

WESTERN WESTMORELAND MUNICIPAL AUTHORITY

REGULAR MONTHLY MEETING – AUGUST 21, 2008

The Board of Directors of the Western Westmoreland Municipal Authority held a regular monthly meeting on Thursday, August 21, 2008 at 7:00 P.M. in the Authority conference room, duly advertised, as required, and with the following persons in attendance:

1. Roll Call:

Board Members in Attendance:

Ms. Pat Altman	Mr. Larry Chrzan	Mr. Dan Hall
Mr. Charles Konkus	Mr. Anthony Marks	Mr. Robert Pioth

Absent:

Mr. John Shepherd	Mr. Sam Testa	Mr. Tim Watson
Mr. Robert Zentner		

Others in Attendance:

Mr. John Campfield, Solicitor
Mr. Mark Poole, Consulting Engineer
Mr. Dan Goodwin, Consulting Engineer
Mr. Kevin Fisher, General Manager
Mrs. Johanna Wtorkowski, Assistant Secretary-Treasurer/Recording Secretary

2. Mr. Pioth led the Pledge of Allegiance and moment of silence for troops overseas.
3. Public Comments: None – Mr. John Thornton, visitor, was in attendance.
4. Communications:
 - a. Mr. Pioth referred to the Basin Briefs: 3 Rivers Wet Weather Demonstration Program Newsletter.
 - b. Mr. Pioth referred to a PMAA report that was received today.
 - c. Mr. Pioth referred to a letter that was received from Pennsylvania State Representatives Jess M. Stairs regarding Senate Bills 2 and 1341, and summaries of each Bill.
5. Secretary's Report –
 - a. A motion was made by Mr. Marks, and seconded by Mr. Chrzan, to approve, as presented, the minutes of the July 17, 2008 Regular Meeting. The motion passed, 5-0, with Mr. Konkus abstaining.
 - b. Mr. Marks referred to the synopsis of the August 11, 2008 informational meeting with representatives of Member Municipalities of WWMA. Approval is not required.

6. Treasurer's Report –

- a. Due to Mr. Zentner's absence, Mr. Chrzan reported that the Authority collected \$14,985.00 in sewer rentals for the period from July 14, 2008 through August 15, 2008. There was one capacity fee deposited into the Capacity Fee Account.
- b. A motion to approve for payment Revenue Fund Requisition No. 92, in the amount of \$147,327.67 was made by Ms. Altman, and seconded by Mr. Chrzan. The motion passed unanimously.

Mr. Pioth referred to the DerivActiv Swap Agreement Statement, dated August 13, 2008. No motion is required.

7. General Manager's Report – Kevin Fisher:

- A. The plant was in compliance with the discharge permit for the month of June. The average daily flow was 3.39 MGD, with a peak flow of 7.56 MGD occurring on July 1, 2008. There were no emergency by-passes for the month. The plant by-pass flow meter was re-installed on July 23, 2008 after being sent back to the factory for re-programming.
- B. Mr. Fisher reported that ADS Environmental has extended by two months the trial monitoring period for the flow monitoring at the Irwin CSO Regulator Station. ADS replaced one of the sensors on August 18, 2008. Another sensor was replaced today. ADS is reviewing past data to determine how usable it is. Mr. Fisher explained that some of these readings should be good, mostly on the influent side of the Irwin Regulator Station. Mr. Fisher explained that there is some by-pass data, and that he should receive those flow readings within the next few weeks.
- C. Flow Media Inc. informed Mr. Fisher today that their demo unit will be shipped next week. Upon receipt, staff and a representative from Flow Media will install the flow monitor in the Bushy Run Interceptor.
- D. Mr. Fisher reported that the Channel Monster unit, which grinds influent particles, has been delivered and installed, and is working nicely. Replacement of the other Channel Monster unit will be included in the 2009 budget, at an estimated cost of \$32,000.00.
- E. Mr. Fisher requested a motion to approve Resolution No. 2008-04 authorizing WWMA to enter into Cooperative Agreements with the Central Westmoreland Council of Governments and the Agreement for Participation in the Central Westmoreland Council of Governments Vehicle & Equipment Purchasing Program for a period of one year. Mr. Konkus stated that Manor Borough has not used the Council of Governments (COG) for recent vehicle purchases, because their prices were high, and he cautioned Mr. Fisher to shop around before going with the COG. Mr. Fisher explained that he obtains prices from different sources for all purchases of this type.

A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to approve Resolution No. 2008-04 and to authorize the Authority to enter into an agreement with COG. Mr. Marks asked if the Authority has purchased anything through this

agreement in recent years. Mr. Fisher stated that the Authority has purchased several vehicles through the COG. Mr. Hall asked if Mr. Cortazzo is the director of the COG. Mr. Fisher replied that he is. A roll-call vote was requested.

Ms. Altman – Yes

Mr. Chrzan – Yes

Mr. Hall – No

Mr. Konkus – No

Mr. Marks – Yes

Mr. Pioth – Yes

The motion passed, 4-2.

- F. Mr. Fisher reported, for informational purposes only, that the Authority has received two cost estimated to raise by eight feet a buried manhole that is located in the Bushy Run Interceptor, and to restore the area. Mr. Fisher reported that John Brentzel was the low bidder, with a bid of \$3,150.00. A second bid was submitted by B.C.I, in the amount of \$4,320.00. The work will be completed by Mr. Brentzel within the next few weeks.
- G. Mr. Fisher reminded any Board Members who are interested in attending the Water Environmental Federation's (WEF) Annual Conference and Exhibition, scheduled for October 18, 2008 through October 22, 2008 to notify Mr. Fisher by tomorrow, so that the Authority may take advantage of the discounted registration rate.
- H. Mr. Fisher reported that items concerning Trafford Borough, North Huntingdon Township Municipal Authority, and Penn Township Sewage Authority will be discussed during the executive session.
- I. Mr. Fisher reported that he is attempting to schedule a meeting with Hart Resource Technologies (HRT) for either the Legal & Engineering Services Committee, which is scheduled for September 11, 2008, or the Regular Board Meeting on September 18, 2008 to discuss the possibility of accepting gas well drilling pit and frac water from their pre-treatment plant. Mr. Fisher explained that HRT is a Pennsylvania-based company that has facilities in Blairsville, Indiana, and Franklin (near Oil City), and they are in the process of obtaining NPDES discharge permits for plants in Donora, Punxsutawney, Towanda, and Williamsport. Mr. Campfield stated that the treatment of gas well water is a big deal, in a variety of ways, and the consideration of gas well water treatment requires some intensive and quick study. He stated that, if the Board is truly interested in pursuing this issue, he recommended that the Authority investigate in order to understand what is involved and how many players would be involved. He stated that there must be organizations on a national level that could provide the Authority with information regarding treatment, costs, etc. Mr. Campfield cautioned the Board about meeting with this one provider, stating that the Authority will not have a complete understanding of what is involved in this process. Mr. Marks explained that this issue is moving quickly. Mr. Marks has spoken with representatives of three drilling companies who are working locally, as well as the PaDEP. He reported his findings, stating that the Board Members should move quickly if they are interested in pursuing gas well water treatment. Mr. Hall stated that he has called the PaDEP, who is still working on regulations concerning gas well water. Mr. Hall stated that he has been researching the subject of treatment of gas well water. He explained the likely content of gas well water and frac water. Mr. Poole cautioned the Board that, if the

Authority has one single entity source that provides more than 5% of the plant's capacity, the Authority would be required to enter into an industrial pre-treatment program. Mr. Campfield again cautioned the Board to obtain sources for the Authority's side of the table. He recommended starting with PMAA, as well as national organizations. Mr. Fisher asked Mr. Poole to contact HDR's Omaha office for information on this subject. A lengthy discussion followed. Mr. Poole explained that a change in process, such as adding tanks, would require a modification to the NPDES permit. Mr. Poole stated that the PaDEP would probably prefer that gas well water be treated by a sewage treatment plant. After further discussion, it was decided that an ad hoc committee would be formed to research the issue of gas well water treatment. The committee will consist of Mr. Marks and Mr. Hall. Mr. Pioth stated that he will provide assistance if it is needed.

This concluded Mr. Fisher's report of plant operations. The complete report is attached to these minutes.

8. Consulting Engineer – Mark Poole, HDR Engineering Co., Inc. (HDR):

Mr. Poole reported that he has accepted a position with another firm, effective September 2, 2008. He will be working as a wastewater treatment practice leader, on a national basis, for the company. He stated that he has worked with WWMA since 1989, and said that it has been a pleasure working with the current and previous Boards, the staff, and consultants. Mr. Poole thanked the Board for the opportunities that the Authority has provided to him. Ms. Altman and Mr. Pioth thanked Mr. Poole for his service to WWMA. Mr. Poole explained that Mr. Goodwin will be taking over the consulting services for WWMA. Mr. Poole said that Mr. Goodwin has been with HDR for ten years, and is a capable replacement.

Mr. Poole and Mr. Goodwin reviewed the written report dated August 21, 2008, which was presented to those in attendance. The complete report is attached to these minutes.

A. Wet Weather Improvements Project:

Mr. Goodwin reported that there is an outstanding delay claim that was filed by the electrical contractor, Westmoreland Electric. Mr. Goodwin, Mr. Fisher, Mr. Campfield, and the general contractor, William T. Spaeder, met on August 8, 2008 to discuss this claim. A second meeting was held on August 20, 2008. Mr. Spaeder did not attend this meeting. Discussions will continue at a meeting to be held on September 15, 2008.

An exception to the Steel Products Procurement Act for the steel butterfly valves was submitted to the PaDEP for consideration in June. The general contractor installed valves that do not comply with the Steel Products Procurement Act. Mr. Goodwin stated that Mr. Campfield has investigated the applicability of the exception and has rendered the opinion that an exception is not valid in this case. Mr. Konkus asked what the valves are worth. Mr. Goodwin explained that the valves that do not meet the requirements are approximately \$100.00-\$200.00 each. The approved valves are approximately \$1,000.00 each, and there are 26 valves. Mr. Fisher stated that he is currently requesting prices for both domestically poured body valves and non-domestic valves. Mr. Goodwin explained

that the general contractor is currently calculating his losses. He explained that Mr. Spaeder has two options: leave the existing valves in place and forfeit some of his final payment, or install approved valves. Mr. Poole explained that, if the contractor does not install approved valves, he will not be able to bid on jobs for three years. Mr. Pioth asked if the current valves are faulty. Mr. Poole and Mr. Goodwin responded that they are working properly. Mr. Campfield stated that he does not know if the Authority is required to replace the valves with approved valves. Mr. Poole stated that Pennvest may require us to return the amount of payment that was attributed to the valves, since they were not approved. Mr. Campfield explained that all of these issues must be resolved in order to close out the Pennvest loan.

B. Long-Term Control Plan/COA/NPDES Compliance Schedule:

1. Mr. Poole reported that there have been no comments received from PaDEP since submission of the Final Long-Term Control Plan in October 2007.
2. The Plant's NPDES Permit Renewal Application has been submitted. A letter was received at the end of July from the PaDEP, stating that the permit package was determined to be administratively complete, which means that everything was submitted properly. The PaDEP has not yet reviewed the application. Mr. Poole does not expect a response from the PaDEP before October or November.
3. System Meter Location Plan: This was discussed briefly at the July 30, 2008 Engineering & Legal Services Committee meeting. Discussions will continue at the Legal & Engineering Services Committee meeting that is scheduled for September 11, 2008.
4. ALCOSAN Basin Planning: Mr. Poole reported that a planning committee meeting was held on August 7, 2008 at the Churchill Municipal Building to discuss progress to date and formation of the Basin Planning Committee and Minor Sub Basin Committees. Mr. Fisher attended the meeting, and Mr. Poole attended the meeting as a member of the Basin Planning Team. The next Three Rivers Wet Weather Eastern Basin meeting is scheduled for September 29, 2008. These meetings generally take place at approximately 1:00 P.M., at the Westinghouse Center.

C. WWTP Facilities Planning Study: Mr. Poole reported that meetings were held with HDR and Mr. Fisher to finalize his comments, and to incorporate the comments of the Authority's Lead Foreman, Mr. Spoonhoward. Mr. Poole is hoping to have the report in its final form next week for final review by the Legal & Engineering Services Committee at their next meeting, which is scheduled for September 11, 2008, at 3:30 P.M.

D. Penn Township, North Huntingdon Township, and Trafford Borough issues will be discussed during the executive session.

E. Mr. Poole reported that Governor Rendell has appointed a new Secretary of the PaDEP. He stated that the Secretary plans to make the gas well drilling issue one of his first priorities.

This concluded Mr. Poole's report. The complete report is attached to these minutes.

9. Solicitor's Report – John Campfield –

Mr. Campfield stated that there were no additions to what was previously discussed, and stated that all other issues will be discussed during the executive session.

This concluded Mr. Campfield's report.

10. Reports of Committees:

A. Grounds and Maintenance Committee – Dan Hall – No report. Mr. Hall stated that he will be discussing an issue concerning concrete at the next meeting.

B. Personnel Committee –

1. Ms. Altman reported that the two employees who were on short-term disability have returned to work.
2. Mr. Pioth asked the Board to consider extending the temporary shift transfer of third shift to daylight through the end of the year. He stated that the Personnel Committee will present a proposal for shift changes to the Board at the September 18, 2008 meeting. A motion was made by Mr. Konkus, and seconded by Mr. Chrzan, to extend the temporary shift transfer of third shift to daylight through December 31, 2008. The motion passed unanimously.

C. Finance and Budget Committee

1. Mr. Chrzan reported that the Authority received \$16,829.60 in interest in the month of July, bringing the year-to-date total to \$160,247.90.
2. Mr. Chrzan stated that the Finance & Budget Committee met with the staff and consultants on August 19, 2008. He stated that it is the committee's goal to not increase rates for 2009.
3. The committee reviewed the balances in three of the trustee accounts. Rates were requested from six local banks. The committee is recommending that the Board authorize the purchase of three certificates of deposit from the bank that will offer the highest rate, in the following denominations:

Capital Improvement Fund	\$ 600,000.00
Escrow Account for Mid-American Waste Fund	\$ 320,000.00
Penn Township Expansion Guarantee Fund Project Area II	<u>\$ 297,000.00</u>
Total	\$1,217,000.00

A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to invest the funds in twelve-month CDs, with the bank that offers the highest rate. Mr. Marks asked why National City was not included in the list. Mr. Chrzan explained that their rates were low. The motion passed unanimously.

D. Insurance Committee – Due to Mr. Watson's absence, there was no report.

E. Sludge Committee – There was nothing to add to the report that was previously submitted.

F. Legal and Engineering Services Committee –

1. Mr. Hall stated that the committee had briefly discussed the interceptor flow and the metering tanks, and that the Board needs to look at the metering issue in 2009.
2. Mr. Hall stated that the Legal and Engineering Services Committee is anxious to review as soon as possible the final report from the planning study.

11. Change Orders and Pay Estimates – None

12. Requisitions:

Mr. Pioth presented the following requisition with the motion to approve as follows: 2005 Construction Fund Requisition No. 2005-40 in the amount of \$3,733.60. Motion to approve was made by Mr. Chrzan, and seconded by Ms. Altman. The motion passed unanimously.

13. Board Member Comments:

- A. Mr. Hall stated that he looked at the information for the Fournier Rotary Press, and could not find any technical information. He asked if there was any information available for the rotary press. Mr. Fisher stated that he had previously e-mailed the information to Mr. Hall, and said that the information is also included in the Facility Plan Report. Mr. Fisher stated that the report should be distributed to the Legal and Engineering Services Committee within the next two weeks in order for them to have time to review the plan, and to the remaining Board Members for their review.

14. A motion was made by Mr. Marks, and seconded by Ms. Altman, to enter into an executive session to discuss personnel matters and matters of possible litigation. The motion passed unanimously. The time was 8:23 P.M.

A motion to return to the regular order of business was made by Mr. Chrzan, and seconded by Mr. Konkus. The motion carried unanimously. The time was 8:46 PM.

Mr. Pioth requested a motion to authorize Mr. Fisher to arrange a meeting with representatives of Trafford Borough. Mr. Hall recommended that the Board have a number in mind for the discussions. A motion was made by Mr. Marks, and seconded by Mr. Chrzan, to authorize Mr. Fisher to arrange a meeting with representatives of Trafford Borough. The motion passed unanimously.

15. A motion to adjourn the meeting was made by Mr. Chrzan, and seconded by Mr. Konkus. The motion carried unanimously. The time was 8:48 P.M.

Anthony Marks
Secretary