

FINAL COPY

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

Tuesday, March 12, 2019

Plant Administration Building

Members Present: George Kolba, Jr., Chairman *Pro Tem*
Edward Crumb
Steve Andrew VIA FACETIME
Ray Standish
Ronald Davis

Also Present: Cathy Young, Superintendent
Michele Cuevas, Confidential Secretary
Charles Pearsall, Business Manager
Howard Reeve, Facilities Engineer
Alfred Paniccia, Jr., Esq., Counsel
Chuck Robinson, Staff Accountant, City of Binghamton
Benjamin Reynolds, Village of Johnson City Trustee
Clark Giblin, Village of Johnson City Trustee

Guests: Don Slota (arrived at 3:55 PM)
Ron Lake, Project Manager (arrived at 4:11 PM)
Thomas Krall, Business Development Officer, Inframark
Jason Greene, P.E., GHD (arrived at 4 PM)

George Kolba called the meeting to order at 3:30~~0~~ PM. All five (5) Board Members were present. It is noted that the Board is still without a third representative from the City of Binghamton.

Attendance sheet was passed for signatures. Fire exits were identified.

Edward Crumb made a motion for the Board to approve the 1/8/19 Minutes with changes as found in the Board Folder.

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

Chuck Robinson presented the Fiscal Officer's Report:

1/1/19	<u>Beg. Balance</u>		
	Checking	\$1,426,925.29	
	Savings	<u>\$5,012,005.39</u>	
	Total		\$6,438,930.68

2/28/19	<u>Balance</u>		
	Checking	\$2,528,353.93	
	Money Market	<u>\$4,383,797.70</u>	
	Total		\$7,367,151.63

Mr. Robinson reported that more adjustments had been made to 2018 year-end numbers. All Municipal Users have paid their First Quarter Estimated Billings per the Treasurer's Report (flows).

Mr. Robinson reported that the fraudulent checks received by the Board's bank have been taken care of by the bank; the Board's account will be credited. Measures by the bank are needed to avoid a possible repeat.

Edward Crumb gave the Lead Agency's Capital Project Financial Report through the end of February 2019 (see Board Folder for chart report and graphs). Total base contracts are up to \$268,415,338.45. The City did not yet receive an application for payment from PC Construction for January 2019 work.

Cathy Young inquired of Howard Reeve about looking into requirements for certain percentages of payments made regarding triggering Contract language for Contractor delivery of O&M manuals. Mr. Reeve reports we do not have the O&M manuals yet; The Plant still should have them before training takes place; preferably 30 days in advance of training, but under the Contracts, attainment of 50% payment status triggers a due before training requirement.

Charles Pearsall presented the Business Manager's Report:

- 2018 billable Flow reports have not yet been submitted by the City of Binghamton, Town of Kirkwood, and Town of Union – due by March 31st; meeting with City of Binghamton tomorrow (new Treasurer).
- Johnson City submitted its report; Mr. Pearsall has requested verifications.
- Proposed 2019 IWWPP Rate Chart (copies in Board Folder) – Cathy Young has looked at it. Ed Crumb states he came up with a lower number; excludes Flood Capital line per prior practice. Mr. Crumb also computed a lower suspended solids number. Mr. Crumb had lower debt service figures for Johnson City and City of Binghamton.

IWWPP Engineering/Consulting – Mr. Pearsall reported that GHD has agreed to extend current contract under same terms and conditions, not to exceed \$80,000.

Edward Crumb made a motion for the Board to ratify an extension of the GHD IWWPP Consultant Contract for the term 4/1/19 through 3/31/20 with the same terms and conditions and encumber \$80,000.00 on budget line J8130.54801.

George Kolba seconded the motion
Motion carried 5/0/1 vacant

Mr. Pearsall reported that the Shumaker firm has purchased one of GHD's sub-vendors on the WQIP, Woidt Engineering, and Shumaker is requesting rate changes for certain grade levels.

Mr. Pearsall reports the Plant has enough money in the budget line for the increase. Mr. Kolba states that a 40% increase is too high. Mr. Crumb points out that the original rates were with the understanding that the project was to be completed in 2017; due to delays in resolving NYS requirements, we are still working on it in 2019. Mr. Kolba will go back to GHD and try to renegotiate the rates. Steve Andrew also brought up the warning signs for the river.

Mr. Pearsall reported he spoke with the insurance agent for the Board's property insurance regarding valuing the properties as construction is completed and new buildings are turned over to the Board/Plant. It was suggested that the Plant go out for an RFP. The value of property has increased significantly. Need someone who can and will come in and value as each property comes on line. Mr. Pearsall has requested permission to begin revising the RFP with new specifications.

Consent Orders – DEC is increasing the fines because the Owners' Plant reconstruction projects are not meeting deadlines. The fines have been paid to date under the Second Modification Consent Order. Mr. Pearsall reported that he is unsure if some of the projects are completed on time. He is requesting something in writing from the Lead Agency's Project Representative or engineers stating to the effect that "on this date, we did/did not achieve the Consent Order date". Cathy Young believes the request should come from the Board. The Plant needs the report from the Construction Management or the Project Engineer. Mr. Crumb stated the Board should write the letter to the Mayors with a copy to City Project Representative Ron Lake, P.E. It makes sense to get verification – is it done or not? The Board should create a checklist regarding milestones; we need a straight answer for the DEC.

Edward Crumb made a motion for the Board to approve payment to the DEC in accordance with the Third Modification of the Consent Order of the \$5,000.00 per month Phase I penalty for January and February 2019 based on the status of the construction at that time.

George Kolba seconded the motion

Motion carried 5/0/1 vacant

Jason Greene, P.E., from GHD presented the IWWPP Report (see folder).

Ron Lake arrived at 4:11 PM. Mr. Kolba inquired as to whether the Plant should pay the fines pertaining to the Flood Wall and asked if the DEC would accept his letter addressing the weather delay. Mr. Lake stated he thought they would accept the explanation. Better communication is needed between Mr. Lake and Board regarding timeline and schedules and paying late fines.

Mr. Lake reported that PC Construction has agreed to work extended hours and on Saturdays.

Mr. Lake reported that Jacobs is getting tough on PC Construction. The Environmental Benefit Project required under the Consent Order was discussed. Mr. Lake discussed Digester Nos. 1 and 2. Mrs. Young brought up an issue with five VFDs under Contract 10, which are outside, not protected, and have bare, stripped wires exposed. Mr. Lake recommended that Mrs. Young bring-up this item at the Wednesday afternoon Contract 10 progress meeting.

Superintendent Young presented the Superintendent's Report, a copy of which appears below:

Ms. Young also reported on a meeting with DEC on March 5th; DEC's representative toured Plant and appeared pleased with what she saw.

The next DEC meeting will be on March 28 at 10 AM. The Mayors are required to attend.

Committee Reports

Construction – Steve Andrew -- Nothing new/additional to report

Finance – Edward Crumb – Nothing to new/additional report

Personnel – Steve Andrew – requires an Executive Session

Ad Hoc – Ronald Davis – nothing new to report

Flow Management – Edward Crumb – nothing new to report

Correspondence – see folder

Old Business – no items

New Business

Steve Andrew made a motion for the Board to approve travel advance for Edward Crumb to attend the NYS-DEC Chesapeake Bay Phase III Watershed Implementation Plan meeting during the week of 3/25/19.

George Kolba seconded the motion

Motion carried 5/0/1 vacant

Edward Crumb made a motion for the Board to enter Executive Session to discuss Personnel matters.

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

The Board entered Executive Session at 5:10 PM

Edward Crumb made a motion for the Board to exit Executive Session.

Ray Standish seconded the motion

Motion carried 5/0/1 vacant

The Board exited Executive Session at 6:03 PM. No action was taken during the Executive Session.

Edward Crumb made a motion for the Board to appoint Craig Matias as Acting Superintendent effective 4:01pm Friday, March 29, 2019 at the budgeted salary.

Ronald Davis seconded the motion

Motion carried 5/0/1 vacant

Edward Crumb made a motion for the Board to appoint Elliott Wagner as Acting Assistant Superintendent effective April 1, 2019 at the budgeted salary.

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

Edward Crumb made a motion for the Board to post and advertise the anticipated Head Operator and Head Electrician vacancies.

George Kolba, Jr. seconded the motion

Motion carried 5/0/1 vacant

Edward Crumb made a motion for the Board to enter into a professional services agreement with Worth Environmental, Inc. for not to exceed 10 hours per week in accordance with Scope Item A. only of its proposal effective, for Laboratory Supervisory and QA/QC services in accordance with NELAP requirements effective April 1, 2019 at the rate of \$150.00 per hour, to be paid from budget line J8130.54410 (Professional Services), for a period of 13 weeks, with \$20,000.00 to be encumbered on the previously-mentioned budget line for payments under this contract.

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

Edward Crumb made a motion for the Board to enter Executive Session to discuss potential litigation.

George Kolba, Jr. seconded the motion

Motion carried 5/0/1 vacant

The Board entered Executive Session at 6:14 PM

Edward Crumb made a motion for the Board to exit Executive Session.

Ray Standish seconded the motion

Motion carried 5/0/1 vacant

The Board exited Executive Session at 6:26 PM. No action was taken during the Executive Session.

George Kolba made a motion for the Board to approve and pay stipends from budget line J8130.51699 for the First Quarter 2019 in the total amount of \$1,702.24, payable in equal amounts of \$212.78 to the incumbent salaried/management personnel other than the Laboratory Director/Safety Manager.

Ray Standish seconded the motion

Motion carried 4/1 (EC)/1 vacant

Ray Standish made a motion for the Board to adjourn

Steve Andrew seconded the motion

Motion carried 5/0/1 vacant

Meeting adjourned at 6:30pm.

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
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, City Engineer
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