



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, March 8, 2016**

Conference Room, Office Building, JSTP

**Members Present:** George Kolba, Jr., Chairman  
Edward Crumb  
Ronald Davis  
Stephen Andrew VIA FACETIME  
Gary Holmes

**Members Absent:** Ray Standish

**Also Present:** Cathy (Aingworth) Young, Superintendent  
Michele Cuevas, Confidential Secretary  
Howard Reeve, Facilities Engineer  
Charles Pearsall, Business Manager  
Chuck Shager, Fiscal Officer and City of Binghamton Comptroller  
Conrad Taylor, City of Binghamton Councilman  
Alfred Paniccia, Jr., Esq., Co-Counsel  
John Perticone, Esq., Co-Counsel  
Laura Lee Perkins, Transcriptionist

**Guest:** George Fowler, Woit Engineering & Consulting, PC  
Jason Greene, GHD

Chairman George Kolba called the meeting to order at 3:01 PM. Five (5) Board Members and both legal counsel were present. Sign-in sheet passed for signatures. Fire exits were identified.

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](mailto:bjcwwtp@stny.rr.com)

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
2/29/16 Revenue YTD	\$2,114,843.42	
2/29/16 Disbursements YTD	<u>\$2,330,241.23</u>	
Balance		\$10,177,934.69
Checking	\$2,112,776.33	
Money Market	<u>\$8,065,158.36</u>	
		\$10,177,934.69

Mr. Shager reported that all 1<sup>st</sup> Quarter payments have been received.

Mr. Shager acknowledged ongoing work clearing-up older Purchase Orders by Edward Crumb and Charles Pearsall.

Following discussion, Mr. Shager will review and correct the posting to the Sewage Board's ledgers of an invoice from Bond, Schoeneck & King to the City of Binghamton for legal analysis regarding a potential Project Labor Agreement, which was not a Sewage Board bill, nor did the Sewage Board receive any related legal advice.

Regarding the Corrective Action Plan to the NYS-OSC Audit Report, Mr. Shager stated that he is working with the Mayors on the response to the report's first recommendation. He will attempt to provide their input to the Board later this afternoon.

A presentation was made by George Fowler, P.E. from Woitd Engineering covering that firm's proposal to complete WQIP design, permitting and public outreach services. He stated that the most time-sensitive part is to complete and provide effluent-mixing calculations to the DEC. Gary Holmes stated that the Board needs to designate a Minority Business Officer for purposes of complying with the DEC's M/WBE affirmative action requirements. Chairman Kolba appointed Co-Counsel Paniccia to advise the Board with respect to legal matters involving the WQIP Grant contract.

(Chuck Shager exited the meeting at 3:53 PM)

(George Fowler exited the meeting at 3:56 PM)

Jason Greene from GHD joined the meeting and presented the monthly Industrial Wastewater Pretreatment Program —status update. The annual Part 503 Biosolids Report has been completed and timely filed. A discussion was held regarding an escalating fine schedule for industrial users repeatedly late in filing their Periodic Compliance Reports (PCRs). Mr. Greene also reported that it appears that Mountain Fresh Dairy is about "one month away" from commencing operations. Sampling ports have been installed, and Mountain Fresh presently plans to begin with milk processing, then yogurt and cheese.

(Jason Greene exited the meeting at 4:13 PM)

Charles Pearsall presented the Business Manager's Report.

Edward Crumb made a motion for the Board to ratify the Infiltration/Inflow Offset Flow Credit Bank status charts as of 12/31/15 as presented by Charles Pearsall with one (1) change for Binghamton University, in that the amount should be 20,309 credits.

Ronald Davis seconded the motion

Motion carried 5/0/1 (RS, absent)

Mr. Pearsall reported that competitive bids were received for supply of three chemicals.

Edward Crumb made a motion for the Board to award the Supply Contract for Sodium Thiosulfate, 30% Solution to Surpass Chemicals, the low bidder, for an 18 month supply period effective March 8, 2016 at a unit price of \$1.385/gallon delivered to be paid from budget line J8130.54150 (Chemicals).

Stephen Andrew seconded the motion

Motion carried 5/0/1 (RS, absent)

Edward Crumb made a motion for the Board to award the Supply Contract for Ferric Chloride, 38% Solution to PVS Technologies, Inc., the low bidder, for an 18 month supply period effective March 8, 2016 at a unit price of \$1.045/gallon delivered to be paid from budget line J8130.54150 (Chemicals).

Ronald Davis seconded the motion

Motion carried 5/0/1 (RS, absent)

Edward Crumb made a motion for the Board to award to Polydyne, Inc., the low bidder, the Supply Contract for CEPT Polymer Flocculent for an 18 month supply period effective March 8, 2016 at a unit price of \$0.637/pound delivered to be paid from budget line J8130.54150 (Chemicals).

Ronald Davis seconded the motion

Motion carried 5/0/1 (RS, absent)

Edward Crumb made a motion for the Board to authorize the Superintendent or her designee to apply to the NYS Occupational Safety and Health Hazard Abatement Board for a Safety Training Grant in a not-to-exceed amount of \$22,200.00 for the grant period beginning August 1, 2016 through July 31, 2017.

Ronald Davis seconded the motion

Motion carried 5/0/1 (RS, absent)

Ronald Davis made a motion for the Board to renew the website hosting services contract with Broome County subject to the price remaining at \$250.00 per year.

Edward Crumb seconded the motion

Motion carried 5/0/1 (RS, absent)

Gary Holmes made a motion for the Board to authorize the Business Manager go out for a New York State mini-bid to replace the 2003 Dodge Dakota (F-250 or equivalent, 4 door, 4 wheel-drive, with listed options at no additional cost) using the State Contract site in an amount not-to-exceed \$26,500.00.

Ronald Davis seconded the motion

Motion carried 5/0/1 (RS, absent)

### **Superintendent's Report**

Catherine Young reported that last month she had reported that December 2015 was "negative removal" for total nitrogen; upon investigation, one of the contributing factors is that the City of Binghamton's BAF Demolition Contractor on site has been discharging water into the Plant's second distribution box; this may have contributed to the result because of mud in the Contractor's discharge. No filter bags were installed around the discharge outlet. Mrs. Young stated that she brought this up at a Demolition Progress Meeting; it is taken care of now.

### **Insert Superintendent's Report-cont.**

#### **Other**

- A meeting with SEMO officials and our consultant, Howard Weaver, Simmons Consulting, was held on March 3<sup>rd</sup> to determine actions necessary for processing reimbursements.

Edward Crumb made a motion for the Board to approve the Contract with Keystone for the design services and design services during construction in accordance with their proposal in an amount not to exceed \$10,700.00 for the Terminal Pumping Station (TPS) Roof Replacement to be encumbered and paid from budget line J8130.554010 (Professional Services); and for the HVAC replacement at the GPS in an amount not to exceed \$10,900.00 to be paid from budget line JH8130.554006 (Building Mechanical/HVAC Improvements), and when Contract is developed in a form acceptable to Keystone and Co-Counsel Paniccia to direct the Chairman to sign the same.

George Kolba, Jr. seconded the motion

Motion carried 5/0/1 (RS, absent)

Edward Crumb made a motion to accept the Woidt Engineering proposal in a not to exceed amount of \$49,915.00 for design development, hydraulic modeling and geomorphic assessment, bidding construction support services, project administration and management and permitting and public outreach support in relation to the WQIP Grant to be paid for from budget line JH8130.554063 (Plant Outfall Periodic Dredging) and that Counsel develop the appropriate form agreement with an insurance requirement for professional liability of \$2,000,000, and when the wording is satisfactory to Counsel to direct the Chairman to sign the Contract.

Ronald Davis seconded the motion

**Superintendent's Report  
March 8, 2016**

**Violations and Significant Issues**

Work on the proposed Consent Order language is ongoing.

**Compliance**

Date: February 2016 Average Flow	Influent	Effluent	Average % Removal	Effluent Limit
16.58mgd				
<b>CBOD</b>	172	114	33.72%	Monitor
<b>Suspended Solids</b>	200	57	71.50%	Monitor
Other: Settleable Solids Max	13.0	0.20	98.46%	Monitor
Total Nitrogen	Jan 22.3	Jan 20.6	7.62%	Monitor
Chlorine	NA	1.62Max.	NA	2.0Max.
Avg. Temperature	10.7	10.9		
<b>Solids Removed</b>		<b>Nov 2015</b>	<b>Dec 2015</b>	<b>Jan 2016</b>
<b>Digested</b>		0	0	0
<b>Lime Stabilized</b>		678.42	713.59	628.18
<b>Total</b>		678.42	713.59	628.18
				<b>Feb 2016</b>
				0
				748.51
				748.51

**Operations Summary, Construction and Related Issues**

- The plant continues to operate in CEPT mode.
- We have received results from tank inspection that indicate one chlorine tank must remain offline. This situation will be extremely challenging as we get into warm weather and have significant rain events, particularly if these occur on 3 day Holiday weekends. We are currently exploring the possibility of utilizing one sodium thiosulfate tank in its place.
- Lime Stabilization, Solids Handling and Back Up Generator Equipment Update: On February 12, I forwarded to the board a list of equipment and estimated costs for redundant solids handling equipment in response to GHD's recommendations. Some of these costs are significant, and I would like direction from the board on recommendations for how to proceed.
- Our facility engineer has been working with Keystone to update the HVAC and roof design for TPS. The draft has been forwarded for Board review. We would like to move forward with this work as quickly as possible.
- WQIP Grant: A draft scope of services was forwarded to the Board for review and comment. I have reached out to Ramtech and GHD for potential Construction Management Services for this contract as well.
- MCC Replacement: This contract is in progress and plant staff continue to work, as requested, with the engineers and contractors to facilitate progress. We are currently working with our insurance company regarding the inspection of our electrical equipment and impacts in insurance rates.
- Thickener line repair Status update: The trench is being dug for repair, however, there is an issue with the odor control support tower.
- DEC CSO Right to know update:

- Flood Wall: This contract has been awarded. Plant staff are working with the contractors to keep work progressing as smoothly as possible.
- BAF Rebuild: The secant wall contract has been advertised and awarded. The BAF main rebuild project has been advertised. The bid due date was March 2, but has been extended to March 9.
- Digester Evaluation Status: We are awaiting a draft report from GHD regarding preliminary design plans for the rehabilitation of the digesters.

**Other**

- A meeting with SEMO officials and our consultant, Howard Weaver, Simmons Consulting, was held on March 3<sup>rd</sup> to determine actions necessary for processing reimbursements.

In discussion, Gary Holmes stated he was prepared to put a Request for Legislation to City Council and the Village Trustees to appoint him designee for this project or to amend the IMA.

Mr. Holmes stated that he thinks it is time to start looking at authority of the Board: he believes that Board should not be authorized to apply for grants; that the Board should not be authorized to approve labor contracts and several other matters.

George Kolba requested that copies of meeting tapes be sent to both Mayors for their review.

Edward Crumb made a motion to amend the motion to include that as a part of the contract formulation that the appropriate minority business enterprise and women business enterprise clauses be included per New York State DEC requirements.

No second; Motion to amend failed.

Ronald Davis requested to HOLD OVER the motion on the Woidt Engineering Contract.

Stephen Andrew seconded the HOLD OVER request.

Motion held over.

#### Committee Reports:

Finance – Edward Crumb reported that assistance had been provided to both Kenneth Del Bianco, P.E. and Chuck Shager’s office regarding historical information in support of the Owners’ bonding for completed, ongoing and upcoming construction. We are continuing to await the Health Reimbursement Account Plan document from Lifetime Benefit Solutions. The inclusion of pre-Medicare Retirees is not a standard provision, which requires customized drafting by Lifetime. Mr. Crumb also reported on a meeting last week with NYS-DHSES personnel administering New York State’s FEMA grant. During this meeting, it was stated that, on an Improved Project, we would only be able to recover up to the 75% FEMA “cap” on progress payments until we can demonstrate that the project has been completed and is functional. From a cash flow perspective, this means that the final 25% of FEMA reimbursement may not be received until several years after a given project’s construction begins. The NYS-DHSES personnel also reported that the state is attempting to transition to a “full time staff” as opposed to rotating part-timers. Further, when a new reviewer is assigned to a given Project Worksheet, he or she will be examining the documentation for previously approved project worksheets. In our case, some additional documentation has been requested with respect to the Terminal Pumping Station PW.

Flow Management – Edward Crumb reported that assistance had been provided to Jacobs Engineering from a review and provision of certain historical documents and drawings to help locate the Vestal TV-3 Murray Hill Trunk Sewer in relation to the Flood Wall project.

Construction – Gary Holmes reported that the time that it takes the apparent low bidders on the City’s contracts to obtain their bonds and insurance, as well as provide the required MBW/WBE Utilization Plan and/or obtain a waiver from the EFC, is much longer than the 10 days allowed in the Notice of Award. Even so, generally it is not cost-effective for the City to cancel the Notice of Award and proceed to the next lowest bidder. Mr Holmes stated that the real estate for the current Training and Office Building is projected to be used for a mechanical dewatering system for BAF solids.

Ad Hoc – Ron Davis stated that he continues to look for rock bollards.

Personnel – Stephen Andrew questioned Gary Holmes regarding his request for job descriptions of Plant staff. Mr. Holmes stated that he was looking for what personnel do in an average day in order to compare to future manpower skills and number of personnel. This is also needed to feed a cost analysis regarding future staffing. The goal is to achieve a fully-automated Plant, not like the IDI result that required frequent Operator intervention.

Correspondence:

Attorney Paniccia letter regarding ModSpace retainage

An e-mail was received from Chuck Shager providing input from the Mayors with respect to the NYS-OSC Post-Audit Corrective Action Plan.

Edward Crumb made a motion for the Board to approve the Post-Audit Corrective Action Plan with the 2/16/16 wording and verbiage received from Chuck Shager with the following changes: grammatical changes, “we” – change to “The Owners”, take out “as operators”; correct the run-on sentences, otherwise as approved at the Board’s February meeting; and to authorize the Chairman to sign the letter submitting this document to the State Comptroller.

Stephen Andrew seconded the motion

Motion carried 5/0/1 (RS)

Edward Crumb inquired as to the scheduling of officer elections for the terms beginning April 1st.

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

Stephen Andrew seconded the motion

Motion carried 5/0/1 (RS)

The Board entered Executive Session at 7:04 PM

(Howard Reeve and Laura Lee Perkins exited the meeting at 7:04 PM)

Ronald Davis made a motion for the Board to exit Executive Session.

Gary Holmes seconded the motion

Motion carried 5/0/1 (RS)

The Board exited Executive Session at 7:30 PM. No action was taken during the Executive Session.

The next regular meeting is scheduled for April 12, 2016 at 3:00 PM in the First Floor Conference Room at the JSTP Training and Office Building.



Edward Crumb made a motion for the Board to adjourn.  
Stephen Andrew seconded the motion  
Motion carried 5/0/1 (RS)

Meeting adjourned at 7:32 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 L. Standish, P.E., City of Binghamton, Acting Engineer  
File