

# FINAL COPY

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

Wednesday February 23, 2022

Plant Administration Building

Members Present: George Kolba, Chairman  
Edward Crumb  
Stephen Andrew (Audio/Visual)  
Ronald Lake  
Bruce King

Absent: Chris Papastrat

Also Present: Elliott Wagner, Superintendent  
Charles Pearsall, Business Manager  
Howard Reeve, Facility Engineer  
Larry Travis, Acting Electrical Engineer – WWTP  
Adam Affify, Senior Operator  
Ronald Warwick, Assistant Superintendent  
Janet Smith, Transcriptionist

Guests: Vaughn Golden, Reporter, WSKG (Exited 4:11PM)

Chairman George Kolba called the meeting to order at 4:00PM. Sign in sheet was passed. Five (5) Board Members were present. Board Member Chris Papastrat was absent. Chairman Kolba confirmed all present signed in. The waiver was passed around and signed by the Board Members present and confirmed with Board Member Andrew on Audio/Visual that he will sign upon receipt of said waiver. Chairman Kolba will submit said waiver for signature to Chris Papastrat. Fire exits were identified, and Chairman Kolba requested cell phones be turned off or silenced during the meeting.

Chairman Kolba stated that any Board discussions on the potential cause[s] of the inundation will need to be held in Executive Session due to potential litigation.

**Edward Crumb made a motion declaring an emergency for procurement by reading aloud the following resolution:**

RESOLUTION DECLARING EMERGENCY

WHEREAS, on February 18, 2022, the Binghamton-Johnson City Joint Sewage Plant experienced a sudden and unexpected discharge of a large quantity of wastewater at the Plant, resulting in the inundation of the BAF CN Gallery; and

WHEREAS, as a result, a significant portion of the Plant's sewage treatment operations were rendered inoperable, and remain inoperable; and

WHEREAS, the quality of the Plant's discharges into the Susquehanna River are negatively impacted, which condition could affect public and/or employee health, as well as the health of the local river environment; now, therefore, be it

RESOLVED, that in accordance with the Board's procurement policy and New York State law, the Board waives compliance with Board policy and State law with regard to purchases of goods and public works contracts, but said waiver is limited to purchases or public works related to clean up of the Plant, and repairs of those parts of the Plant affected by the discharge so as to bring the Plant's discharges into compliance with State law and applicable permits; and be it further

RESOLVED, that the Board and Plant Superintendent shall take prudent action to secure the least total cost method of making purchases and engaging in public works, consistent with the nature of this emergency; and be it further

RESOLVED, that this resolution shall be effective through July 1, 2022.

**Motion seconded by Bruce King.**

**Motion carried. 5/0/1. (Absent Chris Papastrat)**

**Bruce King made a motion to go into Executive Session to discuss potential litigation.**

**Motion seconded by Steve Andrew.**

Vaughn Golden, Reporter for WSKG asked for clarification and specifics regarding the potential litigation. Attorney Al Paniccia responded. Mr. Golden stated that he was challenging the Executive Session based upon an Advisory Opinion issued by former Executive Director Robert Freeman of the New York State Committee on Open Government, a copy of which he provided to Mr. Paniccia. After review, Mr. Paniccia, stated that he did not agree that the Advisory Opinion was applicable.

**Motion carried. 5/0/1 (Absent Chris Papastrat)**

At 4:11PM the Board entered into Executive Session.

**Bruce King made a motion to exit Executive Session.**

**Motion seconded by Edward Crumb.**

**Motion carried. 5/0/1 (Absent Chris Papastrat)**

At 5:02PM the Board exited Executive Session.

No action was taken during the Executive Session.

The Board then discussed the proposal for cleanup submitted by Wind River Environmental and cost of filtration media disposal bags as well as the use or assignment of budget lines.

**Edward Crumb made a motion in accordance with the proposal dated February 23, 2022 by Wind River Environmental of Vernon, New Jersey to accept their proposal to provide trucks and labor at a *not to exceed* cost of \$148,000.00 for ten (10) days at prevailing wages for cleaning the basement of the CN Gallery and to authorize purchase of bags to dispose of salvaged media at a cost of up to \$25,000.00, for a total of \$173,000.00 to be encumbered from Budget line J8130.54804 (“Sludge & Waste Disposal”) and authorize the chairman to sign the agreement.**

**Motion seconded by Bruce King.**

**Motion carried. 5/0/1 (Absent Chris Papastrat)**

Steve Andrew expressed his concern that the Board expedite a search/selection as quickly as possible to procure an insurance adjuster and George Kolba expressed his concern that the Board expedite a search/selection to procure a cost adjuster. Board members discussed and concurred.

**Bruce King made a motion to adjourn.**

**Motion seconded by Edward Crumb.**

**Motion carried. 5/0/1 (Absent Chris Papastrat)**

Meeting adjourned at 5:17PM.

Respectfully submitted,

Janet Smith  
Transcriptionist

cc: Board Members  
Mayor, City of Binghamton  
Mayor, 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, Acting 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  
File