

FINAL COPY

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

Tuesday, April 11, 2023

Plant Administration Building

Members Present: George Kolba, Chairman Pro Tem
Edward Crumb
Stephen Andrew (Remote)
Ron Lake
Bruce King

Member Absent: Chris Papastrat

Also Present: Elliott Wagner, Superintendent
Billie J. Goodson, Business Manager (Remote)
Chuck Shager, JSB Fiscal Officer and Comptroller, City of Binghamton
(Exited at 4:05pm)
Alfred Paniccia, Jr., Esq., Co-Counsel
Ron Warwick, Assistant Superintendent
Howard Reeve, Facility Engineer (Exited at 5:58PM)
Adam Afify, Senior Operator (Exited at 5:58PM)
Larry Travis, BJCWWTP, Electrical Engineer (Exited at 5:8PM)
Jason Greene, PE, GHD (Exited at 4:58PM)
Michele Cuevas, Confidential Secretary
Janet Smith, Transcriptionist
Ninive Gomes, MRV Consulting, LLC (Remote) (Exited at 5:58PM)
Mark Rodriguez, MRV Consulting, LLC (Remote) (Exited at 5:58PM)

Chairman Pro Tem Kolba called the meeting to order at 3:30PM. Sign in sheet was passed. Five (5) Board members were present, albeit Steve Andrew was remote. Chris Papastrat was absent. Chairman Pro Tem Kolba confirmed all present signed in, identified fire exits and 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 speak.

Meeting Minutes Approval

Edward Crumb made a motion that the Board approves the submitted March 14, 2023 Regular Board Meeting Minutes with the suggested changes as contained in the Board Folders.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (SA Remote, CP Absent)

Fiscal Officer's Report

Chuck Shager overviewed the Fiscal Officer's Report, copies of which were distributed in each of the Board folders and then opened the floor for any discussions or questions.

Chairman Pro Tem Kolba then gave the floor to Jason Greene, P.E. to overview the submitted March 2023 IWPP Status Report. Mr. Greene started by stating that March is the busiest month of the year and that the 2022 IWPP Annual Report had been completed and submitted timely to the EPA with the help from Superintendent Wagner and his staff.

Mr. Crumb asked about the acronym used in the Annual Report pertaining to Johnson City's Public Works Facility with Mr. Greene acknowledging that it appeared to be made in error and that he will have the wording corrected.

Mr. Greene then mentioned that in the past the position of Municipality Liaison (as provided in §9.02 of the Plant Use *Rules and Regulations*) existed, which appears has gone to the wayside. Edward Crumb stated that he would pursue this further, and he made a suggestion/recommendation to develop a page on the plant's website for use by liaisons.

Mr. Greene spoke on Frito Lay's annual permit renewal and a request to modify which created a lengthy discussion pertaining to the requested modification to the permit. Many avenues and considerations were discussed regarding the acceptance of this request with the Board thoughtfully looking to support Frito Lay's growth while keeping in mind all the right moves for protection of the JSTP's processes and the local water environment. After the discussion at the table, the Board will await Mr. Greene's review, research, and advice as to whether to accept the request in the coming months.

Superintendent's Report

Superintendent Wagner overviewed his Superintendent's Report which included graphs, charts, and the formal permit modification request from Frito Lay, Inc., copies of which were distributed in the Board's folders. The Face Page of the report is set forth below.

March Superintendent Report 04/11/2023

March Q = 20.76 with 2.82 inches of precipitation.

Fecal averaged 5mpn

IWPP and NY-2A reports turned in. We received questions again regarding our CSO BMP report, from the DEC regarding the number of CSO's we control. I have tried to convey to them for three years we do not have any CSO's. The City and the Village control and maintain their respective CSO's. The structure ahead of the plant is an Emergency Bypass not a CSO.

Water leak repaired (by Plant employees) on plant side of entry gate. Water use back to average 516,622 gal/week.

Water meter installed in the digester make up water line. Since installation, the flow through it has been 718 gallons. 5 days operating.

H-Line temporary repair complete. Welliver will return when the temperatures warm up to complete the permanent repair.

Mechanics have found another location where the Emseal cover (not the seal itself) is flapping. Plant staff looking at options to control deterioration of copper components in the UV building. It appears Ferric used in processes is a contribution to the early corrosion of the copper components in the Ballast panels. As well as the HVAC unit's condenser cores. Both HVAC coils have failed due to this. This is also being seen in the Headworks building on the stainless isolation gates where ferric is being added. The Average lbs./day for iron for March was 36.

Our limit is 290 lbs./day. So, we are well within our permit requirement.

The TN for March is approx. 3.8 mg/L with 3 data points missing.

Removal rates for Settleable Solids 99%, CBOD 95%, TSS 97%, NH3 Conversion 99%, Phos 89%.

Rolling 12-month sum TN was 438,157 (Est) lbs. Our limit is 639,261 lbs. Missing three data points.

Rolling 12-month sum Phos was 35,636 lbs. Our limit is 106,543 lbs.

We have received a request from Frito-Lay to increase their permit limit for CBOD by 1,000 lbs./day. We are in preliminary discussion with GHD regarding the engineered Plant loadings.

*****end of report*****

Superintendent Wagner further reviewed his charts and graphs stating there was a little more flow than usual sending more to the landfill since spring has started.

Superintendent Wagner wanted to mention for the Board's support that he and certain key members of his staff will be attending a three-day Mid-Atlantic Biosolids Association program regarding enhanced methods and new technologies in using the digesters and dewatering equipment. The program will be held in the City of Binghamton in July. Once the program time is closer, he will be submitting the request for Board approval.

At this time there was a lengthy and detailed discussion regarding an upcoming project which will entail working in confined spaces. For this project there will be further planning and discussion with a need for training. Superintendent Wagner will be seeking the Board approval for this specialized training called Confined Space Safety, Operations and Rescue Training (Classroom as well as Hands-on) for some of the employees.

Business Manager's Report

Ms. Goodson requested Board approval for a budget amendment after receiving two FEMA checks totaling \$8,402,333.80 and asked for Board discussion and approval regarding the Meridian Fire Training Solution, LLC Insurance/Indemnification verbiage. Copies were distributed in the Board's folders.

Budget Modification/Amendment

Edward Crumb made a motion that the Board approves as follows:

**Increase ES.43960 State Aid – Emergency Disaster Assistance by \$2,100,583.45.
Increase ES.44960 Federal Aid – Emergency Disaster Assistance by \$6,301,750.35.
Increase ES8130.54410 Professional Services by \$490,050.00.
Increase ES8130.55000 Contingency by \$1,138,905.15.
Increase ES8130.54899 Reimburse Owner Recovery Expense by \$6,773,378.65**

and that the corresponding requests for legislation be submitted to the Owners' legislative bodies.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (SA Remote, CP Absent)

At this time the conversation pertaining to the confined spaces project and training continued, to include the submitted proposed agreement from Meridian.

The Safety Manager was not present at this meeting to field questions.

Co-Counsel Paniccia stated his concerns on the verbiage and stated the recommended changes and there was continued discussion.

Meridan Agreement Approval

**Ron Lake made a motion to hold-over Board approval for the submitted Meridian Work for Hire Agreement.
Seconded by Edward Crumb.**

Mr. Crumb withdrew his second; Mr. Lake withdrew his motion on the floor and Mr. Crumb made the following motion:

Edward Crumb made a motion that the Board approves the Meridian Fire Training Solutions, LLC Work of Hire Agreement for the training that is proposed on June 28, 2023 in the form presented to us with the recommendation that paragraph 5, 2nd line from the bottom where it says “...damage to any equipment” shall say “...Board owned equipment” and adding “Meridian will have liability insurance and provide a Certificate of Insurance naming the Board as an additional insured.”

**Motion seconded by Ron Lake.
Motion carried. 5/0/1 (SA Remote, CP Absent)**

Chairman Pro Tem Kolba then addressed Mark Rodriguez of MR Valuation Consulting, LLC who was present remotely along with colleague Ninive Gomes. Their presence pertains to a submitted RFP/RFQ that was distributed by e-mail 03/30/23 but not included in the Board folders. Since it was not on the agenda nor did Chairman Pro Tem Kolba have anything on the Agenda regarding Mr. Rodriguez' proposal, he allowed Mr. Rodriguez to speak briefly about his and his company's qualifications. After he spoke, Chairman Pro Tem Kolba advised that he would be interested in a face-to-face meeting after he and other Board members do receive and review the Proposal; Chairman Pro Tem Kolba will coordinate a date and time meet.

Construction: George Kolba, Steve Andrew, Ron Lake. Nothing to report.

Finance: Edward Crumb – Mr. Crumb overviewed the status of the FEMA and the charts which were distributed in the Board's folders. He also discussed Mr. Weaver's recommendation that, should the Board wish to pursue recovery for \$5,678.00 in Direct Administrative Costs (DAC) as to PW-02500 (SCADA-1 [Primary Treatment]), the Board should defer pursuing its claim until after Large Project PWs -02501 (Primary Power Distribution) and -02504 (HMP [Flood Wall, etc.]) have proceeded through closeout. Mr. Crumb also mentioned that work is ongoing on the 2022 Billable Wastewater Flows, stating some corrections had to be made by the City of Binghamton to its initial report as to which we are awaiting a revised report, giving kudos to Business Manager Goodson.

Flow Management: Edward Crumb – Mr. Crumb reported that he has been in contact with developers for a proposed three-phase housing development in the Town of Binghamton. Mr. Lake asked a question with regard to Flow Credits and stated that a NYS-DEC official said recently it was his position that Flow Credits cannot be used as long as CSO discharges occur. (This would be contrary to the DEC-approved Flow Management Plan). There was a brief Board discussion pertaining to Flow Credits. Additional consideration will be given by the Workgroup.

Mr. Lake also asked whether the Village of Johnson City submitted an Engineering Report for its new Public Works Facility. Inquiry will need to be made by the Village Director of Public Services regarding the Facility's wastewater discharges.

Personnel: Steve Andrew has a topic of discussion for Executive Session.

Ad Hoc: Bruce King – Mr. King spoke on the Emergency Procurement and Resolution copies of which were distributed in the Board's folders. A discussion was had to include Co-Counsel Paniccia pointing out the need for checks and balances on authority. Mr. Crumb had some suggestions on the document for additional checks and balances and there were further questions and concerns by members of the Board. Mr. Paniccia will make discussed changes to the document. This matter will be held until the next meeting.

Correspondence: Michele Cuevas – Previously discussed.

Old Business: Chairman Pro Tem Kolba wanted to mention regarding the TPS that Mr. Shager will be getting back to the Board after discussions with the Mayors.

New Business: Since Board Member Chris Papastrat was absent, Chairman Pro Tem Kolba will hold over the election of officers until the May Regular meeting.

Mr. King wanted to mention a heads-up in an interest he has in the Board Members going digital as to Board Folders in the future and will discuss it further in a future meeting.

Executive Session:

Steve Andrew made a motion to go into Executive Session to discuss Personnel Matters.

Motion seconded by Edward Crumb

Motion carried. 5/0/1 (SA Remote, CP Absent)

The Board went into Executive Session at 5:58PM.

Steve Andrew made a motion to exit Executive Session.

Motion seconded by Bruce King

Motion carried. 5/0/1 (SA Remote, CP Absent)

The Board came out of Executive Session at 6:18PM.

No action was taken in the Executive Session.

The next regular Board meeting is May 9, 2023 at 3:30PM.

Adjournment

Chairman Pro Tem Kolba made a motion to adjourn.

Motion seconded by Bruce King.

Motion carried. 5/0/1 (SA Remote. CP Absent)

Meeting adjourned at 6:20PM.

Janet Smith
Transcriptionist

Michele Cuevas
Confidential Secretary

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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