

# FINAL COPY

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

Tuesday, September 10, 2024

Plant Administration Building

Members Present: George Kolba  
Edward Crumb  
Chris Papastrat  
Ron Lake  
Bruce King  
Stephen Andrew

Also Present: Elliott Wagner, Superintendent  
Alfred Paniccia, Jr., Esq., Co-Counsel (exited 5:25pm)  
Ron Warwick, Asst. Superintendent  
Billie Goodson, Business Manager  
Howard Reeve, Facility Engineer (exited 5:07pm)  
Bryan Witbeck, CMMS Clerk and CSEA Unit President (exited 5:07pm)  
Larry Travis, E.E., Electrical Engineer (exited 5:07pm)  
Chuck Robinson, JSB Fiscal Officer/City of Binghamton Comptroller  
(exited 4:05pm)  
Marty Meaney, Mayor Village of Johnson City (exited 3:55pm)  
Clark Giblin, Deputy Mayor Village of Johnson City  
Josh Holland, Village of Johnson City DOPS (exited 3:55pm)  
Mark Millspaugh, PE, President Sterling Environmental (exited 3:55pm)  
Dan Griffith, PE., President Griffiths Engineering Architect (exited 3:55pm)  
William Demarest, Esq., Attorney for Spark JC LLC (exited 3:55pm)  
Keegan Coughlin, Esq., Coughlin & Gerhart LLP, Attorney for Village of  
JC (exited 3:55pm)  
Avery C. McLean, Law Clerk, Coughlin & Gerhart LLP (exited 3:55pm)

Chairman Kolba called the meeting to order at 3:34 PM. Sign in sheet was passed.

Six (6) Board members were present. Chairman Kolba confirmed all signed in, identified fire exits and requested cell phones be turned off or silenced during the meeting. All stood to recite the Pledge of Allegiance.

### **Privilege of the Floor**

Board Member Crumb spoke briefly regarding the 2025 JSB Budget Approval (approved by the Owners' legislative bodies without financial change from the Board-proposed budget) at last evening's Joint Owners' Meeting. Mr. Crumb thanked and acknowledged Business Manager Goodson and Superintendent Wagner, as well as all others involved with the process.

There being no one else wishing to speak, the Chairman closed the floor.

Chairman Kolba stated that NEW BUSINESS on the agenda would be taken out-of-order to accommodate external presenters/personnel.

### **New Business - 2023 JSTP Final Billing Computation**

**Edward Crumb made a motion that the Board approves the submitted v1.3 2023 JSTP Final Billing computations as provided by the Fiscal Officer. Motion seconded by Steve Andrew. Motion carried. 6/0**

### **New Business - Presentation Re: Application of Spark JC, LLC., New Sewer Connection**

Board Member Crumb noted that the applicant Spark JC, LLC has presented an application for new/modified Sewer Connection Permit for its proposed project located at 601 Harry L. Drive in Johnson City (Oakdale Commons). There was a discussion summarizing the figures that were presented in the application.

Mr. William Demarest, Esq. gave introductory remarks. Mr. Mark Millspaugh, P.E. did a project overview and summary of the engineering report's key points. A brief question and answer period followed.

**Edward Crumb made a motion that the Board approves the application of Spark JC, LLC with the conditions stated in the September 9<sup>th</sup>, 2024, Village of Johnson City letter that is attached to the application. Motion seconded by Steve Andrew. Motion carried. 6/0**

(Mayor Meaney; Messrs. Demarest, Millspaugh, Griffiths, Holland, Coughlin; and Ms. McLean exited the meeting)

## **Meeting Minutes Approval**

**Edward Crumb made a motion that the Board approves the submitted August 13, 2024, Regular Board Meeting Minutes with the suggested changes as contained in the Board Folders.**

**Motion seconded by Steve Andrew.**

**Motion carried. 6/0**

## **Fiscal Officer Report**

Mr. Robinson noted that all financials are tracking well. The revised draft 2023 audit report has been e-mailed out to the Finance Committee and the Business Manager for review and comment, and if anyone else would like to review or has questions or comments, please let him know.

(Mr. Robinson exited the meeting)

## **Superintendent's Report**

Superintendent Wagner overviewed his Superintendent's Report below which included graphs, charts, copies of which were distributed in the Board's folders. The first page of the report is set forth below.

### **August Superintendents Report September 10, 2024**

In August we received 7.14 inches of rain, for a total of 34.78 inches this year.

The average flow was 18.35 MGD with a total of 568,810,000 gallons.

Last year between January 1 and August 31 we pumped 4,268,171,000 gallons.

This year we have pumped 406,090,000 gallons more (or, +9.5%) in the same time period.

CBOD = 6 mg/L, TSS = 4 mg/L, Fecals = 10 MPN, Ammonia = 0.16 mg/L, Phos. = 0.29 mg/L.

Microturbine production was 40,445 kwh. Solar produced 6,578 kwh.

Electricians worked in support of Matco to replace one of the parallel feeds to feeder #1 in the BAF Electrical Room.

While doing so they took the opportunity to remove power to the NW 4800-volt transformer and perform maintenance on it and a 480-power panel and 480-120 transformer and receptacle panel.

## **Superintendent's Report - cont.**

Operations worked with the Electrical Department and Matco to facilitate operating under the ½ electric service to the CN cells. The fact that we had a low flow and modified the operations of the CN cells, blowers and backwash tanks, enabled Matco to perform their work during regular work hours, ultimately saving money in doing so.

Mechanics continue performing their maintenance tasks utilizing the CMMS software and completed the stairs at the thickener #3 project area.

We are waiting for exact quotes for repair of the plant water pumps so we may move forward with that project.

We have received quotes from the pedestal repairs from LeChase and Vacri with PC Construction offering to pay the Vacri quote. These details will have to come from the city's attorney: we have no knowledge of the details of that transaction.

TPS project: EDR came down and took photos and notes of the building and conditions for engineering.

We continue to make progress on the (Chemical Bulk Storage) CBS and (Petroleum Bulk Storage) PBS (Notices of Violation) NOV's. The last big obstacle we overcame was the DEC-required insurance for the underground PBS tank.

\*\*\*\*\*end of report\*\*\*\*\*

## **Business Manager's Report**

Ms. Goodson is reporting-on and requesting Board approval for two items.

### **2024 Budget Modification Request**

**Edward Crumb made a motion that the Board approves a 2024 Budget Modification as follows:**

**Increase ES.8130.54202 Electricity by \$260,000.00**

**Increase ES.8130.54203 Electricity - Plant Pump Station by \$26,000.00**

**Increase ES.8130.54204 Electricity - Terminal Pump Station by \$30,000.00**

**Decrease ES.8130.54150 Chemicals by \$316,000.00**

**and that corresponding requests for legislation be submitted to the Owners' legislative bodies.**

**Motion seconded by Steve Andrew.**

**Motion carried. 6/0**

## **Business Manager's Report - cont.**

### **Request for Permission to Advertise for Phosphoric Acid 75% Concentration**

**Edward Crumb made a motion that the Board authorizes the Business Manager to advertise for Phosphoric Acid 75% concentration in accordance with the Invitation to Bid and bidding documents included in the Board Folders.**

**Motion seconded by Bruce King.**

**Motion carried. 6/0**

## **Site Entry Agreement**

A discussion was had about what the difference is between a Site Entry Agreement and the form Small Project Agreement. Co-counsel Paniccia discussed the difference in purpose between the documents. Facility Engineer Reeve and Business Manager Goodson will work on updating and finalizing these agreements with Co-counsel Paniccia.

## **Old Business**

### **Emergency Confined Space Rescue Agreement**

Board Member Crumb read aloud an addition to the “indemnity wording” that he is proposing be added as the last sentence of paragraph of #5 Liability.

Proposed paragraph to read as follows:

5. Liability. The Board agrees to indemnify and hold the City harmless from any damage, claim, or liability, including personal injuries and damage to the Property, and the Board shall pay the reasonable costs and expenses of litigation and reasonable attorney's fees, in relation to the services provided by the City hereunder. ***In the previous sentence regarding liability, use of “The Board” refers to the liability of the Joint Sewage Board as an entity only and the City agrees that it will not seek to impose or enforce any individual or personal liability against any Board Member or Employee of the Board who is not actually involved in a given confined space emergency within the Plant.***

All Board Members were in agreement with this wording. Business Manager Goodson will send this revision to the City of Binghamton Corporation Counsel.

## **Board Committee Reports**

**Construction:** A brief discussion was held referencing the funding for the Plant Water Pumps Pedestal Bases rehabilitation work. Vacri's proposal is within the Superintendent's discretionary authority under the Procurement Policy. Superintendent Wagner delegates to Facility Engineer Reeve authority to move forward with Vacri's proposal.

**Personnel:** Committee Chair Andrew introduced 3 proposed amendments to the *Policies and*

**Board Committee Reports - cont.,**

Personnel - cont.

*Benefits for Salaried/Management Staff.*

***Benefits Section 1***

***Clothing Allowance***

**Steve Andrew made a motion to amend the first subparagraph of Benefits Section 1 of the *Policies and Benefits for Salaried/Management Staff*, as most recently amended and restated, to delete the \$400.00 clothing allowance and insert a \$450.00 clothing allowance effective January 1, 2025, in accordance with the amendment wording included in the Board Folders and e-mailed to Board Members one week in advance of today's meeting.**

**Motion seconded by Edward Crumb.**

**Motion carried. 6/0**

***Benefits Section 4***

***Sick Leave with No Reduction in Salary***

**Steve Andrew made a motion to amend the third subparagraph of Benefits Section 4 of the *Policies and Benefits for Salaried/Management Staff*, as most recently amended and restated, to delete the half day increments and insert whole hour increments effective January 1, 2025, in accordance with the amendment wording included in the Board Folders and e-mailed to Board Members one week in advance of today's meeting.**

**Motion seconded by Bruce King.**

**Motion carried. 6/0**

***Benefits Section 16***

***Retiree Medical and Prescription Drug Insurance/Benefits***

**Steve Andrew made a motion to amend by deleting, the final subparagraph of Benefits Section 16 of the *Policies and Benefits for Salaried/Management Staff*, as most recently amended and restated, to delete the Benefits Section 16 effective December 31, 2024, in accordance with the amendment wording included in the Board Folders and e-mailed to Board Members one week in advance of today's meeting.**

**Motion seconded by Bruce King.**

**Motion carried. 6/0**

Finance: Board Member Crumb mentioned that a special meeting will be needed to approve the 2023 Audit Report when finalized. Following discussion of potential dates, a Special Meeting

date was set for September 26, at 3:30pm. New York State approvals for employer contribution rate increases to the New York State and Local Retirement Systems (NYS-ERS) for the Fiscal Year ending March 31, 2026, and for 2025 Small Group Market Health Insurance rate increases were noted.

Flow Management: Board Member Crumb noted the Information Session and Public Hearing this evening regarding the Broome Technology Park proposed by the Broome County Industrial Development Agency (IDA) for lands in the Towns of Union and Maine presently without sewer service just North but adjacent to a portion of the Johnson City Service Area in the Town of Union.

Future Planning: Board Member King reported that the committee is close to having a draft of the 5-year plan ready for Board review.

Ad Hoc: Nothing new to report.

**Executive Session:**

**Steve Andrew made a motion to enter Executive Session to discuss personnel matters.**

**Motion seconded by George Kolba.**

**Motion carried. 6/0**

(Messrs. Reeve, Travis, and Witbeck exited the meeting)

The Board entered Executive Session at 5:08pm.

(Mr. Paniccia exited the meeting after the discussion of the topic he was directly involved with concluded, but before the Executive Session ended)

**Exit Executive Session:**

**Steve Andrew made a motion to exit Executive Session.**

**Motion seconded by Chris Papastrat.**

**Motion carried. 6/0**

The Board exited Executive Session at 5:50pm. Three separate personnel matters were discussed during the Executive Session. No action was taken during the Executive Session.

Correspondence: The August status report from GHD for the IWPP was noted and included in the Board Folders.

The next Regular Meeting will be Tuesday, October 8, 2024, at 3:30pm.

**Adjournment:**

**Steve Andrew made a motion to adjourn.**

**Motion seconded by Bruce King.**

**Motion carried. 6/0**

The meeting adjourned at 6:05pm.

Michele Cuevas  
Confidential Secretary

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 Robinson, 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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