



Binghamton-Johnson City
JOINT SEWAGE BOARD



Eugene Hulbert, Sr.
Gary Holmes
Edward Crumb

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

FINAL COPY

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

Tuesday, October 13, 2015
Conference Room, Office Building, JSTP

- Members Present:** George Kolba, Jr., Chairman
Eugene Hulbert, Sr., Vice Chairman
Edward Crumb
Ronald Davis
Steve Andrew
- Also Present:** Craig Matias (for Cathy Young)
Charles Pearsall, Business Manager
Gerald Kennicutt, Deputy City of Binghamton Comptroller
Bruce King, Village of Johnson City Trustee
Michele Cuevas, Confidential Secretary
Ken DelBianco, P.E., City of Binghamton Contract Project Manager
Alfred Paniccia, Jr., Esq., Co-Counsel (exited meeting at 5:10 PM)
John L. Perticone, Esq., Co-Counsel
Laura Lee Perkins, Transcriptionist (exited meeting at 5:10 PM)
- Members Absent:** Gary Holmes
- Absent** Cathy Young, Superintendent
Chuck Shager, City of Binghamton Comptroller
- Guests:** Terry Kellogg, City of Binghamton Commissioner of Public Works
Jason Greene, P.E., GHD (arrived at 4:42 PM; exited at 5:05 PM)

Chairman George Kolba called the meeting to order at 3:02 PM. Five (5) Board Members and both legal counsel were present. Sign-in sheet passed for signatures. Fire exits identified.

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

Edward Crumb made a motion for the Board to approve the September 8, 2015 Minutes in the form presented in the Board folder with the changes shown.

Stephen Andrew seconded the motion
Motion carried 5/0/1 (GH, absent)

Gerald Kennicutt presented the Fiscal Officer's Report:

1/1/2015 Beg. Balance		
Checking	\$ 718,067.25	
Savings	<u>\$8,749,950.87</u>	
Total		\$ 9,468,018.12
9/30/15 Revenue YTD	\$16,524,675.04	
9/30/15 Disbursements YTD	<u>\$14,723,528.09</u>	
Balance		\$11,268,165.07

- Letters were sent to the Municipalities – asking – credits or refund? The Town of Union replied that it would like a check for its balance. The Town of Conklin replied that it will take a credit against its Fourth Quarter Estimated Billing and pay the balance.

Eugene Hulbert, Sr. stated that there were numerous old accounts that needed to be cleaned up and removed from MUNIS; requesting Special Meeting with Board to review; will speak with Chuck Shager; George Kolba, Jr. instructed that the Finance Committee set up a meeting with the Fiscal Officer.

Charles Pearsall presented the Business Manager's Report, a copy of which is included in the Board folder.

Ronald Davis made a motion for the Board to cancel flood insurance policies on Buildings 1 and 18.

Edward Crumb seconded the motion
Motion carried 5/0/1 (GH, absent)

Mr. Pearsall stated that the specifications for the Centrifuge Maintenance Agreement, which expires in January, are still being worked on, and he expects to be able to provide for review at a future meeting.

George Kolba, Jr. requested a copy of the Contracts from the Lead Agency – who is named as insureds?

Superintendent's Report: Craig Matias presented the Superintendent's Plant Compliance Chart and graphs for September 2015. No further Superintendent's Report is available on paper. A copy of the chart appears below:

(insert chart here)

Mr. Matias reported that over the weekend of October 12th a leak developed in a 14" flange joint on the discharge side of one of the Plant's main influent pumps. Plant staff is coordinating with the City of Binghamton to identify whether this piping is to be replaced under the Lead Agency's Contract 2. The Head Mechanic is working with the Plant Mechanical staff to determine the best course of action to repair. At this time, there is no impact on operations as three pumps remain operational.

An electrical feeder failure occurred on October 12th. This is the feeder that supplies the centrifuges and lime stabilization system and is the same feeder that failed January 23, 2010 (after which it was replaced) using gang pullboxes instead of conduits and elbows. Head Electrician Elliott Wagner was able to temporarily re-connect to supply power using the same feeder as supplies the main influent pumps. He has some concerns with the adequacy of the conductors and switchgear and will be working with Superintendent Young to formalize the approach for repair. Mr. Pearsall stated that no procurement had been initiated yet.

Committee Reports:

Construction – Eugene Hulbert, Sr. –

The concept of a Project Labor Agreement (PLA) for some of the Reconstruction and Rehabilitation projects has been discussed with City Council. Mr. Hulbert stated that there are pros and cons, and he has been getting questions from local contractors. At present, there is no PLA verbiage in the "front end" specifications for Contracts 1 through 4, the Flood Wall, or the draft Reconstruction and Rehabilitation contracts (which is organized as a Wicks Law project). Kenneth DelBianco, P.E. stated that, although the City Council has not weighed-in yet, the City was interested in pursuing a PLA as a "crucial piece" of the package in order to prohibit strikes, including sympathy strikes, which could delay the project.

Mr. Hulbert reported that the Owners and Board have received a DEC Notice of Violation letter because the City, as Lead Agency, allegedly did not meet the 7/17 deadline date for submission of BAF reconstruction plans and has not advertised for bids, meaning that the deadline for commencement of construction has also been missed. Although plans and specifications were, in fact, provided to the NYS-DEC and NYS Environmental Facilities Corporation before the July deadline by GHD, NYS-DEC is not accepting GHD's plans as adequate. Mr. Hulbert stated that he has been told that contracts cannot be awarded until mid-February 2016. Mr. DelBianco stated that the Flood Wall had been advertised for bid on October 9th.

Superintendent's Report

Violations and Significant Issues

Compliance

Date: September 2015 Average Flow	Influent	Effluent	Average % Removal	Effluent Limit	
CBOD	231	140	39.39%	Monitor	
Suspended Solids	301	58	80.73%	Monitor	
Other: Settleable Solids Max	19.9	0.17	99.15%	Monitor	
Total Nitrogen	Aug 23.1	Aug 19.3	16.45%	Monitor	
Chlorine	NA	1.52Max.	NA	2.0Max.	
Avg. Temperature	21.1	21.2			
Solids Removed		June	July	Aug	Sept
Digested		0	0	0	0
Lime Stabilized		878.98	965.69	609.96	748.81
Total		878.98	965.69	609.96	748.81

A discussion took place regarding the Digester No. 3 Leak Repair and Coating project. Co-Counsel Paniccia recommended that the Board not proceed with retaining a forensic engineer or commencing litigation without the Owners' approval and agreement on funding. Mr. DelBianco stated that neither GHD nor Jacobs would provide expert analysis, testimony, or be a part of any lawsuit.

Finance – Edward Crumb – reported that assistance was provided to the Fiscal Officer regarding the letters to the Municipal Users regarding the 2014 Final Billing. The 2014 audit report has been finalized and timely filed with the NYS Division of Homeland Security and Emergency Services. The annual insurance inventory update has been provided to Industrial Appraisal Company. After its report is received, we plan on working on an update of the fixed asset inventory – both in conjunction with book value purposes and internal controls, as well as coordination with the asset management system upgrade. The NYS Division of Housing and Community Development conducted an audit visit in relation to the NYS matching funds for FEMA under the CDBG-DR program. Thanks to the work of Howard Weaver of Simmons Recovery, the Business Manager and Superintendent, no deficiencies were noted. We are working with the City and Jacobs to obtain supporting documentation, including copies of contracts, needed by Howard Weaver for submission of progress payments. We are working with our consultant and broker regarding the transition to small group employer status under a community-rated insurance policy beginning in 2016.

Flow Management – Edward Crumb – Nothing to report

Ad Hoc – Ronald Davis – Nothing to report

Personnel – Stephen Andrew – for discussion in Executive Session.

Jason Greene, P.E. presented GHD's IWWPP status update, a copy of which is contained in the Board folder. Changes in ownership have occurred as a result of Norfolk Southern's purchase of Canadian Pacific and Triple Cities Metal Finishing's purchase of C.H. Thompson. GHD investigated the outsourcing of Broome County's Central Foods operation. No cooking operations are planned for the BCC site in the Plant's Service Area. This site will be used for storage, routing, and some dishwashing. It was noted that the City of Binghamton, Our Lady of Lourdes Memorial Hospital, and e-Systems Maint were late in filing their Periodic Compliance Reports (PCRs). Mr. Hulbert inquired whether Kruger was doing a grease analysis as part of the design for the new BAF. Mr. Greene was not aware of any. Craig Matias asked about the plan for dewatering solids at the City of Binghamton's Water Filtration Plant (WFP). Terry Kellogg stated that a draft report was received from the consultant (CRA) about 2-3 weeks ago, but no action has been taken by the City yet. Mr. Greene stated that he was aware of discussions about temporary dewatering of solids at the WFP during JSTP reconstruction. Mr. Hulbert suggested that discussion be held on having a "monthly flush" from the WFP in order to minimize large slug discharges that would not be manageable during the reconstruction.

(Jason Greene exited the meeting)

Old Business –

Edward Crumb noted that replacement of the roof at the Terminal Pumping Station (TPS) has not been included in any proposed change order associated with the City's Lead Agency Flood Repair and Mitigation Project contracts.

Eugene Hulbert, Sr. stated that Superintendent Young had provided a list of needed capital repairs and upgrades to Gary Holmes. Terry Kellogg requested that a copy of the list be re-sent to him. Board Members requested to be copied on this, as well.

Kenneth DelBianco, P.E. stated that he would bring-up at the Progress Meeting in relation to both interest and approach. The status of Proposed Change Orders No. 3 (Knife and Gate Valves) and 4 (Channel Grinders) were discussed. Automated valves are cost-prohibitive, primarily due to engineering redesign costs, and would negatively affect the project schedule due to the long lead-time necessary to procure. Regarding the channel grinders, there are configuration issues that need to be addressed in relation to fitting-in replacement channel grinders with larger collection housings.

Privilege of the Floor –

Johnson City Trustee King stated that, if the Sewage Board recommends litigation pertaining to the Digester No. 3 Leak Repair and Coating Project, it should send a formal letter outlining the basis of the claims and litigation cost/benefit analysis to the Mayors, City Council, and Village Board asking for permission and funding to proceed.

Kenneth DelBianco, P.E. reported that, on October 8th, GHD made a formal request to the DEC for a meeting on flows, loadings, sampling, testing and interim limits during the reconstruction. The DEC has given verbal approval for a new Near Shore Edge of Stream Outfall as part of the Plant reconstruction. Woidt Engineering will be working as a subcontractor to GHD so that the Board's Water Quality Improvement Project (WQIP) work can proceed. The City is working with the Superintendent to identify two standby alternate/temporary methods of sludge disposal in the event of failure of the lime stabilization system. Likewise, the City is working with Caterpillar (of Syracuse) on an emergency response contract to provide temporary generators at the Plant and TPS within four hours of a power failure. Mr. DelBianco stated he will look for the most recent memo received regarding the extent of NYSEG's ownership and maintenance of electrical service at the TPS. Mr. Hulbert noted that, if it's NYSEG's equipment, we cannot work on it and, if not, even if it costs up money, we should seek a maintenance contract with NYSEG for the high voltage switchgear.

New Business – George Kolba, Jr. asked whether the Plant was informed about a large water leak at the Binghamton Housing Authority. Mr. Kolba stated that he was not aware of the exact address. It's not the Exchange Street high rise building, but could be between 16-18 Woodburn Court or at the Saratoga Apartments at 35 Felters Road. If outside a building, the leaked water would only be received at the Plant through inflow and ground infiltration into the City's sanitary sewer collection system, unless there are combined sewers in the vicinity.

Stephen Andrew made a motion for the Board to go into Executive Session to discuss personnel matters, litigation, and potential litigation.

Edward Crumb seconded the motion

Motion carried 5/0/1 (GH, absent)

(Craig Matias, Laura Lee Perkins, Alfred Paniccia, Esq., Terry Kellogg, and Kenneth DelBianco, P.E., exited the meeting)

The Board entered Executive Session at 5:12 PM.

Stephen Andrew made a motion for the Board to exit Executive Session.

Edward Crumb seconded the motion

Motion carried 5/0/1 (GH, absent)

The Board exited Executive Session at 5:35 PM. No action was taken during the Executive Session.

Edward Crumb made a motion to have the Chairman sign and approve the Business Associate's Agreement for Lifetime Benefit Solutions, Inc.

George Kolba seconded the motion

(It was noted that Lifetime was formerly known as EBS-RMSCO, Inc.).

Motion carried 5/0/1 (GH, absent)

The next regular meeting will be Tuesday, November 10, 2015 at 3:00 PM in the first floor Conference Room of the Office Building at the JSTP.

Steve Andrew made a motion for the Board to adjourn.
Eugene Hulbert, Sr. seconded the motion
Motion carried 5/0/1 (GH, absent)

Meeting adjourned at 5:38 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
John Perticone, Esq.
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
Gary Holmes, P.E., City of Binghamton, Acting Engineer
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