

WESTERN WESTMORELAND MUNICIPAL AUTHORITY

REGULAR MONTHLY MEETING – DECEMBER 18, 2008

The Board of Directors of the Western Westmoreland Municipal Authority held a regular monthly meeting on Thursday, December 18, 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:

Mr. Larry Chrzan	Mr. Dan Hall	Mr. Anthony Marks
Mr. Robert Pioth	Mr. Sam Testa	Mr. Tim Watson
Mr. Robert Zentner		

Absent:

Ms. Pat Altman	Mr. Charles Konkus	Mr. John Shepherd
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Others in Attendance:

Mr. John Campfield, Solicitor
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 – Ms. Lorraine Veltrie, of HDR Engineering Co., Inc., and Mr. John Thornton, visitor were in attendance.
4. Communications:
 - A. Mr. Pioth referred to the letter from the Penn Township Commissioners regarding Penn Township Resolution No. 71/2008. A lengthy discussion followed, pertaining to comments made by Mr. Marks at a recent North Huntingdon Township Commissioner’s meeting, as reported recently in the Pittsburgh Post Gazette. Mr. Marks clarified his statements, stating that his comments about the WWMA Board being badly led was a reference to the municipalities that appoint the WWMA Board Members, and not members of the WWMA Board.
 - B. Mr. Pioth referred to the memo regarding a meeting with U.S. Congressman Tim Murphy, which is scheduled for Monday, December 22, 2008, at 5:00 P.M. Mr. Pioth stated that he and Mr. Konkus, Mr. Zentner, Mr. Marks, and Mr. Hall are planning to attend the meeting.
5. Secretary’s Report – Mr. Marks – A motion was made by Mr. Marks, and seconded by Mr. Chrzan, to approve, as presented, the minutes of the November 20, 2008 Regular Meeting. The motion passed unanimously.

Mr. Fisher referred to the synopsis of the meeting between representatives of WWMA and North Huntingdon Township Municipal Authority.

This concluded Mr. Marks' report.

6. Treasurer's Report – Mr. Zentner – Nothing was added to the written report that was previously distributed.
 - A. A motion to approve for payment Revenue Fund Requisition No. 97, in the amount of \$168,313.81 was made by Mr. Zentner, and seconded by Mr. Chrzan. The motion passed unanimously.

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 he received a return call from Huntley and Huntley regarding gas well water acceptance. He stated that everything is currently on hold. Representatives of gas well companies met in Greene County with the PaDEP recently, and the meeting did not go well. Mr. Fisher reported that some of the gas well companies are pulling their operations out of Pennsylvania. Mr. Fisher stated that the PaDEP intends to increase substantially the permit fees for gas well drilling.

 - B. Mr. Fisher requested authorization to purchase sludge dewatering polymer. He stated that purchases are made with two vendors, and are purchased by the pallet, which exceeds his purchasing limit of \$4,000.00. Custom Environmental Technologies (CET) charges approximately \$5,659.00 for 42 bags of Zeta Lyte, and Univar charges \$4,946.15 for 32 bags. Mr. Hall asked how far the polymer goes, and Mr. Chrzan asked if the two polymers work equally. Mr. Fisher explained that the efficiency varies, because there may be more supernate at times, or because of the sludge mixing problem. Mr. Fisher stated that temperature changes cause one type of polymer to work better than the other at various times. He explained that, currently, Zeta Lyte is working well. A motion was made by Mr. Zentner, and seconded by Mr. Testa, to authorize General Manager Kevin Fisher to purchase polymer by the pallet from Univar and CET, as required. The motion passed unanimously.

 - C. Mr. Fisher stated that he attached a landfill analysis report to his report.

Mr. Marks asked Mr. Fisher for his opinion regarding gas well water acceptance.

Mr. Fisher stated that he wants to speak with representatives of the PaDEP, to determine whether gas well water acceptance would interfere with the permit renewal process. He explained that the PaDEP may place new discharge limits on the plant.

Mr. Hall stated that he spoke with people who work in the petroleum industry. He was told that the gas well companies were arguing that they were not the cause of discharge violations in Franklin Township.

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

8. Consulting Engineer – Dan Goodwin, HDR Engineering Co., Inc. (HDR):

Mr. Goodwin distributed to the Board Members a final copy of the 2008 Annual Report and the 2009 Budget.

Mr. Goodwin introduced to those in attendance Ms. Lorraine Veltrie, HDR's new Marketing Manager with the water business group of the Pittsburgh office.

Mr. Fisher reported that the 2008 Annual Report and 2009 Budget were mailed to the member municipalities two weeks ago. Mr. Campfield stated that an electronic copy was forwarded to both North Huntingdon Township and the North Huntingdon Township Municipal Authority, as well.

Mr. Goodwin reviewed the written report dated December 18, 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 the Authority is working diligently to get together with the General Contractor, the Solicitor, the General Manager, and the Consulting Engineer, to determine the causes for the construction delays and resolve the issue with Westmoreland Electric. Mr. Goodwin anticipates meeting very soon with the General Contractor, in the hopes of closing out the project.

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

1. Mr. Goodwin reported that there have been no comments received from PaDEP since submission of the Final Long-Term Control Plan in October 2007.

C. Mr. Goodwin reported that there have been no comments received from the PaDEP regarding the Plant's NPDES Permit Renewal Application that was submitted in July. The application has been deemed "technically complete," but no comments have been received from the PaDEP.

D. WWTP Facilities Planning Study: Mr. Goodwin reported that portions of the Facilities Plan were recently approved by the Authority Board, and HDR is waiting for direction from the Board as to how the Board wants to proceed with design.

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

9. Solicitor's Report – John Campfield –

A. Mr. Campfield wished everyone a Merry Christmas and a Happy New Year.

- B. Mr. Campfield reported that a lawsuit has been filed against WWMA by Westmoreland Electric. It is a delay damage claim. Mr. Campfield stated that he previously advised the Board that he had filed preliminary objections to the complaint, and that he had discussed this lawsuit with Westmoreland Electric's attorney. Mr. Campfield stated that Westmoreland Electric's attorney filed an amended complaint in response to Mr. Campfield's response, but Mr. Campfield has not received a copy.

Mr. Fisher stated that he talked with Mr. Spaeder, the General Contractor, last week. Mr. Spaeder is currently obtaining information regarding the chain of events for the delivery of the blowers. Mr. Spaeder has prepared a timeline up to the start-up date for the aeration system. Mr. Fisher reported that Mr. Spaeder needs to complete the timeline through the end of the project. Mr. Spaeder is also waiting for the butterfly valves. Once he received them, Mr. Spaeder will install them. Mr. Fisher reported that he also met with a representative of Kaeser, the supplier of the blowers. Mr. Fisher advised the representative that Kaeser may be named in the lawsuit, and they must provide WWMA with information pertaining to Kaeser's involvement.

- C. Trafford Borough and North Huntingdon Township – Mr. Campfield stated that the Trafford Borough and North Huntingdon Township issues would be discussed during the executive session.
- D. Mr. Campfield reported that he has distributed to the Board for approval an updated Right-to-Know policy.
- E. Mr. Campfield referred to the "Red Flag Rules" which are rules that were issued by the Federal Trade Commission to protect against identity theft. Mr. Campfield stated that he will forward three sample agreements for Board review. Mr. Campfield explained that it is questionable about whether this law applies to WWMA, since WWMA does not have any direct customers. There is a May 1, 2009 deadline for implementation of the Red Flag Rules.

Mr. Pioth requested a motion to approve Resolution No. 2008-06, amending the Authority's Open Records Policy. Mr. Marks asked for clarification regarding the records officer, and whether all requests must go through the Assistant Secretary-Treasurer. Mr. Campfield explained that the records official is responsible for responding to a request for information within five (5) business days. Therefore, it is advisable to require that all requests be submitted to the designated records officer in writing. Mr. Campfield explained that the tricky part of processing a request will be to determine whether the request falls under one of the 31 exceptions to the law, or whether the information is privileged, or whether the information is subject to some confidentiality or prohibition from release under any other state or federal law, rule, regulation, or order of court. Mr. Campfield stated

that the records officer should be someone here who knows where the records are, and who can respond to the request.

Mr. Marks asked if the Assistant Secretary-Treasurer was the sole source of requests, or if requests may be granted through a Board Member. Mr. Campfield explained that oral requests can be granted, but they may not be appealed. He stated that requests must be addressed within five (5) business days, and if a Board Member accepts a request and forgets to inform the records officer, the time limit may lapse.

Mr. Testa stated that this requirement is included in the resolution.

A motion was made by Mr. Testa, and seconded by Mr. Marks, to adopt Resolution No. 2008-06. Mr. Zentner presented a question on the motion, in reference to Section 4A. He asked if the word "over" should be "other." Mr. Campfield stated that the word should be "other." The motion was amended to adopt Resolution No. 2008-06, with the correction to Section 4A. The motion passed unanimously.

This concluded Mr. Campfield's report.

10. Reports of Committees:

- A. Grounds and Maintenance Committee – Dan Hall – Mr. Hall stated that the plant holiday decorations look very good.
- B. Personnel Committee – Mr. Chrzan reported that an employee is currently on short-term disability, and is schedule to return to work on January 12, 2009.
- C. Finance and Budget Committee –
 - 1. Mr. Chrzan reported that the Authority received \$28,959.94 in interest in the month of October, bringing the year-to-date total to \$253,990.46.
 - 2. Mr. Chrzan reported that the value of the Authority's interest rate swap agreement rose to a positive value of approximately \$23,000.00.
 - 3. Mr. Chrzan reported that a certificate of deposit held with Citizens Bank matured on November 25, 2008.

Mr. Campfield explained that the swap agreement is deferred until January 2010. Therefore, while we are monitoring the fluctuations of the value, we are not losing or gaining any money at this time. Mr. Campfield explained that the swap has become rather mercurial due to the recent market conditions, and stated that the Board has indicated in past discussions that they may be interested in terminating the agreement before it is scheduled to begin. Mr. Campfield suggested authorizing him to contact some people who are knowledgeable about the swaps in the current economic climate, and see what mechanisms can be put into place in advance to terminate the swap agreement if it "gets into the plus." A motion was made by Mr. Zentner, and seconded by Mr. Marks to authorize Mr. Campfield to collect information for terminating the swap agreement. Mr. Marks asked if Mr. Campfield wanted the ability to act. Mr. Campfield stated that the Board is not

ready to terminate the agreement at the present time, and that the adoption of a resolution would be required to terminate the swap agreement when the swap value meets a certain dollar amount. The motion passed unanimously.

D. Insurance Committee – Tim Watson – 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. Testa reported that the committee met earlier this evening to discuss recent correspondence that was received by the North Huntingdon Township Municipal Authority regarding the sale of the Ardara System. Mr. Testa requested that this issue be discussed during the executive session. Mr. Testa reported that the committee discussed the Trafford issue. He asked that the Trafford issue be discussed during the executive session. Mr. Testa reported that the committee discussed the swap agreement, which was just discussed with the Board.

This concluded Mr. Testa's report.

11. Change Orders and Pay Estimates – None

12. Requisitions:

Mr. Pioth presented requisitions with the motions to approve as follows:

- A. Capital Improvement Fund Requisition No. 79, in the amount of \$6,445.18. Motion to approve was made by Mr. Zentner, and seconded by Mr. Chrzan. The motion passed unanimously.
- B. 2005 Construction Fund Requisition No. 2005-44 in the amount of \$1,043.00. Motion to approve was made by Mr. Chrzan, and seconded by Mr. Zentner. The motion passed unanimously.

13. Board Member Comments –

- A. Mr. Chrzan commended the plant employees for the job they did in decorating the plant grounds for the holiday season.
- B. Mr. Pioth wished those in attendance a Merry Christmas and a Happy New Year.
- C. Mr. Hall recommended that the Gas Well Committee schedule a meeting with Ms. Caroline Dimmick, of HDR Engineering Co., Inc., to discuss gas well water treatment. Mr. Campfield suggested that the Board make a motion to authorize the scheduling of a meeting. Mr. Hall stated that, as a Board Member, he has the right to schedule a meeting, and he was notifying the Board of his intentions. Mr. Pioth asked Mr. Campfield whether a motion was required. Mr. Campfield stated that he would recommend a motion. A motion was made by Mr. Hall, and seconded by Mr. Marks, to authorize Mr. Fisher to schedule a meeting with Ms. Caroline Dimmick. The motion passed unanimously.
- D. Mr. Marks stated that he is now having reservations about the acceptance of gas well water. Mr. Marks wished everyone a Merry Christmas.

14. New Business:

- A. A motion was made by Mr. Zentner, and seconded by Mr. Chrzan, to approve the 2009 meeting schedule, changing the November 2009 meeting from November 19 to November 17. The motion passed unanimously.

- B. Mr. Fisher reported that the Irwin Borough Phase 3 Storm Sewer Separation Project is currently underway. Mr. Fisher stated that he attended a pre-construction meeting two weeks ago, and construction began last week. Mr. Fisher stated that WWMA will need to conduct some flow monitoring for a period of time after construction is complete. Construction for Main Street is expected to last for four months, with the entire project lasting one year. The Phase 2 portion of the project will address the Duncan Donuts area and the lower portion of Pennsylvania Avenue. Mr. Fisher reported that, once these two portions are complete, Irwin Borough's storm drains will be completely out of WWMA's sanitary sewer system.

Mr. Zentner commented that many of the buildings in Irwin have roof drains that are located in the middle of the building, and tie into the sewer lines. He asked if there will be smoke and dye testing of the laterals. Mr. Fisher stated that he would speak to Irwin Borough's engineer. Mr. Fisher stated that several years ago, Irwin Borough passed a resolution requiring owners to separate their storm water from the sanitary system.

- 15. A motion was made by Mr. Zentner, and seconded by Mr. Chrzan, to enter into an executive session to discuss personnel matters and matters of potential litigation with Trafford Borough and North Huntingdon Township. The motion passed unanimously. The time was 8:13 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 8:53 PM.

A motion was made by Mr. Testa, and seconded by Mr. Chrzan, to authorize Mr. Campfield to prepare a response to the North Huntingdon Township Municipal Authority's correspondence, for submission to the Board, for discussion and consideration at the January 15, 2009 regular Board Meeting. A roll-call vote was requested.

Mr. Chrzan – yes	Mr. Hall – yes	Mr. Marks – yes
Mr. Pioth – yes	Mr. Testa – yes	Mr. Watson – yes
Mr. Zentner – yes		

The motion passed, 7-0.

A motion was made by Mr. Testa, and seconded by Mr. Zentner, to prepare a lawsuit for the injunction against Trafford Borough. A roll-call vote was requested.

Mr. Chrzan – yes	Mr. Hall – yes	Mr. Marks – yes
Mr. Pioth – yes	Mr. Testa – yes	Mr. Watson – yes
Mr. Zentner – yes		

The motion passed, 7-0.

16. A motion to adjourn the meeting was made by Mr. Zentner, and seconded by Mr. Chrzan. The motion carried unanimously. The time was 8:59 P.M.

Anthony Marks
Secretary