

FINAL COPY

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

Wednesday, September 25, 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
Ron Warwick, Asst. Superintendent
Billie Goodson, Business Manager
Michele Cuevas, Confidential Secretary
Howard Reeve, Facility Engineer
Larry Travis, E.E., Electrical Engineer
Brian Sawma, EFPR group (exited 3:40pm) – via videoconference
Chuck Robinson, City of Binghamton Comptroller – via videoconference

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.

2023 Audit

Brian Sawma of EFPR Group, LLP Certified Public Accountants, presented a summary overview of the audited 2023 financial statements. Mr. Sawma that the Audit Report expresses two opinions: 1) the Independent Auditors' Opinion, which is "unmodified", meaning that there were no issues and no changes to the audit procedures, and 2) the Auditor's Report on Internal Controls, which is "clean", meaning that no issues were found.

2023 Audit – cont.

Edward Crumb made a motion for the Board to accept and ratify the December 31, 2023 and 2022 Audit Report as prepared by EFPR Group, LLP which was emailed to Board Members and dated September 24, 2024; to authorize and direct that the Report and required schedules be filed electronically with the federal Clearinghouse and other required agencies, and to instruct the Board Secretary to file the final Audit Report with the Owners and Board Members.

Motion seconded by Bruce King.

Motion carried. 6/0

Mr. Sawma continued with a brief discussion about two Statements of the Governmental Accounting Standards Board (GASB) becoming effective for entities such as the Board:

GASB Statement No. 99 – entitled “Omnibus 2022” is a collection of policy guidance for accounting and financial reporting of a variety of financial transactions including, but not limited to: terminology updates regarding financial reporting of deferred outflows of resources, deferred inflows of resources, and Net Position, as well as Management’s Discussion and Analysis for State and Local Governments in the basic financial statements; disclosures related to nonmonetary transactions as well as subscription-based information technology arrangements (SBITAs), leases, public-private partnerships, and public-public partnerships. There are multiple effective dates applicable to specific aspects of the guidance in the Statement.

GASB Statement No. 102 – entitled “Certain Risk Disclosures” becomes effective for fiscal years beginning after June 15, 2024, and has the objective of providing users of a governmental entity’s financial statements with essential information about risks related to a government’s vulnerabilities due to certain concentrations or constraints that may limit a government’s ability to acquire resources or control spending. The Statement defines a *concentration* as a lack of diversity related to an aspect of a significant inflow of resources or a significant outflow of resources. A *constraint* is defined as a limitation on use imposed on a governmental entity by an external party or by formal action of the governmental entity’s highest level of decision-making authority.

Mr. Sawma recommends that the Board review both Statements and let EFPR Group know of specific questions as to the aspects of these Statements that may be applicable to the Board’s finances and accounting.

Plant Water Pumps

Superintendent Wagner spoke to the Board about the 3 Plant Water Pumps’ status and condition. Mr. Wagner noted that to have 3 pumps repaired and reinstalled will cost \$95,100.00, based on the estimate of “W2O” (W2 Operator Training Group, LLC of Cortland, New York). There will

Plant Water Pumps – cont.

also be additional costs (above present budget funding) for other costs, the largest of which will be potable water for the treatment processes, during the time that the Plant Water Pumps are out of service. Another set of costs pertains to installing sacrificial cathodes and/or grounding straps to minimize future shaft corrosion.

After a brief discussion, it was decided to declare an emergency for procurement of repair of the 3 Plant Water Pumps, including other associated costs.

RESOLUTION DECLARING EMERGENCY

WHEREAS, between mid-July and September 18, 2024, employees of the Binghamton-Johnson City Joint Sewage Treatment Plant (“Plant”) discovered unforeseen degradation of the pump shafts of all three Plant Water System Pumps supplying recycled process water to the on-site Plant Water System serving the Plant’s influent Bar Screens and Fine Screens, Primary Settling Tanks, Secondary and Tertiary Treatment Processes, and Disinfection Process, which water requirement may not be able to be made-up through purchase and use of potable water from the Town of Vestal’s public water supply due to potential intermittent limitations associated with the Town’s ongoing water main replacement project along Vestal Road/Old Vestal Road west of the Plant; and

WHEREAS, as a result, a significant portion of the Plant’s sewage treatment operations are in jeopardy, which could lead to inability of the Plant to meet the requirements of the State Pollution Discharge Elimination System (SPDES) Permit issued by the New York State Department of Environmental Conservation (NYS-DEC); and

WHEREAS, the quality of the Plant’s discharges into the Susquehanna River and Chesapeake Bay Watershed are in peril of being negatively impacted, which could negatively affect public and/or employee health, as well as the health of the local river environment; and

WHEREAS, the Binghamton-Johnson City Joint Sewage Board declares that the conditions discovered constitute an emergency and require immediate procurement and actions to repair/remedy to restore proper and productive operating conditions at the Plant as promptly as possible, which procurement cannot await competitive bidding processes to be completed; now, therefore, be it

RESOLVED, that in accordance with the Board's procurement policy and New York State law, the Board waives compliance with Board policy and State law with regard to purchases of goods, procurement of public works and/or professional services contracts but said waiver is limited to purchases, public works, and/or professional services related to analysis and repair of the affected Plant Water pumping systems and related hardware/systems, as well as actions appropriate to maintain the Plant's discharges in compliance with State law and applicable permits; and be it further

RESOLVED, that in accordance with Section 1(C) of the Board's Procurement Policy, the Plant Superintendent and Board Chairman shall take prudent action to secure the least total cost method of making purchases, engaging in public works, and procuring associated professional services consistent with the nature of this emergency; and be it further

RESOLVED, that this resolution shall be effective through December 31, 2024.

Edward Crumb made a motion that the Board approves the above emergency declaration resolution for procurement of repair of the 3 plant water pumps, including other associated costs.

Motion seconded by Bruce King.

Motion carried. 6/0

Request for Transfer of Funds for Plant Water Pumps Installation and Repair

Business Manager Goodson presented an analysis regarding the cost of additional potable water needs and provided a set of proposed budget transfers to meet the repair needs and additional expenses.

Motion by Edward Crumb to approve transfer funds within the 2024 JSB Budget to two new lines to be created for the repair and reinstallation of the 3 Plant Water Pumps as well as estimated increased operating costs, as follows:

2024 JSB Budget

Decrease ES8130.54112	Gas/Diesel	\$10,000.00
Decrease ES8130.54150	Chemicals	\$30,100.00
Decrease ES8130.54201	Gas Heat	\$50,000.00
Decrease ES8130.54656	Maintenance Agreement	\$40,000.00
Decrease ES8130.54804	Sludge & Waste Disposal	\$30,000.00
Decrease ES8130.55000	Contingency	\$95,000.00
Increase ES8130.XXXXX	Plant Water Pump Repair - Water	\$160,000.00
Increase ES8130.XXXXX	Plant Water Pump Repair - Equip & Pumps	95,100.00

and that corresponding Requests for Legislation to be submitted to the City of Binghamton Council and Johnson City Village Board in the form presented and approved today in the total amount \$255,100.00.

Motion seconded by Ronald Lake.

Motion carried. 6/0

Adjournment:

Steve Andrew made a motion to adjourn.

Motion seconded by Bruce King.

Motion carried. 6/0

The meeting adjourned at 4:45pm.

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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