

FINAL COPY

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

Tuesday, October 11, 2022

Plant Administration Building

Members Present: George Kolba, Chairman Pro Tem
Chris Papastrat
Edward Crumb
Stephen Andrew
Ron Lake
Bruce King

Also Present: Elliott Wagner, Superintendent
Ron Warwick, Assistant Superintendent
Billie J. Goodson, Business Manager
Chuck Robinson, Assistant Comptroller, City of Binghamton (Exited 4:00pm)
Alfred Paniccia, Jr., Esq., Co-Counsel
Howard Reeve, Facility Engineer (Exited 5:30PM)
Larry Travis, Electrical Engineer
Michele Cuevas, Confidential Secretary
Janet Smith, Transcriptionist

Guests: Ron Harting, Ramboll
Adam Scicchitano, GHD (Audio/Visual) (Exited 4:15 PM)

Chairman Pro Tem George Kolba called the meeting to order at 3:34PM. Sign in sheet was passed and Confidential Secretary Cuevas noted roll call aloud. Six (6) Board Members were present. Chairman Kolba confirmed all present signed in. Fire exits were identified, and Chairman Kolba requested cell phones be turned off or silenced during the meeting. All stood to recite the Pledge of Allegiance.

Privilege of the Floor

Chairman Pro Tem Kolba gave the floor to Edward Crumb. Mr. Crumb wanted to mention that the 2023 Joint Sewage Board budget was adopted at the September 24, 2022, Special Meeting of the Owner's and the respective Legislative Bodies for the City of Binghamton and Village of Johnson City. Mr. Crumb thanked the Superintendent, the Business Manager and all those taking part in moving the budget process along. The result is that next year's budget is a 4.55% decrease from the 2022 adopted budget. The substantiating documents are posted on the Joint Sewage Board's website.

Mr. Crumb also wanted to address capital for 2023 for capital projects. He stated that it is important to understand that joint sewage projects are authorized by the New York State Constitution and the New York State General Municipal Law (Article 5G) and none of the authorization or wording has changed. The IMA also has not changed, specifically Section 30 which provides that the Owner's create a task force every 5 years and that a task force is more than three years overdue. The Board had a detailed discussion on the need to have the authorization and ability to pursue needed projects without delay, especially with any future "wet-weather" years; that reserves could be set up for such occasions and the Owner's should address that part of the IMA. Mr. Crumb felt it was important to share this information with the Board as it is nearing the end of the year. Chairman Pro Tem Kolba thanked Mr. Crumb for bringing this information to the Board's attention.

Meeting Minutes Approval

Edward Crumb made a motion to approve and ratify the submitted September 13, 2022, Regular Board Meeting Minutes with the suggested changes made and as contained in the Board Folders.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Edward Crumb made a motion to approve and ratify the submitted September 22, 2022, Special Meeting Minutes with the suggested changes made and as contained in the Board Folders.

Motion seconded by Bruce King.

Motion carried. 6/0

Fiscal Officer's Report

Charles Robinson, Assistant Comptroller for the City of Binghamton, presented the Fiscal Officer's Report, copies of which were distributed in each of the Board folders.

Edward Crumb spoke on the Lead Agency Project financial activity, as to which there was not enough in September to warrant a report and advised that he is working on a grant report but further research on his part needed to be done so he will present that at a later meeting. The only thing that needs tending to is responding to FEMA's question on the BAF money spent for the demolition of the former Blower Building, and he is working on that.

Mr. Robinson advised he will be reporting on this meeting back to Mr. Shager.

GHD IWPP Status Report

Chairman Pro Tem Kolba then called on Adam Scicchitano of GHD. Mr. Scicchitano overviewed the IWPP Status Report, copies of which were distributed in the Board folders. Mr. Scicchitano advised that the annual inspections of discharging industries are ongoing, and that Superintendent Wagner and Assistant Superintendent Ron Warwick have been coming along on a few of them. Mr. Scicchitano noted that the Ametek violation, which was for aluminum and

copper exceedances in its discharge, was resampled, explaining the source of the violation. All requirements have now been met and the fine has been paid along with written apology for the violation. Binghamton University's outstanding fine was confirmed by Michele Cuevas as still due and owing, and Mr. Scicchitano will contact the BU office so they are aware of Ms. Cuevas' findings and can take steps to ascertain the status of payment issuance on their end. Mr. Crumb requested an additional column in the chart labeled "Aging Comment" to note a length of time a fine has been outstanding for enforcing the debt collecting requirements.

Superintendent Wagner asked about an issue regarding the Binghamton Water Plant's discharge to the plant; that although Binghamton Water Plant has new equipment, there is still continuous discharges for which they need to pay surcharges and may not be aware. After a brief discussion, Mr. Scicchitano agrees and will schedule a meeting to resolve this issue.

Chairman Pro Tem Kolba called on Ron Harting to speak on drafting the RFQ-RFP to procure the modification of the GHD TPS Engineering Study. After a lengthy Board discussion regarding the hiring of a new consulting engineer, Ron Lake and Chairman Pro Tem Kolba will each have further conversations with their respective mayors to coordinate a possible meeting.

Chairman Pro Tem Kolba called on Superintendent Elliott Wagner to present the Superintendent's Report, copies of which were distributed in the Board folders.

Superintendent's Report

Superintendent Wagner overviewed the report which included graphs and charts. Superintendent Wagner began by stating that September's numbers were exceptional in comparison to the last 6 months. We aren't out of the woods yet (from the 02/18/22 CN Event) but things are progressing upwards.

Superintendent Wagner is asking for permission for a change order to emergency electrical contract and work orders with Matco regarding manufactured cables, as well as for training expenses for a plant operator.

Matco Change Order

Edward Crumb made a motion that the Board declares an emergency with respect to the hydraulic seepage through the input-output cables from the remote input-output (RIO) panels to the lower level actuators in the CN Gallery because the moisture can cause cascading failures up to a total loss of the CN process as a result of the seepage of liquid which would have both personnel safety issues as well as process failure issues and damage to the environment consequences; and that as a result of the work that is needed to be done to replace the input output cables from the RIO panels in the CN Gallery that Change Order Number 14 with Matco Electric Corporation is approved in accordance with the Matco Proposal of September 26, 2022 in the amount of \$113,630.00 and the other terms that are stated thereon and

**that the costs of this project be encumbered and paid from the CN Recovery Fund budget line J813054410.CNBAF (Professional Services – CNBAF).
Motion seconded by Bruce King.
Motion carried. 6/0**

Operator Training

**Ron Lake made a motion that the Board approves expenses in accordance with the Travel Policy for Operator Mark D. to attend the refresher course training in Morrisville for Operator 3 license testing.
Motion seconded by Steve Andrew.
Motion carried. 6/0**

Superintendent Wagner stated that the DEC was quite pleased with the results of the Plant's progress. He pointed out that within 72 days they've been able to achieve the average numbers as for the whole year 2021. Superintendent Wagner then pointed out the readings on each graph for a better visual of the remarkable achievement and wanted the Board to recognize that these positive results are the culmination of the entire Plant Staff; that they saw there was an emergency, saw there was a need and so they stepped up, because they care.

September Superintendent's Report 10/11/2022

In August we received 5.77 inches of precipitation and averaged 15.23 MGD.

From 8/1/2022 it has been 72 days since restart

On 8/1/2022 we began utilizing the UV system. September 30 day mean coliform is 8.

We achieved a CBOD5 number of 14 mg/L down from 24 mg/L in August. Our TSS also dropped to 7.6 mg/L, from 11.9 mg/L. With three data points remaining, we have a TN average of 2.6 mg/L down from 8.4 mg/L.

For the first time since 2/18/2022 ALL permit parameters were met for the month of September. Plant operations continues maximizing the process to meet the permit and increase the efficiency of chemical usage.

We continue to work towards finalizing the CN repairs. We are still waiting for HVAC equipment to arrive, miscellaneous electrical components and will need to seek a 14th project for Matco Electric regarding manufactured cabling that will need to be replaced. Met with Ryan from Matco 9/12/2022 to go over needed repairs. Spoke with Devin Ashman, project manager for Matco Electric, and received a proposal for \$113,630.00. We look for guidance from the

Board and legal counsel.

There also will be a small change order for the temporary cables Matco and Turnkey made and Matco installed on the RIO cabinets.

We need authorization to send an operator Mark D. to Morrisville for his refresher for his Operator 3 license test.

We had an operator Dan F. at Morrisville for the last two weeks. Out of 20 in the class, he was one of eight who passed. Ranked third.

The lab regained its certification for Settle Solids. FYI this is not a mandatory certification from the DEC.

Surplus equipment was brought to the Auction House this week.

This week RSP was here and replaced the Iron Sponge. We are in the process of wetting it until we can maintain stable temperatures.

Business Manager's Report

Ms. Goodson read her Business Manager's Report, copies of which were distributed in the Board's folders, Ms. Goodson pointed out encumbrances, budget amounts spent, and budget amounts available.

Ms. Goodson is requesting Board approval for a budget modification, disposal of surplus items, and for contract extensions.

Budget Modification

Edward Crumb made a motion with respect to the recovery for Project Worksheet 02512, the SCADA to the BAF, that a budget modification be approved and that corresponding Requests for Legislative Body approval of budget modifications be submitted for an increase in estimated revenues totaling \$1,342,174.75, allocated to line J.43960 State Aid-Emergency Disaster Assistance in the amount of \$335,543.69 and to J.44960 Federal Aid-Emergency Disaster Assistance in the amount of \$1,006,631.06, and that appropriations on line J8130.54899 (Reimburse Owner Recovery Expenses) be increased in the amount of \$1,212,457.10 and appropriations on line J8130.55000 (Contingency) in the amount of \$129,717.65, totaling the same \$1,342,174.75, and that the Requests for Legislation be sent to the Owners' Legislative Bodies.

Motion seconded by Steve Andrew.

In discussion, Edward Crumb made further note that of the Reimburse Owner Recovery Expenses \$664,426.49 goes to the City of Binghamton and \$548,030.61 goes to the Village of Johnson City.

Motion carried. 6/0

Phosphoric Acid Supply Contract Extension

Edward Crumb made a motion that the Board approves an extension on the same terms and conditions as currently in effect for the Phosphoric Acid supply contract with Amrex for the period from November 1, 2022 and ending October 31, 2023.

Motion seconded by Bruce King.

Motion carried. 6/0

Surplus

Edward Crumb made a motion that the Board declares as surplus and authorizes the Superintendent or his designee to dispose in the manner most advantageous to the plant, the list of 117 surplus items as presented to us in the Board folders.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Weaver Recovery Extension

Edward Crumb made a motion that the Board approves an extension agreement with Weaver Consulting, LLC in the form that is contained in the Business Manager's Packet distributed in the Board folders with the exception that the dates would reflect October 1, 2022, through December 30, 2022.

Motion seconded Steve Andrew.

Motion carried. 6/0

Frito-Lay Extension

Edward Crumb made a motion that the Board approves the Contract to Extend Agreement between the Board and Frito-Lay for the period of January 1, 2021, through December 31, 2023, upon the same terms and conditions as distributed in the Board folders.

Motion seconded by Bruce King.

Motion carried. 6/0

Committee Reports

Construction: George Kolba, Steve Andrew, Ron Lake – Mr. Lake reports that he is working with PC Construction pertaining to the coating paint peeling on the Thickener No. 3 tank and will report to the board his findings at a future meeting. Nothing to report from Mr. Kolba or Mr. Andrew.

Finance: Edward Crumb – Mr. Crumb wanted to address a budget transfer for the BAF litigation:

Budget Modifications

Edward Crumb made a motion that the Board approves budget modifications pertaining to the BAF litigation and that corresponding Requests for Legislation be submitted to the Owners' Legislative Bodies; that we increase estimated revenues on J42690 (Other Compensation for Loss) in the amount of \$30,200,000.00 and that we increase appropriations for budget line J8130.54430 (Legal Services-BAF Litigation) in the amount of \$163,281.42; that we increase appropriations for budget line J8130.54899 (Reimburse Owner Recovery Expenses) in the amount of \$24,607,593.94 and that we increase Contingency J8130.55000 in the amount of \$5,429,124.64. Motion seconded by Steve Andrew

Edward Crumb made a motion to amend that the Contingency line J8130.55000 amount of \$5,429,124.64 be revised to the amount of \$4,929,129.64 and a new appropriations line be created for Claims and Settlements, with the fiscal officer to assign the appropriate line number and fund for \$500,000.00.

Motion to amend seconded by Bruce King.

Motion to amend carried. 5/1 [Nay-George Kolba]

Motion carried as amended. 5/1 [Nay-George Kolba]

Flow Management: Edward Crumb- Nothing to report.

Ad Hoc: Bruce King – Nothing to report.

Personnel: Steve Andrew- Mr. Andrew is reporting that he is extremely close with a signed agreement with the Union. He is also close to a resolution on one of the position titles.

Correspondence: Michele Cuevas – IWPP which was discussed earlier in the meeting with GHD, Adam Scicchitano. Copies distributed in the Board folders.

Old Business: none

New Business: The Board, along with Co-Counsel Al Paniccia discussed the new NYS law pertaining to videoconferencing of board meetings. Mr. Paniccia advised that, if the Board wants use videoconferencing in the circumstances permitted by the law, there needs to be a resolution, on which a public hearing must be held before voting to adopt the resolution.

Adjournment

**Steve Andrew made a motion to adjourn.
Motion seconded by Bruce King.
Motion carried. 6/0**

Meeting adjourned at 5:56PM.

The next regular meeting is November 8, 2022, at 3:30PM.

Janet Smith
Transcriptionist

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 Shager, 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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