

FINAL COPY

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

Tuesday, October 13, 2020

Plant Administration Building

Members Present: Chris Papastrat, Chairman
George Kolba, Vice Chairman
Edward Crumb
Stephen Andrew (Audio Attendance)
Ray Standish (Audio/Visual Attendance. Exited at 5:07PM)
Ronald Davis

Also Present: Elliott Wagner, Acting Superintendent
Michele Cuevas, Confidential Secretary
Charles Pearsall, Business Manager
Alfred Paniccia, Jr., Esq., Co-Counsel
Charles Robinson, City of Binghamton Comptroller's Office (Exited at 4:28PM)
Chuck Shager, Fiscal Officer/City of Binghamton Comptroller (Audio) (Exited at some point prior to 5:00PM)
Ronald Warwick, Acting Assistant Superintendent (Exited at 4:45PM)
Adam Afify, Acting Head Operator
Howard Reeve, Facility Engineer
Jason Greene, P.E., GHD (Audio) (Exited at 4:25pm)
Janet Smith, Transcriptionist

Guests: No guests were present at this meeting.
Howard Weaver, Weaver Recovery Consulting (Arrived at 3:37PM; Exited at 4:20PM)
James Atherlay, News Channel 34 (Exited at 5:40PM)

Chris Papastrat called the meeting to order at 3:35 PM. Six (6) Board Members were present. Board Member Standish was present via audio/visual attendance. Board Member Andrew was present via audio attendance. Attendance was noted aloud by Chairman Papastrat with confirmation of audio and visual attendance noted by aloud by Michele Cuevas, Confidential Secretary. Fire exits were identified.

Privilege of the Floor

Ronald Davis thanked the Board for their condolences and support on the passing of his son.

September 8, 2020 Regular Meeting Minutes Approval

Edward Crumb made a motion to approve the submitted September 8, 2020 Draft Minutes with the suggested changes as contained in the Board Folders.

Motion seconded by George Kolba.

Motion carried 6/0.

September 24, 2020 Special Meeting Minutes Approval

Edward Crumb made a motion to approve the submitted September 24, 2020 Special Meeting (Audit) Draft Minutes with the suggested changes as contained in the Board Folders.

Motion seconded by George Kolba.

Motion carried 6/0.

Howard Weaver of Weaver Recovery Consulting was recognized and granted the floor at 3:45PM. Mr. Weaver first wanted to report that he is having an issue with Jacobs with regard to compliance documents related to the FONSI Agreement for the Flood Protection Improvements pertaining to the flooding disaster recovery of 2011 in that they are not complying nor responding which puts receipt of FEMA funding in jeopardy. Mr. Weaver advised that although he has been diligent in communication attempts with Jacobs he hasn't been able to get any response. Previous meetings brought this compliance issue into a conversation with Jacobs. They were aware of the need to submit compliance documents but to date have not received the required documents and this has been on going since July. Vice-Chairman Kolba asked Comptroller Shager if he heard what Mr. Weaver was saying and verbally Mr. Shager said he heard Mr. Weaver.

Mr. Crumb stated for perspective that this recovery is one of the largest project worksheets on the books in the FEMA array and that about \$22,498,000.00 has been obligated to reimburse the Owners so far. That the Board has received \$418,294.64 and the owners have received \$15,798,268.16. The difference is the potential additional recoveries from FEMA and New York State Division of Homeland Security Emergency Services, and Mr. Crumb stated that all documentation requirements were discussed in previous meetings going back to March 2016 over the course of the project and documented in Jacobs' Minutes, so he therefore felt Jacobs's claimed ignorance about producing the documents is false.

Mr. Weaver then wanted to report that there were five (5) progress payments that are not being processed yet. Mr. Weaver said there is no reason that these payments should not be issued and sent and he has been diligently working and making contacts with no results.

The TPS close-out payment submittal should be forthcoming along with Simmons' DAC report net of prior progress payments received. Mr. Weaver suggested that at this point the Board may want to consider taking action and contact politicians to find out why the state is not responding.

Mr. Weaver moved on to review COVID 19 cleanup expenses and financial recovery and what Weaver Recovery has offered in terms of maintaining safety for staff along with and processes to determine potential risks for employees and Board members. They will make recommendations and will set up the NYS-DHSES portal on behalf of the Board for management of recognized reimbursable expenses by NYS and/or FEMA. The retainer to Weaver Recovery would be \$2,500.00 after which he would submit an RFP for any further costs. Mr. Weaver noted that NYS-DHSES is trying to accomplish its work remotely, with 15-16 other “open” Disasters active at this time.

Mr. Weaver suggested the Board contact OSHA (Occupational Safety and Health Administration) or an outside agency to review the facility for any potential “hot spots” in the Plant. He also suggested that all tasks with regard to safety and welfare including any facility reviews be documented to include the length of time to perform noted along with items purchased for cleanup, safety, and welfare be listed along with dates of purchase. He stated that the NYS-DHSES/FEMA reimbursable expense listing changes daily. Weaver Recovery is on top of these changes and is prepared to go to task with all submissions.

After Weaver Recovery submits a report, they would make all pertinent recommendations for the Board to send out an RFP for any large projects or significant potential cost actions.

Mr. Weaver exited the meeting at 4:15PM

Michele Cuevas did a roll call of people present on the audio, and at this time the only people on audio were Board Member Andrew and Jason Greene, P.E. from GHD.

Jason Greene, P.E. reviewed the GHD September IWPP Report which was distributed in the Board folders. Mr. Greene reported that after notification from an anonymous caller regarding a local business with chemical discharge, they inspected and found no risk.

Mr. Crumb thanked Mr. Greene for the handy features/tables he added to the report. Ms. Cuevas stated that eSystems’ payment was received today and Mr. Greene will edit the report accordingly.

Mr. Greene exited the meeting at 4:25PM

Charles Robinson reviewed the current fiscal report prepared by Fiscal Officer Chuck Shager which was distributed in the Board folders. He had nothing else notable to add on Mr. Shager’s behalf.

Mr. Robinson exited the meeting at 4:28PM

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.

Mr. Crumb made a comment/note regarding an article published in the Press and Sun Bulletin; that the lab is now fully staffed and is certified as a wastewater process lab, not a medical testing lab. Any further testing would need to be sent out to a certified testing lab.

Mr. Crumb thanked the Superintendent, Lab Director, and Lab Staff for providing the information and the photos for the Graph Report.

Superintendent’s Report

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

**Superintendent’s Report for September 2020
October 13, 2020**

Violations and Significant Issues:

Fines: None

Compliance:

September 2020 Average Flow 10.84 MGD	Influent	Effluent	Average % Removal	Effluent Limit
CBOD mg/l	388mg/l	14mg/l 1246 lbs/d	96% last month 94%	18mg/l 5,300lbs/day
Suspended Solids mg/l	515 mg/L	7.9 mg/l 710 lbs/day	98% Last Month 96%	20mg/l 5800lbs/day
Other: Settleable Solids Max ml/l	avg 17.6ml/l	0.05ml/l	99.9%	0.3
Total Nitrogen mg/l	July 2020 40.9 mg/l minus 1 days data	2.6 mg/l minus 1 days data	Sep 94% Aug 91%	6mg/l 639,261lbs/year
Phosphorus mg/l	5.68 mg/L	0.36 mg/L	94%	1.0 Max. Monitor
Avg. Temperature	24.5	23.5		
Solids Removed	June 2020	July 2020	Aug 2020	Sep 2020
Digested	797.51	773.43	878.67	736.87
Lime Stabilized	0	0		
Total	797.51	773.43	878.67	737.87
Bar rack screenings	2.94	6.97		4.47 tons
Grit/Screenings Combined	12.64 tons	11.59		17.55 tons
Grease				

Construction Topics

- H-Line awaits resolution
SCADA system programming ongoing.
- We are still waiting for the re-work of the truck bay drain and cleanout. (see below)
- We await H2O resolution for micro-turbines.
- 7-10 drain valves need to be repaired so PC can remove temporary weir.

Other Notes;

- Digesters await Nitrogen contract language/finding another vendor.
- Plant wrote Digester 1 and 2 start-up plan and sent to GHD to verify it met with their mass loading projections. It was then sent on to the DEC for their approval.
- Biostyr continues to produce good results. September Ammonia removal of 98%, Kruger has completed their 30 day start-up test, we await results.
- ChemScan continues to perform intermittently, Senior Operator and Instrumentation Department continue to work with ChemScan to determine the cause and find a corrective action. In the meantime, Senior Operator amends the CN effluent Nitrate reference table to run the methanol pumps as efficiently as possible.
- 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.
- Plant staff continues to clean up after contractors. It will take some time but the plant looks much better.
- We have been operating the Micro-Turbines in semi-Auto. The month of September we produced 128785.5 KWH which equates to roughly \$8,602 in electricity savings.
- EBP \$50,000 still with DEC lawyers looking at financials for entire project.
- Deron B. has challenged and passed the DEC lab test.
- Patrick V. has applied to take his Operator 1 test.
- Jasmine B. has left us and Kristen has interviewed two candidates today.
- NYS Local Governments to develop communicable disease Continuous Operation plan.
- Vac buy back.

Superintendent Wagner reported that they are continuing to meet all the permit requirements.

Superintendent Wagner noted to strike out the line regarding the truck bay drain and cleanout; that Ron Lake will no longer pursue that project on behalf of the City. Mr. Crumb had a concern for this project and suggested that the Board pursue obtaining estimates to repair sooner rather than later as there are unnecessary costs associated with repetitive jetting out the drain as it is.

Superintendent Wagner reported that samples were sent to Microbac Labs for COVID testing and the results were returned as a non-detect.

The Micro-Turbines have been running in semi-auto and producing substantial electricity savings of approximately \$8,602.00 in September. He is anxious to get more of the Micro-Turbines on line.

Superintendent Wagner brought to the Board's attention about employees vacation time balances and this will be discussed in executive session.

Board member Standish exited at 5:06PM. A quorum of five Board Members remains.

Board meeting recessed at 5:17PM for a five minutes.

Charles Pearsall presented the Business Manager's Report, a copy of which was distributed in the Board Member's folders.

Mr. Pearsall will be looking into why Keystone has not yet completed the Survey[s] for Certificates of Elevation.

The property appraisal is still a work in progress, and he will report once completed. Mr. Pearsall noted that there is no cost for this beneficial appraisal being performed by an affiliate of the Board's insurer.

The Board then had a short conversation regarding the information presented by Howard Weaver for Weaver Recovery at today's meeting. Basically brainstorming recovery points to consider and to be sure every point is documented to use during potential meetings with Mr. Weaver. It was decided to await the formal proposal to ascertain the scope of work Weaver Recovery will provide before any further discussions. Mr. Crumb suggested that Board members include Attorney Paniccia in all correspondence or communications for agreement or contract consideration.

Jefferson Solutions is very interested in performing the GASB 75 actuarial valuation update and that there would be a \$500.00 increase over the previous valuation report. Business Manager Pearsall is recommending that because of the positive history with this company in past valuations that they hire Jefferson Solutions. Mr. Crumb suggested Jefferson Solutions submit an outline of the scope of work for the board to review before voting first.

Mr. Pearsall requested permission to advertise for waste/refuse collection.

Edward Crumb made a motion that the Board direct the Business Manager to develop a request for proposal and/or bid for refuse/waste collection and disposal to present to the Board for final approval to advertise.

Steve Andrew seconded the motion.

Motion carried 5/0/1 (absent RS).

Mr. Pearsall requested permission to transfer monies for property liability insurance.

Edward Crumb made a motion for Board approval to transfer \$32,000.00 from J8130.54150 Chemical line to J8130.54300 Insurance Line, with the corresponding Requests for Legislation to be submitted to the Owners' Legislative Bodies.

George Kolba seconded the motion.

Motion carried 5/0/1 (absent RS).

Mr. Pearsall requested permission to purchase addition storage, shelving for protection of documents in the plant's administrative library.

Edward Crumb made a motion for Board approval to transfer \$2,000.00 from J8130.54150 Chemical line to J8130.52200 Furniture line for bookcases/storage, with the corresponding Requests for Legislation to be submitted to the Owners' Legislative Bodies.

Steve Andrew seconded the motion.

Motion carried 5/0/1 (absent RS)

Committee Reports

Construction: George Kolba and Steve Andrews - George Kolba obtained literature and price listing from BigE Tire Commercial Service for Superintendent Wagner to peruse along with Head Mechanic Jim Ross. Mr. Kolba will report back to the Board at the next meeting. Mr. Kolba states that this company is on the state contract bidding list for the type of tires some of the plant vehicles use. Steve Andrew had nothing further to report.

Finance: Edward Crumb – Mr. Crumb thanked Mr. Pearsall and Superintendent Wagner for the work they did to supply information for the 2019 audit and 2021 Budget Hearings, which went well. He is in the process of segregating information for the flash drive for Trident Insurance's appraisal affiliate. Mr. Crumb is going through the numbers to work on the 2021 health insurance costs and proposed rates.

Personnel: Steve Andrew – Mr. Andrew reported he will be attending a Union meeting October 16, 2020. And also would like to discuss personnel matters in Executive Session.

Ad Hoc: Ronald Davis - Nothing new to report.

Flow Management: Edward Crumb – Nothing new to report.

Correspondence: Michele Cuevas stated that all correspondence items have already been addressed with the exception of bringing to the Board's attention that there was an news article reporting on the September Regular Board Meeting.

Old Business: None.

New Business: Edward Crumb wanted to note that Press and Sun Bulletin Guest Viewpoint was inaccurate.

Executive Session:

**Steve Andrew made a motion to go into Executive Session to discuss personnel and potential litigation matters.
Seconded by Edward Crumb.
Motion carried 5/0/1 (absent RS).**

The Board entered Executive Session at 6:15PM.

**Steve Andrew made a motion to come out of executive session.
Seconded by George Kolba.
Motion carried 5/0/1 (absent RS).**

The Board exited Executive Session at 6:44PM. No action was taken during the Executive Session.

**George Kolba made a motion to adjourn.
Motion seconded by Steven Andrew
Motion carried: 5/0/1 (absent RS).**

Meeting adjourned at 6:45PM.

The next regular monthly meeting is scheduled for November 10, 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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