



Binghamton-Johnson City
JOINT SEWAGE BOARD



Ray L. Standish, P.E.
Edward Crumb

George Kolba, Jr.
Stephen Andrew
Ron C. Davis

FINAL COPY

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

Tuesday, December 11, 2018
Village of Johnson City Municipal Building

Members Present: George Kolba, Jr., Chairman *Pro Tem*
Edward Crumb
Steve Andrew
Ronald Davis
Ray Standish

Also Present: Cathy Young, Superintendent
Michele Cuevas, Confidential Secretary
Charles Pearsall, Business Manager
Howard Reeve, Facilities Engineer
Alfred Paniccia, Jr., Esq., Co-Counsel
Chuck Shager, Board Fiscal Officer and Comptroller, City of Binghamton
Bruce King, Village of Johnson City Trustee
Laura Lee Perkins, Transcriptionist

Guests: Ron Lake, P.E. (arrived at 3:42 PM)
Jim Stoddard, HFC (exited at 3:44 PM)
Jeff Platsky, Reporter, Binghamton Press and Sun Bulletin (exited 4:30 PM)
Donald Slota, JC resident (exited at 4:30 PM)
Susquehanna Valley High School Students: (arrived at 3:06 PM;
exited at 4:30 PM)
Kelsey Shea
Samantha Bennett
Audrey Howell
Quincy Gray
Ruth Yingling

George Kolba called the meeting to order at 3:01 PM. Five Board Members were present. It is noted that the Board is still without a third representative from the City of Binghamton.

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

Attendance sheet was passed for signatures. Fire exits were identified.

Edward Crumb made a motion for the Board to approve the 9/27/18 Special Meeting Minutes with the changes shown as found in the Board folder.

Ronald Davis seconded the motion

Motion carried 5/0/1 vacant

Edward Crumb made a motion for the Board to the 10/9/18 Minutes of the regular meeting with changes shown as found in the Board folder.

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

Jim Stoddard provided an Insurance Proposal to Board members from Trident Insurance Company and informed them that HFC had sent out applications for insurance coverage to 2 two other carriers as well as negotiating with the Board's present carrier (Trident). Travelers declined to provide a proposal based on the changing risks associated with the ongoing construction project. He reviewed/explained the Premium Summary page – comparisons between present Trident policy and Trident Renewal and HCC. (See handout in Board folder). A 13.2 percent savings from last year is proposed by Trident. HCC, the potential new carrier, is more competitive, but did not itemize its proposal by coverage category. He has confidence in HCC that they have the ability to properly insure the facility, however.

Mr. Kolba stated that there were 9 vehicles listed in the proposal, but we are now down to 8.

Ms. Young stated one was sold last year.

Mr. Crumb pointed out that the Building 1 location (Compost Facility) was deleted, but did not add the same location back with the new construction. We now have a multi-purpose building that is Administration and Maintenance. The owners took the composting building, took the silos out, then built the new Administration/Maintenance building off that foundation and lower level. He does not see a 'Location 1' on the schedule that corresponds to the Administration/Maintenance building. Mr. Stoddard stated it might be Item 39, which is shown on the Premium Summary page as Administration Building on March 28 for \$3.2 million. Mr. Crumb stated that there was a numbering system in place, but it is not being followed. Mr. Stoddard admitted there were different ways of numbering these things and would work toward making them more user-friendly.

Mr. Stoddard stated he believed they had a relationship with a carrier that is healthy; it is a good relationship. HFC has not had problems in handling coverage changes. Trident extended back-dated credits for buildings that were removed. There is a difference in premium of less than 6.3%. Trident is HFC's #1 municipal market. If there is a grey area, or need wiggle room on a claim, or have them do something out of the ordinary, he is able to call Trident up and tell them 'this is what I need you to do'. That is the treatment received from Trident more than others.

HFC started doing business with HCC in the last 3 to 4 years. HFC has accounts with them. HCC has people that have been in the municipal business a long time from an insurance standpoint. He would not present them to the Board if he was not confident in their ability to

properly insure. HCC does not write as many municipalities of HFC; they write a number in the State. HCC is a strong financial company; it has strong programs for municipalities.

Mr. Crumb inquired as to how each defines buildings for covered property. For example, do they include, under buildings, permanently installed machinery and equipment so that the limits in the proposal don't conform to that definition. Concerned that what we are asking for is organized in a way that corresponds to the policies being offered. Mr. Stoddard stated that they both define buildings in the sections of policy recently recited. Mr. Crumb is concerned that the breakdowns in this proposal are accurate under the definition. Mr. Stoddard stated that that leads to the question as to whether the property is defined as a building or business personal property. If it is in either of those categories, and they are included in the blanket limit, coverage on the policy would be completed. Mr. Crumb asked if the premium would be the same.

Mr. Stoddard explained that the building ranks are less costly than the contents. So there may be changes that need to be made with that, HFC can do it. Mr. Crumb stated he is not ready to vote until items are defined.

The quote from HCC was a total number with no breakouts.

Mr. Andrew inquired as to whether HCC was aware of the construction and buildings going on line and in the state of flux. Mr. Stoddard stated that HCC is aware of all of this.

The Sewage Plant has been with Trident since 2014.

Quincy Grey was granted Privilege of the Floor and asked about standard language in contracts and with businesses (lateral contracts). Mr. Stoddard explained that there are standards, but everything is conformed to each client. Ms. Young also explained that the Plant has standard contract agreements for specific services and each company has their own standard contact agreement that the Plant has to negotiate and work with.

Steve Andrew stated that he would prefer not to change carriers at this time; the difference in premiums does not justify the change.

Mr. Crumb stated that sometimes insurance companies lowball to get the business. He is definitely concerned about the allocation between the building classification and personal property because it is significant under the definition where the permanently installed equipment and machinery are classified as buildings. He believes more due diligence on categorizing and premiums is warranted.

Mr. Stoddard explained that the only impact on the premium is to have more of the permanently installed property categorized as buildings to lower the premium cost.

Mrs. Young asked how the impact of buildings coming on-line during the year affect the premiums.

Ray Standish explained that it is a floating premium, in flux until Plant is completed.

Ray Standish made a motion for the Board to accept Trident's proposal with possible changes and minor adjustments as Edward Crumb wants to conform the definitions stated in the policy to align to language, converting personal property to buildings.

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

Steve Andrew inquired of Mr. Stoddard as to the definition of accepting buildings (per Wicks Law contract). The construction people are pressing the Plant to accept buildings before they are completed, which the Superintendent won't do. The problem is that we can't get them insured. Ms. Young explained that they are trying to press the acceptance of the equipment in a building before the building is completed (electrical, etc.). The Construction Manager is trying to push the Board to accept the piping and pumping equipment but the electrical and HVAC is not complete. There is a potential issue of warranty expiration (for a given contractor's work/equipment) before the building or equipment is completed. Mr. Crumb pointed out that the Plant does not have an insurable interest that can be defined until it is complete. Mr. Stoddard stated that they can make it happen (insuring the building before completion), but the Plant's approach is right and defensible.

Chuck Shager 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
11/30/18	<u>Balance</u>		
	Checking	\$2,369,991.43	
	Money Market	<u>\$5,010,293.40</u>	
			\$7,380,284.83

Mr. Shager reported the Board is about \$500,000 under budget, maybe more, attributable to wages (Mrs. Young pointed out it is the efficient operation of the Plant).

Mr. Shager stated that the Purchase Orders are "good".

The Owners' Capital Project itself – has spent 78.2% of the money contracted so far.

Edward Crumb reviewed the Lead Agency's chart and graph reports (see folder). There are now 41 contracts (since July 2011).

Mr. Shager reported that all financing for the Capital Project is finalized. Just drew down on the last Bond Anticipation Note from 2016; will be drawing down on the NYS Water Grant next. When that is exhausted, will begin using the 2018 Bond Anticipation Note. The Solids Handling Improvements construction remains as its own bond.

Mr. Shager reported that a project that GHD did (engineering report on potential TPS improvements) was not part of the NYS-EFC scope. The report cost \$35,000. NYS-EFC can pay it at the end of the project, but cannot pay it now. Mr. Shager is requesting that the Board pay the \$35,000 from the Board's budget rather than have GHD wait.

Edward Crumb made a motion for the Board to approve the transfer of \$35,000.00 from Personal Services (J8130.51000) to Transfer to Capital Fund (JH9901.59000) and then create a new budget line for this TPS Improvement Study and submit the requisite Request for Legislation to the Owners' Legislative Bodies.

Steve Andrew seconded the motion

Howard Reeve inquired whether the Plant will receive 100% of the money back. (There is no present intention for this to happen).

Motion carried 5/0/1 vacant

Charles Pearsall presented the Business Manager's Report

Edward Crumb made a motion for the Board to authorize and direct the Business Manager to advertise for Ferric Chloride 38% Solution at a convenient time in early 2019.

Ray Standish seconded the motion

Motion carried 5/0/1 vacant

Mr. Pearsall reported that he had heard verbally from the DEC that the Plant should be receiving a Resolution for requested waiver from the MWBE participation requirements on the WQIP Project.

Steve Andrew made a motion for the Board to extend the bid's validity until January 19, 2019 for JB's Excavation's bid on the WQIP Project.

Edward Crumb seconded the motion

Motion carried 5/0/1 vacant

Mr. Pearsall also reported that the Plant has not heard from UHS regarding its proposed 2019 Workers Compensation Preferred Provider Organization (PPO) contract.

The Superintendent's Report was given by Catherine Young, a copy of which appears below:

**Superintendent's Report
December 11, 2018**

Violations and Significant Issues

DEC Notice of Violation Dated Nov. 28th regarding Construction activity SWPPP

Compliance

Date: November 2018 Average Flow 24.98MGD	Influent	Effluent	Average % Removal	Effluent Limit
CBOD mg/l	147mg/l	71mg/l 16.912lbs/day	51.70%	(Limit 24,840lbs/day) Monitor until Jan 1, 2018 then 5,254lbs/day. \$5K Fine
Suspended Solids mg/l	149mg/l	46mg/l 10,957lbs/day	69.13%	(Limit 12,765lbs/day) Monitor until Jan 1, 2018 then 5,828lbs/day. \$5K Fine
Other: Settleable Solids Max ml/l	8.3ml/l	1.0ml/l	75.90%	Monitor
Total Nitrogen mg/l	Oct 2018 12.0mg/l	Oct 2018 11.3mg/l	5.83%	Monitor
Chlorine mg/l	NA	1.73 Max.	NA	2.0Max.
Avg. Temp.	14.8	14.8		

Solids Removed	Aug 2018	Sept 2018	Oct 2018	Nov 2018
Digested	0	0	0	0
Lime Stabilized	530.05	463.49	536.15	489.42
Total	530.05	463.49	536.15	489.42
Grit	0	0	0	0
Screenings	7.61	3.28	3.64	
Grease	2.10	1.3	4.3	

Superintendent Report-cont.
Operations Summary, Construction and Related Issues

- The installation of a gate at the flood wall for controlling storm water and wastewater in the 54" line from Binghamton has been completed. Testing protocol is yet to be determined.
- Additional Digester 1 and 2 material and work has been identified and estimated to be approximately \$900,000.00. The decision was made by the engineer and owner to forego these upgrades until a later date, due to contractual issues. Digesters 1 and 2 are now anticipated to come on-line in approximately 2 to 3 months. The grit removal in the headworks will not yet be completed, therefore grit removal of sludge is being studied in order to use the digesters.
- The Administration Building still has several issues to be corrected, hopefully before it is completely turned over for acceptance. Among the issues are excess condensation with the HVAC unit and leaking on the South wall of the lower level of the building in the electrical shop area.

Other

- The Water Quality Improvement Contract is pending approval, pending the DEC waiver for the contractor WMBE participation requirements.
- The monthly meeting with the DEC was held on December 11, 2018. An update on the construction progress was given and deadlines for meeting permit requirements was discussed. The DEC again expressed concern regarding the construction timelines. The Storm Water Protection Notice of Violation was discussed.

Ms. Young reported that the Board should have received copies of the Notice of Violation from the DEC regarding the construction activities. When the Flood Wall was initially applied for with the DEC for permits, that application was made in the Board's name by Gary Holmes as the contact. That is why the Board received the Notice of Violation. Plant was told that Jacobs was going to incorporate everything into one site-wide SWPPP, but it was never done. She believes that Jacobs is overseeing the compliance, but she has not seen that contract.

Ron Lake

- ✓ Notice of Violations is confusing – combines flood wall and Plant reconstruction work; response to DEC will be ready by the end of the week
- ✓ Most items were corrected by the next day

Mr. Kolba asked who does the inspections. Mr. Lake thinks it is Jacobs.

Ms. Young stated that for the SWPPP, at least for the flood wall, the WQIP needs the SWPPP, but that contractor does not want to assume the flood wall SWPPP; therefore, Streeter will need to close that out when its work concludes and JB's Excavation will have its own SWPPP.

Streeter needs to test the flood gate as installed, if there is a flood event, we need to know the gate will hold back water; will need to coordinate with the City of Binghamton. Protocol for this testing has not been established. It is a manual close – GHD has to get timing coordinated.

Regarding the proposed Third Modification Consent Order, Mr. Lake stated that DEC was quick to issue the draft based on preliminary dates. He thought DEC was still waiting for a signed letter regarding proposed dates. Ms. Young stated that her concern at the DEC meeting regarding a wall in C/N Cell 2 that needs to be redone and that appears to add a month to the concrete work. Mr. Lake said he spoke to the DEC and they said it will not delay the work. PC is claiming that the Agreement with Kruger requires it to install and submerge the filter media by March 25, 2019, or the warranty as to the media would be void.

New compliance dates are listed in Appendix A – Schedule of Completion in the revised Consent Order (in Board folder).

Mr. Lake reports that the electricians have 50 workers at present; their construction is speeding up; no overtime is necessary at present.

Ms. Young reported that there were questions regarding the response from Jacobs regarding documentation that FEMA requires to extend the deadline for the flood wall. Finally got something from Jacobs; Howard Weaver has an email (see folder) clarifying Mr. Crumb's questions regarding deadlines and extensions for various Project Worksheets and contracts.

Committee Reports

Construction

George Kolba stated he is going to be more diligent in walking the Plant for SWPPP compliance

Steve Andrew stated that he had nothing to add at this time

Finance Ed Crumb stated that he is concentrating on Insurance issues; working with Charles Pearsall

Personnel Steve Andrew stated that Personnel matters would be discussed in Executive Session

Ad Hoc Ronald Davis stated that he has nothing new to report

Flow Management Edward Crumb stated that he has nothing new to report

Correspondence – in Board folder

Steve Andrew made a motion for the Board to enter Executive Session to discuss Personnel matters.

Ronald Davis seconded the motion

Motion carried 5/0/1 vacant

Chuck Shager, Mr. Platsky, Mr. Slota, and the Susquehanna Valley students exited the meeting at 4:30 PM.

The Board entered Executive Session at 4:30 PM.

Steve Andrew made a motion for the Board to exit Executive Session

Ray Standish seconded the motion

Motion carried 5/0/1 vacant

The Board exited Executive Session at 4:45 PM. No action was taken during the Executive Session.

Steve Andrew made a motion for the Board to approve raises in accordance with the limits set by the Owners' Legislative Bodies at the August 23, 2018 Joint Budget Meeting in the following annual/weekly amounts for 2019 for salaried personnel effective with 2019 Pay Period #1 beginning 11 PM December 14, 2018:

<u>Position Title</u>	<u>Annual Salary</u>	<u>Weekly Salary</u>
Superintendent	\$90,181.00	\$1,734.25
Assistant Superintendent (Vacant until 4/1/2019)	\$80,392.00	\$1,534.75
Business Manager	\$76,427.00	\$1,469.75
Facility Engineer	\$72,670.00	\$1,397.50
Senior Operator	\$72,553.00	\$1,395.25
Computer Systems Engineer	\$71,344.00	\$1,372.00
Head Electrician	\$69,316.00	\$1,333.00
Head Mechanic	\$65,702.00	\$1,263.50
Laboratory/Safety Manager	\$62,426.00	\$1,200.50
Confidential Secretary	\$40,547.00	\$ 779.75

Edward Crumb seconded the motion

Motion carried 5/0/1 vacant

Edward Crumb made a motion for the Board to enter Executive Session to discuss potential and pending litigation.

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

The Board entered Executive Session at 4:50 PM.

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

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

The Board exited Executive Session at 5:23 PM. No action was taken during the Executive Session.

The next regularly scheduled Board Meeting will be on January 8, 2019 at the Plant at 3:15 PM.

Ray Standish made a motion for the Board to adjourn.
Steve Andrew seconded the motion
Motion carried 5/0/1 vacant

Meeting adjourned at 5:27 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
File