

DRAFT COPY

MINUTES OF A PUBLIC HEARING/SPECIAL MEETING OF THE BINGHAMTON - JOHNSON CITY JOINT SEWAGE BOARD Thursday, December 29, 2022 Plant Administration Building

Members Present: George Kolba, Chairman Pro Tem
Chris Papastrat
Edward Crumb
Stephen Andrew
Ron Lake
Bruce King

Also Present: Elliott Wagner, Superintendent
Billie J. Goodson, Business Manager
Chuck Shager, Comptroller, City of Binghamton (Exited at 4:43PM)
Alfred Paniccia, Jr., Esq., Co-Counsel
Larry Travis, Electrical Engineer, BJCWWTP
Clark Giblin, Trustee, Village of Johnson City
James Stoddard, Hayler, Freyer and Coon (Exited at 4:35PM)
Jim Ross, Head Mechanic, BJCWWTP (Exited at 4:40PM)
Luke Meade, Videographer, WBNG 12 News (Exited at 3:45PM)
Scott Soliday, Safety Coordinator/Industrial Hygienist, BJCWWTP
(Entered at 3:45PM)
Janet Smith, Transcriptionist

Chairman Pro Tem George Kolba called the meeting to order at 3:30PM. Sign in sheet was passed. Chairman Kolba confirmed all present signed in and confirmed six (6) Board Members were present. Fire exits were identified, and Chairman Kolba requested cell phones be turned off or silenced during the meeting. All stood to recite the Pledge of Allegiance.

Privilege of the Floor

No one wished to be heard.

Public Hearing

Chairman Pro Tem Kolba opened the floor to Ad Hoc Committee Chair Bruce King to introduce the proposed policy for videoconferencing of meetings. No one from the public was present for this hearing but Edward Crumb wanted to make note while the hearing was open that Section

103-a of the Open Meetings Law expires 7/1/2024: therefore, any action the Board takes based on that section will not be effective after that date unless the law gets extended.

Public Hearing was closed at 3:38PM.

Videoconferencing

Bruce King made a motion that the Board adopts the videoconferencing changes as noted in the Resolution below and posted on the website *effective immediately*.

BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD RESOLUTION ADDRESSING THE VIDEOCONFERENCING OF MEETINGS

WHEREAS, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the *Open Meetings Law*; and

WHEREAS, Chapter 56 adds Section 103-a of the *Open Meetings Law*, permitting local government entities, including the Binghamton-Johnson City Joint Sewage Board, to authorize its members to attend meetings by videoconferencing; and

WHEREAS, Section 103-a(2)(a) allows the Board to adopt a resolution following a public hearing authorizing the use of videoconferencing under such circumstances as allowed by the *Open Meetings Law*; and

WHEREAS, a public hearing regarding the substance of this resolution was held before the Board on the date hereof; now, therefore, be it **RESOLVED**, that effective immediately, the Board amends Article VI, Section 3 of its By-Laws to read as follows:

- 3. Meeting Places.** The meeting place for Board meetings shall be the business office of the Binghamton-Johnson City Joint Sewage Treatment Plant, 4480 Vestal Road, Vestal New York, except that a different meeting place or additional meeting places may be selected: i) by the Board, for ensuing regular, special or emergency meetings; and ii) by the Chairman, upon calling a special or emergency meeting, unless the Board, at a meeting thereof, has scheduled the special or emergency meeting. All meeting places for Board meetings shall be open to the public during Board meetings.

Videoconference Link of Multiple Designated Meeting Places. If Board meetings are simultaneously conducted from more than one designated location, the meeting shall be conducted by videoconference technology so long as a quorum of the Board is present at the designated meeting places. If the designated meeting places cannot be linked by videoconferencing technology, or if the videoconferencing link is broken during the course of a Board meeting, the meeting shall proceed only at a designated meeting place where a quorum is physically present, until such time as the videoconferencing link is established or re-established.

Members to be Physically Present Absent Extraordinary Circumstances. In order to participate as a member during a Board meeting, a member shall be physically present at one of the designated

meeting places, unless such member is unable to be physically present at any designated meeting place due to extraordinary circumstances such as disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes a member's physical attendance at such a meeting place, in which case the member may participate via videoconferencing from a location other than a designated meeting place, as set forth herein. A member's written request to participate via videoconference from a location other than a designated meeting place, due to extraordinary circumstances, shall be delivered to the Board Chairman and the Board's Secretary as soon as reasonably practicable.

Legal Notice Requirements. If videoconferencing is to be used to conduct a meeting, the Board's Secretary will issue a public notice informing the public: i) that videoconferencing will be used, ii) identifying the physical locations for the meeting, where the public can attend in person; iii) where the public can view and/or participate in such meeting via videoconference, iv) where required documents and records will be posted or available, and v) if any Board member(s) will be attending virtually from a location other than a designated meeting place, the identity of said Board member(s) and the address(es) that such member(s) will be attending from, pursuant to *Public Officers Law* §103-a, in order to establish a quorum with all members having legal voting rights during the meeting.

Physical Location - Quorum for Videoconferencing. The Board may, in its discretion, use videoconferencing to conduct its meetings, provided that a quorum of members is physically present to fulfill the public body's quorum requirement in the same physical location or locations where the public can physically attend, as identified in the Legal Notice, and all other requirements set forth herein have been met.

Members Viewable and Audible. Except during an executive session, all Board members physically present at a designated meeting place and all members participating by videoconference from a location other than a designated meeting place must be heard, seen and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.

Public Participation in Videoconference. If videoconferencing is used to conduct a meeting, the Board shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized, including that the videoconferencing authorizes the same (except in the case of executive sessions).

Minutes. Minutes of any meetings which involve videoconferencing shall identify: i) the members who appeared in person at a designated meeting place, together with the location of designated meeting place where each such member appeared in person, and ii) the members who participated remotely. Said minutes shall be made available to the public pursuant to the *NY Open Meetings Law*.

Recordings and Transcription. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Board's website within five (5) business days following the meeting and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon written request.

Committees. The rules herein stated for videoconferencing of Board meetings may apply equally to meetings of committees of the Board.

State of Emergency. The in-person participation requirements of this Section 3 shall not apply during a state disaster emergency declared by the governor pursuant to Section 26 of the *Executive Law*, or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to Section 24 of the *Executive Law*, if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.

Policy on Website. This policy shall be posted on the Board's website.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Chairman Pro Tem Kolba opened the floor to James Stoddard of Haylor, Freyer, and Coon to answer any new questions as well as the questions he received via email and from some of the Board members at the last Regular Board Meeting regarding coverage on the currently submitted proposal for the 2023 insurance renewal.

Mr. Stoddard first wanted to address a particular question from Mr. Crumb which was, which other companies had he solicited quotes and what were the results. Mr. Stoddard advised that they did not pursue that in the market this year; that it is not good practice to go out to the market year after year specifically in the instance of the Plant's most recent loss.

Mr. Stoddard continued overviewing the information regarding the submitted revised premium proposal and answered any remaining concerns. Discussion at the table was detailed and about subrogation, Building Ordinance and Law Coverage with engineer sign-off, building code, crime coverage and current premium increases in the standard market industry to name a few.

Mr. Stoddard stated that he will be following up in making sure Traveler's Insurance keeps in mind the subrogation case and he will be sending the coverage/summary letters for the plant's history records.

Insurance Proposal

Edward Crumb made a motion that the Board accept the revised proposal in for the 2023 Insurance Renewal with Traveler's for the total amount of \$288,081.78 and communicate same with our agent so that the coverage can be placed effective January 1, 2023.

Motion seconded by Bruce King.

Motion carried. 6/0

Chairman Pro Tem Kolba opened the floor to Business Manager Billie Jo Goodson to discuss the new position of Confidential Senior Account Clerk. Ms. Goodson advised the Board that the new job description was approved by the Civil Service Commissions for use and that she would like to see it posted for hire as soon as possible. The financial adjustments will be ascertained and noted.

Job Description

Steve Andrew made a motion that the Board ratifies the new Civil Service approved job description for Confidential Senior Account Clerk for the Binghamton-Johnson City Wastewater Treatment Plant.

Motion seconded by Bruce King.

Motion carried. 6/0

Job Hire

Steve Andrew made a motion to start the individual in this newly created position as soon as possible to be included in the very next discussions with the Village of Johnson City Village Board and City of Binghamton City Council and approved to start payroll proceedings as soon as possible working out the details at a Personnel Committee Meeting on Tuesday, 1/3/2023 with the approval of the board present today.

Motion seconded by Chris Papastrat.

Motion carried. 6/0

Superintendent Wagner was given the floor to go over the Settlement Allocations. He also created and overviewed a “short list” of a 5–7-year plan which were distributed in the Board folders taking care to detail the items on the list.

A lengthy table discussion ensued brought about Mr. Crumb mentioning that there is timing specific to when funds can be spent during particular years under the Enterprise Sewer (ES) Fund budget presentation format and Capital Reserve Fund. The discussion included which funds to use for these projects and equipment and resolutions for current and future safety concerns all of which is for the future good of the plant. Also discussed was timing, in terms of Owner Bond Financing being a better approach to allocating capital costs over the life of the improvement (as opposed to using recovery funds which result from past activity). The Board will continue discussion on a near future agenda and throughout the year as needed.

Adjournment

Steve Andrew made a motion to adjourn.

Motion seconded by Chris Papastrat.

Motion carried. 6/0

Meeting adjourned at 5:29PM.

Janet Smith
Transcriptionist

cc: Board Members
Mayor Kraham, City of Binghamton
Mayor Meaney, Village of Johnson City
City Clerk, City of Binghamton
Village Clerk/Treasurer, Village of Johnson City
Alfred Paniccia, Esq.
Chuck Shager, Fiscal Officer
Elliott Wagner, Superintendent
Brown & Brown Empire State
Haylor, Freyer & Coon
Joshua Holland, Village of Johnson City Director of Public Services
Ronald B. Lake, P.E., City of Binghamton Engineer
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