

FINAL COPY

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

Tuesday, August 9, 2022

Plant Administration Building

Members Present: George Kolba, Chairman Pro Tem
Chris Papastrat (Entered 3:50PM; exited 5:00PM)
Edward Crumb
Stephen Andrew (Entered 4:39PM)
Ron Lake
Bruce King

Also Present: Elliott Wagner, Superintendent
Billie J. Goodson, Business Manager
Chuck Shager, Comptroller, City of Binghamton (Exited at 445 PM)
Alfred Paniccia, Jr., Esq., Co-Counsel
Adam Afify, Senior Operator (Exited 5:00PM)
Howard Reeve, Facility Engineer (Exited 5:00PM)
Larry Travis, Electrical Engineer (Exited 5:00PM)
Michele Cuevas, Confidential Secretary
Janet Smith, Transcriptionist

Guests: Aviva Friedman (Entered 3:43PM, exited 5:00PM)
Luke Meade, Videographer, WBNG 12 News (Exited 4:25PM)
Jim Emke, News Director, WICZ 34 News (Exited 4:25PM)
Madelynn Cummings, Intern, WICZ 34 (Exited 4:25)

Chairman Pro Tem George Kolba called the meeting to order at 3:40PM. Sign in sheet was passed and Confidential Secretary Cuevas noted roll call aloud. Four (4) 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

No one wished to speak.

Chairman Pro Tem Kolba then called on Fiscal Officer Shager to present his report.

Fiscal Officer's Report

Chuck Shager presented the Fiscal Officer's report, a copy of which was distributed in each of the Board folders. Mr. Shager, overviewing the report, stated that the numbers are tracking well and that there are no real issues at this time. On the year-to-date budget, expenses as well as wages and salaries are under budget, and all costs have been paid out.

Mr. Crumb advised since there was no significant activity, there were no Lead Agency Capital Project financial reports prepared for July. and that the monthly project reports for August will be presented at the next regular meeting.

Meeting Minutes Approval

Edward Crumb made a motion to approve the submitted July 12, 2022, Regular Board Meeting Minutes with the suggested changes made and as contained in the Board Folders.

Motion seconded by Ron Lake.

Motion carried. 4/0/2 (Absent Chris Papastrat and Steve Andrew)

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 and charts pointing out that 50% of the CN Cells are online now. While still on-going, the task of replacing the pipe insulation is near completion. All in all, the CN recovery is going well, that we are a little ahead of schedule and have been pushing the contractors and vendors to adhere to the schedule; that while it was a little bit of a struggle, they have risen to the occasion for the most part.

Superintendent Wagner drew the Board's attention to the photo attached to his report depicting the Influent and Effluent and stated that attaining these results is looking very positive.

(Board Member Chris Papastrat entered at 3:50PM; a quorum of five Board Members is present)

Continuing through his report and charts, he also wanted to point out why a few of the numbers read as they do; that while the Nitrogen numbers are below par, the July digester numbers are down due to having no biomass over the past 4 or 5 months; the permit requirement on TSS was met and that Phosphorus and Ammonia numbers should be continuing to go down. He stated the August numbers are trending very well, confirming same with the Senior Operator Adam Afify.

Chairman Pro Tem Kolba said that he and the rest of the Board are proud of Superintendent Wagner and his staff and how the recovery was and is still being handled; that he was advised that the DEC is very pleased with the progress of the recovery as well. Superintendent Wagner stated the recovery process was a team effort and without the time and effort the whole team consisting of not only plant hourly personnel but salaried staff as well, the recovery would not have gone as well as it has.

July Superintendent's Report
08/09/2022

In July we received 1.25 inches of rain and average daily flow was 10.63 MGD for the month. We ran the DN Cells as CN cells until 8/1/2022.

We are utilizing the UV system at the moment so as not to kill the Biomass we are trying to grow (with chlorine).

Our 30 day Mean for Fecal Coliform will be a little higher this month as the Turbidity of the effluent returns to normal. We need an improved UVT (UV transmittance) for the system to work efficiently.

Evans Mechanical has been installing valve actuators.

Matco has replaced and rewired all RIO panels and the actuators that Evans installs.

Rotork has been on-site and installing air feed lines to the actuators.

Plant personnel, Matco and Rotork performed functional testing of the actuators and PITs.

Ramboll has been working with the plant to send up the required DEC info and get the insurance adjuster and inspectors what they need.

Replacement of pipe insulation is ongoing.

J&K has a contract to replace the damaged HVAC and Dehumidifier.

Vacri has completed their infill project on Monday June 27th. The CN-8 and DN-4 cells have protective plates installed.

During operation of DN cell #4 the plate started to weep, so we stopped and drained DN cell #4.

GHD has sent an engineered infill design to Vacri/Devententis.

All media has been replaced in CN Cell #1. This is the cell where the Viewport separated from the wall. It has been filled in with reinforced concrete and will be ready for use as soon as actuators are installed.

We have hired 2 Operator trainees and an Electrician's helper bringing our employee level to 45 of 47 funded positions.

August initial numbers are looking promising. The odor has abated for the most part and the wildlife that utilizes the river at our outfall are returning.

Business Manager's Report

Overviewing 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 to ratify PW-02501 Improved Project Request and permission to advertise for the purchase of Methanol.

Edward Crumb made a motion that the Board ratifies the Improved Project Request for Project Worksheet 2501 Primary Power Distribution from the remnants of Tropical Storm Lee disaster DR4031-NY in accordance with the letter of July 26, 2022, that the Business Manager has authorized and submitted on our behalf.

Motion seconded by Bruce King.

Motion carried 5/0/1 (Absent Steve Andrew)

Edward Crumb made a motion that the Board authorizes advertising and procurement of Methanol in accordance with the Invitation to Bid which was distributed in the Board folders.

Motion seconded by George Kolba.

Motion carried 5/0/1 (Absent Steve Andrew)

Ms. Goodson wanted to discuss the unresolved Vestal Water Service Agreement and will do so during the Old Business portion of this meeting.

Board Committee Reports

Construction: George Kolba, Steve Andrew, and Ron Lake.

Steve Andrew was absent, and Ron Lake had nothing to report.

Chairman Kolba stated that he will discuss a matter pertaining to this committee during Executive Session in this meeting.

Flow Management: Edward Crumb – Nothing to report.

Personnel: Steve Andrew – (absent [covered later during the meeting])

Finance: Edward Crumb advised that the proposed 2023 Joint Sewage Board Budget worksheets are available on the JSTP website.

Edward Crumb made a motion that the Board ratify the proposed 2023 Joint Sewage Board Budget in the form presented and in the total amount of \$26,092,054.56 and authorize and direct that they be presented to the Owner's Legislative Bodies August 15, 2022 (given the deadline stated in the IMA is a Sunday this year) together with the proposed Organizational Chart for 2023 both of which are posted in the Open Meetings Law documents on the plant website.

Motion seconded by Bruce King.

At Mr. King's mention of capping amounts to municipalities, there was a brief discussion.

Motion carried. 5/0/1 (Absent Steve Andrew)

For context, Mr. Crumb wanted to clarify to the news media attending this meeting that the budget as proposed can be changed up or down by the Owner's Legislative Bodies and that the formula through which each municipality computes its sewer rates is unique to each municipality, and the amount of the Joint Sewage Board Budget is only a part of that.

Ad Hoc: Bruce King – Nothing to report.

Correspondence: Michele Cuevas – Copies distributed in the Board folders of GHD IWPP July Status Report is for the Board's review along with a DEC Delivers, Making Waves flyer sharing two points of interest. Ms. Cuevas briefly mentioned that regarding the GHD report; that there was one non-compliant violation and that the Superintendent and Assistant Superintendent went on a couple of inspection visits. Regarding the DEC Delivers flyers, one regarding grants, Mr. Crumb pointed out the notation he made at the top of the page ["Under IMA §11(C) . . . and . . . IMA §11(B) . . . "] and ELAP Certification Required for Labs excerpt for the Board's review with Mr. Crumb pointing out that starting January 2023 it will be a *requirement* to use only labs certified by the Department of Health under the ELAP program with respect to wastewater whole effluent toxicity (WET) testing.

Old Business: Chairman Kolba called on Howard Reeve to report on the status of the TPS. Mr. Reeve stated that he is looking into rewriting an old RFQ. Mr. Crumb suggested that the RFQ be submitted for Board review prior to submission and Mr. Reeve intends to submit his work via email to the Board for review. Mr. Crumb asked if there was an oversight committee. Chairman Kolba was going to ask Mr. Lake and Mr. Andrew to do that. Mr. Lake advised he would commit to doing whatever is needed.

Chairman Kolba called for discussion on the Vestal Water Service Agreement, copies of which were distributed in the Board's folders along with past emails on this topic. Mr. Crumb mentioned that Chairman Kolba, Mr. Crumb along with the Finance Committee met with Town of Vestal Officials on or about the 25th of July noting that he thought substantial progress was being made and that Co-Counsel Paniccia helped with the wording on the document. Mr. Crumb suggested a few particular edits in the wording along with some general wordsmithing.

Edward Crumb made a motion that the Board Attorney update the proposed draft agreement presented to the Board to reflect his change requests and wordsmithing changes and let the same be submitted on to the Town of Vestal for their consideration and approval.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (Absent Steve Andrew)

New Business: Chairman Kolba called for discussion of the Proposed Consent Order, copies of which were distributed in the Board folders. Mr. Crumb suggested some changes in the language on the Order all of which are noted in his August 8, 2022, email to Co-Counsel Paniccia and copied to Superintendent Wagner, a copy of which is included in the Board Folders.

The Board listened intently to Superintendent Wagner's feedback who also expressed his appreciation for all the support the Board provided through the recovery process.

(Board member Steve Andrew entered at 4:39PM; all Board Members are now present)

Personnel: Steve Andrew – Nothing to report.

Ron Lake made a motion to move forward with the amendment to the proposed Consent Order.

Motion seconded by Bruce King.

Edward Crumb then made an amendment to the above motion to include all the changes outlined in his August 8, 2022, email to Co-Counsel Paniccia and copied to Superintendent Wagner, and included in the Board Folders.

Motion to amend seconded by Bruce King.

Motion to amend carried. 6/0

Motion carried as amended. 6/0

There was a discussion about extending the Declaration of Emergency for continuity in completing the recovery of the 2/18/2022 event and it was decided that it wouldn't be necessary at this time.

(Board Member Chris Papastrat exited at 5:00PM; a quorum of five Board Members remains)

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

Motion seconded by Steve Andrew.

Motion carried. 5/0/1 (Absent Chris Papastrat)

At 5:28 the Board exited Executive Session. No action was taken during the Executive Session.

Bruce King made a motion that Co-Counsel Paniccia represent with the settlement offer.

No second of the motion was offered.

Motion failed.

Steve Andrew made a motion to adjourn.

Motion seconded by Edward Crumb.

Motion carried. 5/0/1 (Absent Chris Papastrat)

Meeting adjourned at 5:30PM.

The next regular meeting is September 13, 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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