pearsall has recommended that the current contract be extended for an additional 8 weeks. Edward Crumb inquired as to the correction in 5.2.2; it says "Digester Systems"; should say "Waste Water Laboratory Analysis."

Edward Crumb made a motion for the Board to adopt the Request For Qualifications and Proposals for Professional Technical Services – Laboratory Certification and Consulting Services and direct the publication of the legal advertisement for this solicitation.

Steve Andrew seconded the motion

Motion carried 4/0/1/1 vacant

Mr. Pearsall advised the Board of the need for outside lab services, currently being performed by PACE Environmental; their contract expires July 31st; the new contract service period would be 8/1/19 to 7/31/20; the new Request for Qualifications and Proposal incorporates a penalty structure into the contract. The last he heard there was a crunch for Regional Lab Services because Microbac had a fire and was slow in responding. We are trying to build a little expediency into the contract.

Edward Crumb made a motion for the Board to approve the Request for Qualifications and Proposals for Professional/Technical Services for Sampling and Analytical Services and authorize and direct the Business Manager to publish and distribute the legal ad as distributed to the Board to the proper parties as soon as possible.

Steve Andrew seconded the motion

Motion carried 4/0/1/1 vacant

Mr. Pearsall also advised the Board that we have received the Actuarial Valuation Report which establishes the minimal amount we should have recognized on our financials for post-employment and retiree health benefits. Jefferson Solutions provided that service. Mr. Pearsall forwarded changes to Ray Standish, as well as all other Board Members. Mr. Andrew inquired if we need this service at this time; Mr. Pearsall stated we will need it for the final audit.

Mr. Crumb stated that, with the corrections that were made, it is worth noting that the long-term actuarial liability was reduced by about \$1.8 million because they actuarial firm was using the wrong insurance rates. Mr. Crumb inquired as to whether the Board needs to adopt GASB 75 before approving this report? Mr. Pearsall stated he did not think so because the firm they are working with, they are aware of the GASB 75

Edward Crumb made a motion, subject to further action with respect to adoption of GASB 75 by the Board and subject to any math changes that Jefferson Solutions wishes to make in relation to comments that were provided earlier today regarding the health insurance, for the Board to approve and ratify the Jefferson Solutions Actuarial Valuation Report under GASB 75 as of January 1, 2018 for the years ending December 31, 2018 and December 31, 2019.

George Kolba seconded the motion

Motion carried 4/0/1/1 vacant

Mr. Crumb thanked Charles Pearsall for his work with the actuaries on this.

Craig Matias informed the Board that Chuck Shager was requesting from Board staff their concerns and issues with the construction project. Mr. Matias wants to approach the Board for their approval to provide that information. Mr. Matias would submit the list to the Board for their review and approval. Mr. Pearsall stated that the City is paying millions of dollars to an engineering firm and now they want the staff to fill in the information because they are having problems with their process. Mr. Pearsall is concerned that if the Plant provides a list, then that becomes “the list” and if anything is missing or overlooked, the staff will be asked, ‘why didn’t you tell us about X, Y and Z’. He stated that it is not the Plant’s job to monitor the construction.

Alfred Paniccia stated that the impression he got from Chuck Shager’s email was that Mr. Shager was under the impression that the Board has a list of deficiencies. Mr. Paniccia is not aware of any such list and stated that if there is a list, former Superintendent Cathy Young would have been in possession of it. Mr. Paniccia told Mr. Matias that another list could be created, it would not be that simple because the Owners’ Project has been ongoing for several years and he suspects that Cathy Young was bringing the concerns and issues to the engineers and the project manager(s). It might involve going through minutes, notes and trying to pull out a list. He agrees with Craig that he would be hesitant to provide such a list.

George Kolba pointed out that the Plant is not supposed to be the Clerk of the Works, but stated he agrees that more eyes, especially those working the Plant, should be able to start a list. He is sure that most items had been pointed out prior. He also believes that there are items on the list that have not been addressed (front stairs, valves installed backwards, a gate valve that turns substantially, lab problems, installing locks backwards). Steve Andrew pointed out that in the very beginning, the Owners/Mayors told the Board that these things were NOT the Board’s concern; that they had someone running the show and anything and everything was supposed to go through them. We were not supposed to keep lists or even tell them about problems. Now, why would they come to us at this point and ask us what we know? Mr. Crumb pointed out that the Project Manager should be told about any problems.

Mr Crumb informed the Board, by way of background, that Chuck Shager was referring to a prior list. We put the lists as an appendix to the Annual Reports at the end of the last decade. (The Inter-Municipal Agreement has since been amended to eliminate the requirement for an annual report).

Steve Andrew stated that the present Project Manager is very cooperative, but that when the project started, that was not the case with previous Project Managers. Believes the Board's job is to see if it works or not, but we are not part of the construction.

Mr. Paniccia inquired as to how to respond to Mr. Shager.

Dan Livingston suggested that the Superintendent ask the Owners' Project Manager for his list of reported issues, to which the Superintendent could add items not included.

Steve Andrew informed Mr. Livingston that we do not know if the former Project Managers passed on any of the concerns presented to them by Cathy Young to the current Project Manager.

Mr. Kolba wants to take the present list and add any concerns and send it to Chuck Shager.

Mr. Crumb stated he agreed with Mr. Paniccia's idea to get a list from Ron Lake's office, review and add to it as needed.

Mr. Matias stated that training is going well. Have had some no-shows, but will make up the classes.

Mr. Kolba thanked Mr. Matias and his staff for compiling the responses to the 60 questions and getting everything together so that the respondents to the Owners' RFP could have the information that they needed, which should have been done by the people that got paid to put everything together but we end up putting everything together for them. He is not quite understanding the process.

Edward Crumb made a motion for the Board to go into Executive Session to discuss pending administrative litigation to do with the Consent Orders.

Steve Andrew seconded the motion

Motion carried 4/0/1/1 vacant

(Guests exited the meeting)

The Board went into Executive Session at 5:10 PM

Edward Crumb made a motion for the Board to exit Executive Session
George Kolba seconded the motion
Motion carried 4/0/1/1 vacant

The Board exited Executive Session at 5:30 PM.

Edward Crumb made a motion for the Board to adjourn.
Steve Andrew seconded the motion
Motion carried 4/0/1/1 vacant

Meeting adjourned at 5:31 PM

Respectfully submitted,

Laura Lee Perkins
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
Craig Matias, 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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