

WESTERN WESTMORELAND MUNICIPAL AUTHORITY

REGULAR MONTHLY MEETING – FEBRUARY 19, 2009

The Board of Directors of the Western Westmoreland Municipal Authority held a regular monthly meeting on Thursday, February 19, 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:

Ms. Pat Altman	Mr. Larry Chrzan	Mr. Charles Konkus
Mr. Anthony Marks	Mr. Robert Pioth	Mr. Leonard Santimyer
Mr. Sam Testa	Mr. Tim Watson	

Absent: Mr. Jared Squires

Others in Attendance:

Mr. John Campfield, Solicitor  
Mr. Dan Goodwin, Consulting Engineer  
Ms. Carolyn Dimmick, HDR Engineering Co., Inc.  
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.

Mr. Pioth welcomed Mr. Leonard Santimyer to the Authority.

3. Public Comments: None – No visitors were in attendance.

4. Annual Reorganization:

A. Appointment of Officers:

Mr. Pioth turned the meeting over to Authority Solicitor Mr. John Campfield for the annual reorganization.

Nomination of Chairman:

Mr. Campfield called for nominations for the office of Chairman. Mr. Konkus nominated Robert Pioth, and Mr. Chrzan seconded the nomination. There were no more nominations. A roll call vote was requested.

Ms. Altman – yes	Mr. Chrzan – yes	Mr. Konkus – yes
Mr. Marks – yes	Mr. Pioth – yes	Mr. Santimyer – yes
Mr. Testa – yes	Mr. Watson – yes	

The motion passed, 8-0.

Mr. Campfield then turned the meeting over to Chairman Pioth.

Nomination of Vice-Chairman:

Mr. Pioth called for nominations for the office of Vice-Chairman. Mr. Chrzan nominated Charles Konkus, and Ms. Altman seconded the nomination. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the nomination was requested.

Ms. Altman – yes	Mr. Chrzan – yes	Mr. Konkus – yes
Mr. Marks – yes	Mr. Pioth – yes	Mr. Santimyer – yes
Mr. Testa – yes	Mr. Watson – yes	

The motion passed, 8-0.

Nomination of Secretary:

Mr. Pioth called for nominations for the office of Secretary. Mr. Chrzan nominated Anthony Marks, and Ms. Altman seconded the nomination. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the nomination was requested.

Ms. Altman – yes	Mr. Chrzan – yes	Mr. Konkus – yes
Mr. Marks – yes	Mr. Pioth – yes	Mr. Santimyer – yes
Mr. Testa – yes	Mr. Watson – yes	

The motion passed, 8-0.

Nomination of Treasurer:

Mr. Pioth called for nominations for the office of Treasurer. Mr. Chrzan nomination Tim Watson, and Ms. Altman seconded the nomination. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the nomination was requested.

Ms. Altman – yes	Mr. Chrzan – yes	Mr. Konkus – yes
Mr. Marks – yes	Mr. Pioth – yes	Mr. Santimyer – yes
Mr. Testa – yes	Mr. Watson – yes	

The motion passed, 8-0.

Nomination of Assistant Secretary-Treasurer:

Mr. Pioth called for nominations for the office of Assistant Secretary-Treasurer. Mr. Chrzan nomination Johanna Wtorkowski, and Ms. Altman seconded the nomination. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the nomination was requested.

Ms. Altman – yes	Mr. Chrzan – yes	Mr. Konkus – yes
Mr. Marks – yes	Mr. Pioth – yes	Mr. Santimyer – yes
Mr. Testa – yes	Mr. Watson – yes	

The motion passed, 8-0.

Appointment of Solicitor:

Mr. Pioth called for nominations for the Authority’s Solicitor, which is currently Campfield & Ferraro. Mr. Chrzan made a motion to retain Campfield & Ferraro, and Mr. Marks seconded the motion. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. The motion

to close nominations passed unanimously. A roll call vote on the appointment of Solicitor was requested.

Ms. Altman – yes	Mr. Chrzan – yes	Mr. Konkus – yes
Mr. Marks – yes	Mr. Pioth – yes	Mr. Santimyer – yes
Mr. Testa – yes	Mr. Watson – yes	

The motion passed, 8-0.

Appointment of Consulting Engineer: Tabled until further discussion.

Appointment of Auditor:

Mr. Pioth called for nominations for the Authority’s Auditor, which is currently Sarp and Company. Mr. Chrzan made a motion to retain Sarp and Company, and Ms. Altman seconded the motion. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the appointment of Auditor was requested.

Ms. Altman – yes	Mr. Chrzan – yes	Mr. Konkus – yes
Mr. Marks – yes		
Mr. Pioth – yes, adding that the price needs to be negotiated		
Mr. Santimyer – yes	Mr. Testa – yes	Mr. Watson – yes

The motion passed, 8-0.

Appointment of Trustee:

Mr. Pioth called for nominations for the Authority’s Trustee, which is currently US Bank. Mr. Marks made a motion to retain US Bank as the Trustee, and Ms. Altman seconded the motion. Mr. Santimyer presented a question on the motion, asking who US Bank is. Mr. Campfield explained that the bank assigned under the Bond Issue was taken over by US Bank. A roll call vote on the appointment of Trustee was requested.

Ms. Altman – yes	Mr. Chrzan – yes	Mr. Konkus – yes
Mr. Marks – yes	Mr. Pioth – yes	Mr. Santimyer – yes
Mr. Testa – yes	Mr. Watson – yes	

The motion passed, 8-0.

Appointment of Bond Counsel:

Mr. Pioth called for nominations for the Authority’s Bond Counsel, which is currently Houston Harbaugh. Mr. Chrzan made a motion to appoint Houston Harbaugh as Bond Counsel. Ms. Altman seconded the motion. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the appointment of Bond Counsel was requested.

Ms. Altman – yes	Mr. Chrzan – yes	Mr. Konkus – yes
Mr. Marks – yes	Mr. Pioth – yes	Mr. Santimyer – yes
Mr. Testa – yes	Mr. Watson – yes	

The motion passed, 8-0.

Appointment of Financial Advisor:

Mr. Pioth called for nominations for the Authority's Financial Advisor, which is currently Commonwealth Securities and Investments, Inc. Mr. Chrzan made a motion to retain Commonwealth Securities and Investments, Inc., and the motion was seconded by Ms. Altman. Mr. Marks asked if Mr. Thomas Lynch submitted a proposal for Financial Advisor. Mr. Fisher stated that Mr. Lynch submitted a proposal for bond counsel only. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. The motion to close nominations passed 7-1, with Mr. Marks voting against the motion, stating that he would like to seek other proposals. A roll call vote on the appointment of Financial Advisor was requested.

Ms. Altman – yes  
Mr. Marks – no  
Mr. Testa – yes

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

Mr. Konkus – yes  
Mr. Santimyer – yes

The motion passed, 7-1.

Appointment of Depository Banks:

Mr. Pioth called for nominations for the Authority's Depository Banks, which are currently National City Bank, Citizens Bank, First Commonwealth Bank, and the Huntington National Bank. Mr. Konkus made a motion to retain the current depository banks, and the motion was seconded by Mr. Marks. A roll call vote on the appointment of Depository Banks was requested.

Ms. Altman – yes  
Mr. Marks – yes  
Mr. Testa – yes

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

Mr. Konkus – yes  
Mr. Santimyer – yes

The motion passed, 8-0.

A motion was made by Mr. Konkus, and seconded by Mr. Chrzan, to approve the 2008 engagement letter from Sarp and Company. A roll call vote was requested.

Ms. Altman – yes  
Mr. Marks – yes  
Mr. Testa – yes

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

Mr. Konkus – yes  
Mr. Santimyer – yes

The motion passed, 8-0.

Nominations for Committee Chairpersons:

Personnel Committee:

Mr. Pioth called for nominations for Chairman of the Personnel Committee. Mr. Chrzan made a motion to nominate Pat Altman, and the motion was seconded by Mr. Konkus. A motion was made by Mr. Chrzan, and seconded by Mr. Konkus, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the appointment of Chairman of the Personnel Committee was requested.

Ms. Altman – abstained  
Mr. Marks – yes  
Mr. Testa – yes

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

Mr. Konkus – yes  
Mr. Santimyer – yes

The motion passed, 7-0, with one abstention.

Mr. Konkus asked Mr. Campfield if Board Members should abstain from voting on their own appointments. Mr. Campfield stated that Board Members are permitted to vote on their own appointments.

Legal and Engineering Services Committee:

Mr. Pioth called for nominations for Chairman of the Legal and Engineering Services Committee. Mr. Konkus made a motion to nominate Sam Testa, and the motion was seconded by Mr. Marks. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the appointment of Chairman of the Legal and Engineering Services Committee was requested.

Ms. Altman – yes  
Mr. Marks – yes  
Mr. Testa – yes

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

Mr. Konkus – yes  
Mr. Santimyer – yes

The motion passed, 8-0.

Grounds and Maintenance Committee:

Mr. Pioth called for nominations for Chairman of the Grounds and Maintenance Committee. Mr. Chrzan made a motion to nominate Leonard Santimyer, and the motion was seconded by Ms. Altman. A motion was made by Mr. Konkus, and seconded by Mr. Chrzan, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the appointment of Chairman of the Grounds and Maintenance Committee was requested.

Ms. Altman – yes  
Mr. Marks – yes  
Mr. Testa – yes

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

Mr. Konkus – yes  
Mr. Santimyer – yes

The motion passed, 8-0.

Finance and Budget Committee:

Mr. Pioth called for nominations for Chairman of the Finance and Budget Committee. Mr. Konkus made a motion to nominate Larry Chrzan, and the motion was seconded by Ms. Altman. A motion was made by Mr. Konkus, and seconded by Mr. Watson, to close the nominations. The motion to close nominations passed unanimously. A roll call vote on the appointment of Chairman of the Finance and Budget Committee was requested.

Ms. Altman – yes  
Mr. Marks – yes  
Mr. Testa – yes

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

Mr. Konkus – yes  
Mr. Santimyer – yes

The motion passed, 8-0.

Mr. Chrzan presented a point of order, stating that he would like to retain the current members of the Finance and Budget Committee for 2009.

Insurance Committee and Sludge Committee:

Mr. Pioth called for nominations for Chairman of the Insurance Committee. Mr. Konkus made a motion to nominate Tim Watson. Mr. Pioth explained that Mr. Watson cannot serve as Chairman of the Insurance Committee because he is the Board Treasurer. Mr. Chrzan made a motion to nominate Mr. Squires as Chairman of the Insurance Committee. After discussion, Mr. Konkus withdrew his nomination for Mr. Watson. A motion was made by Mr. Konkus, and seconded by Mr. Marks, to table the appointments of Chairman of the Insurance Committee and Chairman of the Sludge Committee until the March meeting. The motion passed unanimously.

Ad Hoc Gas Well Water Treatment Committee:

Mr. Pioth called for nominations for Chairman of the Ad Hoc Gas Well Water Treatment Committee. Mr. Chrzan made a motion to nominate Mr. Marks. Mr. Chrzan made a motion to nominate Mr. Marks as Chairman of the Ad Hoc Gas Well Water Treatment Committee. The motion was seconded by Mr. Testa. A motion was made by Mr. Chrzan, and seconded by Ms. Altman, to close the nominations. Mr. Marks briefly explained the issue of gas well water treatment for Mr. Santimyer's benefit. The motion to close nominations passed unanimously. A roll call vote on the appointment of Mr. Marks as Chairman of the Ad Hoc Gas Well Water Treatment Committee was requested.

Ms. Altman – yes  
Mr. Marks – yes  
Mr. Testa – yes

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

Mr. Konkus – yes  
Mr. Santimyer – yes

The motion passed, 8-0.

Mr. Pioth stated that no work has been done by the Ad Hoc By-Law Review Committee for two years. A motion was made by Mr. Konkus, and seconded by Mr. Marks, to disband the Ad Hoc By-Law Review Committee. A roll call vote was requested.

Ms. Altman – yes  
Mr. Marks – yes  
Mr. Testa – yes

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

Mr. Konkus – yes  
Mr. Santimyer – yes

The motion passed, 8-0.

5. Communications:
  - A. There was no CHAR Report for February.
  - B. Mr. Pioth referred to a letter received from North Irwin Borough, announcing the appointment of Mr. Leonard Santimyer as their WWMA Board Representative.
  - C. Mr. Pioth referred to the PMAA New Board Member Training seminar, scheduled for March 5, 2009. He instructed anyone who is interested in attending to notify Mrs. Wtorkowski by tomorrow.
6. Secretary's Report – Anthony Marks: Mr. Marks made a motion to approve the minutes of the January 15, 2009 Regular Meeting as presented. Mr. Chrzan seconded the motion. The motion passed unanimously.

Mr. Marks made a motion to approve the minutes of the February 3, 2009 Special Meeting as presented. Mr. Chrzan seconded the motion. The motion passed unanimously.

Mr. Marks distributed to Mr. Pioth Mr. Hall's letter of resignation dated February 16, 2009 from the Western Westmoreland Municipal Authority Board, effective February 17, 2009. Mr. Pioth stated that he would make the letter available to anyone who would like to read it.

This concluded Mr. Mark's Report.

7. Treasurer's Report – Tim Watson: A motion to approve for payment Revenue Fund Requisition No. 99 in the amount of \$192,934.52 was made by Mr. Watson, and seconded by Mr. Chrzan. The motion passed unanimously.
8. General Manager's Report – Kevin Fisher: Mr. Fisher added some additional items to his written report that was distributed prior to commencement of the meeting. Mr. Fisher stated that the rain information was not available for tonight's meeting, because the computer's operating system was being converted from Vista to XP, due to problems with Vista. Mr. Fisher reported that the other heat exchanger failed yesterday. The heat exchanger has been repaired. Mr. Fisher reported that, as part of the request for engineering services, the Authority had requested approval of a lead paint and asbestos assessment survey. Mr. Fisher contacted a representative of KTA Tator, a company that performs this type of testing. Mr. Fisher stated that the lead paint assessment survey would cost \$5,188.00, including laboratory analysis and report preparation, and \$4,000.00 for the asbestos assessment survey. Mr. Fisher stated that the Board could wait until next month to approve these surveys. Mr. Campfield asked if there were any other firms who perform this type of work. Mr. Fisher stated that there probably are other firms. Mr. Pioth asked if these surveys were required for upcoming work. Mr. Fisher stated that this was required for the plant upgrade project. Mr. Marks stated that the surveys are beneficial to staff employees, as well. Mr. Marks asked if there was a concern regarding transformers. Mr. Fisher stated that there are no transformers on-site, with the exception of two transformers that are maintained by Allegheny Power.

Mr. Fisher stated that he has contacted Ms. Pam Ferrante regarding completion of a site walk-through and submission of a report of recommendations for various safety improvements. Mr. Fisher stated that her rates are \$125.00 per hour. Ms. Ferrante anticipates needing two to three hours for the walk-through, and two to three hours to write the report. Mr. Campfield stated that the Authority should attempt to acquire other quotes, or state for the record that there are no other firms available to perform this type of work. Mr. Watson asked if the Authority is required to remove lead and asbestos if any is found. Mr. Fisher stated that the Authority would be required to abate it if it is disturbed, and the Authority must notify the workers if there is lead or asbestos present. Mr. Pioth stated that this item will be addressed at the March meeting.

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

9. Consulting Engineer – Dan Goodwin: Mr. Goodwin reviewed his written report dated February 19, 2009, which was presented to those in attendance.
  - A. WWTP Wet Weather Improvements Project: There is no new information to report concerning the outstanding delay claim filed by the electrical contractor.
  - B. Long-Term Control Plan: There have been no comments received from PaDEP since submission of the Final Long-Term Control Plan in October 2007. Mr. Goodwin reported that he received a response from the PaDEP stating that they are currently reviewing the NPDES permit renewal application. They questioned the survey locations of the outfall.
  - C. WWTP Facilities Planning Study: Mr. Goodwin reported that 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.

10. Solicitor's Report – John Campfield:

- A. Mr. Campfield reported that there are three items regarding Trafford Borough, North Huntingdon Township Municipal Authority, and Penn Township that have not already been discussed, and will be discussed during the executive session.
- B. Mr. Campfield reported that Mr. Fisher has been collecting information regarding William T. Spaeder, and stated that the Authority must meet with Mr. Spaeder very soon. Mr. Campfield explained the outstanding issue with Mr. Spaeder for the benefit of Mr. Santimyer.
- C. Mr. Campfield reported that the Swap was terminated.

11. Reports of Committees:

- A. Grounds and Maintenance Committee – Leonard Santimyer – No report.
- B. Personnel Committee – Pat Altman – Ms. Altman reported that an employee has returned to work after being on a short-term disability leave.
- C. Finance and Budget Committee – Mr. Chrzan – Mr. Chrzan reported that interest in the amount of \$14,819.79 was received in January. Mr. Chrzan reported that the Authority terminated the Swap agreement, receiving \$53,000.00. He stated that the goal of the Finance and Budget Committee is to not increase rates in 2010.

Mr. Campfield briefly explained the Swap agreement, for Mr. Santimyer's benefit. Mr. Campfield reported that the proceeds from the termination of the Swap were received by the Authority on February 18, 2009. A motion was made by Mr. Santimyer, and seconded by Mr. Testa, to terminate the monitoring agreement for the Swap with DerivActiv. The motion passed unanimously.

D. Insurance Committee –

- 1. Mr. Pioth requested a motion to approve the automatic annual renewal of the Treasurer's Bonds for the Board Treasurer and the Assistant Secretary-Treasurer. A motion was made by Mr. Chrzan, and seconded by Ms. Altman to approve the automatic annual renewal of the Treasurer's Bonds for the Board Treasurer and the Assistant Secretary-Treasurer. The motion passed unanimously.

E. Sludge Committee – No report.

- F. Legal and Engineering Services Committee – Sam Testa – Mr. Testa reported that there is to be discussion and award of the engineering services for the design of the plant upgrade. Mr. Testa asked that the Board enter an executive session to discuss some pertinent items.

This concluded Mr. Testa's report.

12. Change Orders and Pay Estimates: None

13. Requisitions:

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

- A. 2005 Construction Fund Requisition No. 2005-46 in the amount of \$1,924.05. Motion to approve was made by Mr. Konkus, and seconded by Ms. Altman. The motion passed unanimously.

14. Board Member Comments:

Ms. Altman presented Mr. Pioth with her letter of resignation, effective March 1, 2009, which Mr. Pioth read to those in attendance. Ms. Altman stated that it has been her pleasure and honor to serve on the WWMA Board, adding that she is honored to have been the first woman to serve on the Board. Mr. Pioth told Ms. Altman that he is very sorry to see her leave. Mr. Pioth reported that Mr. Hall has also resigned from the WWMA Board, and stated that he would like to send Mr. Hall a letter of appreciation on behalf of the Authority. Ms. Altman said that she will be leaving the Board richer than when she arrived, and she stated that the affection she feels for the Board Members and the Authority will always go with her. Those in attendance showed their appreciation for Ms. Altman with a round of applause.

Ms. Altman excused herself from the meeting. The time was 8:10 P.M.

15. A motion was made by Mr. Konkus, and seconded by Mr. Testa to enter into an executive session to discuss matters of current or potential litigation. The motion carried unanimously. The time was 8:10 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 8:54 PM.

Mr. Pioth recommended that the Board table the decision to award the engineering design for the plant upgrade project until Authority representatives meet individually with each engineering firm for clarification on the proposals. A motion was made by Mr. Marks, and seconded by Mr. Chrzan, to table the decision to award the engineering design for the plant upgrade project, and to authorize the Legal and Engineering Services committee to meet with HDR Engineering Co., Inc. and Wade Trim for clarification of issues regarding the engineering design for the plant upgrade. The motion passed unanimously.

A motion was made by Mr. Testa, and seconded by Mr. Marks, to appoint HDR Engineering Co., Inc. as the Consulting Engineer on a monthly basis, until the proposals are settled. The motion passed unanimously.

Mr. Marks welcomed Mr. Santimyer to the Authority Board, and requested that a letter of appreciation be sent to Ms. Altman.

16. A motion to adjourn the meeting was made by Mr. Chrzan, and seconded by Mr. Watson. The motion carried unanimously. The time was 9:00 P.M.

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Anthony Marks  
Secretary