

FINAL COPY

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

Tuesday, August 11, 2020

Plant Administration Building

Members Present: Chris Papastrat, Chairman
George Kolba, Vice Chairman
Edward Crumb
Stephen Andrew (Arrived at 3:38PM)
Ray Standish (Audio/Visual Attendance)
Ronald Davis (Arrived at 3:38PM)

Also Present: Elliott Wagner, Acting Superintendent
Michele Cuevas, Confidential Secretary
Charles Pearsall, Business Manager
Howard Reeve, Facilities Engineer (Briefly left at 3:31PM until 3:38PM. Exited at 5:06PM)
Alfred Paniccia, Jr., Esq., Co-Counsel
Chuck Shager, Fiscal Officer/City of Binghamton Comptroller (Exited at 5:15PM)
Ronald Warwick, Acting Assistant Superintendent (Exited at 3:31PM)
Adam Afify, Acting Head Operator (Exited at 3:31PM)
Ron Lake, City of Binghamton Engineer (Left at 5:06PM)
Angela Riley, City of Binghamton Council Member, 3rd District (Audio. Exited at 5:06PM)
Aviva Friedman, City of Binghamton Council Member, 4th District (Audio. Exited at 5:06PM)
James Atherlay, News Channel 34 (Left at 5:06PM)
John LaGorga, PE, GHD Consulting Services (Audio 3:40PM until 4:00PM)
Janet Smith, Transcriptionist

Guests: No guests were present at this meeting.

Chris Papastrat called the meeting to order at 3:30 PM. Four (4) Board Members were present at 3:30pm, and at 3:38pm Board Members Andrew and Davis joined the meeting. Board Member Standish was present via audio/visual attendance, and attendance was noted aloud by Michele Cuevas, Confidential Secretary. Fire exits were identified.

Edward Crumb raised a point of order stating that more than ten (10) people are in the room which would be in violation of Governor Cuomo's Executive Order to limit the amount of groups in a governmental meeting to no more than 10 during the COVID pandemic. People left the room to accommodate.

Privilege of the Floor

Putting a hold on Privilege of the Floor until audio appearance by John LaGorga, PE.

July 14, 2020 Meeting Minutes Approval

**Edward Crumb made a motion to approve the submitted July 14, 2020 Draft Minutes with the suggested changes as contained in the Board Folders.
Motion seconded by George Kolba.
Motion carried 4/0/2.**

Fiscal Officer Chuck Shager spoke on current fiscal matters. Referring to the submitted financial report which was distributed in the Board folders, Mr. Shager pointed out that the low cash balances posted were due to the recent refunds to the various municipalities after the 2019 Final Billing.

(Board Members Andrew and Davis joined the meeting; all Board Members are now present)

Edward Crumb presented the Lead Agency Capital Project Chart Report and Graph Report, copies of which are in the Board Folders, and explained how to review the Chart Report, as well as the color-coding system and the scaling of the graphs in the Graph Report.

Board Attorney Al Paniccia, Esq. returned to the room after some quick research regarding the status of the limiting room capacity to 10 persons, as well as a call to City of Binghamton Assistant Corporation Counsel Sharon Sorkin, Esq. Mr. Paniccia advised that Executive Order 202.1 expired some time ago; that the rule was now to allow half capacity in respective rooms with social distancing. That the current meeting room has a capacity of 49 (based on roof access) as noted on the mandatory sign posted on the wall making the allowed capacity of 24. Most of those that left the room then returned.

Privilege of the Floor (revisited at 3:45PM)

John LaGorga, PE, of GHD Consulting Services spoke to the Board via speaker phone regarding the letter to Tara Blum, PE, Engineer with NYSDEC for Region 7, Division of Water and the printed email from Mr. LaGorga both of which were distributed to the Board in their emails and distributed in the Board folders.

Mr. LaGorga stated that the upgrade of the plant has been going on for decades. The original Consent Order had been modified a number of times and through the process of the upgrade the DEC assessed a fine of \$50,000.00 which rather than being paid to NYSDEC, they agreed that it could be paid to benefit a local environmental project. The Fuller Hollow Creek stream bank stabilization, upstream from the JSTP, was an ongoing project which would fit the criteria. The payment to that project would greatly benefit locally as well as help with the gravel issues at the Plant Outfall created by Fuller Hollow Creek.

It was confirmed that the Fuller Hollow Creek Project was approved to go forward as soon as able. Mr. LaGorga stated that upon reflection of the email, even though there is still work to be completed, he was of the opinion and makes a recommendation that the Environmental Benefit Project (EBP) fine should be paid now rather than at the end of closing the project.

Mr. Crumb had a concern from which budget line item the EBP fine would be paid. There was a brief discussion and the Board will be waiting for confirmation and guidance from NYSDEC in writing and will move forward appropriately. Binghamton City Councilwoman Angela Riley asked if the guidance document would be included with the confirmation and she also asked for clarification of the EBP which Mr. LaGorga stated yes, the document would be included and he satisfied Ms. Riley’s question on EBP.

Superintendent’s Report

Elliott Wagner presented the Superintendent’s Report, a copy of which appears below.

**Superintendent’s Report for July 2020
August 11, 2020**

Violations and Significant Issues:

Fines: \$5000 for Phase 2 construction.

Compliance:

June 2020 Average Flow 12.03 MGD	Influent	Effluent	Average % Removal	Effluent Limit
CBOD mg/l	208mg/l	13mg/l 1377 lbs/d	94% last month 95%	18mg/l 5,300lbs/day
Suspended Solids mg/l	239 mg/L	13.1 mg/l 1334 lbs/day	95% Last Month 96%	20mg/l 5800lbs/day
Other: Settleable Solids Max ml/l	24.8ml/l	0.05ml/l	100%	0.3
Total Nitrogen mg/l	July 2020 22.4 mg/l minus 3 days data	3.4 mg/l minus 3 days data	July 85% June 86%	6mg/l 639,261lbs/year
Phosphorus mg/l	3.92 mg/L	0.37 mg/L	91%	1.0 Max. Monitor
Avg. Temperature (°C)	24.5	23.5		
Solids Removed	Apr 2020	May 2020	June 2020	July 2020
Digested	571.4	754.53	797.51	773.43
Lime Stabilized	0	0		
Total	571.4	754.53	797.51	773.43
Bar rack screenings			2.94	6.97
Grit/Screenings Combined	16.9	23.79	12.64 tons	11.59
Grease	3.2	2.45		

Superintendent's Report-cont.

Construction Topics

- H-Line awaits resolution
- We are making gains on the SCADA system programming.
- Matco is trying to schedule startup of the emergency generators for the facility.
- Tom Petitit the NYSEG Substation Supervisor indicated the 4B feeder breaker should be replaced and tested by Friday Aug 14th. Matco and GHD's work can't take place until this breaker is installed.
- We are still waiting for the re-work of the truck bay drain and cleanout.

Other Notes;

- We are moving towards bringing on the remaining digesters.
- Biosytr Start Up: Biostyr continues to produce good results. July Ammonia removal of 99%. Contractors and Kruger continue to fine tune the process.
- UV continues to operate, transmittance is good at approx. 50-60 NTU, Wedecco has completed its 30 day test. At present UV system is operating in hand.
- We have again met our permit for SS, CBOD5, TSS, Phos, and TN.
- Operators continue performing process testing for the BioStyr.
- The plant is actively advertising for Computer Systems Engineer, Electrician, Mechanic or Assistant, Lead shift operator, Operator 3 and Safety Coordinator. We have hired an Instrumentation Technician. He started August 10, 2020. We are going to send a candidate's application for the Safety Coordinator/Industrial Hygienist position to Civil Service this week to verify her qualifications.

Superintendent Wagner reported that they are continuing to meet the permit requirements. He reviewed the numbers in the report stating that the solar production has increased due to the summer season. Superintendent Wagner announced that 3 of the Microturbines have been running for the past 6 days and the vendors are working on a solution to get the remaining Microturbines on board. Perhaps hoping to get 1 or 2 more running soon.

He next wanted to discuss the submitted proposal from JDV and the Temporary Supply Agreement for Bulk Gases from Airgas both of which were distributed in the Board's folders.

JDV submitted a proposal to assist with the startup of the Turbomixers for Digester 1 and 2. Board Attorney Al Paniccia recommended that the Superintendent could go forward and procure the company for the service.

Airgas submitted an agreement for Industrial Nitrogen. After a brief discussion, it was concluded to follow through with purchasing through the eCounty List for sState eContract pricing.

Further going through his report, he overviewed the graphs.

Superintendent Wagner is actively advertising for various positions and is reviewing all submitted applications.

Charles Pearsall presented the Business Manager's Report. The NYSDEC did forgive the June penalty and he anticipates they will forgive July, but he hasn't been notified as of yet. He turned over the floor to George Kolba to discuss the topic of non-compliance of filing for a required building permit with respect to the Owners' Terminal Pump Station Improvements. Mr. Kolba said Board approval is required by the Town of Vestal for a building permit that the Owners' General Contractor LeChase failed to obtain. Both Mr. Kolba and City Project Engineer Ron Lake will follow through and provide the Town of Vestal with all the necessary maps, drawings, and paperwork to ascertain the Plant is compliant pertaining to the permit.

George Kolba made a motion that the Board approve the payment of \$1,000.00 to the Town of Vestal for a building permit.
Motion seconded by Edward Crumb.
Motion carried. 6/0

Edward Crumb made a motion that the Board ratifies the 2021 Joint Sewage Board's proposed budget in the form that was sent to the members on August 3, 2020 and includes the changes made and presented today, August 11, 2020, in the amount of \$26,677,552.00.
Motion seconded by Steve Andrew.
Motion carried. 6/0

Steve Andrew further thanked all those who worked so diligently and thoroughly on this budget.

Mr. Pearsall reported on the Keystone contract to produce Elevation Certificates required for Flood Insurance underwriting. A professional services contract has been written by Board Attorney, Al Paniccia.

Steve Andrew made a motion that the Board approve the Keystone contract for elevation certificates for all buildings at the JSTP in an amount not to exceed \$8,300.00.
Motion seconded by Edward Crumb.
Motion carried. 6/0

Regarding the certification of the Flood Wall and Flood Protection Improvements at the JSTP, Mr. Shager reported that John LaGorga, PE, of GHD will be providing the "one engineer" certification. When this certification is accepted by the U.S. Army Corps of Engineers and the Federal Emergency Management Agency (FEMA), a flood map revision amendment can be made, after which the Board would be able to have its Flood Insurance policies for structures at the JSTP underwritten on an "outside the flood plain" basis.

Mr. Pearsall reported that he sent the Request for Proposals for Valuation Services to James Stoddard of Haylor, Freyer & Coon, Inc. in order for Mr. Stoddard to verify whether current insurance carrier Trident Insurance Company will provide valuation services on the basis sought within the scope of services presently offered by the insurance carrier.

Committee Reports

Construction: George Kolba brought up the gas lines which are not protected by bollards. Mr. Lake stated that this work still needs to be finished by the Contractor. Mr. Kolba brought up the internet service feed, which needs to be via the duct into the Building (as opposed to being via aerial wire). Superintendent Wagner and Ron Lake will look into these issues. Mr. Kolba asked about the blacktop inside the Plant and the manhole covers, and also brought up the dripping “H-Line” expansion joint. It was noted that the “H-Line issue” was in GHD’s hands. Steve Andrew had nothing to report.

Finance: Edward Crumb – Mr. Crumb reported on the proposed 2021 Budget preparation process, the upcoming budget hearings, and the 2019 audit. He requested that Board Members send him any comments or questions on the draft audit report when received.

The floor was then turned over to Lead Agency Engineer, Ron Lake, PE. He spoke about his submitted Third Modification Consent Order Compliance Table as of August 10, 2020 which was distributed to the Board in their Board folders, which he noted was getting “pretty well complete”.

Personnel: Steve Andrew – Mr. Andrew reported he had not heard anything from the Union with regard to negotiations for a successor contract. He wanted to report that he is actively asking the Plant employees for information as to anything not built/installed correctly or not working right so the Board can make sure the employees have what they need and that procedures are able to be followed. He wants to be sure that the employees on the site should be working with no fear to report any issues. Mr. Lake reminded Mr. Wagner that he is welcome to attend the Wednesday morning Owners’ meetings to address any unresolved issues. Mr. Andrew also commented that the Truck Bay drain cleanout is an unresolved issue. Mr. Wagner noted that Facilities Engineer Howard Reeve is the “keeper or the list” for the JSTP regarding construction issues. Regarding J&K, there is a lot of electrical wiring to be “landed” by MATCO before J&K can make its final connections/adjustments. Mr. Reeve noted that the red warning lights on the outside of the Solids Handling Building facing Vestal Road remain an unresolved issue. This could be an issue of “dry application” instrumentation versus “wet application” conditions. Mr. Kolba noted what appear to be loose bricks on Building 12 facing Primary Settling Tanks 7-10.

Ad Hoc: Ronald Davis - Nothing new to report.

Flow Management: Edward Crumb - Nothing new to report.

Correspondence: Michele Cuevas stated that the GHD IWWPP status report shows as to the Binghamton WFP that the late fee and fine is still due and owing, but she verbally updated the report stating that today she received the \$600.00 payment.

Copies distributed in the Board folders of an article in the Press and Sun Bulletin July 19, 2020, which had two errors.

Old Business:

**Edward Crumb made a motion that pursuant to the Deductible Options outlined by Haylor, Freyer & Coon in the July 27, 2020 letter that the Board selects Option 2 with the All Other Property (AOP) deductible of \$25,000.00 and with the total insured value of \$211,796,610.00, effective August 1, 2020.
George Kolba seconded the motion.
Motion carried 6/0.**

New Business: Howard Reeve reported on information that he had received regarding the Admin. Building elevator service proposal from ThyssenKrupp which was distributed in the Board folders. There was preliminary discussion and there was no bottom line dollar figure in the proposal. George Kolba would like more information with description, numbers and more proposals and, together with Ray Standish, suggested that Superintendent Wagner obtain service contract quotes from multiple companies. The elevator is currently out of service and would be needed soon. Howard Reeve will look further into obtaining a repair on the elevator (either on a warranty basis, or otherwise) to get it operational and then the topic of an elevator service contract will be placed on the next meeting's agenda.

Executive Session:

**Steve Andrew made a motion to go into Executive Session to discuss potential litigation.
Motion seconded by George Kolba.
Motion carried 6/0**

Messrs. Reeve and Atherlay exited the meeting. The external telephone audio connection was disconnected. The Board entered Executive Session at 5:06PM.

**Steve Andrew made a motion to come out of Executive Session.
Motion seconded by George Kolba.
Motion carried 6/0**

The Board exited Executive Session at 5:28PM. No action was taken during the Executive Session. Board Attorney, Al Paniccia will be sending Town of Kirkwood a letter outlining billing practices and cc: Triple Cities Metal Finishing.

**Steve Andrew made a motion to adjourn.
Motion seconded by George Kolba.
Motion carried 6/0**

Meeting adjourned at 5:30PM.

The next regular monthly meeting is scheduled for September 8, 2020 at 3:30PM.

Respectfully submitted,

Janet Smith
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
Alfred Paniccia, Esq.
Chuck Shager, Fiscal Officer
Elliott Wagner, Acting Superintendent
Brown & Brown Empire State
Haylor Freyer & Coon
Robert Bennett, P.E., Village of Johnson City, Engineer
Ray Standish, P.E., City of Binghamton, City Engineer
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