



Binghamton-Johnson City
JOINT SEWAGE BOARD



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

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

FINAL COPY

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

Tuesday, February 9, 2016
Conference Room, Office Building, JSTP

Members Present: George Kolba, Jr., Chairman
Edward Crumb
Ronald Davis
Steve Andrew VIA FACETIME
Gary Holmes
Ray Standish

Also Present: Craig Matias, Senior Operator
Howard Reeve, Facility Engineer
Charles Pearsall, Business Manager
Chuck Shager, City of Binghamton Comptroller
Marty Meaney, JC Trustee
Conrad Taylor, Binghamton City Councilman
John Perticone, Esq., Co-Counsel
Alfred Paniccia, Jr., Esq., Co-Counsel
Michele Cuevas, Confidential Secretary
Laura Lee Perkins, Transcriptionist

Guest: Michael Lisson, CPA, Grossman St. Amour, CPAs, PLLC

Chairman George Kolba called the meeting to order at 3:02 PM. Six (6) Board Members and legal counsel were present. Sign-in sheet passed for signatures. Fire exits identified.

Chairman George Kolba welcomed the new Board Member – Ray Standish.

Edward Crumb made a motion for the Board to approve the 12/29/15 Special Meeting Minutes with the changes as presented in Board folder.

Ronald Davis seconded the motion

Motion carried 6/0

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 1/12/16 Meeting Minutes with the changes as presented in the Board folder.

Ronald Davis seconded the motion

Motion carried 6/0

Chuck Shager – presented the Financial Report:

1/1/2016 Beg. Balance		
Checking	\$1,730,685.42	
Savings	<u>\$8,662,647.08</u>	
Total		\$10,393,332.50
1/31/16 Revenue YTD	\$1,562,831.23	
1/31/16 Disbursements YTD	<u>\$1,552,423.59</u>	
Balance		\$10,403,740.14
Checking	\$2,339,797.43	
Money Market	<u>\$8,063,942.71</u>	
		\$10,403,740.14

Michael Lisson, CPA from Grossman St. Amour, CPA, PLLC presented the special audit report performed under agreed-upon procedures with respect to the Board's reporting and contributions to the NYS Employees Retirement System (NYS-ERS). He stated that his biggest recommendation is that the numbers reported to NYS-ERS tie-in to the MUNIS system. Mr. Lisson stated that, going forward, the auditor is required to follow the state's "uniform guidance" and the analysis covered in the special audit is required to be included every year.

George Kolba, Jr. made a motion for the Board to extend the Grossman St. Amour Contract to cover financial statements and audit of the 2015 year with a service period through no later than September 30, 2016 in the amount of \$12,000 for whole package.

Gary Holmes seconded the motion

Motion carried 6/0

Charles Pearsall – presented the Business Manager Report.

Edward Crumb made a motion for the Board to ratify the bid invitation documents and authorize advertisement by the Business Manager for bids for Ferric Chloride (38% Solution), CEPT Polymeric Flocculant, and Sodium Thiosulfate (30% Solution) using the forms previously emailed to Board Members and to also post the same on the NYS Contract Reporter web site.

Ronald Davis seconded the motion

Motion carried 6/0

Discussion took place regarding replacement of the 2003 Dodge Dakota Pick-Up Truck. Additional information was requested so that this item can be given further consideration at a future meeting.

Discussion took place regarding the potential disposition of retainage held under the ModSpace contract. The matter was referred to Co-Counsel Paniccia for appropriate correspondence.

**Superintendent's Report
February 9, 2016**

Violations and Significant Issues

Work on the proposed Consent Order language is ongoing.

Compliance

Operations Summary, Construction and Related Issues

- The plant continues to operate in CEPT mode.
- We have taken one of our three chlorine tanks offline that appear to be leaking, and have recently had the tanks inspected. We have received results from the inspection that indicate one tank must remain offline. This situation will be challenging as we get into warm weather and have significant rain events. Options being considered include a smaller replacement tank.
- Our facility engineer has been working with Keystone to update the HVAC and roof design for TPS. The City of Binghamton has a time and material contract with Keystone that we plan to utilize.
- MCC Replacement: This contract is in progress and plant staff continue to work with the engineers and contractors to facilitate progress.
- Flood Wall: This contract has been awarded and a notice to proceed is pending.
- BAF Rebuild: The secant wall contract has been advertised and awarded. The BAF main rebuild project has been advertised. The bid due date is March 2.
 - Drones are anticipated to be used at the site during construction.
 - Site security will include a guarded gate and fencing around the entire complex. There is anticipated to be three security cameras also in place.
 - Scrap material in blower house will be removed by the general contractor. Staff is working to identify materials we will be keeping and also which equipment needs to be documented for FEMA.
- Digester Evaluation Status: Plant staff met with GHD, city reps Gary Holmes and Ken Delbianco to discuss GHD's draft design recommendations. These include rehabilitation of the existing digesters with the probable addition of co-thickening.

Other

- A Joint Meeting with the DEC, City of Binghamton and JC Village Trustees was held on January 27, 4:30 pm to review items of the consent order modifications.
- Water Quality Grant Update: In a reversal of an opinion from the DEC the Board cannot relinquish the Water Quality Grant to the City. A strategy needs to be developed for the work to take place.
- A draft General Harassment and Violence Prevention Policy has been developed and distributed to the Board attorney and Personnel Committee for their review and comments.

Ronald Davis made a motion for the Board to accept and adopt the 2016 Rate Chart, including unit surcharge rates under the Industrial Wastewater Pretreatment Program, as presented by the Business Manager.

Gary Holmes seconded the motion

Motion carried 6/0

Discussion was held regarding acceptance of septage from commercial waste haulers while the Plant's primary treatment is under construction. A request was made to have the Superintendent obtain GHD's assistance to write-up an appropriate policy/amendment to suspend the Waste Hauler's Control Program as of the appropriate date, so that the same can be presented at a future Board Meeting, and then communicated to waste haulers at least 30 days in advance.

Mr. Pearsall was directed to solicit GHD's interest in extending the Industrial Wastewater Pretreatment Program Consultant Agreement, upon the same terms and conditions as presently in effect, for a one year period beginning April 1, 2016 and to report back to the Board at a future meeting.

Mr. Pearsall stated that he would coordinate with Broome County to find out what is needed to extend the web site hosting agreement with the County and/or obtain the County's proposal for a successor agreement to the agreement expiring April 30, 2016.

Craig Matias presented the Superintendent's Report, a copy of which appears below.

INSERT REPORT PLEASE

Report on Lead Agency Activities: Gary Holmes reported that the Notice to Proceed has been issued to the Flood Wall Contractor (Streeter Associates) as of today. Patrick Regan of Haylor, Freyer and Coon, Inc. gave Mr. Holmes a 300-400 page document regarding insurance concerns with the Lead Agency's contract documents. Mr. Holmes has asked Mr. Regan to condense his firm's recommendations. On the Secant Pile Wall Project, the City is still waiting for the Utilization Plan of the Contractor (Welliver McGuire). Regarding the Digester Complex, GHD has not yet completed its report and recommendations. Mr. Holmes stated that the leading approach appears to be to rehabilitate the three existing digesters. With respect to Digester No. 3, the issue is sealing the cold joint, which GHD has expressed confidence can be done successfully. With respect to digester capacity, it is expected that during times of peak flow lime stabilization will continue to be needed. In part, this is due to limitations of the ActiFlo system, which outputs solids at 0.5% concentration: mechanical thickening to a 4-7% concentration is required before use of digestion is most effective. Chairman Kolba inquired as to the status of Jacobs' "merit review" of the Board's bond claim with respect to Digester No. 3, expected more than two months' ago. Mr. Holmes stated that he has requested that Jacobs finalize its report, then submit to Corporation Counsel Ken Frank, Esq., who would then contact Board Co-Counsel with respect to the results of the review. With respect to the WQIP Grant, Chuck Shager expressed his opinion that the work should be paid for through the Board, with the monies on-hand in the Board's budget, even though Woidt is a subcontractor to GHD. Mr. Holmes stated that the City may now proceed with this as a change order to the Flood Wall Contract, because the work is integral to the outfall being addressed under that contract. Mr. Holmes offered that

he would be willing to do the oversight and grant management work. No action was taken by the Board, and the prior designation remains in force. Mr. Holmes stated that 3-4 addendums have been issued by the City with respect to the large contracts, none of which is major, with the bids now being due March 2, 2016. Finally, Mr. Holmes presented a brief overview of the status of ongoing discussions with the DEC regarding a proposed Modified Consent Order.

Committee Reports:

Construction – (chair vacant) – nothing to report

Finance – Edward Crumb reported on the Owners’ request for the Sewage Board to provide Arbitrage and Use of Proceeds Certificates with respect to the treatment of industrial wastewater from Frito-Lay, a private for-profit business.

Edward Crumb made a motion for the Board to ratify and direct the Chairman to sign the Arbitrage and Use of Proceeds Certificates of the Sewage Board in the form presented by the Owners’ Bond counsel.

Ronald Davis seconded the motion

Motion carried 6/0

Ronald Davis made a motion for the Board to authorize and direct that we submit to the Village of Johnson City Village Board a Request for Legislation to amend its prior resolution with respect to amending the Sewage Board’s budget to add an Estimated Revenue line for “Other Compensation for Loss” to conform to the City Council resolution.

Gary Holmes seconded the motion

Motion carried 6/0

Ronald Davis made a motion for the Board to send the draft Corrective Action Plan with respect to the NYS-OSC Audit Report to the Mayors for input with respect to the report’s first recommendation.

George Kolba, Jr. seconded the motion

Gary Holmes suggested that, with respect to chemical costs and legal fees— it be noted that the Owners are looking at alternatives, including ultraviolet disinfection and alternatives to ferric chloride, such as polyaluminum chloride, which is less expensive.

Motion carried 6/0

With respect to the Board’s insurance claim related to the Compost Facility Bioreactor, Chairman Kolba’s letter was noted. Gary Holmes stated that he has asked Jacobs and GHD to look at the history, as this was a series of events that didn’t come out as planned. Chairman Kolba stated his opinion that not enough Jacobs personnel are on-site actually observing. Steve Andrew asked about the status of removal of the methanol from the tanks. It was noted that LeChase was attempting to formalize arrangements with a fifth subcontractor in order to meet safety and hazardous material disposal requirements.

Fixed Asset accounting and encumbrance true-up were noted as ongoing Finance Committee items.

Flow Management – Edward Crumb noted that the year-end 2015 Inflow/Infiltration (I/I) Credit Bank statements remain to be completed by the Business Manager. It was also noted that flows on the Binghamton Flow Side have shown a decrease since September 2015, and it may be the case that a slip-lining project by the Town of Dickinson on a low-lying sewer main under I-81 may be contributing to the reduction. Nevertheless, the Town has not yet applied for I/I Offset Credits. It was noted that the Town of Union’s JC Interceptor B Separation Project, for which advertisement was recently made for design services, and the City’s Front Street Gateway project may qualify for I/I Offset Credits if written opportunity to “buy-in” is given to upstream Municipal Users and other requirements of the I/I Offset Program are met. Finally, Mr. Crumb noted a publicity campaign by the Chesapeake Bay Foundation regarding endocrine disruptors and emerging pollutants of concern: in particular, pharmaceutical byproducts. A concern is that this advocacy could lead to requirements for further, costly upgrades to remove or treat these compounds from wastewater discharged to the JSTP.

Personnel – Stephen Andrew noted that work on a Workplace Violence and Harassment Policy is ongoing. Co-Counsel Paniccia noted that, while the Workplace Violence policy is required under state law – and requires input from the union – there is no legal requirement for a Harassment Policy, which could create a legal exposure for management. Consensus is that these items should be split into separate documents, with priority given to the Workplace Violence Policy.

Ad Hoc – Ronald Davis stated that there was nothing to report

Correspondence – the January 5, 2016 Resolutions and Agenda of the Johnson City Village Board were noted, as was the January 2016 IWPP Report from GHD.

Old Business – Discussion regarding the option of piggy-backing off the Broome County Contract with respect to the TPS Roof Replacement took place. Co-Counsel Paniccia stated that, if this was a small project (under the bidding threshold of \$35,000.00 for a public works project), then it would be OK not to advertise. However, this project appears to involve a larger cost than this.

Privilege of the Floor – none

New Business –

Michele Cuevas stated that she would be working on Board Member 2015 Stipends and expects to have completed by next week.

George Kolba, Jr. stated appreciation on behalf of the Board for the service of Eugene Hulbert, Sr., who will be missed.

George Kolba, Jr. asked about his company, Kolba Construction, doing work at the JSTP as a subcontractor to a Contractor for the Lead Agency. Gary Holmes stated that he would defer to the City’s Legal Counsel, Kenneth Frank, Esq. Mr. Kolba stated that he will write to Mr. Frank.

Edward Crumb noted City Council Permanent Ordinance 16-012, amending the Inter-Municipal Agreement in relation to certain Lead Agency expenses which, if not charged to the Lead Agency's Project Budget, are to be charged and reconciled via the annual reconciliation billing, but observed that the JC Village Board has not acted on this legislation yet. Chuck Shager stated that the Request for Legislation has been sent to the JC Village Board.

The next regular meeting is scheduled for March 8, 2016 at 3:00 PM.

Stephen Andrew made a motion for the Board to adjourn.

Ronald Davis seconded the motion

Motion carried 6/0

Meeting adjourned at 6:06 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.
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, Acting Engineer
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