

FINAL COPY

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

Tuesday, February 8, 2022

Plant Administration Building

- Members Present: George Kolba, Chairman
Chris Papastrat, Vice Chairman
Edward Crumb
Stephen Andrew (Audio/Visual)
Bruce King
- Member Absent: Ronald Lake
- Also Present: Elliott Wagner, Superintendent
Ronald Warwick, Assistant Superintendent
Charles Pearsall, Business Manager
Chuck Shager, Fiscal Officer/City of Binghamton Comptroller (Exited 5:20PM)
Alfred Paniccia, Jr., Esq., Co-Counsel
Howard Reeve, Facility Engineer
Adam Afify, Senior Operator
Larry Travis, Electrical Engineer
Scott Soliday, Safety Coordinator/Industrial Hygienist (Exited 4:20PM)
Michele Cuevas, Confidential Secretary
Janet Smith, Transcriptionist
- Guests: John LaGorga, PE, Project Director, GHD (Exited 4:26PM)
Clark Giblin, Trustee, Village of Johnson City
Vaughn Golden, Reporter, WSKG
Angela Riley, Binghamton City Council, 3rd District (Entered 4:46PM Audio/Visual)
Aviva Friedman, Binghamton City Council, 4th District (Entered 5:20PM Audio/Visual)

Chairman George Kolba called the meeting to order at 03:32PM. Sign in sheet was passed and attendance was noted aloud by Michele Cuevas, Confidential Secretary. Five (5) Board Members were present. Board Member Ron Lake was absent. 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

No one wished to speak.

January 11, 2022, Regular Meeting Minutes Approval

Edward Crumb made a motion to amend the January 11, 2022, draft minutes to reflect a change in a 2021 budget transfer motion which stated a funding decrease in Budget line J8130.54202 (Electricity) in the amount of \$57,500.00 when in fact the motion provided the decrease is to come from Budget line J8130.55000 (Contingency).

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Absent Ron Lake).

Edward Crumb made a motion to amend the January 11, 2022, draft minutes to reflect a change in a 2021 budget transfer motion which stated a funding decrease in the amount of \$5,000.00 from Budget line J8130.55000. (Contingency) and an increase to budget line J8130.54221 (Water). This motion amends said amount to \$7,200.00 to be reflected in said budget lines.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Absent Ron Lake).

Edward Crumb made a motion to approve the submitted January 11, 2022, Draft Board Meeting Minutes with the suggested changes made and as contained in the Board Folders, also incorporating the changes approved by the motions just passed.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Absent Ron Lake).

Chairman Kolba then gave the floor to GHD Project Director John LaGorga, P.E. to discuss the submitted Engineering Services Proposals dated February 7, 2022, copies of which were distributed in the Board Members' folders.

Mr. LaGorga presented the proposals for engineering services for Chemical Bulk Storage Spill Prevention Plan and to assist with completing the Application Form NY-2A-POTW SPDES. The well-participated discussion was positive and generated varied comments with good questions to include the need for owner's support, timelines, warranty review and requirements necessary for the work and to complete application. Mr. LaGorga will be reviewing the concerns brought out in the discussion and advise. Chairman Kolba stressed the importance of this project stating that it needs to be placed at the top of the 'to do' list. He is interested in all doing what they can to expedite many of the point items.

With regard to the second task of assisting in the completion of the Application Form NY-2A-POTW SPDES, Mr. LaGorga spoke on the logistics and accessing of information to complete the questionnaire as well as noting required and approved DEC reports. Superintendent Wagner advised that the information is best available from the Design Engineer and strongly supports

this Chemical Bulk Storage Spill Protection Plan, there is a timeline and costs to consider, and the Board should consider acting sooner rather than later to move forward.

Edward Crumb made a motion to accept, with spelling correction to Chairman Kolba's name, the February 7, 2022, GHD Proposal letter for Engineering Services to Complete Application Form NY-2A-POTW SPDES and the Chemical Bulk Storage Spill Prevention Plan in the amount of \$8,000.00 to be encumbered and paid from Budget line J8130.54410 (Professional Services).

Motion seconded by Steve Andrew.

Motion carried. 5/0/1 (Absent Ron Lake).

Mr. LaGorga then advised with regard to the Industrial Wastewater Pretreatment Program, that GHD is agreeable to a one-year extension at the same cost, and upon the same terms and conditions as presently in effect. Mr. Lagorga stated that, as to future years, he will be putting together proposed revised terms and conditions; that the costs will be going up and understands that it may have to go out to bid and that he will be providing more information for review.

Chairman Kolba asked Mr. LaGorga about compromised concrete at the Plant and the Administration Building Offices. Mr. LaGorga will review the contract closings with the City of Binghamton look into any warranty work on these areas. Chairman Kolba stated that he will be checking the areas with a laser and note his findings.

(Messrs. Lagorga and Soliday exited the meeting)

Superintendent's Report

Elliott Wagner presented the Superintendent's Report, copies of which were distributed in the Board folders.

Mr. Wagner overviewed the report as well as the chart in the report which showed positive performance readings.

Two Operator employees passed their exams, one passed Operator 1 exam and the other passed Operator 3.

Superintendent Wagner has had requests for tours of the facility and would like to allow them. There was a question of facility security and visitor safety. After a brief discussion, it was decided that Chairman Kolba will check with the Owners before moving forward on any tour planning.

With regard to Valarie Ellis' request to present at the NYWEA Conference in April-, Superintendent Wagner thought it would be a great service to the community and the Plant as a whole to present and felt using the "Pounds in the River" chart in the presentation with questions and answers would be the best approach.

(Binghamton City Councilwoman Angela Riley logged-into the meeting via audio/visual)

Fiscal Officer's Report

Chuck Shager presented the Fiscal Officer's report, a copy of which was distributed in the Board folders.

Mr. Shager reported that there were errors in a few 2021 1099 forms which have now been corrected and will be sent out.

Regarding the project contracts, albeit a tedious process, Mr. Shager advised that he has been weeding through them hoping to complete the process real soon.

Mr. Crumb then presented the Lead Agency Capital Project Chart Report and Graph Report that was distributed in the Board folders. He explained how to review the Chart Report, as well as the color-coding system and the scaling of the graphs in the Graph Report detailing the various lines in the financials and stated that the Mechanic Liens previously of record have been satisfied by payment or the posting of a lien discharge bond.

Mr. Shager brought up that the Town of Vestal water issue could be soon resolved as it is currently slated for the approval process by the Vestal Town Board.

Mr. Shager then advised that with regard to BAF legal fees; that if a settlement has not been reached during the year 2022, the municipalities could be financially impacted and that the Board may want to consider sending a letter to all the municipalities to make them aware.

Mr. Shager recommended that the Board outline a five- or ten-year plan of priorities as to items not addressed by the Lead Agency's Capital Projects. Mr. King responded that a plan is currently being developed by the Future Planning Committee.

Business Manager's Report

Overviewing his Business Manager's Report, copies of which were distributed in the Board's folders, Mr. Pearsall first wanted to direct the Board's attention to the 2021-year end Flow Credit Bank and then overviewed the postings.

Edward Crumb made a motion that the Board ratifies the Flow Credit Bank with the accompanying ledger as provided in the Board Folders in the amount of 2,432,265 I/I Offset Credits as of December 31, 2021, and that the 2021-year end statements be sent to the Municipal Users.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Absent Ron Lake).

Mr. Pearsall then requested Board approval for Sole Source Resolution documents in their folders: Schwing/Bioaset, Vogelsang and ChemScan.

**Edward Crumb made a motion to approve a Sole Source designation for ChemScan for 12 months with respect to the ChemScan Process Analyzer System spare and repair parts, reagents, maintenance/repair services, and software in the form as written and distributed in the Board folders.
Motion seconded by Chris Papastrat.**

At this time and after a lengthy Board discussion with Co-Counsel Al Paniccia regarding the submitted proposed distributed paperwork, and with concurrence by Chris Papastrat, Edward Crumb withdrew his previous motion.

After review and discussion, the distributed Sole Source resolutions will be placed on hold until the standardization process has been completed.

The payroll services proposal from Paylocity which was distributed in the Board folders and on the agenda for Board approval will be placed on hold at this time for clarification of the figures.

Mr. Pearsall is asking for Board approval to renew the laboratory equipment maintenance agreement with Millipore Sigma.

Edward Crumb made a motion that the Board accepts and approves the January 24, 2022, Millipore Sigma proposal for the Milli-Q Service Plan in accordance with the terms and conditions that have been provided in the amount of \$9,877.72 for the one-year period beginning March 1, 2022, to be encumbered and paid from Budget line J8130.54656 (Maintenance Agreements).

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Absent Ron Lake)

Mr. Pearsall is also asking for Board approval to renew the agreement with EFPR Group, CPAs for the 2021 Financial Audit.

Edward Crumb made a motion that the Board accepts and approves the January 19, 2022, engagement letter from EFPR Group, CPAs for the 2021-year auditing services in accordance with the terms and conditions outlined and in the amount of \$19,000.00 to be encumbered from Budget line J8130.54410 (Professional Services).

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Absent Ron Lake)

Edward Crumb made a motion that the Board approves and authorizes budget transfers for a decrease in 2021 Budget line J8130. 54000.JZ (Reimburse City Debt Service Payments) by \$3,200.00 and increase 2021 Budget line J8130.54112 (Gasoline/Diesel) by \$3,200.00 and that corresponding requests for legislation be submitted to the Owners' Legislative Bodies.

Motion seconded by Steve Andrew.

Motion carried. 5/0/1 (Absent Ron Lake)

Edward Crumb made an addendum to the previous motion that the Board also approves and authorizes a decrease in 2021 Budget line J8130. 54000.JZ (Reimburse City Debt Service Payments) by \$4,800.00 and increase 2021 Budget line J8130.54621 (Equipment & Pump Repairs - Mechanical) by \$4,800.00 and that corresponding requests for legislation be submitted to the Owners' Legislative Bodies.

Addendum to Motion seconded by Steve Andrew.

Edward Crumb made a further addendum to the previous motion that the Board also approves and authorizes a decrease in 2021 Budget line J8130. 54000.JZ (Reimburse City Debt Service Payments) by \$1,500.00 and increase 2021 Budget line J8130.54621.A (Equipment & Pump Repairs - Electrical) by \$1,500.00 and that corresponding requests for legislation be submitted to the Owners' Legislative Bodies.

Further Addendum to Motion seconded by Steve Andrew.

Motion carried. 5/0/1 (Absent Ron Lake)

Mr. Pearsall is requesting Board approval for funding for one Operator I/Operator Trainee position effective February 19, 2022, by defunding one Operator III position, in the net amount of \$15,170.00, to be reduced from Personal Services and transferred to Contingency.

Edward Crumb made a motion that the Board approves and authorizes Budget modifications to defund one Operator III position and add and fund one Operator I / Trainee position effective February 19, 2022, reducing 2022 Budget line J8130.51000 (Personal Services) by \$11,842.00, reducing 2022 Budget line J9010.58000.A (State Retirement) by \$1,154.00, reducing 2022 Budget line J9010.58000.B (Social Security) by \$906.00, and reducing 2022 Budget line J9010.58000.D (Workers Compensation) by \$1,268.00, transferring \$15,170.00 to Budget line J8130.55000 (Contingency).

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Absent Ron Lake)

Old Business/Unresolved: Co-Counsel Paniccia reported that the User Certificate issue remains unresolved. There was a brief discussion by Board members.

George Kolba asked Charlie Pearsall about the unresolved fire protection issue and again a brief discussion by Board members ensued.

Construction: George Kolba and Steve Andrew – Mr. Andrew had nothing to report. Mr. Kolba will be advising of his laser findings regarding the concrete issues.

Finance: Edward Crumb – 2021 financials are being closed out and he greatly appreciates the support in the timely submissions of remaining claim information.

Flow Management: Edward Crumb – notes that as a duty, the Board needs to be a more attentive to what the Municipal Users are or are not doing with flows, new connection applications, and CMOM programs.

Ad Hoc: Bruce King – nothing to report

Personnel: Steve Andrew – Mr. Andrew was advised by the union representative that they are working on the contract changes and will be sending them as soon as possible.

Correspondence: Michele Cuevas – Previously discussed.

Old Business: Edward Crumb brought up that the line on the agenda listing *Executive Session* does not need to be listed on the agenda unless one is scheduled.

New Business: Edward Crumb discussed the proposed 2021 JSB budget transfers for ongoing BAF litigation.

Edward Crumb made a motion that the Board approves transfers of unspent funding totaling \$900,000.00 in the 2021 JSB budget to support ongoing prosecution of the BAF Litigation through trial from the following unspent amounts and Budget lines and that the request for legislation be submitted to the Owners' Legislative Bodies expeditiously so as to close the 2021 books, in the following amounts from the corresponding budget lines:

\$340,000.00 J8130. 54001.JG (Reimburse Village Debt Service Payments)
\$260,000.00 J8130. 54001.JZ (Reimburse City Debt Service Payments)
\$136,000.00 J8130.55000 (Contingency)
\$130,000.00 J9060.58002.C (Health Insurance-Retirees)
\$ 34,000.00 J8130.54656 (Maintenance Agreements)

to 2021 JSB budget line J8130. 54430.J0BAF, encumbering the unspent funds so transferred.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Absent Ron Lake)

Executive Session: None

Bruce King made a motion to adjourn.

Motion seconded by Steve Andrew.

Motion carried. 5/0/1 (Absent Ron Lake)

Meeting adjourned at 6:40PM.

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

Respectfully submitted,

Janet Smith
Transcriptionist

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 Acting Engineer
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