



Binghamton-Johnson City
JOINT SEWAGE BOARD



FINAL COPY

Eugene Hulbert, Sr.
Luke Day
Edward Crumb

Stephen Andrew
George Kolba, Jr.
Ron C. Davis

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

Tuesday, June 11, 2013

Village of Johnson City Training Room

Members Present: George Kolba, Chairman
Eugene Hulbert, Sr.
Ronald Davis
Edward Crumb
Luke Day
Stephen Andrew

Also Present: Cathy Aingworth, Superintendent
Shane Guilford, Business Manager (out at 3:44 PM)
Michele Cuevas, Confidential Secretary
Alfred Paniccia, Jr., Esq., Co-Counsel
John Perticone, Esq., Co-Counsel
Charles Pearsall, Fiscal Officer
Gerald Kennicutt, Deputy City Comptroller
Bernard Tinus, Facilities Engineer
Bruce King, JC Trustee
Jerry Motsavage, City of Binghamton Council (arrived at 3:43 PM)
Laura Lee Perkins, Transcriptionist

Guests: Stephanie Bouvia, Press & Sun Bulletin
Fred Mirabito, Garland Company
Jason D. Greene, P.E., GHD
Howard B. LeFever, P.E., BCEE, GHD
John LaGorga, P.E., BCEE, GHD

CALL TO ORDER:

George Kolba called the meeting to order at 3:04 PM. Quorum (6) present. Sign-in sheet passed for signatures. Emergency exits indicated.

Catherine P. Aingworth, Superintendent
Binghamton-Johnson City Joint Sewage Treatment Facilities
4480 Vestal Road, Vestal, New York 13850
Phone: 607-729-2975 Fax: 607-729-0110
Email: bjcwtp@stny.rr.com

Motion made by Edward Crumb and seconded by Stephen Andrew to ratify, approve and direct that the Board's Fiscal Officer:

- [i] transfer \$5,092 from 2013 Operating budget line J8130.51699 ("Wage/Salary Stipends/Adjustments") to 2013 Operating budget line J8130.51000 ("Personal Services");**
- [ii] modify the unnumbered sub-line in the Personal Services section of the 2013 Operating budget for the title Laboratory Director/Safety Manager to increase the annual base salary from "up to \$48,960" to "up to \$55,302"; and**
- [iii] annul and cancel, effective immediately, the 2013 Stipend previously awarded December 18, 2012 to the job title Laboratory Director/Safety Manager.**

Motion carried: 6 ayes, 0 nays, 0 absent

Motion made by Luke Day and seconded by Edward Crumb to approve and direct that the Board's Fiscal Officer:

- [i] transfer \$50,000.00 from 2013 Operating budget line J8130.55000 ("Contingency") to 2013 Operating budget line J8130.54621 ("Equipment & Pump Repairs - Mechanical"); and**
- [ii] transfer \$3,000.00 from 2013 Operating budget line J8130.55000 ("Contingency") to 2013 Operating budget line J8130.54125 ("Building & Grounds Supplies")**

and that Requests for Legislation pertaining to the above transfers be submitted to the Owners' legislative bodies in accordance with Inter-Municipal Agreement No. IX.

Motion carried: 6 ayes, 0 nays, 0 absent

Shane Guilford, Business Manager

Reported on his negotiations with the auditing services firm: the auditing firm agreed to his counter offer reducing the not-to-exceed fee for Period 1 by \$2,500, including reductions in hourly rates

TPS roof – introduced a discussion/presentation by Facilities Engineer Bernie Tinus and Mr. Fred Mirabito of the Garland Company regarding the condition and repair of this roof. Eugene Hulbert, Sr. stated that there must be engineer-certified specifications for any roof project in New York. Chairman Kolba assigned this matter to the Operations Committee for further investigation.

Recommends approving claims

Edward Crumb made a motion for the Board to approve the Addendum June 2013 Board List in the amount of \$128,038.74, plus Claim C232 in the amount of \$1,582.27, plus Claim C234 in the amount of \$3,952.08, both to Broome Bituminous, and direct the Fiscal Officer to pay the same.

Ronald Davis seconded the motion

Motion carried: 6 ayes, 0 nays, 0 absent

Edward Crumb made a motion for the Board to approve the Addendum June 2013 Board List – Flood in the amount of 3,091.08 and direct the Fiscal Officer to pay the same.

Ronald Davis seconded the motion

Motion carried: 6 ayes, 0 nays, 0 absent

Charles Pearsall presented the Fiscal Officer Report:

1/1/2013	Checking Account		\$ 532,174.98
	Savings Account		<u>\$ 546,937.74</u>
		Total	\$1,079,112.72
5/31/2013	Revenue		8,036,949.09
	Disbursements		<u>6,370,051.39</u>
		Balance	\$2,746,010.42

Mr. Pearsall stated that the City is working to get the Purchase Order module functional via MUNIS. Mr. Kennicutt stated that claims processing is up to date through claims received as of last week. Luke Day asked whether the Business Manager will be able to enter information pertaining to the 2014 Budget in MUNIS. Mr. Pearsall stated that it is intended there will be some capability to do this.

Mr. Crumb asked about the status of the Lead Agency's Project Budget. Mr. Pearsall stated that this is a four-line budget and he will provide a copy of the report. Trustee King noted that the Village should also be receiving these reports.

Catherine Aingworth presented the Superintendent's Report:

Violations and Significant Issues

Compliance

Date: May 2013	Influent	Effluent	Average % Removal	Effluent Limit
Average Flow	16.00mg d			
CBOD	192	115	40%	Monitor
Suspended Solids	178	56	69%	Monitor
Other: Settleable Solids Max	14.0	0.17	98.8%	Monitor
Total Nitrogen	Mar 25.6	Mar 20.4	20.3%	Monitor
Chlorine	NA	1.08Max.	NA	2.0Max.
Avg. Temperature	15.4	15.0		
Solids Removed	February	March	April	May
Digested	0	0	0	0
Lime Stabilized	505.06	577.01	956.41	1133.27
Total	505.06	577.01	956.41	1133.27

Operations

- The plant continues to operate in primary only mode, with the addition of Chemically Enhanced Primary Treatment (CEPT). The polymer and ferric dosages are being adjusted incrementally in order to optimize treatment.
- The CEPT construction project is complete. We are awaiting final copies of as built and manuals. The performance of the process still needs modification.
- All digesters remain off-line. We are processing all sludge through lime stabilization.
- We are in the process of draining digesters 1 and 2. They are estimated to hold approximately 400,000 gallons. The plant is removing approximately 6000 gallons per day and monitoring the effluent quality.
- The Digester #3 cover removal contract has been reviewed by JDV and their comments are being reviewed by our attorney.
- The south bar screen repair project is anticipated to be completed within the next two weeks.
- Plant staff worked with Savin to develop a recommended interim permit. The interim permit was received June 10 and is in your board packets. Most parameters continue to be monitor only. The iron limit was increased and is a monthly average.
- The superintendent will be participating in a focus group about Sustainable Infrastructure and Flood Hazards Mitigation on June 12.
- The superintendent received a draft affidavit concerning an unauthorized discharge to the treatment plant that needs executive session discussion.
- We have promoted our lab technician to the Lab Director position and we are now in the process of interviewing for a lab technician.

Howard LeFever, P.E., BCEE and Jason Greene, P.E. gave GHD's Update on the IWWPP program and the Digester Complex Restoration project – see status update in Board Folder. Mr. LaFever also distributed a graph regarding Digester solids density. It was noted that Mr. Hatala had sent his monthly status report to Superintendent Aingworth, but the report has not yet been sent on to Board Members.

Edward Crumb made a motion for the Board to go into Executive Session to discuss pending litigation.

Stephen Andrew seconded the motion

Motion carried: 6 ayes, 0 nays, 0 absent

The Board went into Executive Session at 5:15 PM

Luke Day made a motion for the Board to exit Executive Session.

Stephen Andrew seconded the motion

Motion carried: 6 ayes, 0 nays, 0 absent

The Board exited Executive Session at 5:32 PM with no action taken.

Correspondence:

Town of Conklin Letter – Luke Day noted that additional information was provided by the City after this letter was mailed
Email from Charles Pearsall regarding salary matters
Johnson City – Motions and minutes

Committee Reports:

Construction: Luke Day – O&M Manuals for Lead Agency CEPT Project remain to be completed; a couple of bills remain to be paid to Evans in relation to change orders; Savin will continue to do quarterly monitoring reports (within its existing budget)
Operations: Gene Hulbert – based on discussion with Howard Weaver of Simmons, we can expect to receive the remaining 1650 monies within 60 days; would like to be prepared with a recommendation as to where the monies are to go, when received.
Finance: Edward Crumb – discussed proposed schedule of meetings and deadlines in relation to 2014 Budget preparation; an adjustment was made to move the third committee meeting to August 1st.

Motion made by Edward Crumb and seconded by Eugene Hulbert, Sr. to approve and adopt the proposed 2014 Budget preparation schedule through August 14th, including the following deadlines and meetings:

4:00pm Wednesday, June 26, 2013	Superintendent submits 2014 budget requests to Board Members (e-mail submission)
(during) Tuesday, July 9, 2013	Board Meeting (preliminary overview presentation/discussion re Superintendent's requests)
3:00pm Monday, July 15, 2013	Finance Committee Meeting (focus on Equipment, Contractual Expenses, and Contingency)
3:00pm Wednesday, July 24, 2013	Finance Committee Meeting (focus on Personnel and Employee Benefits; carryover [if any])
3:00pm Wednesday, July 31, 2013	Finance Committee Meeting (focus on Capital, Flood Capital and Estimated Revenue)
(if needed)	
3:00pm Monday, August 5, 2013	Finance Committee Meeting (carryover items [if any])
3:00pm Tuesday, August 6, 2013	2014 proposed budget resulting from Finance Committee meetings is e-mailed to Board
(during) Tuesday, August 13, 2013	Board Meeting (vote to adopt proposed 2014 Budget)
4:00pm Wednesday, August 14, 2013	IMA-VII deadline for submission of proposed 2014 Budget to Owner Budget Officers

Motion made by Luke Day and seconded by Stephen Andrew to amend the July 31st meeting date to August 1st at 2:00 PM.

Motion to amend carried: 6 ayes, 0 nays, 0 absent

Motion carried as amended: 6 ayes, 0 nays, 0 absent

Action pertaining to dates after August 14th to be taken at a future meeting. Mr. Hulbert stated that he would like to see a workbook prepared as has been done in the past explaining the justification for the funding proposed for the various lines.

Motion made by Edward Crumb and seconded by Ronald Davis to approve amendment of Article X of the Board's By-Laws, effective immediately, in accordance with the e-mailed proposed amendment sent to Board Members June 4, 2013 by:

A. deleting the present Section 2 in its entirety and inserting in its place a new Section 2, reading as follows:

- 2. All claims against the Board shall be in writing and in such form as the Fiscal Officer shall prescribe. Except as hereinafter provided, the Board shall review, approve, and request payment by the Fiscal Officer of all claims. If authority to review, approve, and request payment of a given claim or class of claims has been delegated in writing by resolution or policy of the Board, then except as hereinafter provided, the Board retains authority [i] to spot-check the review and approval of such delegated claims, [ii] to "check-off" the request for payment of approved claims in the MUNIS software system used for the Board's accounting, and/or [iii] determine disposition in the event a claim is denied or remains undetermined for a period of more than 14 days after being presented for review. In accordance with Section A of Inter-Municipal Agreement No. IX, executed May 8, 2013, and Section 119-o of the New York General Municipal Law, the Fiscal Officer shall audit and issue payment of all approved claims for which payment is requested, subject to the provisions of Section D(2) of Inter-Municipal Agreement No. IX.**

-and-

B. deleting the present Section 4 in its entirety and inserting in its place a new Section 4, reading as follows:

- 4. In accordance with Section A of Inter-Municipal Agreement No. IX, executed May 8, 2013, the Board may designate in writing the authority to approve and request payment of a given claim or class of claims by resolution or policy, provided that, no Board Member shall have authority to act autonomously with respect to the approval of claims and request for payment other than to "check-off" the request for payment of approved claims in the MUNIS software system used for the Board's accounting and, further provided that, if a committee of the Board is designated for any such purpose[s], such committee shall act by its majority and shall be comprised of an equal number of Board Members [i] appointed by the Mayor of the City of Binghamton and [ii] appointed by the Mayor of the Village of Johnson City. For purposes of maintaining such equality, as well as for continuity of capacity to act in the event of absent committee members, the Board may appoint in writing stand-by or alternate members to serve on such committee.**

-and-

C. inserting new Sections 5 and 6 at the end, reading as follows:

5. If authority to review, approve, and request payment of a given claim or class of claims has been delegated in writing by resolution or policy of the Board (including the authority to “check off” the request for payment of approved claims in the MUNIS software system used for the Board’s accounting), then the Board may also designate in writing by resolution or policy the authority [a] to spot check the review and approval of such delegated claims and/or [b] to determine disposition in the event a claim is denied or remains undetermined for a period of more than 14 days after being presented for review, provided that – with respect to a given claim or set of claims – such functions shall be delegated to a person or persons other than the person[s] authorized to review, approve and request payment of such claim[s] (including the authority to “check off” the request for payment of approved claims in the MUNIS software system used for the Board’s accounting), and further provided that, if a committee of the Board is designated for such purpose, the same provisions as stated in Section 4 shall apply to such committee’s composition and procedure for taking action.
6. A certificate of resolution and/or certificate of incumbency duly subscribed by the Board’s Secretary and attested by a Board officer shall be sufficient written evidence of designations made under this Article, an original of which shall be furnished to the Fiscal Officer as from time-to-time adopted, updated or amended.

Motion carried: 6 ayes, 0 nays, 0 absent

Motion made by Edward Crumb and seconded by Ronald Davis to approve amendment of the Board’s Procurement Policy in support of expediting the payment of small and routine claims, effective for claims received on or after June 15, 2013, by adding Articles 11 through 19 to the existing procurement policy statement, which was last amended January 12, 2012, in accordance with the e-mailed proposed amendment sent to Board Members June 4, 2013 and included in the Board’s folders for today’s meeting.

Motion carried: 6 ayes, 0 nays, 0 absent

Motion made by Luke Day and seconded by Eugene Hulbert, Sr. to approve and direct that the Board’s Fiscal Officer:

- [i] transfer \$100,000.00 from 2013 Operating budget line J8130.54150 (“Chemicals”) to 2013 Operating budget line J8130.55000 (“Contingency”);
- [ii] transfer \$30,000.00 from 2013 Operating budget line J8130.54201 (“Gas-Heat”) to 2013 Operating budget line J8130.55000 (“Contingency”);

- [iii] transfer \$270,000.00 from 2013 Operating budget line J8130.54202 (“Electricity”) to 2013 Operating budget line J8130.55000 (“Contingency”);
- [iv] transfer \$20,000.00 from 2013 Operating budget line J8130.54203 (“Electricity – Plant Pump Station”) to 2013 Operating budget line J8130.55000 (“Contingency”);
- [v] transfer \$12,500.00 from 2013 Operating budget line J8130.54221 (“Water”) to 2013 Operating budget line J8130.55000 (“Contingency”);
- [vi] transfer \$540,000.00 from 2013 Operating budget line J8130.54800 (“Plant Outfall Dredging/Maintenance”) to 2013 Operating budget line J8130.55000 (“Contingency”);
- [vii] transfer \$125,000.00 from 2013 Operating budget line J8130.54804 (“Sludge & Waste Disposal”) to 2013 Operating budget line J8130.55000 (“Contingency”);
- [viii] upon the making of the above transfers, reduce 2013 Operating budget line J8130.55000 (“Contingency”) by \$1,097,500.00 and, correspondingly, reduce 2013 Estimated Revenue budget line J42390 (“Governmental Entity Fees”) by \$1,097,500.00;
- [ix] transfer \$108,000.00 from Capital Fund line JH8130.554033 (“Clearwell Channel Wall Repair”) to 2013 Transfer to Capital Fund budget line J9950.59000 (“Transfer to Capital Fund”);
- [x] transfer \$125,750.00 from Capital Fund line JH8130.554058 (“Engineering/Design – Primary Mechanical Scum Screens”) to 2013 Transfer to Capital Fund budget line J9950.59000 (“Transfer to Capital Fund”);
- [xi] upon the making of the two immediately preceding transfers, reduce 2013 budget line J9950.59000 (“Transfer to Capital Fund”) by \$233,750.00 and, correspondingly, reduce 2013 Estimated Revenue budget line J42390 (“Governmental Entity Fees”) by \$233,750.00;
- [xii] transfer \$748,876.25 from Flood Capital Fund line JF8130.559106 (“FRP – Building 1 [Compost Facility]”) to 2013 budget line J9950.590001 (“Transfer to Flood Capital Fund”); and
- [xiii] upon the making of the immediately preceding transfer, reduce 2013 budget line J9950.59001 (“Transfer to Capital Fund”) by \$748,876.25 and, correspondingly, reduce 2013 Estimated Revenue budget line J42390 (“Governmental Entity Fees”) by \$748,876.25

and that Requests for Legislation pertaining to the above transfers and budget modifications be submitted to the Owners’ legislative bodies in accordance with Inter-Municipal Agreement No. IX.

Edward Crumb made a motion to amend the previous Motion to strike the \$748,876.25 item [xiii] from the Motion so that item, specifically, can be discussed at a Joint Owners meeting before action is taken by the Board. No second. Motion to amend failed.

Edward Crumb made a request to hold over. No second. Request denied.

Motion carried: 5 ayes, 1 nay (EC), 0 absent

Personnel: Stephen Andrew – discussed Selection Committee’s meeting to review and make recommendations regarding the Clerk of the Works job description

Ad Hoc: Ronald Davis – reported that the contract with Broome County should be voted-on at the County Legislature’s July meeting

Flow Management: Edward Crumb – reported that no qualifications were received for Flow Management Engineering services, but the announcement had not been placed in the New York State Contract Reporter.

Motion made by Edward Crumb and seconded by Stephen Andrew to readvertise for qualifications for Flow Management Engineering services, with the direction that the advertisement also be placed in the New York State Contract Reporter.

Motion carried: 5 ayes, 1 nay (EH), 0 absent

Regarding the Shumaker proposal for technical services, the Superintendent was instructed to meet with the Business Manager to verify that the scope of the proposal matches the RFQ/FRP, then the Business Manager is to attempt to negotiate as to pricing, including a unit price for follow-up hydrogen sulfide sampling and testing in the event that the preliminary examination and strip testing indicates the need for in-depth testing.

Motion made by Edward Crumb and seconded by Eugene Hulbert, Sr. to adopt and issue the following declaratory ruling pursuant to Section 3.07 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*:

Declaratory Ruling #2013-1:

Question: If the owner of a property changes the use of the property in a way that increases or decreases the flow into the sewage collection system, but does not involve physical changes at the point of connection of the property's sewer lateral to the public sewer, does that constitute a "new or modified sewer connection"?

Answer: No.

Article 12.04 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* ("Rules and Regulations") defines a "New or Modified Sewer Connection" as "the construction of a new sewer connection to a sewer pipe owned by an Owner or Municipal User tributary to the Treatment Plant, or the modification of an existing sewer connection to a sewer pipe owned by a Municipal User tributary to the Treatment Plant." Only a physical alteration of the connection between the property and the sewer pipe owned by the Owner or Municipal User constitutes a "new or modified sewer connection". A quantitative change in the flow from a property through an existing lateral to the sewage collection system is not a physical alteration of the connection and does not constitute a "new or modified sewer connection". A qualitative change in the flow remains subject to the *Rules and Regulations* governing prohibited and restricted discharges as well as, when applicable, the Industrial Wastewater Pretreatment Program.

Motion carried: 6 ayes, 0 nays, 0 absent

Motion made by Edward Crumb and seconded by Eugene Hulbert, Sr. to adopt and issue the following declaratory ruling pursuant to Section 3.07 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*:

Declaratory Ruling #2013-2:

Question: Under what circumstances and conditions will a property owner planning or effecting a phased development be required to obtain and submit a Sewer Extension Engineering Report?

Answer: The definitions of "new or modified sewer connection" and "sewer extension" in the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant* ("Rules and Regulations") are to be interpreted consistent with the definitions of those same terms in the New York State Department of Environmental Conservation ("NYS-DEC") regulations at 6 NYCRR §750-1.2. Accordingly, a "new or modified sewer connection" that is designed or intended to increase flow by more than 2,500 gallons per day is deemed to be a "sewer extension", requiring submission of a Sewer Extension Engineering Report.

If the property owner intends to engage in phased development of property (including contiguous parcels), and the cumulative flow of the identified new or modified sewer connection[s] are designed or intended to exceed 2,500 gallons per day, then the phased development constitutes a sewer extension requiring submission of a Sewer Extension Engineering Report. If the property owner adds to an existing development subject to Article 12 of the Rules and Regulations, the designed or intended increased flow from any new or modified sewer connections that were not previously identified will be added to the flow of the existing development, and if the total of the flows exceeds 2,500 gallons per day, then such addition constitutes a sewer extension requiring submission of a Sewer Extension Engineering Report.

Motion carried: 6 ayes, 0 nays, 0 absent

Motion made by Luke Day and seconded by Stephen Andrew to adopt and issue the following declaratory ruling pursuant to Section 3.07 of the *Rules and Regulations Relating to Use of the Binghamton-Johnson City Joint Sewage Treatment Plant*:

Declaratory Ruling #2013-3:

Question: How is the pre-application flow of a property to be determined?

Answer: The Application for New / Modified Sewer Connection Permit requires the applicant to provide the property's "Pre-Application Flow (if applicable)".

Pre-Application Flow is determined by providing documentation of the water use of the property for any 365-day period beginning on or after January 1, 1998. If the property was not actively used from 1998 through the time of the application or no documentation of water usage for that period exists, the applicant is to provide an estimate of flow into the sewage collection system for the year of most recent active use from all sources including but not limited to estimated water usage, roof leaders, sump pumps, foundation drains and infiltration into the lateral. Such estimate is to be supported by documentation, studies and / or an engineering opinion.

Motion carried: 6 ayes, 0 nays, 0 absent

Structure and Flood: Gene Hulbert – discussed bids received for the Modular Building project.

Motion made by Luke Day and seconded by Stephen Andrew to approve and direct that the Board's Fiscal Officer:

- [i] transfer \$345,000.00 from Capital Fund line JH8130.554001 ("Equipment/Repair – 2005") to Capital Fund line JH8130.554021 ("Training Room/Offices"),**

and that Requests for Legislation pertaining to the above transfer be submitted to the Owners' legislative bodies in accordance with Inter-Municipal Agreement No. IX.

Motion carried: 6 ayes, 0 nays, 0 absent

The next meeting is scheduled for 6/25/13 @ 4 PM in the Conference Room of the CM Trailer at the Plant.

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

Stephen Andrew seconded the motion

Motion carried: 6 ayes, 0 nays, 0 absent

Meeting adjourned at 7:30 PM

Respectfully submitted,

Laura Lee Perkins

Transcriptionist

cc: Board Members
Mayor Ryan, City of Binghamton
Mayor Deemie, Village of Johnson City
City Clerk, City of Binghamton
Village Clerk/Treasurer, Village of Johnson City
John Perticone, Esq.
Alfred Paniccia, Esq.
Charles Pearsall, Fiscal Officer
Catherine Aingworth, Superintendent
Brown & Brown Empire State
Haylor Freyer & Coon
Robert Bennett, P.E., Village of Johnson City, Engineer
Philip Krey, P.E., City of Binghamton, Engineer
File