

WESTERN WESTMORELAND MUNICIPAL AUTHORITY

REGULAR MONTHLY MEETING – September 17, 2009

The Board of Directors of the Western Westmoreland Municipal Authority held a regular monthly meeting on Thursday, September 17, 2009 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:

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| Mr. Stan Caroline | Mr. Larry Chrzan | Mr. Charles Konkus |
| Mr. Anthony Marks | Mr. Robert Pioth | Mr. John Nabuda |
| Mr. Leonard Santimyer | Mr. Jared Squires | Mr. Tim Watson |

Absent:

Mr. Sam Testa

Others in Attendance:

Mr. John Campfield, Solicitor
Mr. Mark Poole, 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.

3. Public Comments: None – Mr. John Thornton, visitor, was in attendance.

4. Communications:

- A. Mr. Pioth referred to recent issues of The Authority and Public Utility, stating that anyone who is interested in reading them should see him.
- B. Mr. Pioth referred to a letter received from MEIT regarding a 10,000 step walking challenge. Mrs. Wtorkowski explained that MEIT has extended the program to include elected officials and board members. Pedometers are available for anyone who is interested in participating in the challenge.
- C. Mr. Pioth thanked those in attendance for their condolences and the great support that he received during the loss of his wife, stating that it was immensely appreciated.

5. Secretary's Report – Mr. Marks –

- A. A motion was made by Mr. Chrzan, and seconded by Mr. Squires, to approve, as presented, the minutes of the August 20, 2009 Regular Meeting. The motion passed, 8-1, with Mr. Konkus abstaining, because he did not attend the meeting.

This concluded Mr. Mark's report.

6. Treasurer's Report – Mr. Watson –

- A. A motion to approve for payment Revenue Fund Requisition No. 108, in the amount of \$860,516.59 was made by Mr. Watson, and seconded by Mr. Nabuda. The motion passed unanimously.

This concluded Mr. Watson's report.

7. General Manager's Report – Kevin Fisher – Mr. Fisher added the following to the written report that was previously distributed.

- A. Mr. Fisher reported that, because of requests from two potential bidders, he will need to revise some of the bidding documents for the flow metering equipment. Mr. Fisher stated that he hopes to open the bids at the next Legal & Engineering Services Committee meeting.

- B. Mr. Fisher requested that the Legal & Engineering Services Committee schedule a meeting in order to discuss the plant design for the upcoming Solids Processing Project. Also, the Committee needs to discuss the issue with William T. Spaeder Co., specifically, whether the Authority is planning to proceed with delay damages. Mr. Fisher explained that Mr. Spaeder claims to have forwarded the as-built drawings to HDR, but Mr. Goodwin was unable to locate them. Mr. Spaeder said that he can resubmit the as-built drawings. Mr. Spaeder has submitted his final payment request. After a brief discussion, it was decided that a Legal & Engineering Services Committee meeting would be held on Tuesday, September 29, 2009, at 5:00 P.M.

This concluded Mr. Fisher's General Manager's report. The complete report is attached to these minutes.

8. Consulting Engineer – Mark Poole, Wade Trim, Inc.:

Mr. Poole reviewed the written report dated September 17, 2009, which was distributed this evening.

A. Solids Processing Project:

1. Mr. Poole reported that Wade Trim is moving forward with design and permitting but is a little behind the original schedule. Mr. Poole anticipates submitting the Part II Permit to PaDEP in October 2009. Mr. Poole reported that Mr. Pioth, Mrs. Wtorkowski, and he met with Larry Gasparato, of Pennvest, on August 28, 2009 to discuss potential Pennvest funding for the project. Mr. Poole explained that Mr. Gasparato does not think that the project will not receive a high priority from PaDEP for funding. Mr. Poole stated that the PaDEP is prioritizing the permit reviews to those projects that are receiving stimulus funding. Mr. Poole confirmed this with Mr. Ray Lattner, of PaDEP.

Mr. Poole reported that he has been working with Mr. Fisher and Authority employees to design the future laboratory. Mr. Poole presented proposed drawings of the future laboratory, and explained the various work stations of the laboratory.

B. Wet Weather Issues:

1. Mr. Poole reported that the Authority has not received any correspondence from PaDEP regarding approval of the Long-Term Control Plan.
2. Mr. Poole reported that the Part I NPDES Permit renewal review has been completed by PaDEP, and that the only thing holding up issuance of the new permit is the review and approval of the Long-Term Control Plan.
3. Mr. Poole reported that the following Three Rivers Wet Weather (3RWW) meetings have been scheduled:
 - a. September 22, 2009: Turtle Creek/Thompson Run Basin Meeting
 - b. September 29 – 30, 2009: 3RWW Conference
 - c. October 20, 2009: 3RWW Managers/Engineers Meeting
 - d. October 26, 2009: 3RWW Elected Officials Meeting

C. Annual Report and Budget:

1. Mr. Poole stated that a Finance and Budget Committee meeting should be scheduled to begin the preparation of the 2009 Annual Report and the 2010 Budget.
2. Mr. Poole reported that the quarterly Penn Township Tap Fee Calculation was completed, and is attached to his report, which was distributed this evening. Mr. Poole stated that Mrs. Wtorkowski will forward the calculation to the Penn Township Sewage Authority.

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

9. Solicitor's Report – John Campfield – Mr. Campfield stated that his report would be covered during the executive session.

This concluded Mr. Campfield's report.

10. Reports of Committees:

- A. Grounds and Maintenance Committee – Mr. Santimyer –
Mr. Santimyer reported that plant employees installed pipe bollards around the plant's gas meter. Mr. Santimyer reminded the Board that the gas meter was hit during a vehicle accident several years ago. Mr. Fisher stated that two pipe bollards were installed on Tuesday, September 15, 2009, and that two more would be installed.
- B. Personnel Committee – John Nabuda – Mr. Nabuda reported that an employee who was on a short-term disability leave has returned to work, and that one employee remains on a short-term disability leave, and will probably be off for another thirty days.
- C. Finance and Budget Committee – Larry Chrzan:
 - 1. Mr. Chrzan reported that the Authority received \$65,328.16 in interest in August, for a year-to-date total of \$181,045.17. Mr. Chrzan explained that the large amount of interest was due to four certificates of deposit that matured in August.
 - 2. Mr. Chrzan reported that a certificate of deposit for the Penn Township Expansion Guaranteed Fund, Project Area II is scheduled to mature on September 23, 2009. A motion was made by Mr. Squires, and seconded by Mr. Watson, to authorize the reinvestment of funds for the Penn Township Expansion Guarantee Fund, Project Area II, with a certificate of deposit with the bank that offers the highest rate of interest. The motion passed unanimously.
 - 3. Mr. Chrzan stated that a Finance and Budget Committee meeting will be held on Thursday, October 8, 2009, at 4:00 P.M. Mr. Poole stated that he will be unable to attend the meeting.
- D. Insurance Committee – Jared Squires – There was no report.
- E. Sludge Committee – Stan Caroline – There was nothing to add to the report that was previously submitted.
- F. Legal and Engineering Services Committee – Due to Mr. Testa's absence, there was no report. Mr. Pioth stated that a Legal and Engineering Services Committee meeting has been scheduled for Tuesday, September 29, 2009, at 5:00 P.M.

11. Change Orders and Pay Estimates – None

12. Requisitions:

Mr. Pioth presented the following requisition with the motion to approve as follows:

- A. 2005 Construction Fund Requisition No. 2005-53 in the amount of \$39,944.42. Motion to approve was made by Mr. Chrzan, and seconded by Mr. Nabuda. The motion passed unanimously.

A motion was made by Mr. Caroline, and seconded by Mr. Marks, to correct the amount of the Escrow-Mid-American Waste Fund certificate of deposit that was purchased on August 22, 2009, from \$331,096.00 to \$330,944.00, due to a difference in interest calculations. The motion passed unanimously.

13. Board Member Comments –

- A. Mr. Konkus asked the Board if a decision was made regarding paying the costs for Mr. Zentner to attend the PMAA awards banquet to receive his Sahli award. Mr. Campfield explained that his research indicated that the Authority could not pay the costs for someone who is longer on the Board, and that the Authority did not pay to send Mr. Zentner to Hershey. Mr. Konkus stated that he was asking, because the minutes do not include a Board decision on this matter. Mr. Squires explained that the meeting had already been adjourned before someone remembered the question regarding Mr. Zentner. Mr. Campfield explained that he had looked at this issue while the meeting was in session, and had determined that the Authority could not pay the costs. Mr. Pioth acknowledged that no formal decision was made by the Board. Mr. Fisher stated that the award will be presented to Mr. Zentner at the October 15, 2009 meeting.

- B. Mr. Konkus asked if the PaDEP fined the Authority for not reporting the overflow resulting from the flood of June 17, 2009. Mr. Fisher explained that the Authority was issued a notice of violation, but the PaDEP will probably not issue a fine unless there is a future violation. Mr. Fisher explained that future overflows will be reported by telephone immediately, and followed up with an e-mail, as well as being reported in the DMR for that month. Mr. Fisher explained that there is still the issue of overflows. Mr. Fisher stated that the Authority has historically reported overflows with the monthly DMRs, but the PaDEP has a new director, who is stricter with reporting requirements.
14. A motion was made by Mr. Konkus, and seconded by Mr. Squires, to enter into an executive session to discuss personnel matters and matters of current litigation with Trafford Borough and potential litigation with North Huntingdon Township Municipal Authority. The motion passed unanimously. The time was 7:35 P.M.

A motion to return to the regular order of business was made by Mr. Chrzan, and seconded by Mr. Squires. The motion carried unanimously. The time was 8:00 PM.

A motion was made by Mr. Konkus, and seconded by Mr. Squires, to reject the response from the North Huntingdon Township Municipal Authority. The motion passed 8-1, with Mr. Marks voting no.

A motion was made by Mr. Chrzan to enter into litigation with the North Huntingdon Township Municipal Authority, and to no longer consider the sale of the Ardara System. Mr. Squires stated that a motion to authorize the preparation of a complaint was required. There was no second to Mr. Chrzan's motion. A motion was made by Mr. Squires, and seconded by Mr. Konkus, to authorize the preparation of a complaint in equity against the North Huntingdon Township Municipal Authority. Mr. Marks asked if the Authority would be pursuing a reversal of the line. Mr. Campfield replied that the Authority would seek damages, and would pursue the reversal of the line. A roll-call vote was requested.

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| Mr. Caroline – no | Mr. Chrzan – yes | Mr. Konkus – yes |
| Mr. Marks – no | Mr. Nabuda – yes | Mr. Pioth – yes |
| Mr. Santimyer – yes | Mr. Squires – yes | Mr. Watson – yes |

The motion passed, 7-2.

15. A motion to adjourn the meeting was made by Mr. Konkus, and seconded by Mr. Squires. The motion carried unanimously. The time was 8:05 P.M.

Anthony Marks
Secretary