

FINAL COPY

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

Tuesday, December 13, 2022

Plant Administration Building

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

Also Present: Elliott Wagner, Superintendent
Ron Warwick, Assistant Superintendent
Billie J. Goodson, Business Manager
Chuck Shager, JSB Fiscal Officer and Comptroller, City of Binghamton
(Exited 4:16 PM)
Chuck Robinson, Staff Accountant, City of Binghamton (Exited 4:16 PM)
Alfred Paniccia, Jr., Esq., Co-Counsel
Howard Reeve, Facility Engineer (exit at 6:24PM)
Adam Afify, Senior Operator (exit at 6:24PM)
Larry Travis, Electrical Engineer (exit at 6:24PM)
Clark Giblin, Trustee, Village of Johnson City (exit at 6:24PM)
Scott Lauffer, Sierra Club/Citizen (exit at 4:45PM)
James Stoddard, Haylor, Freyer and COON (exited at 5:05PM)
Michele Cuevas, Confidential Secretary (exit at 6:24PM)
Janet Smith, Transcriptionist (Remote) (Exited at 5:26PM)

Chairman Pro Tem George Kolba called the meeting to order at 3:35 PM. Sign in sheet was passed and Confidential Secretary Cuevas noted roll call aloud. All six (6) Board members were present. Chairman Pro Tem Kolba confirmed all present signed in. Fire exits were identified, and Chairman Pro Tem Kolba requested cell phones be turned off or silenced during the meeting. All stood to recite the Pledge of Allegiance.

Privilege of the Floor

No one wished to speak.

Meeting Minutes Approval

Edward Crumb made a motion that the Board approves the submitted November 8, 2022 Regular Board Meeting Minutes with the suggested changes made and 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 November 10, 2022 Special Meeting Minutes with the suggested changes made and as contained in the Board Folders.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Fiscal Officer's Report

Chuck Shager overviewed the Fiscal Officer's Report, copies of which were distributed in each of the Board folders.

Fiscal Officer Shager then described the upcoming process to transform the Joint Sewage Project's and the Board's finances into the New York State required Enterprise Sewer (ES) Fund accounting presentation format beginning January 1, 2023 as well as mentioning points for funding/spending in particular lines, answered multiple questions which in turn created discussions at the table.

Chairman Pro Tem Kolba then gave the floor to James Stoddard of Haylor, Freyer and Coon to overview and discuss the 1/1/2023 - 1/1/2024 Insurance Renewal Proposal which he passed out to each Board member. There were multiple comments, questions and concerns as well as a lengthy discussion. Pending answers to a couple of the Board's questions, no action will be taken on the proposal.

Superintendent's Report

Superintendent Wagner stated that the numbers for the month of November are really looking good and then continued with overviewing his Superintendent's Report below that included graphs and charts, copies of which were distributed in the Board's folders and posted below.

November Superintendents Report

12/13/2022

In November we received 3.43 inches of precipitation and averaged 14.63 MGD influent flow.

November numbers were:

CBOD=11 mg/l with 96% removal. TSS=5.2 mg/l with 98% removal.

Fecal coliform=4 mpn. Ammonia=0.187 mg/l with 99% removal. Phosphorus=0.225 mg/l with 94% removal.

Total Nitrogen (Minus 1 data point) =2.7 mg/l with 90% removal.

For the month of November, we have met all permit parameters.

We continue to fine tune the instrumentation and chemical addition to maximum the efficiency of each process.

We have turned the plant water on to the parts of the plant where we can use it. We are seeing average turbidity of around 2 NTU. Our outside water usage is averaging 80,000 gallons a day, down from an avg of 200,000 gallons per day.

We received our UV lamps and have started replacing the oldest first.

Business manager Billie Goodson and I met with the City of Binghamton Comptroller to go over Capital lines in the budget and spoke about setting up a Capital Reserve and Repair and Replacement Reserve Funds as required by the NYS Comptroller's office. This is still an open action item.

Our Business Manager needs permission to request legislation to return funding back to an Operator 2 position. We have had an Operator take and pass their NYSDEC Operator 2 exam. We need to move the Operator into the appropriate Operator/pay slot. We have Two vacant Operator 3 positions; we would like to fund an Operator 2 position with the funding from a 3 position. The unused money can be placed in the salary adjustment pool. Formerly known as J8130.51699, now known as ES8130.51699.JS2HR beginning January 1st.

We have hired an Operator Trainee and an Electrician's Helper, bringing the employee count to 43 of 47 funded employees. We are shy 2 Operator 3s and 1 Mechanic's Assistant position. The last position is the Temporary Operator Trainee position we now need to move back to an Operator 2.

Scott Lauffer from the Sierra club has contacted me again and asked for me to talk with them in February via zoom. They would like me to talk about the TMDL #s and how we are doing in our efforts to meet them.

The Business Manager, Assistant Superintendent and I attended the Panel on Wastewater for Local government staff and Elected officials last night.

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

Superintendent Wagner continued overiewing the charts and graphs pointing out the new graphs handed out in the packet which pertains to the digesters emphasizing that those new graphs are particularly interesting as things progress forward with the digesters.

Business Manager's Report

Ms. Goodson reviewed her Business Manager's Report to include information pertaining to the CN Event recovery costs, and requests for Board approval, copies of which were distributed in the Board's folders. Ms. Goodson pointed out encumbrances, budget amounts spent, and budget amounts available. Ms. Goodson requests Board approval as follows:

Polydyne Extension

Edward Crumb made a motion that the Board accepts and ratifies the one-year extension for 2023 of the piggyback extension contract from Polymer under Oneida County Bid Reference #2016 as referenced in the December 7, 2022 letter of Boyd Stanley, Senior Vice President of SNF Polydyne to be encumbered and paid for from the 2023 Chemicals budget line (ES8130.54150).

Motion seconded by Steve Andrew.

Motion carried. 6/0

Weaver Recovery Extension

Edward Crumb made a motion that the Board approves the extension agreement with Weaver Recovery Consulting, LLC in the form presented in the Business Manager's report in a letter dated December 13, 2022 for an additional 2-month term through February 28, 2023 not to exceed \$10,000.00 for services and expenses not to exceed \$1,010.00 for insurance.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Budget Transfers

Edward Crumb made a motion that the Board approves a transfer in the 2022 JSB Budget to decrease the Contingency line J8130.55000 by \$9,000.00 and increase the Gasoline/Diesel line J8130.54112 by \$9,000.00 and that the corresponding requests for legislation be submitted to the Owners' legislative bodies.

Motion seconded by Bruce King.

Motion carried. 6/0

Edward Crumb made a motion that the Board approves a transfer in the 2022 JSB Budget for a decrease in the Contingency line J8130.55000 by \$20,000.00 and increase in the Water line J8130.54221 by \$20,000.00 and that the corresponding requests for legislation be submitted to the Owners' legislative bodies.

Motion seconded by Bruce King.

Motion carried. 6/0

Budget Transfers-cont.

Edward Crumb made a motion pertaining to the Business Manager's request for modification to the 2022 JSB Budget to disburse FEMA/NYS-DHSES check #09036371 in the amount of \$301,913.26 that the Board approves modification of the 2022 JSB Budget as follows:

Increase State Aid-Emergency Disaster Assistance line J.43960, by \$75,748.00;

Increase Fed Aid-Emergency Disaster Assistance line J.44960 by \$226,434.95;

Increase Reimburse Owner Recovery Expense line J8130.54899 by \$301,913.26,

and that the corresponding requests for legislation be submitted to the Owners' legislative bodies.

Motion seconded by Bruce King.

Motion carried. 6/0

Edward Crumb made a motion pertaining to the Business Manager's request for modification to the 2022 JSB Budget for adding one Operator II position and decreasing one Operator III position; that the Board approves modification of the 2023 JSB Budget, effective at the start of 2023 Pay Period #1 on December 24, 2022, as follows:

Decrease Personal Service ES8130.51000.JS2HR by -\$4,305.00;

Decrease State Retirement ES9010.58000A.JS2HR by -\$531.00;

Decrease Social Security ES9030.58000B.JS2HR, by -\$329.00;

Decrease Workers Compensation ES9040.58000D.JS2HR by -\$127.00;

Increase Salary Adj – Hourly ES8130.51699.JS2HR by +\$5,292.00.,

and that the corresponding requests for legislation be submitted to the Owners' Legislative Bodies.

Motion seconded by Bruce King.

Motion carried. 6/0

Amendments to IMA

Edward Crumb made a motion to approve submission of proposed amendments to Section 23(D) and 23(G) to the Intermunicipal Agreement for the Binghamton-Johnson City Joint Sewage Project to the Owners' Legislative Bodies in support of the implementation of a Capital Reserve Fund under the Enterprise Sewer (ES) Fund budget presentation format effective January 1, 2023 (as well as to make other technical corrections/revisions), to read as follows:

D. Notwithstanding any agreement to the contrary, nothing shall prevent the Board from presenting a budget which includes funding for addition to or reallocation from a budget line (or lines), and/or funding for addition to or reallocation from a capital reserve fund, for specific capital projects that will not occur during the year for which the budget is to be implemented. The request shall include the estimated cost of each specific capital project, how each project will be funded, and the anticipated start and completion dates of the project. Once established, these capital budget lines and/or capital reserve funds may not be used for any other purpose, without consent of a majority of the members of both legislative bodies.

G. The Board may be permitted to make budget transfers during the year or within 45 days thereafter so long as such transfers do not increase the Joint Sewage Project budgeted expenses for the year under the following conditions:

i. The Board will give the City Clerk and Village Clerk/Treasurer written notice via email of any proposed budget transfer approved by the Board. The written notice will state if the proposed budget transfer is (a) for a non-capital item up to \$2,500, (b) for a non-capital item of more than \$2,500 or cumulative transfers of \$20,000 or more in the calendar year; or (c) for a capital item (including transfer[s] to or from the "Capital Reserve" for the Binghamton-Johnson City Joint Sewage Project) noting, when applicable to the established purpose of the source funding, whether such transfer pertains to a declared emergency [such as resulting from an unexpected or imminent equipment or system failure]. The notice will include a copy of the Board's minutes or resolution approving the proposed budget transfer and a RL (request for legislation). The Board will copy said email to the (i) Mayor, President of City Council, Corporation Counsel, and Comptroller of the City and (ii) Mayor, Trustees, Attorney, and Clerk/Treasurer of the Village.

ii. Non-capital items. The Board may transfer up to \$2,500 from one budget line to another budget line without legislative approval, except all transfers to increase salary or benefits for any personnel shall require legislative approval. The Board may transfer more than \$2,500 from the contingency budget line to another or various other budget lines, except all transfers to increase salary or benefits for any personnel shall require legislative approval. Any transfer of more than \$2,500 from any budget line or cumulative transfers of \$20,000 or more in the calendar year shall be deemed denied unless a majority of the members of both legislative bodies vote to approve such budget transfer within thirty-five (35) days from the date of receipt of the written notice and RL (request for legislation) from the Board as required in Section 23.G(i) above.

iii. Capital items (including transfer[s] to or from the “Capital Reserve” for the Binghamton-Johnson City Joint Sewage Project). Any request for a budget transfer shall be deemed denied unless a majority of the members of both legislative bodies vote to approve such budget transfer within thirty-five (35) days from the date of receipt of the written notice and RL (request for legislation) from the Board as required in Section 23.G(i) above. This provision shall apply to all capital budget lines, whether established before or after this Agreement, as well as to transfer[s] to or from the “Capital Reserve” for the Binghamton-Johnson City Joint Sewage Project.

iv. No new budget lines will be established without approval of a majority of the members of both legislative bodies.

v. Any legislative vote required above may be made at a separate or a joint meeting of the legislative bodies.

Motion seconded by Bruce King.

Motion carried. 6/0

Ordinance/Resolution

Edward Crumb made a motion to approve submission of the proposed Ordinance/Resolution below to the Owners' Legislative Bodies in support of the implementation of a Capital Reserve Fund under the Enterprise Sewer (ES) Fund budget presentation format effective January 1, 2023:

ORDINANCE/RESOLUTION
entitled
AN ORDINANCE/RESOLUTION TO ESTABLISH
CAPITAL RESERVE FUNDS IN THE
INITIAL AMOUNT OF \$1,084,773.06

WHEREAS, pursuant to General Municipal Law ("GML") § 6-c, the Common Council of the City of Binghamton ("City Council") and the Village of Johnson City Board of Trustees ("Trustees"), wish to establish a capital reserve fund to finance a Capital Reserve for improvements for the City of Binghamton and Johnson City Sewage-Plant.

WHEREAS the Mayors of City of Binghamton, and Johnson City, City Council, Trustees, and Fiscal Officer of the Joint Sewage Board have proposed to finance the reserve fund establish herein in the amount of \$1,084,773.06 from any unappropriated unreserved Fund Balance.

NOW, THEREFORE, the Common Council of the City of Binghamton ("City Council") and the Village of Johnson City Board of Trustees ("Trustees"), duly convened in regular Session, do hereby ordain/resolve as follows:

Section 1. That pursuant to GML § 6-c, as amended, there is hereby established a capital reserve fund to be known as the "Capital Reserve" for the Binghamton-Johnson City Joint Sewage Project. The purpose of this reserve is to accumulate moneys to finance the cost of capital improvements and equipment that may be required for the Joint Sewage Treatment Plant. The type of capital improvements and equipment to be financed from the reserve is the engineering, reconstruction, construction, and acquisition or replacement of capital equipment.

Section 2. That the chief fiscal officer, *i.e.*, Fiscal Officer, Comptroller of the City of Binghamton, is directed to transfer and fund this Capital Reserve Fund in the amount of \$1,084,773.06 from any unappropriated unreserved fund balance.

Section 3. The chief fiscal officer is hereby directed to deposit and secure the moneys of this Capital Reserve Fund in the manner provided by GML § 10. The chief fiscal officer may invest the moneys in the Capital Reserve Fund in the manner provided by GML § 11, and consistent with the investment policy of the Common Council of the City of Binghamton ("City Council") and the Village of Johnson City Board of Trustees ("Trustees"). Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Capital Reserve Fund.

Section 4. That the chief fiscal officer shall account for the Capital Reserve Fund in accordance with subdivision 10 of GML § 6-c in a manner which maintains the separate identity of the Capital Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments. The chief fiscal officer, within ninety days of the end of

each fiscal year, shall furnish a detailed report of the operation and condition of this Capital Reserve Fund to the Mayors, City Council, Village Trustees, and the Joint Sewage Board.

Section 5. That except as otherwise provided by law, expenditures from this Capital Reserve Fund shall be made only for the purpose for which the Capital Reserve Fund is established. No expenditure shall be made from the Capital Reserve Fund without a request for legislation to the Common Council of the City of Binghamton (“City Council”) and the Village of Johnson City Board of Trustees (“Trustees”), written confirmation from the chief fiscal officer and corporation counsel of the City of Binghamton that such expenditure is for a purpose authorized by the Capital Reserve Fund and GML § 6-c, and approval by a majority of Common Council of the City of Binghamton (“City Council”) and a majority of the Johnson City Village Board of Trustees (“Trustees”), and such additional actions or proceedings as may be required by GML § 6-c or any other law, including a permissive referendum, if required, by subdivision 4 of GML § 6-c.

Section 6. From time to time, as approved by a majority of Common Council of the City of Binghamton (“City Council”) and a majority of the Johnson City Village Board of Trustees (“Trustees”), additional monies may be added to the “Capital Reserve” for the Binghamton-Johnson City Joint Sewage Project in such amounts and for such purposes as the City Council and Trustees may deem appropriate.

Section 7. That the members of Common Council of the City of Binghamton (“City Council”) and Village of Johnson City Village Board of Trustees (“Trustees”) are hereby declared Trustees of such funds and shall be subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the City, the Village, or by any board, Commission, agency, officer, or taxpayer thereof.

Section 8. That this Ordinance/Resolution shall take effect immediately.

Seconded by Bruce King.

In discussion, it was pointed-out that, as of December 12, 2022, the \$1,084,773.06 funding to be transferred-into the Capital Reserve Fund is comprised of:

- \$ 26,525.00 from JH8130.554013 TPS Channel Grinder
- \$ 150,000.00 from JH8130.554039 Professional Services for Capital Projects
- \$ 59,626.89 from JH8130.554040 Capital Contingency Fund
- \$ 499,805.17 from JH8130.554045 Digester 5-year Cyclical Cleaning and Maintenance
- \$ 200,000.00 from JH8130.554074 Settling Tank Rehabilitation
- \$ 100,000.00 from JH8130.554078 Head House Pump Rebuild/Refurbishment
- \$ 48,816.00 from JH8130.554080 Flygt Pump Rebuild/Refurbishment
- \$ 21,000.00 from JH8130.554085 Roll-Off Containers

Motion Carried. 6/0

Capital Funding/Enterprise Fund

Edward Crumb made a motion with respect to the 2023 JSB Budget as adopted by the Owners' Legislative Bodies September 24, 2022, that the expense modifications to carry the new 2023 Capital Funding, in the gross amount of \$229,830.00, into the Enterprise Sewer (ES) Fund budget presentation format lines shown on the chart presented by the Business Manager be ratified and that the appropriate requests for legislation be submitted to the Owners' Legislative Bodies.

Motion seconded by Steve Andrew.

Motion carried. 6/0

At the request of Edward Crumb, Business Manager Goodson asked that the Board discuss the need to solicit a professional services provider to prepare property appraisals and evaluations of above ground and below ground buildings and structures at the plant that will be necessary for proper insurance inquiries, including flood insurance.

Qualifications and Proposal

Edward Crumb made a motion that the Board ratifies the Request for Qualifications and Proposal for Property and Equipment Appraisal Services dated December 13, 2022 and approves advertising in the form presented.

Motion seconded by Bruce King.

Edward Crumb made a motion for a friendly amendment to the previous motion on the submitted form that the amount of insurance coverage be amended on each of the 3 occurrences listing \$1,000,000.00 to \$2,000,000.00.

Motion to amend seconded by George Kolba.

Motion to amend carried. 6/0

Motion carried as amended. 6/0

Committee Reports

Construction: George Kolba, Steve Andrew, Ron Lake. Nothing to report.

Finance: Edward Crumb – Mr. Crumb pointed out that he emailed to the Board and had posted on the website an updated report on the six open FEMA Project Worksheets.

Flow Management: Edward Crumb – Making Waves Newsletter for the Board's review regarding [i] New York's performance under the federal Clean Water Act including a statewide 45% decrease in Significant Non-Compliance (reduced to 7.8% from 14.3% over the five-year period which began October 1, 2017) and [ii] updates to the NYS 1,4 dioxane law becoming effective 12/31/2022 which was distributed in the Board folders.

Personnel: Steve Andrew made a motion for salary increases for salaried-management personnel:

Salaries

Steve Andrew made a motion to approve salary increases for salaried-management personnel within the budgetary limits established under the 2023 Joint Sewage Board Budget adopted by the Owners’ legislative bodies at their September 24, 2022 Joint Budget Meeting, in the following annual and weekly amounts for 2023, effective with 2023 Pay Period #1 which begins Saturday, December 24, 2022:

<u>Position Title</u>	<u>Annual Salary</u>	<u>Weekly Salary</u>
Superintendent	\$98,488.00	\$1,894.00
Assistant Superintendent	87,126.00	\$1,675.50
Electrical Engineer – WWTP	93,132.00	\$1,791.00
Business Manager	81,042.00	\$1,558.50
Facility Engineer	79,352.00	\$1,526.00
Senior Operator	79,222.00	\$1,523.50
Head Mechanic	71,760.00	\$1,380.00
Laboratory Director	68,172.00	\$1,311.00
Safety Coordinator/Ind. Hygienist	64,220.00	\$1,235.00
Confidential Secretary	44,291.00	\$ 851.75

Motion seconded by Bruce King.

Motion carried. 6/0

Ad Hoc: Bruce King – Mr. King overviewed the Resolution Addressing Videoconferencing, copies of which were distributed in the Board folders as well as posted on the website. A brief discussion was had and a Public Hearing date will be scheduled.

Public Hearing

Steve Andrew made a motion that the Board schedules a Public Hearing for 12/29/2022 at 3:30PM regarding the proposed Resolution Addressing Videoconferencing and directs that public notice of the same be published in the Board’s designated newspaper of record.

Motion seconded by Edward Crumb.

Motion carried. 6/0

Correspondence: Michele Cuevas – IWPP and the FEMA update report; copies of which were distributed in the Board folders. Ms. Cuevas reported that the issue of BU’s outstanding \$1500.00 fine balance has been resolved and that BU acknowledges it is still due and owing. A follow-up letter will be sent to BU for payment. If the Board members have any questions pertaining to the IWPP they should email Jason Greene.

Old Business: Edward Crumb pointed out that there has not been any 2023 proposal submitted for the revision of the attorney's retainer for 2023. Mr. Crumb then expressed his concern that billings are not received on a timely basis which causes time-consuming work for the Finance Committee at the end of the year when a batch of billings is received. So far, billings for legal services covering just the first two months of 2022 have been received. Mr. Crumb would like to see an amendment to the 2023 retainer to addresses prompt billing.

New Business: none

Executive Session

Steve Andrew made a motion that the Board to go into Executive Session to discuss Personnel matters.

Motion seconded by Edward Crumb.

Motion carried. 6/0

Executive Session

The Board entered into-Executive Session at 6:24PM.

Executive Session

Steve Andrew made a motion that the Board exit Executive session.

Motion seconded by Edward Crumb

Motion carried. 6/0

The Board exited Executive Session at 6:55pm.

No action was taken during executive session.

Adjournment

Bruce King made a motion to adjourn.

Motion seconded by Steve Andrew.

Motion carried. 6/0

Meeting adjourned at 6:57PM.

The next regular Board meeting is January 10, 2023 at 3:30PM.

Janet Smith
Transcriptionist

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.
Chuck 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
File