

# FINAL COPY

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

**Tuesday, November 14, 2023**

Plant Administration Building

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

Also Present: Elliott Wagner, Superintendent (Exited 5:35pm)  
Billie J. Goodson, Business Manager (Remote) (audio)  
Alfred Paniccia, Jr., Esq., Co-Counsel  
Clarence Shager, Comptroller, City of Binghamton (Exited 3:50pm)  
Bryan Witbeck, CMMS Clerk, CSEA Unit President (Exited 5:35pm)  
Ron Warwick, Asst. Superintendent  
Howard Reeve, Facility Engineer (Exited 5:35pm)  
Larry Travis, E.E., Electrical Engineer (Exited 5:35pm)  
Michele Cuevas, Confidential Secretary

Chairman Kolba called the meeting to order at 3:30PM. Sign in sheet was passed. Chairman Kolba asked for a moment of silence for the passing of the Joint Sewage Board Transcriptionist Janet Smith. Confidential Secretary Cuevas made roll call aloud. All six (6) Board members were present. Chairman 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**

Board Member Crumb mentioned that New Yorkers overwhelmingly approved the ballot proposition related to debt limits on small city school districts and exclusion of sewer-related debt by municipalities from the computation of their respective constitutional debt limits. This renews decades of practice of excluding funds borrowed for sewer projects from counting against a municipality's debt cap. A copy of a New York Post article was in the packets.

Board Member Crumb also mentioned that the Village of Johnson City reelected 2 trustees to the Village Board, and, at this point, it appears that the City of Binghamton Council will have all new members.

Chairman Kolba made mention of the passing of Janet Smith. Janet was a wonderful person, and he only knew of her for the few short years that she worked for the Joint Sewage Board, and he couldn't find a better person to thank her for her years of service to the Board as the Board Transcriptionist. Sorry for her passing.

### **Meeting Minutes Approval**

**Edward Crumb made a motion that the Board approves the submitted September 6, 2023, Special Meeting Minutes with the suggested changes as contained in the Board Folders.**

**Motion seconded by Steve Andrew.**

**Motion carried. 6/0**

**Edward Crumb made a motion that the Board approves the submitted September 22, 2023, Special Meeting Minutes with the suggested changes as contained in the Board Folders.**

**Motion seconded by Steve Andrew.**

**Motion carried. 6/0**

**Edward Crumb made a motion that the Board approves the submitted October 10, 2023, Regular Meeting Minutes with the suggested changes as contained in the Board Folders.**

**Motion seconded by Steve Andrew.**

**Motion carried. 6/0**

### **Fiscal Officer's Report**

Mr. Shager briefly overviewed the Treasurer's Report which was distributed in the Board's folders. The 4<sup>th</sup> quarter billings have all been paid. Mr. Shager mentioned that the City of Binghamton Sewer Fund would like a commitment as to any monies to be rebated by the end of the year. Mr. Shager noted that all budget lines are to be covered for 2023. The "Drop Dead" date to submit Requests for Legislation to the Binghamton City Council to transfer monies is November 29, 2023, for the December 4, 2023, Council Work session.

*(continues on the next page)*

## **Superintendent's Report**

Superintendent Wagner overviewed his Superintendent's Report which included graphs and charts, copies of which were distributed in the Board's folders. The face page of the report is set forth below.

October Superintendent's Report  
November 14, 2023

October received 5.28 inches of precipitation; Total plant flow was 548.43 MG with an average daily flow of 17.69 MGD. CBOD of 8 mg/L, TSS of 6 mg/L, TN of 3.5 mg/L, PHOS 0.525 mg/L, AMMONIA of 0.139 mg/L.

The special board meeting resulted in the board authorizing the use of Welliver and the ok to use \$250,000 from contingency to a line to be used to pay the contractor. Also authorized the use of the Professional services line to pay GHD for its engineering of the pumping plans required for this work. (Superintendent Wagner gave kudos to the facility personnel for their work and for continuing to use their skills and talents and teamwork to improve the process and to achieve the best results and made the permit parameters. Welliver and plant staff did a great job on the H-line repair job: all worked above and beyond on this project. Welliver was very professional and great to work with.)

(The NYSDEC will also require a periodic review and status update by an engineer as the work progresses. They also require the plant superintendent to provide a daily report containing what work has been accomplished, the daily process data and all processes that are in the service or bypassed. This is like the reporting after the February 18 event.)

Since then, Influent channels #1 & #2, CN Effluent channels #3, #4, #7, #8 & #9 have been completed. Bypass pumps were returned, and we are down to CN effluent channel #5 left to completed. DN backwash channels will be revisited next year as temperature and flow allow. On 11/13/2023 Welliver and plant staff had another diversion project and Welliver completed the membrane installation on Channel #3. We will be performing this procedure one more time this year as soon as the flow permits. That will leave only the inspection and work in channels #10 & #11 remaining.

Since the water leak was repaired and we got RSP to come fix issues with the Microturbines, they have averaged 3,415 kwh/day, for a total of 105,850 kwh for the month of October. This equates to approximately \$6,828.40 offset of our monthly electric bill.

Digesters averaged 58.20 % VSR (Volatile Solids Reduction)

## **Superintendent's Report-cont.**

We are actively reviewing resumes for the Instrumentation Technician position. (Confidential Secretary will check into the Broome County Civil Service personnel office and inquire if there is a valid list from them.)

On 11/08/2023 we returned our Electrical Line-up to normal operating status. We utilize both 3B and 4B feeders, opened the Tie-Switch and placed both generators in auto.

On 11/11/2023 we experienced a loss of power from the Harper Sub-Station. At that time, both of our back-up generators kicked in, and ran until power was restored and deemed stable by the Automatic Emergency Generator Control System. The NYSE&G power was out for approximately 1 hour. Our maximum demand on return to power was 1.396 Mega-Watts.

**Edward Crumb made a motion that the Board approves a travel and training advance in the amount of \$500.00 to be paid from the Travel and Training budget line for expenses for an Operator III to attend the Basic Operations class in Morrisville December 12<sup>th</sup> thru December 22<sup>nd</sup>.**

**Motion seconded by Steve Andrew.**

**Motion carried. 6/0**

Superintendent Wagner mentioned that Dental Offices in the area were canvassed for the Amalgam Separator and that information is being collected.

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

## **Business Manager's Report**

### **Permission to Advertise**

Ms. Goodson is requesting Board approval to advertise for Refuse Hauling and Recycling.

**Ronald Lake made a motion that the Board authorizes the Business Manager to advertise a Request for Qualifications and Proposal for Refuse hauling and recycling contingent on co-counsel Paniccia review and any corrections.**

**Motion seconded by Bruce King.**

**Motion carried. 6/0**

Board member Crumb asked Ms. Goodson if she heard back from NYSE&G whether the plant would be receiving delivery of electricity under NYS-PSC Tariff No. 120 Classification 7-1 or 7-2. Ms. Goodson will investigate this tomorrow.

## **Board Committee Reports**

Construction: Ron Lake mentioned that the H-Line repair went very well. Thanks to everyone that was involved with this project. One (1) bill has been submitted so far. Al Paniccia, Esq. reported that a contract issue arose November 13th based on a call from the City's Outside Counsel, Dan Adams, Esq. Welliver has requested changes to the signed contract. Any changes that were proposed need to be sent to Al Paniccia for legal advice. Al Paniccia stressed that any changes that need to be made please put them in an email and they will be discussed between the attorneys.

**Ronald Lake made a motion that the contract with Welliver is to not to exceed \$175,000 and to accept the other contract terms as presented.  
Motion seconded by Steve Andrew.  
Motion carried. 6/0**

Finance:

### **Electricity Supply**

Edward Crumb noted that the Business Manager has been hard at work on this item given the contract ends with Constellation on November 16, 2023. Then we switched to NYSE&G as supplier. Mr. Crumb explained the changes in supply and delivery cost. Given the increases in cost, the electrical lines will need to be monitored very closely.

### **Micro-Turbine Proposal**

Edward Crumb mentioned that we have a draft proposal for the repair of the micro turbines but are not ready to sign contract. The Finance Committee recommends the Board consider transferring \$800,000 from the 2023 Contingency and \$205,000 from the 2023 Professional Services lines into the Capital Reserve Fund to so that funding for the contracts to accomplish this work would be available via transfers out of the Capital Reserve upon Owner Legislative Body approval.

### **Property Insurance Renewal**

Edward Crumb mentioned that a property insurance meeting was held by our Broker on October 25, 2023, with a proposed 12% valuation increase in the insured facilities. A lengthy discussion followed with no action taken to request changes in the Broker's approach. Board Member King recommended leaving the valuations at the +12% increase, and once we get the appraiser's valuation report next year, then adjust if needed.

Flow Management: Edward Crumb – Nothing to report.

Personnel: Steve Andrew noted that an executive session will be needed referencing the CPI adjustment.

Ad Hoc: Bruce King – Nothing to report.

Correspondence: Michele Cuevas – GHD October IWPP report. Letter to the editor-Scott Lauffer. Letter from City Engineer and Board Member Ronald Lake to the Joint Sewage Board dated 10/26/23 referencing contracts. Mr. Crumb stated that he did not agree that the first sentence of the letter correctly quoted statements attributed to him in that he does not speak for Plant personnel. New York Post article dated 11/07/23 referencing sewer debt.

Old Business: Nothing to report.

## **New Business**

### **2024 Health Benefits Program**

**Edward Crumb made a motion that the Board accepts the Lifetime Benefit Solutions proposal to extend its present health reimbursement Account (HRA) and Flexible Spending Account (FSA) Administration Services fees of \$3.25/Participant/month for 2024, subject to a \$99.00/month minimum fee as to each of the HRA and FSA programs, and authorize the Chairman to sign an extension/modification agreement on behalf of the Board in a form approved by counsel.**

**Motion seconded by Steve Andrew.**

**Motion carried. 6/0**

**Edward Crumb made a motion that the Board authorizes extension of the Professional Services Agreement with NFP Corporate Services (NY), LLC for one year, covering Plan Year 2024 services, upon the same terms and conditions as presently in force, including the not to exceed \$13,500.00 annual fee, and authorizes the Chairman to sign an extension agreement on behalf of the Board in a form approved by counsel.**

**Motion seconded by Bruce King.**

**Motion carried. 6/0**

**Edward Crumb made a motion that the Board ratifies the 2024 front pages for the Health Benefits Program Notice Packets in the form contained in the Board Folders, and – subject to resolution of the Excellus Formulary List, or internet URL address – authorizes distribution of the 2024 Joint Sewage Board Health Benefits Packets in the form presented, so as to open the 2024 enrollment period.**

**Motion seconded by Bruce King.**

**Motion carried. 6/0**

## **Executive Session**

**Steve Andrew made a motion to enter into Executive Session to discuss personnel matters.  
Motion seconded by Chris Papastrat.  
Motion carried. 6/0**

The Board entered Executive Session at 5:33PM.

## **Out of Executive Session**

**Steve Andrew made a motion to exit Executive Session.  
Motion seconded by Edward Crumb.  
Motion carried. 6/0**

The Board exited Executive Session at 5:52PM.

## **Ratify CPI Index under Collective Bargaining Agreement**

**Edward Crumb made a motion to ratify the annual CPI Index computation ending October 31, 2023, which is 5.16% gross and, thus, 2.66% net, effective for the look back adjustment for 2023 and, prospectively, for 2024.  
Motion seconded by Steve Andrew.  
Motion carried. 6/0**

The next regular Board meeting is December 12, 2023, at 3:30PM.

Chairman Kolba wished everyone a Happy Thanksgiving.

## **Adjournment**

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

Meeting adjourned at 6:00PM.

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.  
Clarence 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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