



Binghamton-Johnson City
JOINT SEWAGE BOARD



FINAL COPY

Ray L. Standish, P.E.
Gary Holmes
Edward Crumb

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

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

Tuesday, January 9, 2018

Village of Johnson City Municipal Building

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

Also Present: Cathy Young, Superintendent
Charles Pearsall, Business Manager
Howard Reeve, Facility Engineer
Michele Cuevas, Confidential Secretary
Chuck Robinson, Staff Accountant, City of Binghamton
Alfred Paniccia, Jr., Esq., Counsel
Bruce King, Village of Johnson City Trustee
Clark Giblin, Village of Johnson City Trustee
Conrad Taylor, Trustee, City of Binghamton
Laura Lee Perkins, Transcriptionist

Guests: Nick Aresco, 12 News
Mike Tanzini, 34 News
Amanda Pitts, Fox 40
Jason Greene, P.E., GHD (exit at 4:02 PM)

George Kolba called the meeting to order at 3:06 PM. All five Board Members were present. Attendance sheet was passed for signatures. Fire exits were identified.

George Kolba announced that the Board is short one member; the vacancy resulting from Gary Holmes' resignation has not been filled yet.

Edward Crumb wanted it noted that the meeting had not been properly noticed and stated that no approval of new spending should be made.

Edward Crumb made a motion for the Board to approve the 10/10/17 Minutes with changes shown as found in the Board folder.

Steve Andrew seconded the motion

Motion carried 5/0/1 (vacant)

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 11/14/17 Minutes with changes shown as found in the Board folder.

Ronald Davis seconded the motion

Motion carried 5/0/1 (vacant)

Charles Robinson presented the Fiscal Officer's Report:

1/1/2017 Beg. Balance			
Checking	\$	888,759.69	
Savings		<u>\$9,575,403.32</u>	
Total			\$10,463,983.01
 12/31/2017			
Checking	\$	92,580.64	
Money Market		<u>\$6,665,936.07</u>	
			\$6,758,516.71

Mr. Robinson reported that the financials that were sent out were unaudited. They still have adjustments to make with accruals and Accounts Payable coming in.

Edward Crumb stated that it was important that the public understand that the discussion concerned the Sewage Board's budget; not the Lead Agency's Project budget.

Mr. Robinson stated that Chuck Shager wanted it mentioned that the NYS-Environmental Facilities Corporation (NYS-EFC) has not yet closed on the bond money for the Solids Handling Improvements (SHI); final approval might not be made, and the closing may not take place, until the end of March. Edward Crumb pointed out that the recent newspaper article failed to mention the Solids Handling Grant as well as other grant funding. As of this morning, there has been about \$2.6 million borrowed or advanced from the Board on the Solids Handling Improvements.

Mr. Robinson pointed out that, on the year-end Treasury Report, there is \$6.7 million in cash. \$2.2 million of this balance is in the Board's Capital Fund. Steve Andrew asked if the NYS-EFC Grant had been approved. Edward Crumb stated the Governor announced it in October via a news release.

The Owners are borrowing Board money until funding approved – it was promised for December, pushed off to January, then February, and now March.

Edward Crumb informed the Board that the Lead Agency Financial Reports (MUNIS format and by-contract char report) are in the Board Members' folders.

Charles Pearsall presented the Business Manager's Report:

- Not yet in Administrative Building; he does not think the move-in will be any time soon. Mr. Crumb advised that there was a walk-through last month; an appraisal needs to be done before Board can get insurance on the building; due to potential liability exposure, he does not think Board should approve moving in until insurance is in place; needed are a Certificate of Elevation for Flood Insurance as well as a Certificate of Occupancy from Town of Vestal

Cathy Young stated it would be in Board's best interest if the Owners provide specific details before moving in. George Kolba and Al Paniccia both agreed that the Contractors are responsible for the building until such time as the Lead Agency issues a Certificate of Acceptance, the Town issues a final Certificate of Occupancy, and the Board takes over. Superintendent Young told the Board that she believes the Contractor was going to provide a Partial Certificate of Occupancy for the upper floor even if the lower level is not ready yet. Stephen Andrew stated that there is no such thing as a Partial Certificate of Occupancy. Edward Crumb stated that there should be no plans to move into the Administration Building until the final Certificate of Occupancy has been provided. It was noted that the present lease goes to the end of April, with an extension option; the Board needs to give 30 days prior written notice in order to decline or exercise the extension option. Alfred Paniccia will send a letter to GHD for the required Certificate of Elevation (which requires a licensed surveyor's endorsement/stamp).

Edward Crumb stated we needed the replacement cost value to insure; reusing parts of the pre-existing Compost Building and developing the construction plans and specifications are items the Board does not have a way to determine costs for; flood insurance requires above and below grade costs in order to demonstrate insurability under the National Flood Insurance Program; replacement costs are needed for the property insurance. Charles Pearsall was instructed to prepare a Request for Proposal to bring to the Board before the next meeting. George Kolba recommended that Mr. Pearsall talk to the insurance brokers to get their protocols.

Edward Crumb made a motion for the Board to approve the transfer of \$12,000.00 from J8130.54621A (Equipment & Pump Repairs - Electrical) to J8130.54621 (Equipment & Pump Repairs) and authorize the Business Manager to prepare Requests for Legislation and present to the Owners' Legislative bodies (See RFL Cover Sheet, below).

Ronald Davis seconded the motion

Motion carried 5/0/1 (vacant)

SUGGESTED TITLE: Request \$12,000.00 transfer for Equipment & Pump Repairs.

PURPOSE OF LEGISLATION: The Binghamton-Johnson City Joint Sewage Board requests that the 2017 Budget be increased to for expenses in Equipment Repair beyond the budgeted amount.

SUGGESTED CONTENT: The Binghamton-Johnson City Joint Sewage Board requests the Owners to transfer \$12,000.00 from Equipment & Pump Repairs - Electrical (J8130.54621A) to Equipment & Pump Repairs (J8130.54621) to allow for the rehabilitation of plant pumps & equipment.

Mr. Pearsall informed the Board that a check from the NYS Department of Taxation and Finance was received for FEMA reimbursements (\$314,528.79) in December; all Federal money (no state share).

Edward Crumb made a motion for the Board to accept the FEMA check in the amount of \$314,528.79 and to authorize and direct the Business Manager prepare and submit Requests for Legislation to the Owners' Legislative Bodies to adjust 2017 budget revenue, Federal Aid (J.44960), and increase 2017 budget expenditure Transfer to Owners (J8130.54889) by the same amount (**See RFL Cover Sheet, below**).

Ronald Davis seconded the motion

Motion carried 5/0/1 (vacant)

SUGGESTED TITLE: Accepting FEMA settlements relating to DR4031-PW2504v1 in the amount of \$314,528.79 from check No. 05971983 and increasing 2017 Budget appropriations to allow payment of \$314,528.79 to the Owners.

PURPOSE OF LEGISLATION: The Binghamton-Johnson City Joint Sewage Board requests that the 2017 Budget be increased to allow the receipt of a FEMA payment and subsequent payment to Owners for work to be performed by the Owners' Lead Agency.

SUGGESTED CONTENT: The Binghamton-Johnson City Joint Sewage Board received a FEMA check #05971983 for 4031-PW2504v1 in the amount of \$314,528.79 and requests legislation increasing 2017 Budget revenue appropriations and also to allow payment of \$314,528.79 to the Owners. On the revenue side: Federal Aid – Emergency (J.44960) should be increased by \$314,528.79. On the expense side, appropriations to Reimburse Owners for Recovery Expenses (J8130.54899) be increased by \$314,528.79. There is no State portion included in these receipts. Payments via claim to the City of Binghamton (54.8%) in the amount of \$172,361.78 and the Village of Johnson City (45.2%) of \$142,167.01 will then be processed.

Edward Crumb made a motion for the Board to declare Schwing Bioset as the exclusive sole source for Schwing-supplied Material Handling Equipment (sludge pumping systems, sliding frame silos, push floor systems, power units, screw feeders, lubrication systems, etc.) for one (1) year from the date of this meeting (January 9, 2018) in accordance with the December 5, 2017 letter from Schwing Bioset.

Ronald Davis seconded the motion

Motion carried 5/0/1 (vacant)

Edward Crumb made a motion for the Board to declare Koester Associates as the sole source distributor for Vogelsang products, parts, and field service at the Plant and TPS for one (1) year from January 9, 2018 in accordance with the December 5, 2017 letter from Vogelsang.

Steve Andrew seconded the motion

Motion carried 5/0/1 (vacant)

Mr. Pearsall informed the Board that Simmons Recovery Consulting was able to do the non-FEMA work for the Board regarding the Water Quality Improvement Projects (WQIP) from March 1, 2018 through September 30, 2018 for a not-to-exceed fee of \$95,000; at \$125.00/hour plus travel expenses consistent with the existing contract for FEMA recovery work. Edward Crumb thinks it would be better to extend the term of the contract past September as it is unlikely that the WQIP documentation and submittal work will be completed by then.

(Chuck Robinson exited the meeting)

Cathy Young presented the Superintendent's Report, a copy of which appears below:

**Superintendent's Report
January 09, 2018**

Violations and Significant Issues

- Weep spots in the chlorine contact chamber were noted after the dirt from the exterior was pulled away. The cold weather seems to have exacerbated the condition.
- The cooling water lines and jackets for the main pumps froze during the recent cold weather while contractors had opened up the building but did not take steps to maintain building temperatures as called for in the contract specifications.
- Potential slippage in construction completion dates may impact the startup up of the biological aerated filters from June thru August 2018 to October or later into cold weather months.

Compliance

Date: December 2017	Influent	Effluent	Average % Removal	Effluent Limit
Average Flow	11.41mgd			
CBOD	362	189	47.79%	Monitor
Suspended Solids	292	70	76.03%	Monitor
Other: Settleable Solids Max	11.3	0.22	98.05%	Monitor
Total Nitrogen	Nov 21.4	Nov 22.1	-3.27%	Monitor
Chlorine	NA	1.40 Max.	NA	2.0Max.
Avg. Temperature	13.8	12.9		
Solids Removed	Sept 2017	Oct 2017	Nov 2017	Dec 2017
Digested		0	0	0
Lime Stabilized		536.53	558.11	507.13
Total		536.53	558.11	507.13
				533.92

Grit	0	0	0	0
Screenings	9.63	11.33	8.41	
Grease	0	2.14	7.1	2.84

Operations Summary, Construction and Related Issues

- Bypass pumping is scheduled to be discontinued January 31, as this is when the main pumps are scheduled to be put back into service. We continue to operate with challenges related to the bypass pumping configuration, capacity of the new temporary chlorine contact chamber and the temporary effluent discharge pipe.
- The solids handling phase of the construction has begun. There is discussion regarding the possibility of dewatering the primary sludge in order to put the digesters into service before the rest of the plant is on line.
- Flood Wall: Vestal 12" line Overflow is required. There have been Planning/ Discussion meetings with the Town Engineer, and the issue is not yet resolved
- Our next meeting with SEMO is scheduled for January 18th to review submissions and anticipated reimbursements for projects thus far.

Other

- I would like to recommend that the board consider the use of a professional public relations company to develop reach out and keep the public informed regarding the operations and function of the plant.
- Project organizational chart development for construction versus plant operations.
- The new generator contract

CBOD – 362 mgd translates to 17,985 lbs.

Solids – 292 mgd translates to 6,651 lbs.

Superintendent Young asked about hiring a public relations firm to handle information/questions from public regarding the Lead Agency's Project. Mrs. Young has requested a copy of the organizational chart regarding operations and function of the Plant and would like to review a draft organizational chart for the Project as it compares to Plant's organizational chart – she believes there is some confusion in the minds of the public as to who has responsibility for what as far as reconstruction and rehabilitation of the Plant as well as the day-to-day operation of the Plant. She has requested the charts from Ken DelBianco and Jacobs. She believes she knows how it works, but she is not sure what the Owners' charts would show. Ray Standish stated that all questions should be referred to Ken DelBianco or the Mayor of the City of Binghamton. Steve Andrew likes idea of a public relations firm because of the good job the hired by the Board did with the Flow Management changes. He also thinks the users are hearing things second- and third-hand, and not always accurately. George Kolba stated he thought it was a good idea, but believes the Board would have to ask both Owners before using money from the budget, and Owners might not approve such a transfer. He requested that the City and Village representatives go back and speak with their respective Mayors and the Boards; he would like to hear back from these representatives. Edward Crumb does not believe the Board should spend ratepayers' money on PR; the Lead Agency is responsible for public outreach under the Consent Order. Mr. Crumb added that the Board could put out accurate information, but if a news article is printed or broadcasted that has wrong information or leaves out important information, there is not much that can be done to obtain a correction because the Board cannot control what is published or broadcast.

Superintendent Young informed the news media present that there is a lot of information on the City of Binghamton website about the construction project. She believes that the City website can also be reached via the Village of Johnson City website. A copy of the Lead Agency's December 2017 report to NYS-DEC from the City website is included in Board Members' folders.

Trustee Bruce King inquired as to whether Digester 3 had been leak-tested with clean water yet. Superintendent Young stated that the cold weather had put a hold on that.

George Kolba inquired of Superintendent Young as to whether the water flow delay was caused by the Plant; she and Howard Reeve stated it was not. Mr. Kolba would like them to document this information in case fines are assessed.

Jason Greene, P.E. joined the meeting and presented the GHD Industrial Wastewater Pretreatment Program update - see Report in Board folder.

COMMITTEE REPORTS:

Finance – Edward Crumb

- There is about \$2.7 million that the NYS Division of Homeland Security and Emergency Services has not paid, but FEMA has paid their share. Most dates to FEMA payments since last Spring. Howard Weaver has tried, but is not getting answers from the State. This money is obligated for the damage at our Plant. Believes the Board needs to look at preparing a letter on behalf of the Board to the Governor's Representative. This money needs to be transferred back to the City of Binghamton and Village of Johnson City for Lead Agency costs. As a result of the State's non-payment, the City and Village are paying interest on the construction loans to NYS Environmental Facilities Corporation; we don't get interest from NYS when they hold back money for FEMA-approved (and federal share paid) damages. The Division of Homeland Security is under the Governor, not under the Federal government. It would be worth notifying Senator Akshar, Assemblywoman Donna Lupardo, and Assemblyman Crouch, as well.
- Health benefit plan and Summary Plan Description (SPD) documents – ERISApros - some revisions have been made; needs more in order to be user-friendly for Plant employees.
- Stephen Andrew requested that Mr. Crumb send him the financial report on the Lead Agency's contracts.

Flow Management – Edward Crumb – Nothing new to report. Need to work with Charlie Pearsall on municipalities that are late filers.

Personnel – Steve Andrew – Nothing to report

Ad Hoc – Ronald Davis – Nothing to report

Correspondence

December 18, 2017 letter from Ken DelBianco, P.E. to NYS-DEC

November 16, 2017 letter from NYS-DEC

December 27, 2017 letter from NYS-DEC

Copy of Press & Sun Bulletin January 7, 2018 newspaper article

January 8, 2018 email from Ed Crumb regarding proposed NYS-DEC Amendments to its Industrial Cleaning Solvents regulations – although directed to air pollution/ozone depletion impacts, there may be a benefit to submitting a comment emphasizing the wastewater/clean water impacts of improper disposal.

Old Business - Howard Reeve reported that he is looking for direction; the Board spent \$170,000.00 for rehabilitation for Head House Main Influent Pumps 1 and 3 with the intent that they were going to sit idle until after the Owners' Restoration and Rehabilitation Project was completed. Because PC Construction failed to maintain adequate heat, Pump 2 froze; Pump 4 also needs to be evaluated. At a minimum, the Plant needs two (2) working pumps plus a backup. Head House heat was not available because the gas service has been disconnected at street. PC Construction was supposed to maintain temperature throughout the building by temporary means. Pumps were damaged when material made it through the screening; there are 300 to 400 people working on site and occasionally dropping things that get into the influent piping past the influent screening. Mr. Reeve stated that he has not seen the construction crews taking precautions. Edward Crumb suggested that PC Construction should supply two (2) pumps to replace the two (2) that froze.

Edward Crumb made a motion for the Board to direct Alfred Paniccia to prepare a letter detailing damage caused by freezing to Pumps 2 and 4 in the Head House, addressed and sent to PC Construction with copies to Jacobs, Lead Agency representatives, Ken DelBianco, P.E., and both Owners' Mayors, stating they need to provide replacement pumps until the two damaged pumps are repaired or replaced at no cost to the Board or the Owners.

George Kolba seconded the motion

Motion carried 5/0

Edward Crumb made a motion for the Board to go into Executive Session to discuss potential litigation.

Ronald Davis seconded the motion

Motion carried 5/0/1 (vacant)

The Board entered Executive Session at 4:23 PM

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

Ronald Davis seconded the motion

Motion carried 5/0/1 (vacant)

The Board exited Executive Session at 4:30 PM. No action was taken during the Executive Session.

Edward Crumb made a motion for the Board to adjourn.

Steve Andrew seconded the motion

Motion carried 5/0/1 (vacant)

Meeting adjourned at 4:30 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