

FINAL

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

**Tuesday, February 11, 2014
Village of Johnson City Offices**

Members Present: George Kolba, Jr., Chairman
Edward Crumb
Eugene Hulbert, Sr.
Luke Day (arrived at 3:09 PM)
Steve Andrew via SKYPE
Ronald Davis

Also Present: Cathy (Aingworth) Young, Superintendent
Shane Guilford, Business Manager
Michele Cuevas, Confidential Secretary
John Peticone, Esq., Co-Counsel
Alfred Paniccia, Jr. (arrived at 3:03 PM; at 6:09 PM)
Charles Pearsall, City of Binghamton Comptroller/Fiscal Officer
Gerald Kennicutt, City of Binghamton Deputy Comptroller
Laura Lee Perkins, Transcriptionist

Guests: Bruce King, JC Village Trustee
Gary Holmes, City of Binghamton Commissioner of Public Works
(arrived at 5:33 PM; left at 6:08 PM)
Mayor Deemie (arrived at 5:34 PM; left at 5:39 PM)
Dennis Niland, National Fire Adjustment Co. (arrived at 5:38 PM)
Kenneth Frank, Esq., City of Binghamton (arrived at 5:56 PM)
Jim Barriere, Esq., Couch, White LLP (arrived at 6:13 PM)

Chairman Kolba called the meeting to order at 3:01 PM; a quorum of five (5) Board Members is present; sign-in sheet passed for signatures; fire exits identified.

Edward Crumb made a motion for the Board to approve the January 14, 2014 Minutes with corrections as shown in the Board folder and with the deletion of Michele Cuevas' name from the 'Also Present' list.

George Kolba, Jr. seconded the motion

Motion carried 6/0/1 (LD)

Edward Crumb made a motion for the Board to approve the April 12, 2011 Minutes with the changes/corrections as presented in the Board folder.

Ronald Davis seconded the motion

Motion carried 5/0/1 (LD)

Edward Crumb made a motion for the Board to approve the June 30, 2011 Minutes with the changes/corrections as presented in the Board folder

Ronald Davis seconded the motion

Motion carried 5/0/1 (LD)

Edward Crumb made a motion for the Board to approve the July 19, 2011 Minutes with the changes/corrections as presented in the Board folder

Ronald Davis seconded the motion

Motion carried 5/0/1 (LD)

Edward Crumb made a motion for the Board to approve the February 6, 2014 Board List - Flood in the amount of \$19,737.00 and direct the Fiscal Officer to pay the same

Ronald Davis seconded the motion

Motion carried 5/0/1 (LD)

(Luke Day joined the meeting; all six Board Members are now present)

Financial Report as of January 31, 2014

1/1/2014 Beginning Balance

| | |
|------------------|-----------------------|
| Checking Account | \$ 938,571.06 |
| Savings Account | <u>\$2,932,430.39</u> |
| TOTAL | \$3,871,001.45 |

1/31/14 Revenue \$1,034,118.00

1/31/14 Disbursements \$ 470,898.58
BALANCE \$4,434,220.87

- Based on discussion/consensus of the Board, Financial Reports will be run the Friday before each scheduled monthly meeting.
- The Fiscal Officer will "close" the Board's 2014 ledgers on March 14, 2014

Luke Day made a motion for the Board to approve the following transfers:

| | |
|--------------|---|
| \$ 50.00 | to budget line J8130.54412 - Board Member Services |
| | from budget line J8130.54701.A (Board Travel/Training), and |
| \$ 234.28 | to budget line J8130.54520 Equipment Rental/Lease |
| \$ 274.19 | to budget line J8130.54191 Protective Clothing |
| \$ 366.17 | to budget line J8130.54434 Payroll Services |
| \$ 722.95 | to budget line J8130.54210 Telephone/Fax/Internet |
| \$ 3,477.10 | to budget line J8130.54150 Chemicals |
| \$ 12,129.79 | to budget line J8130.54804 Sludge & Waste Disposal |
| \$190,812.18 | to budget line J8130.54410 Professional Services |

for a subtotal of \$208,016.66 from budget line J8130.54202 – (Electricity),

and that the required requests for legislation be submitted to the Owners' legislative bodies.

Ronald Davis seconded the motion

Motion carried 6/0

Luke Day asked about the status of implementation of the Project Module in MUNIS for the Board. Mr. Pearsall stated that he would look into this and report back to the Board.

Luke Day made a motion for the Board to approve the LeChase Change Order No. 1 in the amount of \$3,465.00 to be encumbered and paid for from budget line JH8130.554008 (Training Room/Offices).

Ronald Davis seconded the motion

In discussion, it was noted that this change order is based on changes to Site Plan Drawings C100 and C110.

Motion carried 6/0

Eugene Hulbert, Sr. made a motion for the Board to approve Additional Services Authorization No. 2 from Keystone Associates dated January 15, 2014 for a not-to-exceed amount of \$5,800.00 to be encumbered and paid for from budget line JH8130.554008 (Training Room/Offices).

Luke Day seconded the motion

Motion carried 6/0

Eugene Hulbert, Sr. made a motion for the Board to approve the Additional Service Authorization from Keystone Associates dated November 20, 2014, but in the not to exceed amount (instead of lump sum amount) of \$4,836.00 to be encumbered and paid for from budget line JH8130.554008 (Training Room/Offices).

George Kolba, Jr. seconded the motion

In discussion, it was noted that this additional scope of services does not include Keystone's proposal for electrical design services, which will be forthcoming.

Motion carried 6/0

Ronald Davis made a motion for the Board to approve payment of \$3,233.33 to Dr. Al-Khalidi for rent of the Hillside Building office space for the month of February (including the balance due for January 2014) and to approve the payment of \$2,829.17 per month thereafter during the Board's month-to-month tenancy in 2014.

Eugene Hulbert, Sr. seconded the motion

Motion carried 5/1(LD)/0

Shane Guilford presented a report on the status of negotiations with Jacobs Civil Consultants, Inc. relative to the Digester Complex Restoration project. Jacobs cannot submit a revised proposal with its updated proposal for scope and fee until revised contract documents and drawings are supplied by GHD. After Jacobs' updated proposal is received, a Construction Committee meeting will be scheduled to address further negotiations.

Shane Guilford reported that he is still working on revisions to the RFQ/RFP for Payroll Services.

Edward Crumb made a motion for the Board to approve the 2013 Flow Credit Bank Statements as presented in the Business Manager's Report, but with corrections to the City of Binghamton B0002, B0004, B0007, Front Street Pump Station, and BJSTP statements; adding a notation where credit transactions are to be retroactive; and with explanatory cover letters to the City of Binghamton, Johnson City and Town of Vestal.

Eugene Hulbert, Sr. seconded the motion

Motion carried 6/0

Edward Crumb made a motion for the Board to approve a reimbursement claim for the payment of \$479,659.94 to the City of Binghamton for Retirement System Contributions made in December 2013 on behalf of the Board covering the April 1, 2013 to March 31, 2014 Retirement System fiscal year and direct the Fiscal Officer to pay the same.

George Kolba, Jr. seconded the motion

Motion carried 6/0

Luke Day made a motion for the Board to accept the 2014 Rate Chart as presented in Board folder.

Ronald Davis seconded the motion

Motion carried 6/0

Eugene Hulbert, Sr. made a motion for the Board to accept and approve the 2012 Final Billing computation as distributed by the Finance Committee and, if further audit indicates that changes are required, that such adjustments be made as part of the computation of future year annual billings.

Luke Day seconded the motion

Motion carried 6/0

Eugene Hulbert, Sr. made a motion for the Board to approve Change Order No. 8 in the amount of \$58,564.00 with Spensieri Diversified, LLC for repair of cracking discovered in the upper portion of Digester No. 3, to be encumbered and paid for from budget line JH8130.554030 (Digester #3 Leak Repair/Coating).

Luke Day seconded the motion

Motion carried 6/0

It was noted that Spensieri's request for interim payment of accrued retainage is being evaluated and will be addressed at a future meeting.

Edward Crumb asked about the status of insuring the CEPT system on behalf of the Board for property/liability coverage, in view of the fact that the Builders' Risk coverage may be ending. Shane Guilford stated that this had not been completed yet, and he will work on this.

Catherine Young presented the Superintendent's Report, a copy of which is set forth below:

**Superintendent's Report
February 11, 2014**

Violations and Significant Issues

| | | | | | |
|------------------------------|-----------------|-----------------|--------------------------|-----------------|-----------------------|
| Date: January 2014 | Influent | Effluent | Average % Removal | | Effluent Limit |
| Average Flow | 21.57mgd | | | | |
| CBOD | 123 | 94 | 23.6% | | Monitor |
| Suspended Solids | 70 | 43 | 38.6% | | Monitor |
| Other: Settleable Solids Max | 6.2 | 0.2 | 96.8% | | Monitor |
| Total Nitrogen | Dec 22.75 | Dec 20.11 | 11.6% | | Monitor |
| Chlorine | NA | 1.64Max. | NA | | 2.0Max. |
| Avg. Temperature | 10.6 | 10.0 | | | |
| Solids Removed | | October | November | December | January |
| Digested | | 0 | 0 | 0 | 0 |
| Lime Stabilized | | 886.14 | 867.73 | 837.56 | 735.02 est |
| Total | | 886.14 | 867.73 | 837.56 | 735.02 est |

Operations

- The plant continues to operate in CEPT mode. Low level alarms had been recurring in the feed program. Work was still be under warranty, therefore, Evans Mechanical had been notified. Evans came on site to replace Hydro-ranger for polymer aging tank. We have not received a record of the actual Polymer Tank level transducer installation drawings, and the installation has been revised several times since initial design. We have requested to Savin that these drawings be provided so that we can troubleshoot alarms we have experienced. There is a rough outline on the side of the polymer tank itself. Performance for the process was poor this past month. Tim Terry from Polydyne and Robert Kooharian from Holland Chemical came on site to do some jar testing with Poly Aluminum Chloride (PAC). While on site, they found a problem with ferric dosing. The problem could be with the Algorithm programmed into the PLC. They believe that the system is delivering 2.6X more than what it should be, over dosing.
- A second discussion regarding the constructability review with Jacobs Engineers, our digester construction management team, was held to review the GHD digester design on January 31st. A construction management contract review meeting was held on February 10th.
- We had a digester seal meeting with Tim Steed, Hunt Engineers, and Spenseri on February 7th to discuss remaining work to be completed. The work cannot be completed until weather warms up to about 50 degrees for several days in a row. We are waiting for a change order from Tim Steed (Hunt Engineers) for the cost to repair the leak of significance from a crack along the corbel.
- The digester cover removal contracts have been awarded. A meeting will be held next week with the contractor to discuss set up and schedule.
- The clarifier stress testing plan has been approved by the DEC. The testing addresses the concerns that the DEC has with removal and conversion of clarifier 7 to a fine screen process. Testing was delayed due to poor weather. It is now scheduled to occur this week.
- Plant staff and I have been working with GHD to complete the EPA required Annual Biosolids Report as well as the Industrial Pretreatment report.

Personnel

- The facility engineer interviews are concluded and a candidate has been selected.
- We have received results from the operator trainee exam given in January. Interviews were completed and two operator trainee candidates are now in the process of employment screening tests.

Other

- A Flood Protection meeting was held on January 15th to review progress to date. The next meeting is scheduled for Wednesday, February 12th at the Hillside Building. It was determined that before soil boring work is necessary, that the design engineers discuss the FEMA approved design with Ron Simmons. After review, Mr. Simmons determined that borings could move forward and would not pose a threat to funding.
- The Advanced Demolition project for the BAF's is almost completed. A project close out meeting is still required to reconcile any outstanding change orders or issues. Information regarding date and time shall be forthcoming for those interested in attending.
- A 30 % DAF design meeting with plant staff, Savin Engineers and the city was held on January 30th. Draft plans are now available on their FTP site.
- I have been working with Modspace, Keystone and the board chair and vice chair to get the modular office building contractors work coordinated.
- Plant staff and I continue to work with Couch White.
- I continue to work with EPA regarding Crane Hogan. The trial date has been moved to April. A pre trial meeting is scheduled for Friday, February 14th. GHD and John Perticone will also be in attendance.

Regarding the TPS Roof, Gary Holmes stated that he believed the City of Binghamton has a Design Consultant on a "term contract", and he will check on this and let Superintendent Young know what he finds out.

Committee Reports:

Construction – Luke Day reported on the Digester Restoration Project for which GHD is continuing to work on design. The DEC stated that it now wants to see the plans and specifications, in order to have these "on file". Mr. Day stated that he wants to have a Construction Committee meeting to evaluate the status of this project, as well as re-sequence the CM/CA schedule. He would like to be able to put the various contracts and projects related to the Digester Restoration Project on one schedule. Mr. Day also reported on his attendance at the NYWEA annual meeting. Sessions he attended that were particularly useful included: succession planning, SCADA and automation implementation, and an asset management add-on named LASER-FICHE which allows attachment of documents (including photographs) to the asset management record for a given system.

Operations – George Kolba, Jr. provided updates regarding the modular building and a conference call held with Jacobs regarding CM/CA for the Digester Restoration Project. It was noted that LeChase had submitted its schedule for the modular building site work, which is on hold pending warmer weather. Regarding the use of propane for the red trailer, and elsewhere at the Plant, he noted that the County Bid price is not the best cost. Superintendent Young noted that any potential savings could be more than consumed by the cost of a person doing research on alternatives.

(James Barriere, Esq. joined the meeting)

Edward Crumb made a motion for the Board to go into Executive Session to discuss pending litigation, to include Owner officials, Dennis Niland, Co-Counsel Perticone and Attorney Barriere.

Luke Day seconded the motion

Motion carried 6/0

(Mr. Holmes, Co-Counsel Paniccia, and Ms. Perkins exited the meeting).

The Board entered Executive Session at 6:15 PM, during which pending litigation matters were discussed.

Luke Day made a motion for the Board to exit Executive Session.

Ronald Davis seconded the motion

Motion carried 6/0

The Board exited Executive Session at 6:57 PM. No action was taken during the Executive Session.

A continuation meeting was scheduled for February 25, 2014 at 3 PM at the Village of Johnson City Offices.

Stephen Andrew made a motion for the Board to adjourn

Luke Day seconded the motion

Motion carried 6/0

Meeting adjourned at 7:10 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.
Charles Pearsall, Fiscal Officer
Catherine Young, Superintendent
Brown & Brown Empire State
Haylor Freyer & Coon
Robert Bennett, P.E., Village of Johnson City, Engineer
Philip Krey, P.E., City of Binghamton, Engineer
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