



Binghamton-Johnson City
JOINT SEWAGE BOARD



Eugene Hulbert, Sr.
Gary Holmes
Edward Crumb

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

FINAL COPY

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

Tuesday, November 10, 2015
Conference Room, Office Building, JSTP

Members Present: George Kolba, Jr., Chairman
Eugene Hulbert, Sr., Vice Chairman
Edward Crumb
Ronald Davis
Steve Andrew VIA SKYPE (connection lost at 3:33 PM;
reconnected at 3:47 PM)

Also Present: Cathy Young
Charles Pearsall, Business Manager
Chuck Shager, City of Binghamton Comptroller
Michele Cuevas, Confidential Secretary
Howard Reeve (exited at 5:07 PM)
Jerry Motsavage, Councilman, City of Binghamton (arrived at 3:20 PM)
Ken DelBianco, P.E., City of Binghamton Contract Project Manager
John L. Perticone, Esq., Co-Counsel
Alfred Paniccia, Jr., Esq., Co-Counsel (arrived at 5:07 PM)
Laura Lee Perkins, Transcriptionist

Members Absent: Gary Holmes

Guests: Terry Kellogg, City of Binghamton Commissioner of Public Works
(arrived at 3:11 PM)

Chairman George Kolba called the meeting to order at 3:06 PM. Five (5) Board Members and one (1) legal counsel were present. Sign-in sheet passed for signatures. Fire exits identified.

Edward Crumb made a motion for the Board to approve the September 29, 2015 Minutes from the Special Meeting in the form presented in the Board folder with the changes shown.

Ronald Davis seconded the motion

Motion carried 5/0/1 (GH)

Catherine P. Young, Superintendent
Binghamton-Johnson City Joint Sewage Treatment Facilities
4480 Vestal Road, Vestal, New York 13850
Phone: 607-729-2975 Fax: 607-729-3041
Email: bjcwvtp@stny.rr.com

Edward Crumb made a motion for the Board to approve the October 13, 2015 Minutes in the form presented in the Board folder with the changes shown.
Ronald Davis seconded the motion
Motion carried 5/0/1 (GH)

Chuck Shager – Financial report

1/1/2015 Beg. Balance		
Checking	\$ 718,067.25	
Savings	<u>\$ 8,749,950.87</u>	
Total		\$ 9,468,018.12
10/31/15 Revenue YTD	\$17,828,715.17	
10/31/15 Disbursements YTD	<u>\$15,347,271.06</u>	
Balance		\$11,949,462.23

Mr. Shager offered the following status observations regarding the 2015 budget YTD:
Chemical line — under budget
Professional Services – BAF Remediation line – under budget
Sludge & Waste Disposal – under budget

Discussion took place regarding the Plant's capability to accept/handle City of Binghamton Water Filtration Plant's sludge during reconstruction. Ronald Davis stated that Cathy Young MUST be involved in any and all discussions regarding this issue. Edward Crumb made the suggestion of the Plant getting its own independent consultant given that GHD is serving as the Owners' design construction. Mr. Shager stated that he and Mr. Kellogg would meet with Jeff Kruger of the Water Filtration Plant to discuss alternatives. No action was taken.

Charles Pearsall gave the Business Manager's Report

Eugene Hulbert, Sr. made a motion for the Board to accept the Surpass Chemical bid for High Calcium Hydrated Lime at \$239.00 per ton delivered for a one-year supply period to be paid from budget line J8130.54150 (Chemicals).
Edward Crumb seconded the motion
Motion carried 5/0/1 (GH)

Edward Crumb made a motion for the Board to award a Professional Services Agreement to OSEA Inc. for on-site safety training in a not-to-exceed amount of \$18,131.00 to be paid from budget line J8130.54410 (Professional Services) through July 30, 2016.
Ronald Davis seconded the motion
Motion carried 5/0/1 (GH)

Discussion took place regarding a 20% increase in rental cost for the Hraneks' apartment used by Simmons Recovery. It was noted that the new \$1,200 per month cost was within the contractual allowance and was less expensive than per diem hotel costs would be. The rent includes utilities, furnishings, Internet, and cleaning services.

Edward Crumb made a motion for the Board to modify the previously approved encumbrance in favor of RAM-TECH for Professional Services for Owner Representative services to change the budget line from JH8130.554045 (Digester Complex Maintenance) to J8130.54418 (Phase III Clerk of the Works Services) and to increase the encumbrance in the amount of \$156,400.00 on the same line.

Ronald Davis seconded the motion

Motion carried 5/0/1 (GH)

Edward Crumb made a motion for the Board to close the Purchase Order 13990002 for Bioanalytical Corp. for toxicity testing with a remaining balance of \$11,250.00 and cancel the Contract.

George Kolba, Jr. seconded the motion

In discussion it was noted that the SPDES Permit's requirement for toxicity testing has been suspended by the DEC until the Plant reconstruction and rehabilitation has been completed, which is not projected until at least May 2019, at which time the requirements, protocol, and vendor marketplace may be different.

Motion carried 5/0/1 (GH)

Edward Crumb made a motion for the Board to approve two (2) transfers: the first is to transfer \$2,500.00 from budget line J8130.54112 (Gasoline/Diesel) to line J8130.54125 (Building & Ground Supplies); the second transfer is in the amount of \$32,000.00 to be transferred from J8130.55000 (Contingency) to line J8130.54801 (Industrial Pre-Treatment) and direct the Business Manager to submit the appropriate Requests for Legislation to the Owners' legislative bodies.

Ronald Davis seconded the motion

Motion carried 5/0/1 (GH)

Edward Crumb made a motion for the Board to conditionally approve (effective as soon as Legislative Bodies approve the above transfer for the Industrial Pre-Treatment) an encumbrance of \$61,005.00 against the J8130.54801 (Industrial Pre-Treatment) line in favor of GHD Consulting Services Inc. line for their Industrial Pre-Treatment Consultant Contract for the period April 1, 2015 to March 31, 2016 and at that time the encumbrance is posted that the \$61,005.00 amount be reduced by any amounts of bills that have been paid in the meantime under the contract.

Ronald Davis seconded the motion

Motion carried 5/0/1 (GH)

Edward Crumb made a motion for the Board to approve the current year NYS Employee Retirement System contribution bill as submitted through the City of Binghamton in the amount of \$397,412.75 and direct that payment be made prior to the early payment deadline.

Ronald Davis seconded the motion

Motion carried 5/0/1 (GH)

Cathy Young – Superintendent Report
INSERT REPORT

**Superintendent's Report
November 10, 2015**

Violations and Significant Issues

Notice for noncompliance with Milestone Dates, dated September 21, 2015. The City as Lead Agency has responded. Copies of both letters are in your packets.

Compliance

Date: October 2015 Average Flow	Influent 10.20mgd	Effluent	Average % Removal	Effluent Limit	
CBOD	235	151	35.74%	Monitor	
Suspended Solids	251	51	79.68%	Monitor	
Other: Settleable Solids Max	14.3	0.37	97.41%	Monitor	
Total Nitrogen	Sept 28.8	Sept 24.5	14.93%	Monitor	
Chlorine	NA	1.63Max.	NA	2.0Max.	
Avg. Temperature	18.9	18.9			
Solids Removed		July	Aug	Sept	Oct
Digested		0	0	0	0
Lime Stabilized		965.69	609.96	748.81	683.22
Total		965.69	609.96	748.81	683.22

Operations Summary and Issues

- The plant continues to operate in CEPT mode
- MCC Replacement: The First Kick off meeting for this contract is scheduled to be this week.
- Flygt Pumps for City Contracts: The Board Of Contract and Supply will review the recommendation of standardization to Flygt Pumps related to plant contracts this Thursday.
- **Primary Pump Pipe Leak:** On Saturday the 10th of October, 3rd shift discovered a leak in the piping just above the Mag.Meter (This is a vertical 18" ductile iron pipe that travels approx.20'with a series of 90's, mag meter and ties into a 24" main). The plant is working to secure a lease for scaffolding to repair the pipe.
- **BAF DEMO: Electrical feeder possible damage** On October 26, 2015 The Head Electrician took a look at the Building 15 demolition and noticed the building 15 MCC and feeders were gone. He looked closer at the means of removal. There appeared to be significant damage to the wire and feeder conduits. This was brought to the attention of Jacobs for their comment and review. I propose that Jacobs have more inspectors physically on site while sensitive work is being completed.
- **Water Plant Sludge Discharge While Under Construction:** A review and decision should be made regarding the plant's ability and willingness to accept the spring and fall discharge of sludge from the Binghamton Water Department. Our Head Operator and staff are not confident in the plant's ability to handle this sludge while under construction, without grit removal and half of the settling tanks offline, unless GHD can guarantee that this will not create plugging and removal issues of solids.
- **Final Pilot Plant Report:** The report has been completed and submitted to the DEC for their review.

- **Digester Evaluation Status:** Plant staff and the board chair and vice chair met with Jacobs to review the history of leak repair to Digester 3. A copy of the specifications, contract, change orders, and associated paperwork was handed off to Jacobs for their review.
- **State Audit Draft Summary:** A draft Audit report from the state was mailed out to board members and the mayors. A meeting was held by the auditor to review the findings and listen to initial comments by the comptroller, business manager, superintendent and Board Chairman and Vice Chair. I would like to coordinate comments and would appreciate initial comments to the report no later than November 19, 2015.
- Plant staff continue to work with our attorneys and expert witnesses regarding information they need for the BAF court case. The Trial with AAIC concluded on Sept 15.
- Plant Interim and Final Permit Limits are being discussed with GHD and the DEC. Informal discussion by email is included in your packets.
- The DEC has responded to the GHD Engineering Report and requested that an impact on user rates be provided. A copy of this letter is in your packets.

Kenneth DelBianco, P.E. noted that Jacobs has been assigned to perform a “merit evaluation” of the Digester No. 3 Leak Repair to Corporation Counsel only with respect to the bond claim and potential litigation.

Chairman Kolba assigned Finance Committee Chair Edward Crumb to coordinate the Board’s response to the NYS-OSC draft audit report, including submission of a FOIL request to NYS-OSC with respect to the survey referenced in the report.

Edward Crumb made a motion for the Board to ratify the 9/15/15 settlement reached in federal court by counsel with AAIC, under which AAIC will pay the Board, City and Village an additional \$500,000.00, and direct the Chairman to sign all documents approved by counsel necessary to effectuate the settlement.

Eugene Hulbert, Sr. seconded the motion

Motion carried 5/0/1 (GH)

Mr. DelBianco stated that discussions are ongoing between the City’s Corporation Counsel and outside litigation counsel regarding language in upcoming bid documents in relation to the pending state court lawsuit and the status of defendants as bidders or suppliers with respect to such contracts.

Mr. Kellogg agreed to have a discussion with GHD and provide direction that GHD not have discussions with DEC on matters involving Plant Operations and/or Interim Limits without Plant Superintendent Young’s participation.

Correspondence – (1) DEC September 21, 2015 Notice of Violation [received September 30, 2015]; (2) GHD Monthly IWWPP Status Report; (3) Excellus letter of termination of the Board’s “large group” status under the Federal Affordable Care Act as of December 31, 2016; (4) GHD/LaGorga e-mail regarding restricted or limited use of Plant during construction this Spring; and (5) DEC letter approving GHD Outfall Engineering Report.

Committee Reports

Eugene Hulbert, Sr. – Construction – nothing to report

Edward Crumb – Finance – noted that the draft NYS-OSC audit report contained no adverse findings; a part of our response will need to address DEC's comparative over-regulation of the JSTP in relation to other wastewater treatment plants, leading to increased costs to operate and maintain the JSTP in comparison to other wastewater treatment plants in NYS; with respect to the Board's FEMA claims – assisting Simmons Recovery with getting documents required to substantiate contracts and costs expended; Jacobs is also providing some assistance, including access to its ProLog document library system; noted that the NYS-HUD inspection visit in October went well: no deficiencies were noted; overviewed the encumbrances true-up work ongoing; noted that future work will include a DEC-required user fee projection, which has been discussed with Chuck Shager and John LaGorga. A request was made to the Business Manager to verify that the Flood Insurance on demolished Buildings #1 and #18 has been cancelled and that refunds and/or premium credits are being processed.

Edward Crumb – Flow Management – noted three topics of interest with respect to the Chesapeake Bay Watershed

Stephen Andrew – Personnel – started negotiation meetings this week; expects more meaningful meetings will take place next week

Ronald Davis Ad Hoc – nothing to report

Privilege of the Floor – Ken DelBianco presented an update on the status of the various demolition and construction contracts. There will be one or more delays in the Flood Wall bid submission date due to the need for addendums. The City is proceeding as if there will be no Project Labor Agreement given that there has been no approval by City Council, nor has any resolution been signed-out of committee by Council due to insufficient support. NYS-EFC inspected last week and found the project's documentation to be in order. Regarding the Water Quality Improvement Project Grant, the City is terminating Griffiths' supplemental agreement for this work, which is being assigned to GHD. Woidt will work for GHD as a subconsultant. The City will not be addressing either the roof or HVAC at the Terminal Pumping Station (TPS).

Superintendent Young was assigned to contact Keystone Associates for a proposal to update/finalize its HVAC design for the TPS and add roof replacement design.

Eugene Hulbert, Sr. made a motion for the Board to adjourn the meeting

Stephen Andrew seconded the motion

Motion carried 5/0/1 (GH)

Meeting adjourned at 6:06 PM.

Respectfully submitted,

Laura Lee Perkins
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
John Perticone, Esq.
Alfred Paniccia, Esq.
Chuck Shager, Fiscal Officer
Catherine Young, Superintendent
Brown & Brown Empire State
Haylor Freyer & Coon
Robert Bennett, P.E., Village of Johnson City, Engineer
Ray Standish, P.E., City of Binghamton, Acting Engineer
File