



Eugene Hulbert, Sr.
Gary Holmes
Edward Crumb

Binghamton-Johnson City JOINT SEWAGE BOARD



Stephen Andrew
George Kolba, Jr.
Ron C. Davis

FINAL COPY

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

Tuesday, December 29, 2015
Conference Room, Office Building, JSTP

Members Present: George Kolba, Jr., Chairman
Eugene Hulbert, Sr., Vice Chairman
Edward Crumb
Ronald Davis
Steve Andrew
Gary Holmes

Also Present: Cathy Young, Superintendent
Charles Pearsall, Business Manager
Alfred Paniccia, Jr., Esq., Co-Counsel
John Perticone, Esq., Co-Counsel
Ray Standish, Acting City Engineer, City of Binghamton
Laura Lee Perkins, Transcriptionist

Chairman George Kolba called the meeting to order at 4:01 PM. All Board Members and legal counsel were present. Sign-in sheet passed for signatures.

Steve Andrew indicated that the Board needed to notify the Owners to transfer money regarding the Union Contract, which has now been ratified by the Union.

Steve Andrew made a motion for the Board to accept and ratify the changes to the 2016-2019 CSEA Contract included in Pages 1 and 2.

Edward Crumb 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

Steve Andrew made a motion for the Board to make the following transfers from 2016 budget lines J9060.58000C (“Health Insurance”):

\$60,250.00 to J8130.51000 (“Personal Services”);

\$1,000.00 to J8130.51900 (“Overtime”);

\$2,000.00 to J8130.54191 (“Protective Clothing”), and

\$400.00 to J9010.58000A (“Social Security”)

and modify the sub-lines under J8130.51000 (“Personal Services”) to reflect annual [salaried and lump-sum Shift Differential (12 employees)] total or hourly rates with total by job title, and to authorize and direct the Business Manager to submit requests for legislation to the Owners’ legislative bodies for approval.

Edward Crumb seconded the motion

Edward Crumb pointed out that the Board had included about \$75,000 in the active employee Health Insurance line in the 2016 Budget for this contract; we are coming in at less than \$65,000.

Charles Pearsall pointed out that we will never see a report with these numbers.

Motion carried 6/0

HRA/Health Benefits – will need to hold off until a future meeting because the Board does not have a Health Reimbursement Account (HRA) Plan document yet from Lifetime Benefit Solutions, Inc.; need final wording for Collective Bargaining Agreement through Article 11 and there will also be a need to amend the Policies and Benefits for Salaried and Management Staff regarding health benefits.

The Board has not formally voted to extend the amendment to the Haylor, Freyer & Coon (HFC) agreement to extend and to add the HRA Plan to its responsibilities.

Edward Crumb made a motion for the Board extend HFC for one year with an Extension Agreement that includes the broker services for the HRA Plan subject to approval by Co-Counsel Paniccia.

Steve Andrew seconded the motion

Motion carried 6/0

Edward Crumb made a motion for the Board to approve the City of Binghamton Ordinance and the Village of Johnson City’s Resolution (see below) as proposed to create an Other Compensation For Lost Revenue line and Reimburse Owner Recovery Expenses line in the 2015 budget and that appropriate Requests for Legislation be submitted to the Owners’ legislative bodies and, in conjunction with this motion, the Board is approving to reimburse the Owners \$485,000 from the \$500,000 AAIC litigation settlement check and \$995,555.15 in FEMA recovery monies received from the 2011 Flood.

TO BINGHAMTON CITY COUNCIL

AN ORDINANCE MODIFYING THE 2015 BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD BUDGET AND FLOOD CAPITAL FUND TO ACCOUNT FOR RECOVERY REIMBURSEMENTS RECEIVED WHICH ARE TO BE PAID OVER TO THE JSTP'S OWNERS.

WHEREAS, the City of Binghamton (the "City") is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Plant (the "JSTP") with the Village of Johnson City (the "Village"); and

WHEREAS, the JSTP is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "Sewage Board") under a series of inter-municipal agreements between the City and the Village; and

WHEREAS, the Council and the Board of Trustees of the Village approve the Sewage Board's budget; and

WHEREAS, the Sewage Board has received litigation recoveries and reimbursements for flood recovery expenses incurred by the City and the Village which require corresponding reimbursement to the City and the Village; and

WHEREAS, the Sewage Board's operating budget does not have a dedicated budget line for revenue received in compensation for loss when such revenue is neither insurance proceeds nor flood damage reimbursements; and

WHEREAS, the Sewage Board's operating budget does not have a dedicated budget line from which to pay-out reimbursements of such revenues to the City and the Village; and

WHEREAS, resolution of four FEMA Project Worksheets compensating for June 2006 flood damage require that \$140,884.34 received by the Sewage Board in a prior year be reimbursed to the City and the Village in their respective shares; and

WHEREAS, one of the litigation recoveries is subject to payment of a \$15,000.00 public adjuster's fee to the Sewage Board's public adjuster; and

WHEREAS, in consultation with the Sewage Board's Fiscal Officer (City of Binghamton Comptroller), the Sewage Board has proposed revenue neutral transfers and modifications to the Sewage Board's 2015 operating budgets to account for the receipt by the Sewage Board and reimbursement to the City and the Village of the litigation recoveries and flood recovery reimbursements received,

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That upon approval of a majority of the combined voting strength of the Council and the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to create in the 2015 Joint Sewage Board Estimated Revenue budget the following new budget line:

J42690 OTHER COMPENSATION FOR LOSS

Section 2. That upon approval of a majority of the combined voting strength of the Council and the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to create in the 2015 Joint Sewage Board Appropriations budget the following new budget line:

J8130.54899 REIMBURSE OWNER RECOVERY EXPENSES

Section 3. That the Council approves the following modifications to the 2015 Joint Sewage Board budget:

- a. that 2015 Estimated Revenue budget line J.42690 (“Other Compensation for Loss”) be increased by \$25,000.00 (from \$ -0-);
- b. that 2015 Estimated Revenue budget line J.42680 (“Insurance Recovery – BAF”) be increased by \$500,000.00 (from \$ -0-);
- c. that 2015 Estimated Revenue budget line J.43960 (“State Aid, Emergency Disaster Assistance”) be increased by \$351,612.82 (to \$501,612.82);
- d. that 2015 Estimated Revenue budget line J.44960 (“Federal Aid, Emergency Disaster Assistance”) be increased by \$1,054,838.47 (to \$1,984,838.47);
- e. that appropriations in the 2015 Joint Sewage Board Appropriations budget be increased in the amount of \$15,000.00 on budget line J8130.54410.J0BAF (“Professional Services – BAF Remediation”); and
- f. that appropriations in the 2015 Joint Sewage Board Appropriations budget be increased in the aggregate amount of \$1,891,451.29, to be added to the newly created appropriations line (J8130.54899 – Reimburse Owner Recovery Expenses) and that upon approval of these budget modifications by a majority of the Council and a majority of the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to make and journal such budget modifications.

Section 4. That the Council approves that \$140,884.34 be transferred from Flood Capital Fund budget line JF8130.559001 (“Flood Capital Fund – Recovery Projects”) to the newly-created 2015 Appropriations budget line J8130.54899 (“Reimburse Owner Recovery Expenses”), and that upon approval of this budget transfer by a majority of the Council and a majority of the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to make and journal such budget transfer.

Section 5. That this ordinance shall take effect immediately, except as otherwise provided above.

TO THE VILLAGE OF JOHNSON CITY

A RESOLUTION MODIFYING THE 2015 BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD BUDGET AND FLOOD CAPITAL FUND TO ACCOUNT FOR RECOVERY REIMBURSEMENTS RECEIVED WHICH ARE TO BE PAID OVER TO THE JSTP'S OWNERS.

WHEREAS, the Village of Johnson City (the "Village") is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Plant (the "JSTP") with the City of Binghamton (the "City"); and

WHEREAS, the JSTP is operated and maintained by the Binghamton-Johnson City Joint Sewage Board (the "Sewage Board") under a series of inter-municipal agreements between the Village and the City; and

WHEREAS, the Board of Trustees of the Village and the Council of the City of Binghamton approve the Sewage Board's budget; and

WHEREAS, the Sewage Board has received litigation recoveries and reimbursements for flood recovery expenses incurred by the Village and the City which require corresponding reimbursement to the Village and the City; and

WHEREAS, the Sewage Board's operating budget does not have a dedicated budget line for revenue received in compensation for loss when such revenue is neither insurance proceeds nor flood damage reimbursements; and

WHEREAS, the Sewage Board's operating budget does not have a dedicated budget line from which to pay-out reimbursements of such revenues to the Village and the City; and

WHEREAS, resolution of four FEMA Project Worksheets compensating for June 2006 flood damage require that \$140,884.34 received by the Sewage Board in a prior year be reimbursed to the Village and the City in their respective shares; and

WHEREAS, one of the litigation recoveries is subject to payment of a \$15,000.00 public adjuster's fee to the Sewage Board's public adjuster; and

WHEREAS, in consultation with the Sewage Board's Fiscal Officer (City of Binghamton Comptroller), the Sewage Board has proposed revenue neutral transfers and modifications to the Sewage Board's 2015 budgets to account for the receipt by the Sewage Board and reimbursement to the Village and the City of the litigation recoveries and flood recovery reimbursements received,

NOW, THEREFORE, the Board of Trustees of the Village of Johnson City, duly convened in regular session, does hereby resolve as follows:

Section 1. That upon approval of a majority of the combined voting strength of the Council and the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to create in the 2015 Joint Sewage Board Estimated Revenue budget the following new budget line:

J42690 OTHER COMPENSATION FOR LOSS

Section 2. That upon approval of a majority of the combined voting strength of the Council and the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to create in the 2015 Joint Sewage Board Appropriations budget the following new budget line:

J8130.54899 REIMBURSE OWNER RECOVERY EXPENSES

Section 3. That the Council approves the following modifications to the 2015 Joint Sewage Board budget:

- a. that 2015 Estimated Revenue budget line J.42690 (“Other Compensation for Loss”) be increased by \$25,000.00 (from \$ -0-);
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- c. that 2015 Estimated Revenue budget line J.43960 (“State Aid, Emergency Disaster Assistance”) be increased by \$351,612.82 (to \$501,612.82);
- d. that 2015 Estimated Revenue budget line J.44960 (“Federal Aid, Emergency Disaster Assistance”) be increased by \$1,054,838.47 (to \$1,984,838.47);
- e. that appropriations in the 2015 Joint Sewage Board Appropriations budget be increased in the amount of \$15,000.00 on budget line J8130.54410.J0BAF (“Professional Services – BAF Remediation”); and
- f. that appropriations in the 2015 Joint Sewage Board Appropriations budget be increased in the aggregate amount of \$1,891,451.29, to be added to the newly created appropriations line (J8130.54899 – Reimburse Owner Recovery Expenses) and that upon approval of these budget modifications by a majority of the Council and a majority of the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to make and journal such budget modifications.

Section 4. That the Council approves that \$140,884.34 be transferred from Flood Capital Fund budget line JF8130.559001 (“Flood Capital Fund – Recovery Projects”) to the newly-created 2015 Appropriations budget line J8130.54899 (“Reimburse Owner Recovery Expenses”), and that upon approval of this budget transfer by a majority of the Council and a majority of the Board of Trustees of the Village, the Joint Sewage Board Fiscal Officer is authorized and directed to make and journal such budget transfer.

Section 5. That this ordinance shall take effect immediately, except as otherwise provided above.

Steve Andrew seconded the motion
Motion carried 6/0

Edward Crumb made a motion for the Board to approve the following budget transfer in the 2015 budget and direct the Business Manager to submit the proper Request for Legislation to the Owners' legislative bodies: \$5,100 from budget line J9060.58000C ("Health Insurance) to J9060.58001C ("Health Insurance Active Buyout").

Steve Andrew seconded the motion

Motion carried 6/0

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

Ronald Davis seconded the motion

Motion carried 6/0

(Laura Lee Perkins exited the meeting at 5:11 PM)

The Board went into Executive Session at 5:12 PM

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

Steve Andrew seconded the motion

Motion carried 6/0

The Board exited Executive Session at 5:53 PM. No action was taken during the Executive Session.

The next meeting is scheduled for January 12, 2016 at 3:00pm in the Conference Room of the Training and Office Building at the JSTP.

Edward Crumb made a motion for the Board to adjourn.

Steve Andrew seconded the motion

Motion carried 6/0

Meeting adjourned at 5:54 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 Peticone, Esq.
Alfred Paniccia, Esq.
Chuck Shager, Fiscal Officer
Catherine Young, Superintendent
Brown & Brown Empire State
Haylor Freyer & Coon
Ray Standish, P.E., Acting City Engineer, City of Binghamton
Robert Bennett, P.E., Village of Johnson City, Engineer
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