

WESTERN WESTMORELAND MUNICIPAL AUTHORITY

REGULAR MONTHLY MEETING – October 15, 2009

The Board of Directors of the Western Westmoreland Municipal Authority held a regular monthly meeting on Thursday, October 15, 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:

Mr. Larry Chrzan	Mr. Anthony Marks	Mr. Robert Pioth
Mr. John Nabuda	Mr. Leonard Santimyer	Mr. Jared Squires
Mr. Sam Testa	Mr. Tim Watson	

Absent:

Mr. Stan Caroline	Mr. Charles Konkus
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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 our troops.

3. Public Comments: None – Mr. Robert Zentner, visitor, was in attendance.

4. Communications:

- A. Mr. Fisher made the following presentation to Mr. Robert Zentner, a long-time Board Member of the Western Westmoreland Municipal Authority, whose term ended on December 31, 2008. “On behalf of the Authority, past Boards, present Board, and the community, I would like to present to you the Sahli Award for 25 years of service to the Authority. I would also like to read an announcement that could be put in the paper, and it reads ‘For immediate release, Harrisburg---Robert Zentner of the Western Westmoreland Municipal Authority has received a Sahli Service Award from the Pennsylvania Municipal Authorities Association. The award is presented to Association members with 20 or more years of service to a municipal authority. Zentner has served the Western Westmoreland Municipal Authority during this tenure as Board Member, Vice-Chairman, Chairman, Secretary, and Treasurer. The award was presented during PMAA’s annual conference awards banquet, held Tuesday, September 15, 2009 at the Hershey Lodge and Convention Center, Hershey, PA. The Pennsylvania Municipal Authorities Association is a Harrisburg-based organization representing the interests of nearly 2,500 municipal authorities across the Commonwealth.’ I’d like to thank you for your many years of service and contributions to the Authority.” At this time, Mr. Zentner was given a standing ovation from those in attendance. Mr. Zentner thanked those in attendance for presenting him with this award.
- B. Mr. Pioth referred to the PMAA Region 9-10 Fall Dinner Meeting, stating that anyone who is interested in attending the meeting should see Mr. Fisher or Mrs. Wtorkowski as soon as possible.
- C. Mr. Pioth referred to the PMAA E-News Report.

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 September 17, 2009 Regular Meeting. The motion passed unanimously.
- B. A motion was made by Mr. Nabuda, and seconded by Mr. Squires, to approve a correction to the July 16, 2009 Minutes: page one, second line: Meeting date should be July 16, 2009, and not June 19, 2009; and to approve two corrections to the August 20, 2009 Minutes: page one,

second line: Meeting date should be August 20, 2009, and not June 16, 2009, and page three, fifth line: Report should be dated August 20, 2009 and distributed on August 14, 2009. The motion passed unanimously.

This concluded Mr. Mark's report.

6. Treasurer's Report – Mr. Watson – Mr. Watson presented the following Revenue Fund requisitions for approval:
 - A. A motion to approve for payment Revenue Fund Requisition No. 109, in the amount of \$115.12, payable to Scott Electric was made by Mr. Marks, and seconded by Mr. Chrzan. Mr. Pioth asked why this item was listed in a separate requisition. Mr. Marks explained that Mr. Konkus is an employee of Scott Electric, and therefore, the payment must be separated from the regular monthly requisition. The motion passed unanimously.
 - B. A motion to approve for payment Revenue Fund Requisition No. 110, in the amount of \$123,459.33 was made by Mr. Chrzan, and seconded by Mr. Testa. 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 Chart Properties, LP has requested a refund of Capacity Fees for the Oak Hollow Farms Project, in the amount of \$67,500.00, representing twenty (20) taps purchased on January 18, 2006 and twenty-five (25) taps purchased on June 1, 2007. Mr. Fisher stated that he has requested additional information from the developer and from the North Huntingdon Township Planning Department that would verify that the planning module was never approved by the PaDEP, and, if so, the forty-five (45) taps will be rescinded by the PaDEP, so that they are not counted against the Western Westmoreland Municipal Authority's plant capacity; and confirmation that the North Huntingdon Township Municipal Authority never approved the plan, and that the plan was never recorded. Mr. Fisher recommended that the Board approve payment, with the provision that the required information has been received from Chart Properties, LP, and from the North Huntingdon Township Planning Department. Mr. Campfield recommended that Chart Properties, LP be required to withdraw their request from the North Huntingdon Township Planning Department for approval of the planning module prior to refunding the capacity fees. After discussion, a motion was made by Mr. Marks, and seconded by Mr. Chrzan, to approve the refund of capacity tap fees totaling \$67,500.00, payable to Chart Properties, LP, contingent upon receiving the required information from North Huntingdon Township and Chart Properties, LP, within thirty (30) days, and upon receiving approval from Mr. Campfield. The motion passed unanimously. Mr. Marks requested that Mr. Fisher prepare a narrative of the sequence of events related to this issue.
 - B. Mr. Fisher reported that the bid specifications for nine (9) flow meters for the combined sewer overflow structures and the interceptors need to be revised, due to changes in flow monitoring equipment that was just released. Mr. Fisher stated that he would like to put an addendum to the bid specifications. After a brief discussion, a motion was by Mr. Marks, and seconded by Mr. Testa, to readvertise for bids for six (6) flow monitors. The motion passed unanimously.

Mr. Pioth asked for an update on a septage receiving station. Mr. Fisher explained that he and Mr. Poole looked into various types of equipment while they were at the WEFTEC Conference. Mr. Fisher stated that he spoke with an employee of the Mid-Mon Valley Treatment Plant, who told him that he does not want to treat gas well drilling waste because of the new PaDEP regulations.

- C. Mr. Fisher requested permission from the Board to conduct operator training classes through pH Environmental Services in the Authority conference room on the evenings of October 28, 2009, November 10, 2009, and November 18, 2009. Mr. Fisher explained that several of the Authority's employees are scheduled to attend those classes in order to meet their required PaDEP continuing education requirements. Mr. Fisher stated that there will also be attendees who are not employees of the Authority. Mr. Fisher stated that he is personally covered by pH Environmental's workers'

compensation insurance policy, as their instructor; and that Ron Flick, of FWF Insurance Agency, Inc., has verified that the Authority is covered under premises liability coverage. Mr. Pioth asked Mr. Fisher if he was being paid for his work. Mr. Fisher explained that he is being paid by pH Environmental. A motion was made by Mr. Chrzan, and seconded by Mr. Testa, to authorize Mr. Fisher to conduct the operator training classes at the Authority's premises. The motion passed unanimously.

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 his written report dated October 15, 2009, which was distributed on October 9, 2009.

A. Solids Processing Project:

1. Mr. Poole reported that Design Progress Meeting No. 6 was held on September 29, 2009, with Mr. Fisher, Mr. Campfield, members of the Legal & Engineering Services Committee, and himself in attendance. A copy of the minutes of the meeting is attached to his report. Mr. Poole reported that design is progressing, and the plant employees have uncovered as many of the lines to the digester as they could. There is one line that is eleven feet deep, that they have not yet uncovered. Mr. Poole reported that he provided to Mr. Fisher today his recommendations for the HVAC unit for the sludge processing building. The next design progress meeting will take place at the next Legal & Engineering Services Committee meeting, which will be scheduled this evening.

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. Mr. Poole stated that he spoke with Mr. Paul Esworth, of the PaDEP, who stated that he had received the information from Irwin Borough, but it was not exactly what he was looking for. Mr. Esworth indicated to Mr. Poole that he will proceed with the Authority's Long-Term Control Plan, which would also allow for approval of the Authority's NPDES Permit renewal. Mr. Poole stated that the Authority is currently working under the old permit, which is fine, and he stated that he does not anticipate any changes to the Authority's permit.
2. Mr. Poole reported on the Three Rivers Wet Weather (3RWW) meetings schedules:
 - a. October 20, 2009: 3RWW Managers/Engineers Meeting, which will cover the draft agenda for municipal meetings regarding the intermunicipal agreements for sewer facilities.
 - b. The October 26, 2009 3RWW Elected Officials meeting was cancelled, because the 3RWW is currently working on a special event for all basin elected officials that focuses on regional approaches to wet weather issues.
 - c. The next Managers/Engineers Meeting will be held on December 15, 2009, at 1:00 P.M., at the Forest Hills Recreation Center.

C. Annual Report and Budget:

1. Mr. Poole stated that there are several Finance and Budget Committee meetings scheduled for the coming month.

Mr. Pioth asked Mr. Fisher if he would have project estimates ready for the budget meetings. Mr. Poole stated that most of the estimates will be ready for the meetings.

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

9. Solicitor's Report – John Campfield – Mr. Campfield suggested that the Board may want to comment on Mr. Poole's statement regarding the Spaeder contract. Mr. Campfield stated that some items are still outstanding. Mr. Fisher reported that the photos have been selected and are currently being prepared; representatives of Wm. T. Spaeder Co. have taken additional measurements and have submitted on-site drawings, which will be forwarded to Mr. Goodwin, so that he can prepare as-built drawings. Mr. Goodwin is in the process of obtaining a two-year maintenance bond from Spaeder. Mr. Campfield stated that the Board could provide conditional approval, subject to receipt of outstanding items.

Mr. Campfield reported that he has prepared the complaint in equity against the North Huntingdon Township Municipal Authority.

Mr. Campfield announced that William McCabe has resigned as the North Huntingdon Township Municipal Authority's solicitor.

Mr. Campfield reported that he has filed a discovery request of Trafford Borough.

This concluded Mr. Campfield's report.

10. Reports of Committees:

- A. Grounds and Maintenance Committee – Leonard Santimyer –
Mr. Santimyer reported that some of the lights need to be replaced.
- B. Personnel Committee – John Nabuda – Mr. Nabuda reported that an employee who is currently on a short-term disability is scheduled to return to work within the next week and a half, and that one employee remains on a short-term disability leave.
- C. Finance and Budget Committee – Larry Chrzan:
 - 1. Mr. Chrzan reported that the Authority received \$14,806.68 in interest in September, for a year-to-date total of \$195,851.88.
 - 2. Mr. Chrzan reported that a certificate of deposit for the Penn Township Expansion Guaranteed Fund, Project Area II, which matured on September 23, 2009, was reinvested with First Commonwealth Bank for a period of one year, at an interest rate of 1.25%.
 - 3. Mr. Chrzan reported that the Finance and Budget Committee met on September 29, 2009. Mr. Chrzan stated that Mrs. Wtorkowski is currently working on the fourth quarter estimates. Finance and Budget Committee meetings have been scheduled for October 20, 2009 and October 29, 2009, at 4:00 P.M. Mr. Chrzan stated that he would like to schedule three more meetings for November.

This concluded Mr. Chrzan's report.

- D. Insurance Committee – Jared Squires – Mr. Squires reported that the Authority received an invoice for an additional workers' compensation premium in the amount of \$909.00, due to a rate increase.

This concluded Mr. Squires' report.

- E. Sludge Committee – Due to Mr. Caroline's absence, there was nothing to add to the report that was previously distributed.
- F. Legal and Engineering Services Committee – Mr. Testa reported that the Legal & Engineering Services Committee met on September 29, 2009 for a design progress update. Mr. Testa stated that Mr. Fisher and Mr. Poole are contacting local municipalities regarding the digester gas to use as fuel for cogeneration units. The Spaeder contract close-out was also discussed at the committee meeting. A motion was made by Mr. Testa, and seconded by Mr. Nabuda, to give conditional approval for the Spaeder contract close-out, pending receipt of the final red-line as-built drawings, the photographs, and the two-year maintenance bond; and to approve Final Pay Application No. 17, in the amount of \$31,023.80. The motion passed unanimously.

- G. Mr. Testa stated that a Legal & Engineering Services Committee will be scheduled.

This concluded Mr. Testa's report.

- 11. Change Orders and Pay Estimates – The Wet Weather Improvements Project Contract No. 1, Final Pay Estimate No. 17, was approved under the Legal & Engineering Services Committee report.

12. Requisitions:

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

- A. 2005 Construction Fund Requisition No. 2005-54 in the amount of \$48,995.55. Motion to approve was made by Mr. Chrzan, and seconded by Mr. Squires. The motion passed unanimously.

13. Board Member Comments –

- A. Mr. Marks asked Mr. Poole to provide the Board with projected project costs for the November 17, 2009 Regular Board Meeting.

14. A motion was made by Mr. Squires, and seconded by Mr. Marks, 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 7:58 P.M.

A motion to return to the regular order of business was made by Mr. Chrzan, and seconded by Mr. Watson. The motion carried unanimously. The time was 8:17 PM.

North Huntingdon Township Municipal Authority: A motion was made by Mr. Santimyer, and seconded by Mr. Chrzan, to authorize the Solicitor to prepare a letter to the member municipalities, advising them of the Authority's action. Mr. Campfield explained that a motion was first required to file the complaint. There was no vote on the motion.

A motion was made by Mr. Squires, and seconded by Mr. Chrzan, to authorize the Solicitor to file the Complaint in Equity against the North Huntingdon Township Municipal Authority, and to send a courtesy copy of the complaint to all member municipalities. A roll-call vote was requested.

Mr. Chrzan – yes
Mr. Pioth – yes
Mr. Watson – yes

Mr. Marks – no
Mr. Santimyer – yes

Mr. Nabuda – yes
Mr. Squires – yes

The motion passed, 7-1.

Mr. Campfield was given instruction by the Board regarding notification to the member municipalities.

Mr. Watson asked if the complaint will fall under the open records policy. Mr. Campfield stated that the complaint will become public record at the time the complaint is filed.

15. A motion to adjourn the meeting was made by Mr. Chrzan, and seconded by Mr. Squires. The motion carried unanimously. The time was 8:22 P.M.

Anthony Marks
Secretary