



Binghamton-Johnson City
JOINT SEWAGE BOARD



FINAL COPY

Ray L. Standish, P.E.
Gary Holmes
Edward Crumb

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

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

Tuesday, April 10, 2018

Village of Johnson City Municipal Building

Members Present: George Kolba, Jr., Chairman *Pro Tem*
Edward Crumb
Ronald Davis
Steve Andrew VIA Facetime (exited meeting at 5:18 PM)
Ray Standish

Also Present: Craig Matias, Head Operator
Cathy Young, Superintendent (arrived at 4:18 PM)
Michele Cuevas, Confidential Secretary
Chuck Robinson, Acting Assistant Comptroller, City of Binghamton
(exited meeting at 3:14 PM)
Charles Pearsall, Business Manager
Howard Reeve, Facility Engineer
Alfred Paniccchia, Jr., Esq., Co-Counsel (exited meeting at 4:27 PM)
Bruce King, Village of Johnson City Trustee
Clark Giblin, Village of Johnson City Trustee
Laura Lee Perkins, Transcriptionist

Public/Citizen: Donald Slota (exited meeting at 4:27 PM)

Guests: John LaGorga, P.E., BCEE, GHD (arrived at 4:49 PM/exited at 5 PM)

George Kolba called the meeting to order at 3:07 PM. Five (5) Board Members were present. Attendance sheet was passed for signatures. Fire exits were identified.

Edward Crumb made a motion for the Board to approve and accept the 2/13/18 Meeting Minutes in the form contained in the folder with the changes shown.

Ronald Davis seconded the motion
Motion carried 5/0/1 (vacant)

Edward Crumb made a motion for the Board to approve and accept the 2/21/18 Special Meeting Minutes in the form contained in the folder with the changes shown.

Steve Andrew seconded the motion
Motion carried 5/0/1 (vacant)

Catherine P. Young, Superintendent
Binghamton-Johnson City Joint Sewage Treatment Facilities
4480 Vestal Road, Vestal, New York 13850
Phone: 607-729-2975 Fax: 607-729-3041
Email: bjcwwtp@stny.rr.com

Charles Robinson presented the Fiscal Officer's Report:

1/1/2018	<u>Beg. Balance</u>		
	Checking	\$ 92,580.64	
	Savings	<u>\$6,665,936.07</u>	
	Total		\$6,758,516.71
3/31/18	<u>Balance</u>		
	Checking	\$ 344,588.10	
	Money Market	<u>\$4,865,641.13</u>	
			\$5,210,229.23

The Solids Handling Improvements bonding is in place, and the Owners paid the Plant back \$3,000,000 (+/-) today.

FEMA payments came in at the end of March/start of April – 2 checks: \$1.8 million and \$1.3 million – going to accrue these funds back to 2017; needs resolutions by Owners' Legislative Bodies; will pay EFC back for funds borrowed by end of next week.

2017 expenses –

Health insurance, chemicals and Personnel Services were under budget

Project costs – overall (including Retainage funds), 60.9% of the total has been approved for payment as of the end of March.

Charles Pearsall presented the Business Manager's Report. Received a notice from DEC – application for permits is completed regarding the Water Quality Improvement Project (WQIP), and technical review has commenced. Notice and opportunity for public comment is required.

Edward Crumb made a motion for the Board to approve the publication of the Notice of Complete Application (one page only) as furnished by the DEC with the correction in the 'Applicant' block at the top to "Joint Sewage Board".

Ray Standish seconded the motion

Motion carried 5/0/1 (vacant)

Preliminary 2017 flows are all reported in, and QA/QC is under way.

Based on the Engineer's Estimate, the Board will need to request from the Owners a transfer of Capital – recommends waiting until after the WQIP bids are opened.

Edward Crumb requested that Co-Counsel Paniccia get together with GHD on his comments and get those reconciled before the Board approves advertising; many issues appear to need to be clarified based on Co-Counsel Paniccia's comments.

Edward Crumb made a motion for the Board to acknowledge receipt of the NYS March 22&23, 2018 checks in the amounts \$1,888,662.23 and \$1,353,231.13 (copies of checks in folder) and

direct the Business Manager to prepare the appropriate Requests for Legislation to the Owners' Legislative Bodies so the checks are passed through to the Owners.

Ronald Davis seconded the motion

Edward Crumb noted that these checks bring the State back to being a financial partner, whereas they have been way behind in payment, with virtually no State payments made during 2017; crediting these payments leaves about \$330,000 outstanding from the State and \$1,338,000 outstanding from FEMA.

The Plant has received about \$21,618,000 in reimbursements so far on large projects.

Edward Crumb also pointed out that Chuck Shager was instrumental in getting this money.

Motion carried 5/0/1 (vacant)

The 2016 (further) Revised Audit has not yet been approved (many changes that the Comptroller's Office made corresponding to MUNIS) and has not been published.

Mr. Pearsall brought to the Board's attention the news media coverage of the Bert Adams collusion charges (a Plant vendor).

Regarding Industrial Wastewater Pretreatment Program (IWWPP) Surcharge rates – Edward Crumb noted errors in the proposed worksheet; worksheet results in much higher rates than should be adopted. Also, need to add additional information from GHD regarding fines and penalties.

Craig Matias presented the Superintendent's Report, a copy of which appears below:

**Superintendent's Report
April 10, 2018**

Violations and Significant Issues

Compliance

Date: March 2018 Average Flow 22.42MGD	Influent	Effluent	Average % Removal	Effluent Limit
mg/l CBOD	187mg/l	110mg/l 20,568lbs/day	41.18%	(Limit 24,840lbs/day) Monitor until Jan 1, 2018 then 5,254lbs/day. \$5K Fine
Suspended Solids mg/l	164mg/l	62mg/l 11,593lbs/day	62.20%	(Limit 12,765lbs/day) Monitor until Jan 1, 2018 then 5,828lbs/day. \$5K Fine
Other: Settleable Solids Max ml/l	10.3ml/l	0.32ml/l	96.89%	Monitor
Total Nitrogen mg/l	Feb 2018 14.8mg/l	Feb 2018 13.2mg/l	10.81%	Monitor
Chlorine mg/l	NA	1.46 Max.	NA	2.0Max.
Avg. Temperature	10.3	9.3		
Solids Removed		Dec 2017	Jan 2018	Feb Mar 2018

			2018	
Digested	0	0	0	0
Lime Stabilized	533.92	504.46	436.57	435.21
Total	533.92	504.46	436.57	435.21
Grit	0	0	0	0
Screenings	12.42	3.74	13.24	8.22
Grease	2.84	3.28	5.79	3.75

Superintendent's Report-cont.

Operations Summary, Construction and Related Issues

- Pump 2 has been pulled and is being repaired at the contractor's expense and refurbished under the owner's contract. We do not yet have an estimated date for the reinstallation of this pump.
- The long term temporary outfall has been installed and the plant continues to experience loss of overflow at the settling tank weirs as well as at the effluent channel weirs at high flows. Jacobs and GHD have both been advised of the condition. Additional measurements and data may be needed to determine what the problem may be as well as possible solutions.
- The Administration building is nearing completion and plant staff have moved in to the first floor. We have phone lines installed for fire protection, and will have the internet cable installed within the next week to ten days.
- We met with SEMO on March 29th to review submissions and anticipated reimbursements for projects thus far.

Other

- The new generator contract installation requires that we have someone licensed in order to get a permit for the underground storage tank. Several employees have volunteered obtained their license.
- Request for reimbursement and expenses for 1 employee to attend the New York Rural Water Conference. This course can also be used for operator credits for renewing Operator licenses.
- The owners and board met to determine the best way forward for funding the Water Quality Improvement Project. The owners supported having the plant fund the entire project including the outfall work that had originally been conceptually planned to be a part of the plant rebuild and reconstruction project. The business manager and superintendent identified budget lines that could be used to finance the work.

Edward Crumb made a motion for the Board to approve reimbursement and expenses including a travel allowance in accordance with the Travel Policy for one person to attend the NYRWA conference, May 14 through 18th in Verona, NY.

Steve Andrew seconded the motion

Motion carried 5/0/1 (vacant)

Edward Crumb noted that the Superintendent has concerns about operational status dates being moved to winter. Commencement and operations for CN Cells 1 – 8 and all 4 BAF DN Cells by December 14, 2018 as provided for in the most recent extension request could prove challenging or difficult to meet. In a warm weather environment, there would be 60 days to establish biology, but December weather could be a challenge. Engineers have said they can seed the Plant with biology from other wastewater plants in places but the issue is that there is not another

plant that is getting influent wastewater of the type the Plant receives from Frito Lay. Our needs are different.

Craig Matias explained the difference of carbonaceous biology “seeded in” is not as temperature-sensitive as growing live bacteria. But if we get into cold temperatures, it will be hard to get the live bacteria going.

Steve Andrew inquired as to who would pay the fines. Are the Engineers going to pay the fine? (There is no provision for that in the Owners’ contracts).

COMMITTEE REPORTS:

Construction -- George Kolba

There are two (2) pumps sitting in a crate that Streeter plans on installing temporarily for testing in the manholes by the Flood Wall. George received a phone call from the installer who told him that once you submerge them in water and hook them up and run them (i.e., a trial run to make sure they perform) and then to pull them back up and return to the crate until it is time for permanent installation, that would negate the warranty on the pump. Normally, they are installed permanently. Once you bring the pumps back up, if not dried correctly and 100%, you will get corrosion. George spoke with Ken DelBianco who assured him that what they are going to do is run it, pull it up, dry it out the same way as the pump people did. The pump people certified that it is 100% in compliance because that is what they do before it leaves their plant. Each pump is valued at \$162,000. The warranty starts at the time the pump starts up.

Edward Crumb noted that the Streeter portion of the Flood Wall structure is complete.

Finance – Edward Crumb – noted that he attended the SEMO meeting at the end of March at which the new Regional DAR Coordinator, Laura Andreasen, was introduced and was— given a tour of the Plant. Also, the NYS Division of Homeland Security and Emergency Services has appointed a new Finance contact person working out of the Albany office. Substantial discussion took place regarding the Plant’s Improved Project submittal regarding the BAF (PW-02555). It is expected that FEMA’s formal close-out audit on the TPS (PW-02150) will take place in about three months.

Flow Management – Edward Crumb – nothing new to report

Personnel and Construction – Steve Andrew – nothing new to report

Ad Hoc – Ronald Davis – nothing new to report

Correspondence:

The Town of Union invoice for four-plus months’ late payment penalties of \$6,362.82, with the Town Attorney’s response letter was discussed. Co-Counsel Paniccia and Board representatives told the Town of Union it would need to speak to Owners for adjustment; told them the Board would not adjust; they only (late) paid the 4th quarter 2017 billing (of \$95,729.00), with no

interest or penalties. Edward Crumb inquired of Co-Counsel Paniccia whether we could take this through Commercial Claims; he will check into this and report back to the Board.

Village Trustee Bruce King inquired as to the impact on Board budget. Edward Crumb stated there was no impact on the 2018 budget, but it does impact the other Municipal Users because they aren't getting the benefit of pro-rata revenues/interest on the Town of Union's payment, while the other Municipal Users are timely paying their obligations. Co-Counsel Paniccia pointed out that the Town of Union has a credit of \$23,988 from the 2016 Final Billing. He will look into whether the Board can withhold/offset against this credit balance.

Ray Standish suggested writing it off; Edward Crumb mentioned that the Auditor might question this given the requirements under the Rules and Regulations.

The Town of Union already took \$6,363 off their 4th quarter 2017 payment.

Bruce King asked about the Plant penalizing other municipalities. A collection lawsuit against Johnson City was mentioned, and Edward Crumb stated we had also been in Court with the Town of Union in the early 2000s and they lost. Also, the Town of Conklin has been penalized. Bruce King requested numbers regarding the Town of Union's obligation – suggesting maybe Mayor Deemie could talk to the Town of Union's Supervisor.

Steve Andrew stated he believed the Town of Union was just looking for a chance to make a case, especially to the Village of JC; the Town believes there is an error in the Village's water billing to the Town, which impacts its wastewater flows.

Ronald Davis stated he toured the new offices; there are issues that were fixed today; lots of room; the Board/Conference Room is very nice. He emphasized that Board Members can contact Jacobs or Ken DelBianco to schedule a tour.

Howard Reeve stated that the Plant's Mechanics have salvaged the original plaques from the late 1950s – there is an exhibition at the Vestal Museum on wastewater through the years.

George Kolba inquired of Mr. Reeve about a leak in the Admin. Building's roof; no water damage was seen; insulation was not damaged.

Ronald Davis made a motion for the Board to accept the \$50.00 bid for the surplus Shower Trailer and the \$50.00 bid for the surplus Red Trailer.

Steve Andrew seconded the motion

Howard Reeve stated he still has the bulk of the electrical surplus, for which no bids were received – it was suggested he put it on Auctions International.

Edward Crumb made a motion to table until electrical surplus was advertised on Auctions International.

George Kolba seconded the motion

Motion tabled.

Edward Crumb made a motion for the Board to go into Executive Session to discuss pending litigation.

Ronald Davis seconded the motion

Motion carried 5/0/1 (vacant)

The Board entered Executive Session at 4:26 PM.

Ray Standish made a motion for the Board to exit Executive Session.

Ronald Davis seconded the motion

Motion carried 5/0/1 (vacant)

The Board exited Executive Session at 4:33 PM. No action was taken during the Executive Session.

Edward Crumb made a motion for the Board to request that Hinkley Allen represent the witnesses in upcoming depositions that involve claims between Zurich Insurance Company and C.O. Falter, under the Subpoenas served for a Plant employee and Board member to testify.

Steve Andrew seconded the motion

Motion carried 5/0/1 (vacant)

Howard Reeve informed the Board that the Village of Johnson City wants to buy the generator that provided stand-by power to the former Administration Building; it is currently stored; have until mid-May. Edward Crumb requested that Johnson City send a letter stating they want the generator and how much they are offering to pay.

John LaGorga, P.E., BCEE, presented GHD's Report.

- The WQIP is nearly ready to go out to bid
- Spec. book is nearly complete
- Board and GHD presented to the Owners on April 2nd. The Owners are not offering to contribute to the Restoration and Rehabilitation portion of the project costs.
- There is a need to finance project-related costs estimated at \$1.5 million.
- Some of this is related to the Plant rebuild (approximately \$250,000).
- The Board is responsible for 5% of the cost of armoring of the river bank; on paper – it should be a credit.

(Steve Andrew exited the meeting; a quorum of four Members remains present)

Edward Crumb stated his opinion that the Board was not ready to vote until Co-Counsel Paniccia's concerns are addressed. It was suggested that a special meeting be held in about two weeks.

Ronald Davis made a motion for the Board to adjourn.

Edward Crumb seconded the motion

Motion carried 4/0/2 (SA/1 vacant)

The next meeting is scheduled for May 8, 2018, at the JC Municipal Building.

Meeting adjourned at 5:18 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
Catherine Young, 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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