



Binghamton-Johnson City
JOINT SEWAGE BOARD



Eugene Hulbert, Sr.
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, August 11, 2015
Conference Room, Office Building, JSTP

- Members Present:** George Kolba, Jr., Chairman
Eugene Hulbert, Sr., Vice Chairman (exited at 6:03 PM)
Edward Crumb
Ronald Davis
Gary Holmes
- Also Present:** Charles Pearsall, Business Manager
Chuck Shager, City of Binghamton Comptroller (exited at 6:09 PM)
Jerry Motsavage, City of Binghamton Councilman (arrived at 3:36 PM;
exited at 6:12 PM)
Bruce King, Village of Johnson City Trustee
Michele Cuevas, Confidential Secretary
Ken DelBianco, P.E., City of Binghamton Contract Project Manager
Alfred Paniccia, Jr., Esq., Co-Counsel
John L. Perticone, Esq., Co-Counsel
Laura Lee Perkins, Transcriptionist
- Members Absent:** Steve Andrew;
- Also Absent:** Catherine Young
- Guests:** Howard Weaver, Simmons Recovery (arrived at 3:21 PM; exited at 4:16 PM)

Chairman George Kolba called the meeting to order at 3:02 PM. Five (5) Board Members and both legal counsel were present. Sign-in sheet passed for signatures. Fire exits identified.

Chuck Shager presented the Fiscal Officer's Report:

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: bjcwtp@stny.rr.com

Chuck Shager then reported that the New York State Environmental Facilities Corporation (NYS-EFC) has been holding \$1.4 million in invoices to the City of Binghamton as Lead Agency since June, and it may take until mid-September until NYS-EFC releases loan proceeds to pay these invoices. Further, Mr. Shager projects that another \$1.6 million in invoices will be received by the City soon. Mr. Shager requested that the Board authorize a loan of \$1.25 million to pay invoices for design services from GHD and Griffiths Engineering. He stated he had discussed this with Cathy Young and Charlie Pearsall already. A question was asked of Counsel regarding whether the Board had authority to lend money to the Owners. Mr. Shager was asked to provide the details of the unpaid invoices. It was also noted that the Owners' legislative bodies had the authority to modify the Board's budget (whether on a temporary or permanent basis) as had been done in 2012 with the Capital Fund HVAC budget line, in order to fund Lead Agency contracts. Edward Crumb and Eugene Hulbert, Sr. requested a Special Meeting to consider and act on this request; Chairman Kolba tentatively scheduled the meeting for 8/14/15 at 4 PM. A Waiver of Notice will be prepared for Board Member signatures. Mr. Shager will get all information (names of Subcontractors, amounts due, etc.) to Board before the Special Meeting.

(Howard Weaver joined the meeting at 3:21 PM)

(Jerry Motsavage joined meeting at 3:36 PM)

Howard Weaver presented the Simmons' Recovery Report on flood recovery projects. An August 5, 2015 e-mail from Ronald Simmons was distributed regarding the potential change in scope for the comprehensive flood protection project for the Main Plant, the approved/obligated funding for which FEMA increased to \$22,557,273.00 (from the prior \$1,081,206.80) on June 19, 2015 based on the initial design, Benefit-Cost Assessment (BCA), and Environmental Assessment (EA). The initial design included a floatable flood gate crossing Vestal Road and flood wall on the Miller property along the south side of Vestal Road. The Lead Agency wants to pursue a change in design so that there would be no flood gate across Vestal Road, with reconstructed BAF Buildings' south walls designed and constructed as flood walls connected to a tapering flood wall along the north side of Vestal Road to the east past Building 10, which is described as Option 3 in the Simmons e-mail. Gary Holmes stated that the City of Binghamton cannot wait for the FEMA process to approve the scope change given that construction must be completed in order to meet the Consent Order's April 1, 2017 deadline. He believes that, on an overall basis, the redesign and construction costs of the modified design will be lower than the initial design. Further, operation and maintenance costs will be much lower because there will be no cross-Vestal Road flood gate to maintain and periodically test. Mr. Weaver noted that, because Simmons works for the Board, it was looking to the Board for direction.

Edward Crumb made a motion for the Board to direct Simmons Recovery to work with the Lead Agency on behalf of the Board to pursue and obtain New York State Division of Homeland Security and Emergency Services (NYS-DHSES) and FEMA approval for Option 3.

Ronald Davis seconded the motion

Motion carried 5/0/1 (SA)

(Howard Weaver exited meeting at 4:16 PM)

Charles Pearsall presented the Business Manager's Report. The proposed 2016 budget was overviewed. Gary Holmes stated that he did not believe most of the Capital Fund items should be included in the budget: specifically, the roof repairs, replacement of two channel grinders at the TPS, replacement/spare centrifuge, laboratory space architectural and design services, and Lime Silo #2. Ken DelBianco, P.E. stated that he had verbally authorized RAM-TECH to obtain proposed Change Order pricing for the channel grinder replacements at the TPS from the contractors.

George Kolba, Jr. requested a Letter of Intent from Gary Holmes or another official on behalf of the Lead Agency regarding budget lines to be deleted because it will be Lead Agency work. Ronald Davis stated that, if the City approves adding items to the Lead Agency's scope of work with signed contracts, and if the Owners commit to funding/bonding for the additional work, at that point it would be appropriate to remove capital to eliminate overlap. Eugene Hulbert, Sr. stated that the whole reason the capital items Gary Holmes mentioned have been included in the 2016 proposed budget is because nothing is getting done on them, and the work is urgently needed.

Edward Crumb suggested going to the Owners to request an extension date for the 2016 proposed budget submittal until 8/28/15 to allow for time to coordinate on capital fund budget items with the City of Binghamton, as Lead Agency.

Eugene Hulbert, Sr. made a motion for the Board to approve and submit the 2016 proposed budget as presented by the Business Manager in the "Revised 08/11/2015" version. Gary Holmes seconded the motion

Edward Crumb made a motion for the Board to amend the proposed 2016 Budget, as follows:

PROPOSED AMENDMENT #1
to
2016 BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT
PROPOSED BUDGET

Motion to amend the "Revised 08/11/2015" version of the *2016 Binghamton-Johnson City Joint Sewage Treatment Plant Proposed Budget* by making net reductions totaling \$9,790.00, as follows:

<u>page</u>	<u>Line #</u>	<u>Item</u>	<u>Change Amount</u>	<u>Resulting Amount</u>
1	J.42390	Governmental Entity Fees	- \$ 8,556.00	\$ 8,806,076.00
1	J.42391	IWWPP Permits, surcharges, & fines	- \$ 1,224.00	\$ 1,258,011.00
1	(unnumbered)	Totals (both)	- \$ 9,790.00	\$ 10,694,487.00
2	J.42390	Governmental Entity Fees	+ \$ 8,556.00	- \$ 8,806,076.00
2	J.42391	IWWPP Permits, surcharges, & fines	+ \$ 1,224.00	- \$ 1,258,011.00
3	(unnumbered)	TOTAL FOR DEPARTMENT	+ \$ 9,790.00	- \$ 10,694,487.00
4	J8130.51000	PERSONAL SERVICES	- \$ 7,446.00	\$ 2,483,363.00
4		on: 12 th subline change to read: <i>Operator III- 4@ up to 26.61 – 1.00 @ 221,396.00</i>		
4		on: 13 th subline change to read: <i>Operator II- 6@ up to 24.82 – 1.00 @ 309,754.00</i>		
9	J9010.58000.A	STATE RETIREMENT	- \$ 1,439.00	\$ 426,918.00
10	J9030.58000.B	SOCIAL SECURITY	- \$ 569.00	\$ 196,689.00
11	J9040.58000.D	WORKERS COMPENSATION	- \$ 336.00	\$ 119,664.00

(end of Proposed Amendment #1)

Ronald Davis seconded the motion

Motion failed 2 (EC/GH)/3 (EH/GK/RD)/1 (SA)

Edward Crumb made a motion for the Board to amend the proposed 2016 Budget, as follows:

PROPOSED AMENDMENT #2
to
2016 BINGHAMTON-JOHNSON CITY JOINT SEWAGE TREATMENT PLANT
PROPOSED BUDGET

Motion to amend the "Revised 08/11/2015" version of the *2016 Binghamton-Johnson City Joint Sewage Treatment Plant Proposed Budget* by making net reductions totaling \$10,043.00, as follows:

<u>page</u>	<u>Line #</u>	<u>Item</u>	<u>Change Amount</u>	<u>Resulting Amount</u>
1	J.42390	Governmental Entity Fees	- \$ 8,788.00	\$ 8,805,854.00
1	J.42391	IWWPP Permits, surcharges, & fines	- \$ 1,255.00	\$ 1,257,980.00
1	(<i>unnumbered</i>)	Totals (<i>both</i>)	- \$ 10,043.00	\$ 10,694,234.00
2	J.42390	Governmental Entity Fees	+ \$ 8,788.00	- \$ 8,805,854.00
2	J.42391	IWWPP Permits, surcharges, & fines	+ \$ 1,255.00	- \$ 1,257,980.00
3	(<i>unnumbered</i>)	TOTAL FOR DEPARTMENT	+ \$ 10,043.00	- \$ 10,694,234.00
4	J8130.51699	SALARY ADJUSTMENT/POOL	- \$ 7,960.00	\$ 29,762.00
9	J9010.58000.A	STATE RETIREMENT	- \$ 1,474.00	\$ 426,883.00
10	J9030.58000.B	SOCIAL SECURITY	- \$ 609.00	\$ 199,916.00

(end of Proposed Amendment #2)

Ronald Davis seconded the motion

Motion failed 2 (EC/GH)/3 (EH/GK/RD)/1 (SA)

The question was called on the motion of Eugene Hulbert, Sr., seconded by Gary Holmes, to approve and submit the 2016 Proposed budget as presented by the Business Manager in the "Revised 08/11/2015" version.

Motion carried 4/1 (EC) /1 (SA)

Edward Crumb made a motion for the Board to designate Koester Associates, Inc. as the sole source for Vogelsang parts and products effective 7/16/15 for a period of one year in accordance with the 7/16/2015 letter of Russ Boring of Vogelsang and the recommendation of the Facilities Engineer.

Eugene Hulbert, Sr. seconded the motion

Motion carried 5/0/1 (SA)

Superintendent's Report

Violations and Significant Issues

Compliance

Date: August 2015 Average Flow	Influent 12.08mgd	Effluent	Average % Removal	Effluent Limit
CBOD	197	120	39.09%	Monitor
Suspended Solids	192	51	73.44%	Monitor
Other: Settleable Solids Max	11.5	0.08	99.30%	Monitor
Total Nitrogen	July 16.8	July 13.7	18.45%	Monitor
Chlorine	NA	1.51Max.	NA	2.0Max.
Avg. Temperature	20.3	20.4		
Solids Removed	May	June	July	August
Digested	0	0	0	0
Lime Stabilized	760.57	878.98	965.69	609.96
Total	760.57	878.98	965.69	609.96

Eugene Hulbert, Sr. made a motion for the Board to approve the transfer of \$280,000.00 to budget line J8130.54430.J0BAF (Legal Services – BAF Remediation), with \$140,000.00 being transferred from budget line J8130.55000 (Contingency) and \$140,000.00 being transferred from budget line J8130.54150 (Chemicals), with the Business Manager to submit appropriate Requests for Legislation to the Owners' legislative bodies.

Gary Holmes seconded the motion

Motion carried 4/1 (EC)/1 (SA)

The Superintendent's monthly Plant performance chart was presented, as follows:

(Insert Superintendent's Chart here)

Committee Reports:

Construction – Eugene Hulbert, Sr. – nothing to report

Lead Agency Construction – Gary Holmes reported on the following:

- Flood Wall: the constructability review has been completed by Jacobs, and hopefully the eastern and northern portions will be advertised for bid August 28th.
- BAF restoration project – it is now estimated that this will be a \$130 million project. There are numerous constructability issues to be worked-out based on Jacobs' review. If these can be resolved quickly, this project may be advertised for bid September 4th with bids due in October. Construction sequencing issues that have been identified include that [a] the BAF tanks must be filled as soon as possible after the BioSTYR® media is installed to avoid potential damage from static electricity build-up, and [b] the BAF nozzles – which are installed at the top of the BAF cells in the Kruger system – cannot be allowed to freeze (risk of cracking/breakage). Gary Holmes stated that heat from the wastewater in BAF cells will rise and should prevent freezing damage. Edward Crumb asked about whether a heating plan is needed in a cell must be drained (for example, for cleaning or maintenance) during sub-freezing weather. Mr. Holmes stated that the operating manual will need to address this. Jacobs will be working with Howard Weaver to track and segregate the accounting for FEMA-reimbursable and non-FEMA-reimbursable work.
- Compost Demolition – in progress; working inside on equipment removal.
- BAF Demolition – awarded; working to obtain waiver from NYS-EFC for minority/DBE utilization plan.
- MCC – awarded; working to meet NYS-EFC requirements but, because this project is proceeding on an emergency basis, no minority/DBE utilization plan is required.
- Concerns about meeting deadlines – Gary Holmes stated that the City and its engineers/consultants have growing concerns that the Consent Order deadlines will not be met, especially if there are “hard winters” in 2015-16 and/or 2016-17. The City will be working with the DEC in this regard, based on input from its engineers/consultants. Edward Crumb requested that the City coordinate any extension request letter to DEC with Co-Counsel John Perticone, Esq.
- Sequencing – Jacobs is considering minimum contractor qualifications in relation to the critical time path.
- Mandatory site visits for bidding contractors – Gary Holmes reported that a minimum of 3 mandatory site visits will be required for potential bidders on both the Flood Wall and BAF Rehabilitation projects.

- Digester Report from GHD on ##1 & 2 – Gary Holmes reported that the City of Binghamton has asked GHD to re-look continuing to use Digesters ##1 & 2 (both of which, according to GHD, can be expected to survive through another “mechanical cycle of approximately 20 years). GHD is, however, proposing to replace Digester #3 with one or more digesters of larger total capacity. For planning purposes, a preliminary budget of \$35 million in construction costs is a working estimate. Chairman Kolba stated that he did not believe both Owners were agreeable to bonding for this cost, and based on estimates Eugene Hubert, Sr. has worked diligently to obtain, the remaining leaks in Digester #3 could be remedied for a few hundred thousand dollars. Co-Counsel Paniccia noted the need for the Board to develop a Project Manual with technical specifications and plan drawings for the project to be bid. Gary Holmes stated that he believed the City of Binghamton would be ready to bid the demolition of Digester #3 early in 2016. Edward Crumb mentioned the possibility that the DEC could seek to claw-back the \$1 million grant that was used to purchase Digester #3’s dual membrane gas holding cover if Digester #3 is demolished.
- Gary Holmes stated that Jacobs will be developing the website document library system for the construction project. Superintendent Young will need to submit a listing of people, including Board Members as applicable, to be authorized and trained in the use of the system, as well as their respective access levels.

(Eugene Hulbert, Sr. exited the meeting at 6:02 PM; a quorum of four Board Members remains present)

(Chuck Shager exited the meeting at 6:10 PM)

(Jerry Motsavage exited the meeting at 6:11 PM)

Finance – Edward Crumb reported that Committee has been working on the following:

- Audit support for the 2014 Single Audit
- 2014 final billing – still awaiting a meeting date with Johnson City personnel
- Health Insurance – on July 29th, the New York State Division of Financial Services announced its expansion of the definition of community rated small group as being 100 or fewer eligible employees (up from the previous 50 [including eligible Retirees who have not yet attained Medicare eligibility yet]); as a result, according to Consultant Thomas Surowka, Excellus will be unable to offer the Board “block rated large group” coverage (such as the present Classic Blue Regionwide and PPO-C) as of January 1, 2016. Instead, the Board will need to consider up to three tiered (Bronze, Silver, Gold, and/or Platinum) community-rated small group policy offerings for active employees and retirees not yet Medicare-eligible for next year. Because this is a substantial change, the Board may need to consider re-advertising/soliciting broker professional services for the health benefits program this Fall.
- 2016 Budget preparation – four budget preparation meetings were held, and Edward Crumb thanked Superintendent Young and Business Manager Pearsall for their work and participation in the process.

Personnel – Stephen Andrew – (absent); Edward Crumb noted that a timeline for negotiations remains to be established once the contract with Broome County’s Personnel Department is in place and CSEA’s principal negotiator returns to the area next month.

Ad Hoc – Ronald Davis –is still working on procurement and logistics for the landscaping boulders for in front of the Training and Office Building. It was also mentioned that Superintendent Young has provided a draft site map for the Board’s website, and a meeting to work on finalizing this will need to be scheduled.

Flow Management: Edward Crumb – nothing to report

Old Business: none

Correspondence: The GHD July Industrial Wastewater Pretreatment Program report was noted.

New Business: none

John Perticone, Esq. stated that there is a trial beginning September 14th regarding the AAIC insurance claim; Cathy Young will need to be there. Gary Holmes stated that he intended to attend the mediation sessions in state court case beginning August 31st.

The next regular meeting is scheduled for 9/8/15 at 3 PM in the Conference Room of the Training and Office Building at the JSTP.

Ronald Davis made a motion for the Board to adjourn.
Edward Crumb seconded the motion
Motion carried 4/0/2 (SA/EH)

Meeting adjourned at 6:20 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
Gary Holmes, P.E., City of Binghamton, Acting Engineer
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