

FINAL COPY

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

Tuesday, June 8, 2021

Plant Administration Building

Members Present: George Kolba, Chairman
Chris Papastrat, Vice Chairman
Edward Crumb
Bruce T. King
Stephen Andrew
Ronald Lake

Also Present: Elliott Wagner, Acting Superintendent
Charles Pearsall, Business Manager
Alfred Paniccia, Jr., Esq., Co-Counsel
Chuck Robinson, Staff Accountant, City of Binghamton (Exited at 4:05PM)
Ronald Warwick, Acting Assistant Superintendent
Howard Reeve, Facility Engineer (Exited at 4:50PM, Re-entered at 5:25PM)
Michele Cuevas, Confidential Secretary
Larry Travis, Electrical Engineer, - WWTPP
Adam Afify, Acting Head Operator (Entered at 4:45PM Exited at 4:50PM, Re-entered at 5:25PM)
Janet Smith, Transcriptionist

Guests Jason Greene, PE, GHD (Audio/visual at 3:35PM, Exited at 3:45PM)
Howard Weaver, Weaver Recovery Consulting, LLC (Exited at 3:55PM)
Tina Chronopoulos, Resident, City of Binghamton (Exited at 4:50PM, Re-entered at 5:25PM)
Vaughn Golden, Reporter, WSKG (Exited at 4:50PM, Re-entered at 5:25PM)
Dan Conklin, Videographer, WBNG (Exited at 4:40PM)

Chairman George Kolba called the meeting to order at 3:31PM. Sign in sheet was passed and Confidential Secretary Michele Cuevas took attendance aloud. Six (6) Board Members were present. Fire exits were identified and Chairman Kolba requested cell phones be turned off or silenced during the meeting.

Privilege of the Floor

No one wished to speak.

May 11, 2021 Regular Meeting Minutes Approval

Edward Crumb made a motion to approve the submitted May 11 , 2021 Draft Minutes with the suggested changes as contained in the Board Folders.

Motion seconded by Steve Andrew

Motion carried. 6/0

The floor was opened to Jason Greene, P.E., attending by audio-visual means, to review the May 2021 IWPP Status Report, copies of which were distributed in the Board Members' folders. Mr. Greene listed the current major work efforts: 2021 Industrial Survey, a new connection at Oakdale Mall, NOV follow up with Frito Lay and support with the Mercury Minimization Plan. There was a permit inquiry from International Paper and there were five (5) IWPP Discharge Permit renewals.

Chairman Kolba expressed concern on the outstanding fines. Mr. Greene advised all but Binghamton University (BU) are within the time line for payment and that he will be following up with a notification letter to BU, that there is a non-payment *late fee clause* available if appropriate. He stated that historically late-paying users have paid in full after receiving nudging correspondence.

Mr. Greene exited the (audio/visual) meeting at 3:45PM

Howard Weaver was then given the floor to update the Board on the status of FEMA financial progress. Mr. Weaver outlined remaining issues and where things stand at this time. Mr. Weaver will follow through investigating any pending hold-ups and proceed accordingly. He advised that his contract will run out by the end of June 2021. Mr. Crumb brought up that the budget had been approved with enough monies to cover 6-12 month extension or until at least by December 2021 should a new contract be needed.

Mr. Weaver exited the meeting at 3:55PM

Fiscal Officer's Report

Chuck Robinson presented Fiscal Officer Chuck Shager's report which was distributed in the Board Members' folders. Mr. Robinson stated that the 2020 Final Credits of \$1,118,323.21 will either be distributed or credited on the next quarterly billing which will go out July 6, 2021.

Mr. Robinson exited the meeting at 4:05PM

Mr. Crumb then presented the Lead Agency Capital Project Chart Report and Graph Report 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 detailing the various lines in the financials

Superintendent's Report

Elliott Wagner presented the Superintendent's Report and the Weekly Plant Status as of 6/8/21 (which appears below) both of which were distributed in the Board Folders along with the charts and graphs. Starting with an overview of the Weekly Plant Status 6/8/21 he pointed out that the status of the microturbines, that are on stand-by mode while awaiting direction from the manufacturer (ABB), and there is a tentative ship date of June 26, 2021 for repair parts. He also wanted to mention that this is the first time since 2019 that there was this sort of issue, and he is hopeful to remedy as soon as possible. Superintendent Wagner asked Mr. Lake about the status of the covers on primaries 1-6 as well as the guardrails. Mr. Lake replied that the covers were ordered and the guardrails should be in progress.

Superintendent Wagner continued with the Superintendent Report stating that they are continuing to meet the SPEDES permit all due in part to the hard work and dedication of the plant operators and maintenance staff. The staff of Operators, Mechanics and Electrical/Instrumentation Department continue to clean up post construction as well as pressure wash and perform paint preparation; that the staff of Mechanics and Electrical/Instrumentation Department continue small scale projects to optimize new construction and Plant staff continue to seek quotes for Inventory items and adding items to the CMMS.

Superintendent Wagner reports that WWTP Electrical Engineer, Larry Travis, continues to maintain and update information on the website including posting the current SPEDES permit and that he has developed a link for the Basis of Design of the Flow and Load table.

Superintendent Wagner continued with the Superintendent Report pointing out the Industrial Wastewater Survey and Mercury Minimization Plan per the SPEDES permit requirements are starting to move along.

As far as staffing, he is still actively seeking to fill the Electrician position and the Industrial Hygienist. He stated it is difficult finding a qualified Electrician as the pay scale and requirements are not in line with today's pay scale and requirements.

He wanted to thank Mr. Paniccia and Mr. Crumb for the work that have done and are continuing to do on the Plant Rules and Regulations.

Superintendent Wagner explained the letter from Broome County Landfill Solid Waste Management Specialist, Emily Giordano; that the landfill will be able to accept the spent iron sponge media as long as its requirements are fulfilled. He feels the requirements will be met.

Superintendent Wagner is requesting travel expenses for training for an Operator.

Edward Crumb made a motion for Board approval for a travel allowance in accordance with the travel policy for attendance by one Operator for training for Operator III certification. Operator III training will take place for 5 days from July 12-16, 2021.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Superintendent Wagner continued overviewing the charts pointing out that the numbers reflected in the report clearly show the diligence and dedication of the plant staff particularly in sampling, testing, and charting the numbers every single day.

Superintendent Wagner advised Power Point training on the SPEDES permit has been successfully on-going and wanted to bring up that he will be starting a wet-weather event training class which in turn will create likeliness of overtime during this training for some of the staff.

Weekly Plant Status 6/08/2021

Main Pumps:

Auto. #1 VFD Charging circuit fault. We await direction from the manufacturer, ABB.

Headworks:

Auto. Compactor Being Manufactured.

Aerated Grit System:

Auto.

Primaries:

Auto. #6 Primary being drained. Weirs will be checked during annual inspection.

Sludge Handling Building:

Auto.

Thickeners:

Auto.

Digesters:

Auto.

Micro-Turbines:

Gas skid down waiting on compressor oil seal. Spoke with the Landfill. We have an acceptance letter for our Iron Sponge media disposal. See the attached letter and expectations.

Centrifuges:

Auto.

Scum system:

Auto.

Actiflo:

Auto. Two men from Kruger/Veolia are here for the next two weeks. Operators are draining the Actiflo today to perform annual inspection of mechanical equipment and walls, floors, Torque settings, etc. While this happens Kruger/Veolia plans to inspect the system looking for any obvious signs that may be causing the erratic operation of the system. Some construction debris is being found in the system.

SIPS:

Auto. Roof Leak.

Admin building Roof:

Waiting for a quote and feedback from Solar vendor.

BioStyr, CN Cells:

Auto, CN4, off-line. Kruger/Veolia has ordered new valve bodies that go inside of the positioner, we await their arrival. Instrumentation Dept. will install when it arrives.

Methanol:

Auto. Methanol use is back below 1000 GPD after Ops changed the Methanol to Nitrate ratio. Plant staff placed approximately 5 yards of crushed stone at Methanol loading facility to reduce heat signature reflection. We still have further measures to take as time allows.

D/N Cells:

Auto.

UV system:

Auto.

Plant Water System:

Auto.

Storm Water pump stations:

Stand-By.

Chemical Storage system:

Auto.

Scrubber system:

Auto.

HVAC Systems:

Auto

Generator system:

Auto.

Electrical System:

Laboratory:

CMMS:

145 PMs scheduled this week. 77 PMs Closed last week. Qty of 8 open, non-critical work orders. Plant staff continues putting spare parts inventory in CMMS. We continue getting budgetary price quotes from vendors for unit costs. As of today there are 498 spare parts in CMMS. 16.3% of those have a unit cost associated with them for a total budgetary value of \$338,968.81

Staffing:

Looking for an electrician.

Looking for an Industrial Hygienist.

Landfill:

10 Trucks this week.

Training:

Covid:

Construction:

Still waiting for O&Ms from Matco, GHD and Kruger/Veolia.

Still waiting for Coordination Study, Arc-flash hazard analysis, baseline test reports for equipment and breakers, third party baseline test reports for equipment and breakers.

Still waiting for as-built drawings

Still waiting for notification of warranty start dates for equipment that has had warranty extended due to installation date.

Still waiting for Cover installation on Primary 1-6.

Still waiting for 30 day performance test on Actiflo system.

Still waiting for DEC final sign-off and removal of Consent Order.

Still waiting for resolution of Guardrail issue.

Still waiting for repair of SIPS roof Leak

Still waiting for repair of Admin Roof Leak



State of New York
County of Broome Government Offices

Department of Public Works-Division of Solid Waste Management
Jason T. Garnar, County Executive · Debra A. Smith, Director

June 8, 2021

Binghamton – Johnson City Wastewater Treatment Plant
4480 Old Vestal Road
Vestal, NY13850

Attn: Mr. Elliott Wagner – Superintendent

Re: Disposal of Iron Sponge at the Broome County Landfill

Dear Mr. Wagner,

We would like to notify you; the Broome County Landfill is able to accept the spent iron sponge media from the Binghamton – Johnson City Wastewater Treatment Plant. As our staff is unfamiliar with this product, below we have listed a few points that we would like you to review for further discussion.

1. Broome County Division of Solid Waste (BCSW) staff is permitted on site to review operations of deactivating the media anytime during the 10-day process.
2. BCSW staff would like to speak with the RSP Group representatives for further information on the disposal of this product.
3. BCSW staff would like to request logs be kept of when the media is raked, if there are any problems with the continuous sprinklers and temperatures of the material at various locations.
4. BCSW staff would like to request a test be performed at the end of the 10-day period to confirm the entire product has been brought to a neutral state.

Please do not hesitate to contact me directly with any questions or comments regarding the items above. We look forward to helping you with this disposal.

Sincerely,

Emily E. Giordano
Solid Waste Management Specialist

Business Manager's Report

Business Manager Charlie Pearsall presented the Business Managers' report, copies of which were distributed in the Board Members' folders. He advised that the 2022 Budget is currently in preparation. Also, that he is working on updating the fire alarm system with WWTP Electrical Engineer (Larry Travis) and Davis-Ulmer to streamline the number of telephone land lines used.

Business Manager Pearsall is requesting Board approval for the contract and payment for the Confined Space Rescue Agreement which was held over from the May 11, 2021 meeting. He is also requesting permission to extend or advertise for lab services.

Steve Andrew made a motion for the Board to approve the Confined Space Rescue Agreement for three years June 1, 2021 – May 31, 2024 with an annual fee of \$4,600.00 and hourly rate of \$825.00.

Motion seconded by George Kolba

Motion carried. 6/0

Mr. Conklin exited the meeting at 4:40PM

Edward Crumb made a motion for the Board to authorize the Business Manager to pursue the extension for outside Lab Services Agreement with Microbac Laboratories at the current terms and conditions and rate for a one year period and if unsuccessful approve the authority to advertise with the same Request for Proposals with same requirements for outside lab services as previously used.

Motion seconded by George Kolba.

Motion carried. 6/0

Mr. Pearsall proceeded along with a request for Board approval the acceptance of the Workers' Compensation Funding Contribution renewal through Comp Alliance.

Edward Crumb made a motion that the Board accepts the Comp Alliance June 1, 2021 renewal offer for a Workers' Compensation Funding Contribution for the period of July 1, 2021 – June 30, 2022 in the amount of \$90,842.00 to be encumbered and paid from the Workers' Compensation budget line, J9040.58000.D.

Motion seconded by Chris Papastrat.

Motion carried. 6/0

Mr. Pearsall then wanted to proceed to discuss the outstanding Vestal water-sewer bill issue.

T/Vestal's Water-Sewer Bill: [a] the Sewer portion of the bill is absolutely invalid given the JSTP does not discharge wastewater into a Town of Vestal sewer pipe; [b] the Water portion of the bill is not proper under the Agreement between the City of Binghamton and the Town of Vestal, whereby the Town of Vestal agreed to supply water to the JSTP, but not charge for it in accordance with the other consideration and provisions of the Agreements between the Town and City (including that, *unlike Outside Users charged a 1.25x factor for Debt Service*, the Town

of Vestal is charged a 1.0x factor for Debt Service [in 2020, this arrangement saved T/Vestal approximately \$305,273.52]); as well as [c] *laches*, in that the Town of Vestal waited/delayed years to assert its improper Water-Sewer Bill retroactive to 10/11/2018.

Edward Crumb made a motion that the Board authorize and direct our Counsel to commence as soon as practical appropriate litigation against the Town of Vestal to adjudge and declare that the [a] sewer portion of the bill issued by the Town of Vestal is s absolutely invalid given that the Binghamton-Johnson City Sewage Treatment Plant (JSTP) does not discharge wastewater into a Town of Vestal sewer pipe; [b] the Water portion of the bill is not proper under the Agreement between the City of Binghamton and the Town of Vestal, whereby the Town of Vestal agreed to supply water to the JSTP, but not charge for it in accordance with the other consideration and provisions of the Agreements between the Town and City (including that, *unlike Outside Users charged a 1.25x factor for Debt Service*, the Town of Vestal is charged a 1.0x factor for Debt Service [in 2020, this arrangement saved T/Vestal approximately \$305,273.52]); as well as [c] *laches*, in that the Town of Vestal waited/delayed years to assert its improper Water-Sewer Bill retroactive to 10/11/2018 and such and other legal causes of action Counsel deems appropriate.
Motion seconded by Steve Andrew.

At this time Co-Counsel Al Paniccia interjected and advised the Board to go into Executive Session before proceeding further. There was a strong discussion about the motion, issues and the way to proceed. Mr. Paniccia recommended the Board to go into Executive Session before further discussion.

Chairman Kolba questioned if the motion should be handled prior to going into Executive Session.

Mr. Crumb repeated the motion for Mr. Kolba.

Edward Crumb made a motion that the Board authorize and direct our Counsel to commence as soon as practical appropriate litigation against the Town of Vestal to adjudge and declare that the [a] sewer portion of the bill issued by the Town of Vestal is s absolutely invalid given that the Binghamton-Johnson City Sewage Treatment Plant (JSTP) does not discharge wastewater into a Town of Vestal sewer pipe; [b] the Water portion of the bill is not proper under the Agreement between the City of Binghamton and the Town of Vestal, whereby the Town of Vestal agreed to supply water to the JSTP, but not charge for it in accordance with the other consideration and provisions of the Agreements between the Town and City (including that, *unlike Outside Users charged a 1.25x factor for Debt Service*, the Town of Vestal is charged a 1.0x factor for Debt Service [in 2020, this arrangement saved T/Vestal approximately \$305,273.52]); as well as [c] *laches*, in that the Town of Vestal waited/delayed years to assert its improper

Water-Sewer Bill retroactive to 10/11/2018 and such and other legal causes of action Counsel deems appropriate.

Board conversation and determination was to follow Counsel's recommendation to go into Executive Session.

**Ron Lake made a motion to go into Executive Session.
Motion seconded by Edward Crumb
Motion carried. 6/0**

Dr. Chronopoulos and Messrs. Golden, Reeve, and Afify exited the meeting at 4:50PM

The Board entered into Executive Session at 4:50PM.

**Bruce King made a motion to come out of Executive Session.
Motion seconded by Steve Andrew.
Motion carried. 6/0**

The Board exited Executive Session at 5:25PM. No action was taken during the Executive Session.

**Edward Crumb made a motion for consent to indefinitely table his previous motion.
Motion seconded by Steve Andrew.
Motion to indefinitely table carried. 6/0**

Dr. Chronopoulos and Messrs. Golden, Reeve, and Afify re-entered the meeting at 5:25PM

Committee Reports

Construction: George Kolba and Steve Andrew – Neither had anything to report.

Finance: Edward Crumb – Mr. Crumb wanted to make a motion ratifying the 2022 budget preparation/review schedule, copies of which have been distributed via e-mail and in the Board Members' folders.

**Edward Crumb made a motion that the Board ratifies the proposed budget schedule as presented for the 2022 budget.
Motion seconded by Bruce King.
Motion carried. 6/0**

Flow Management: Edward Crumb – Mr. Crumb is working on the Plant Rules and Regulations to make them current/correct of record as well as updating definitions for average pollutant load design values and average wastewater flow rate design values. A copy of the Notice of Public Hearing was copied and distributed it the Board Members' folders.

Edward Crumb made a motion that the Board approve the setting of the Public Hearing to amend the Rules and Regulations Relating to Use of the Binghamton-Johnson City Sewage Treatment Plant for the first Order of Business on Tuesday July 13, 2021 at 3:30PM and to authorize and direct publication of that Public Notice.

Seconded by Steve Andrew.

Motion carried. 6/0

Personnel: Steve Andrew – Mr. Andrew has not heard anything from the Union. Nothing else to report.

Ad Hoc: Bruce King - Mr. King met with the committee to discuss the Joint Sewage Board By-Laws and asked all Board Members to review the current Joint Sewage Board Rules and Regulations for further discussion.

Correspondence: Confidential Secretary Michele Cuevas – Previous discussed.

Old Business: Chairman Kolba asked about building flood insurance coverage with a brief discussion. Business Manager Charlie Pearsall advised we are property-insured for the upgrade and flood-insured for the pre-Lead Agency Project covered structures remaining. The National Flood Insurance Program does not make structures with less than 51% of their "actual cash value" above ground level eligible for flood insurance. When the Lead Agency's construction projects are certified completed and final documentation, including as-built drawings, have been received, then the Board can pursue procurement of an "Above Grade/Below Grade" appraisal in support of procurement of flood insurance on eligible new structures. This will be necessary in order to successfully close-out the FEMA grants which contain new structures.

New Business: Edward Crumb wanted to make Business Manager Pearsall and the Board aware that the City of Binghamton approved a one year contract extension with Amrex Chemical for the final year for sodium hypochlorite and that the Board can piggyback off that contract.

Chairman Kolba wanted to discuss the pay rate for the Electrician position; that this position has been open for over a year and needs to be filled. This prompted a discussion to include the pay scale down the line for all employees. There was a discussion about the avenue to take to expedite a resolution. Chairman Kolba wanted to keep the discussion going but it was determined to place this on the agenda for a budget review meeting and not in an open meeting since it involves personnel.

Chairman Kolba also brought-up the subject of placing something (such as trailers) over the 40-foot opening at the former Chlorine Contact Chambers. Superintendent Wagner mentioned that, at present, there is no "good" chlorination/dechlorination line in place. A proper structural engineering analysis should be performed prior to considering "bridging" the opening in order to minimize sub-surface damage or collapse.

Executive Session: Previously entered and exited.

**Motion to adjourn by Steve Andrew.
Seconded by Bruce King.
Motion carried 6/0**

Meeting adjourned at 5:50PM.

Next meeting is July 13, 2021 at 3:30PM.

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
Ronald B. Lake, P.E., City of Binghamton Acting Engineer
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