

WESTERN WESTMORELAND MUNICIPAL AUTHORITY

REGULAR MONTHLY MEETING – MARCH 19, 2009

The Board of Directors of the Western Westmoreland Municipal Authority held a regular monthly meeting on Thursday, March 19, 2009 at 7:00 P.M. in the Authority conference room, duly advertised, as required, and with the following persons in attendance:

Mr. Pioth welcomed Mr. Jared Squires as the newly appointed Board Member representing North Huntingdon Township, and introduced Mr. Squires to those in attendance.

1. Roll Call:

Board Members in Attendance:

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

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 – Mr. John Thornton, visitor, was in attendance.

4. Communications:

- A. Mr. Pioth referred to the PMAA Regions 9 & 10 Spring Dinner Meeting, scheduled for April 25, 2009.
- B. Mr. Pioth referred to the PMAA Spring Management Workshop – 2009 Stimulus Program, scheduled for April 27, 2009, at Nemaocolin Woodlands. Mr. Squires stated that the workshop for Nemaocolin is scheduled for April 21, 2009, and not April 27, 2009.
- C. Mr. Pioth referred to the Water Environment Federation Technical Exhibition and Conference, which is scheduled for October 10, 2009 through October 14, 2009, in Orlando, Florida. Mr. Fisher asked that anyone who is interested in attending notify him as quickly as possible.

5. Secretary's Report – Mr. Marks –

- A. A motion was made by Mr. Konkus, and seconded by Mr. Watson, to approve, as presented, the minutes of the February 19, 2009 Regular Meeting. The motion passed unanimously.
- B. Mr. Marks reported that he spoke with the Penn Township Commissioners concerning Penn Township's position regarding the purchase of the Ardara System, stating that he presented to the Commissioners an alternative view to Mr. Stan Caroline's position on the subject.

This concluded Mr. Mark's report.

6. Treasurer's Report – Mr. Watson –

- A. A motion to approve for payment Revenue Fund Requisition No. 100, in the amount of \$277,342.74 was made by Mr. Marks, and seconded by Mr. Chrzan. The motion passed unanimously.

This concluded Mr. Watson's report.

Mr. Marks reported that Mr. Dan Hall was not reappointed as a WWMA Board Member to represent Penn Township, and stated that the Penn Township Commissioners are considering other applicants.

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 the Authority is required to apply for addition fields accreditation to perform total solids testing on the sludge cake from the Pennsylvania Bureau of Laboratories. Mr. Fisher reported that the Authority received its annual certification.
  - B. Mr. Fisher reported that he met with Mr. Pat Stevens, the Vice-President of Engineering for ADS Environmental yesterday to review the Authority's flow metering requirements. After looking at what ADS's equipment can do, and considering the locations at which meters are required, it has been determined that a meter would be required for each of the three combined sewer overflow stations. Five additional meters will be required, for placement in the interceptors. Two meters will be located at the far ends of the Bushy Run and Paintertown Interceptors, and will take care of the flow coming directly from Penn Township. A flow meter will be installed just below Manor Borough, to monitor flow from Manor Borough and Hempfield Township. One meter will be installed where the Paintertown Interceptor meets the Brush Creek Interceptor, and one meter will be installed on the Tinker's Run Interceptor. Mr. Fisher stated that the cost will be approximately \$8,500.00, depending upon what reporting work will be done by the vendor, and what will be done by Authority personnel. Mr. Fisher requested Board approval to proceed with the preparation of bid specifications and advertisement of bids for flow metering equipment. He explained that the bid specifications can be written cafeteria-style, so that the Board can select exactly what they want. A motion was made by Mr. Chrzan, and seconded by Mr. Testa, to move forward with Mr. Fisher's recommendation. The motion passed unanimously.
  - C. Mr. Fisher reported that a representative of EMC Insurance Co. conducted a safety inspection today. Mr. Fisher reported that the inspector was quite impressed with the conditions of the plant and the safety measures that have been implemented, and that he had only a few suggestions for improvements, such as extending the guard on one of the raw sewage pump shaft drives by a few inches. Mr. Fisher reported that EMC now has software available to conduct an appraisal of the plant, stating that the Authority would not have to pay Industrial Appraisal to perform an audit. Mr. Campfield cautioned that such an appraisal may have limited value, and that it not be accepted by all entities that would require an appraisal. Mr. Campfield stated that he would be skeptical if the values come in lower than our current appraisal, because it may end up being a limiting factor on the Authority's coverage.
  - D. Mr. Fisher reported that the awards for engineering consulting services and engineering for the design of the plant upgrade will take place during Mr. Testa's Legal and Engineering Services Committee report.
  - E. Mr. Fisher reported that he has not been able to find any firms, other than KTA-Tator, who specialize in environmental assessments and hazardous materials audits. Mr. Marks stated that KTA-Tator is the leader in the field for this type of work. Mr. Goodwin stated that KTA-Tator is the best, and they do all of this type of work in this area. A motion was made by Mr. Marks, and seconded by Mr. Chrzan, to authorize KTA-Tator to perform an asbestos and lead survey. Mr. Marks stated that this survey must be conducted before the project begins. The motion passed unanimously.

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 reviewed the written report dated March 19, 2009, 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 finally moving toward a resolution to the delay claim that was filed by Westmoreland Electric. Mr. Goodwin reported that the William T. Spaeder Company was on-site this week, beginning to install the replacement butterfly valves on the aeration system. These valves replaced the valves that were not installed according to contract specifications. Mr. Goodwin reported that aerial photos of the plant will be taken, soon.

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 referred to three items that will be discussed during the executive session: the Trafford litigation, the potential litigation with the North Huntingdon Township Municipal Authority, and the litigation with Westmoreland Electric. Mr. Campfield reported that the March 26, 2009 conference with Judge Caruso concerning Trafford Borough was cancelled, and rescheduled for April 28, 2009, at 11:00 A.M.
- B. Mr. Campfield suggested that the Legal and Engineering Services Committee meet with Authority staff to discuss the Open Records Law. Mr. Campfield explained to the Board how electronic correspondence is treated under the law. Mr. Campfield recommended that the Authority meet with an information technology specialist to determine how best to handle electronic correspondence. Mr. Campfield briefly explained to the Board some of the requirements of the Open Records Law, and stated that fulfilling requests for records can be a costly and time-consuming task.

Mr. Pioth reported that he, Mr. Fisher, and Mrs. Wtorkowski attended the PMAA New Board Members Training Seminar, during which Ms. Terry Mutchler, Pennsylvania's Open Records Director, presented information regarding the Open Records Law. Mrs. Mutchler recommended that Authorities purge records that they are not required by law to retain. Mr. Pioth encouraged the Board to take action this evening to enact a records destruction policy. Mr. Campfield explained that re-writing the Authority's records retention policy will not be difficult, since the Authority is required to comply with the Pennsylvania Historical and Museum Commission Bureau of Archives and History. A motion was made by Mr. Testa, and seconded by Mr. Konkus, to authorize Mr. Campfield, Mr. Fisher, and Mrs. Wtorkowski, as well as any member of the Legal and Engineering Services committee, to meet to discuss and possibly prepare a draft of a records retention policy. The motion passed unanimously.

This concluded Mr. Campfield's report.

10. Reports of Committees:

- A. Grounds and Maintenance Committee – Leonard Santimyer – Mr. Santimyer reported that the conference room and main office renovations are now complete. Mr. Pioth stated that the work was completed by Authority staff. Mr. Santimyer reported that the lights in the entrance lobby are to be replaced, as well.
- B. Personnel Committee – Mr. Chrzan reported that he and Authority staff conducted a safety meeting two weeks ago. Mr. Chrzan reported that Mr. Fisher presented to Mr. Spoonhoward and Mr. McQuillis certificates recognizing 20 and 30 years of service, respectively. Mr. Chrzan reported that an employee is currently on a short-term disability leave, and should return within a few months.
- C. Finance and Budget Committee –
  - 1. Mr. Chrzan reported that the Authority received \$14,379.72 in interest in February, for a year-to-date total of \$29,199.51.
  - 2. A motion was made by Mr. Chrzan, and seconded by Mr. Santimyer, to approve the purchase from First Commonwealth of a six-month public funds certificate of deposit in the amount of \$115,192.73, at the rate of 1.65%, from the Penn Township Guaranteed Fund-Project Area II. This purchase represents the rollover of an existing CD. The motion passed unanimously.
- D. Insurance Committee – A motion was made by Mr. Chrzan, and seconded by Mr. Testa, to appoint Mr. Squires as Chairman of the Insurance Committee. Mr. Marks asked if he could be relieved of his duties on the Sludge Committee, since he is currently serving on the Engineering and Legal Services Committee. Mr. Pioth stated that Mr. Marks is no longer serving on the Sludge Committee, but the position will be assigned to Mr. Hall's replacement. A roll-call vote on the motion was requested.

Mr. Chrzan – yes	Mr. Konkus – yes	Mr. Marks – yes
Mr. Pioth – yes	Mr. Santimyer – yes	Mr. Squires – yes
Mr. Testa – yes	Mr. Watson – yes	

The motion passed, 8-0.

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

F. Legal and Engineering Services Committee – Sam Testa –

1. Mr. Testa reported that the Legal and Engineering Services Committee met with both engineering firms regarding proposals that they had submitted for design work on the plant upgrade, and consulting services. Mr. Testa stated that each firm was invited to comment on questions that the Authority had regarding their proposals. Notes from the meetings were provided to the Authority Board Members. Board members also received a letter from Mr. Fisher regarding his recommendations. Mr. Testa opened the topic to Board discussion.

Mr. Konkus expressed concern about Mr. Poole being assigned to many of the design tasks. Mr. Testa stated that the question regarding staffing was presented to both engineering firms, and the Committee was satisfied that both firms could complete the work.

Mr. Marks stated that he prepared a list of “plusses and minuses” for each engineering firm. He stated that Wade Trim has little experience in the area of gas well water treatment. Mr. Marks reported that he has conducted a lot of research on his own, and stated that Mr. Poole comes with outstanding recommendations. Mr. Marks agreed with Mr. Konkus’s concern about Mr. Poole being assigned to many of the tasks, which can result in good and bad effects. He stated that the design is a short-term project, and that the issue now comes down to price. Mr. Marks stated that it was his understanding that both engineering firms were given the opportunity to provide a “best and final” price. Mr. Marks stated that there was a substantial reduction to Wade Trim’s original proposal.

Mr. Goodwin stated that he would like to refute the comment that both firms were given the option to give a “best and final” price. He stated that HDR never received a formal notification that they could submit a revised proposal. Mr. Pioth stated that neither firm was given formal notification, but they were notified verbally. Mr. Pioth reminded Mr. Goodwin that he attended a meeting between Mr. Ed Reese, Mr. Goodwin, and himself, at which time he stated that HDR could submit a revised price.

Mr. Marks stated that he spoke today with Ms. Carolyn Dimmick, of HDR Engineering Co., Inc., who confirmed that, during a telephone conversation last week with Mr. Fisher, was offered the opportunity to amend, adjust, and modify their proposal. Mr. Marks stated that Ms. Dimmick chose to not amend the proposal. Mr. Marks questioned why Wade Trim lowered their price a week before HDR was offered the opportunity to lower their price, stating that there seemed to be a disparity between the timeline, although both firms were given the opportunity to submit a revised proposal. Mr. Goodwin stated that HDR presented their best and final number, and stated that it was his understanding that, with all things being equal, the decision would come down to price. Mr. Testa stated that he did not speak to anyone other than at the meetings with the engineering firms. He said that a question was raised during the meeting with Wade Trim regarding Wade Trim’s calculations, stating that the percentages in the proposal were off, which may have precipitated the amended proposal. Mr. Campfield explained that their percentages were off, because Wade Trim had stated that their price was “X” percent of the project costs, which was a lower number than the actual number in the proposal.

Mr. Testa stated that both engineering firms are capable and professional, and a decision must be made by the Board. Mr. Testa stated that HDR has been with the Authority since 1996, and has performed at least five plant upgrades for the Authority. He stated that both firms would use 3-D laser scanning technology. Mr. Fisher explained that HDR would use conventional survey, using xyz coordinates, versus a laser scan, which would scan in 3-D. Mr. Chrzan stated that Mr. Poole has been the Authority’s consulting engineer for over 16 years. Mr. Testa agreed that Mr. Poole has been with the Authority for a very long time, adding that Mr. Poole is very knowledgeable about the plant. He stated that Wade Trim would be using 3-D laser scanning technology. Mr. Testa stated that Wade Trim included in their proposal green projects to the increase ecological efficiency in the infrastructure. Mr. Testa stated that he is pleased with Wade Trim’s sub-consultants, adding that Mr. Reynolds has worked with the Authority for a number of years on the SCADA system, and Ms. Marcum has worked on CAD design for various phases of plant upgrades. Mr. Testa also considered the comparison of the proposals that Mr. Fisher presented to the Board. Mr. Marks stated that he feels there is a dollar cost associated with the manager’s preference. He stated that he is disheartened that there seems to be an ambiguity regarding

offers to submit revised proposals. Mr. Marks stated that he disagrees with Mr. Goodwin's statement about the decision coming down to price, because this is a professional service, and the manager has to work with the engineers. Mr. Marks stated that, while there was confusion, there was not a "fatal error" in the discussions, because the opportunity for HDR to revise their proposal was put forth a week ago. Mr. Testa stated that, since the bids are for professional services, the Authority does not have to accept the lower bid, if the Board feels that one firm would be better than the other. Mr. Marks stated that HDR was given the opportunity to submit a revised proposal. Mr. Konkus asked if both firms were given a "drop-dead" submittal date. Mr. Fisher stated that they were both asked on Friday, March 6, 2009 to submit clarifications to their proposals by Friday, March 13, 2009. Mr. Fisher stated that Mr. Goodwin asked if HDR should submit a letter. Mr. Fisher stated that he told Mr. Goodwin that the decision was up to him, and he added that, if HDR wanted to revise their proposal, they should include the amount in the letter. Mr. Marks stated that Ms. Dimmick stated that the offer was not formal, but HDR was offered the opportunity to submit a revised proposal.

Mr. Konkus stated that Wade Trim is not as heavily staffed in Pittsburgh as HDR, and he asked if Wade Trim has staffing in other states that could complete the project if anything happened to Mr. Poole. Mr. Fisher stated that both firms have adequate staffing, adding that HDR also farms out some of their work to other offices within HDR. He stated that Mr. Beninati has been doing some of the work for HDR since he joined the firm one to two years ago.

Mr. Pioth asked how, if Mr. Beninati has only been with HDR for one year, he could have completed 95% of the Facilities Plan Study. Mr. Goodwin stated that Mr. Beninati has been with HDR for about a year and a half, which is the entire time during which the study was being completed. Mr. Marks stated that this is a difficult decision. Mr. Pioth agreed, adding that the Board doesn't want to lose either engineer. Mr. Testa stated that the Legal and Engineering Services Committee chose to meet with the engineering firms in an attempt to help the Board to make a decision for the design project and consulting services. Mr. Konkus asked if the awards should be made separately. Mr. Testa stated that, while the two services should be made under separate motions, he feels that the two go hand-in-hand. Mr. Marks asked for Mr. Fisher's opinion regarding working with two engineering firms. Mr. Fisher stated that he has worked with two engineering firms previously, and stated that things can become confusing. However, he said it is possible to work with two firms, adding that it is frequently done. Mr. Fisher stated that Mr. Poole has strengths in budgeting and financing, because he has a long-term history with the Authority. Mr. Fisher stated that Mr. Goodwin has worked with Mr. Poole on some of these issues, and should receive some credit, as well. Additionally, Mr. Goodwin has completed more of the work on the Chapter 94 reports and the ALCOSAN reports, under Mr. Poole's direction and with Mr. Poole's review. Mr. Fisher stated that Wade Trim addressed funding sources in more detail than did HDR. He stated that Wade Trim also included the co-generation unit in the design, which could provide additional funding sources, while HDR listed the co-generation unit as a potential future project. Mr. Fisher stated that he also has a long-standing relationship with Mr. Poole, having worked with him previous to working at WWMA. Mr. Marks asked Mr. Fisher if he had an objection to splitting the engineering services, because that is a possibility for the Board. Mr. Pioth stated that it could be difficult if the engineering services are split. Mr. Konkus asked Mr. Fisher if he would prefer to work with Mr. Poole, stating that he would understand that, because he personally would have a difficult time working with anyone other than Mr. Ed Antonacci, Manor Borough's Consulting Engineer. Mr. Fisher stated that, in the long run, it would be easier to work with one firm, because it allows for continuity between projects, budgeting, and financing. Mr. Marks stated that this would "put another hat" on Mark Poole. Mr. Pioth stated that these are "the same hats" that he was wearing at HDR.

This concluded Mr. Testa's report.

A motion was made by Mr. Santmyer, and seconded by Mr. Konkus, to appoint Wade Trim as the Authority's Consulting Engineer at the annual rate of \$22,200.00 for annual services, and as engineer for the Plant Upgrade Design Project, at an amount of \$388,000.00. A roll-call vote was requested.

Mr. Chrzan – yes  
Mr. Pioth – yes  
Mr. Testa – yes

Mr. Konkus – yes  
Mr. Santmyer – yes  
Mr. Watson – yes

Mr. Marks – yes  
Mr. Squires – yes

The motion passed, 8-0.

Mr. Fisher stated that HDR needs to be retained to handle the close-out of the WWTP Wet Weather Improvements Project. Mr. Campfield stated that a motion may not be required, depending upon the terms of the engineering services contract between WWMA and HDR. Mr. Campfield stated that he will review the contract, and make a determination regarding further action.

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. 2005-47 in the amount of \$1,047.90. Motion to approve was made by Mr. Konkus, and seconded by Mr. Chrzan. The motion passed unanimously.

13. Board Member Comments –

- A. Mr. Pioth reported that the PMAA New Board Members Training Seminar was very informative, and he stated that it was unfortunate that the Authority's new Board Members were unable to attend.
- B. Mr. Pioth commended the Authority staff for the great work that they did on the office and conference room renovations. The other Board Members indicated their appreciation, as well.

A motion was made by Mr. Konkus, and seconded by Mr. Chrzan, to enter into an executive session to discuss personnel matters and matters of potential litigation with Trafford Borough, North Huntingdon Township, and Westmoreland Electric. The motion passed unanimously. The time was 8:35 P.M.

A motion to return to the regular order of business was made by Mr. Testa, and seconded by Mr. Squires. The motion carried unanimously. The time was 9:28 PM.

A motion was made by Mr. Testa, and seconded by Mr. Marks to authorize Mr. Campfield to file a response to Trafford Borough. The motion passed unanimously.

A motion was made by Mr. Testa, and seconded by Mr. Marks, to authorize Mr. Campfield to file a response to Westmoreland Electric. The motion passed unanimously.

A motion was made by Mr. Testa, and seconded by Mr. Marks, to authorize Mr. Campfield to send a reply to North Huntingdon Township Municipal Authority, leaving the amount open to discussion. Mr. Campfield was instructed to state that there will be a last and final meeting in May, and to recommend that North Huntingdon Township Municipal Authority come to the Authority office to review Authority records. The motion passed unanimously.

A motion was made by Mr. Testa, and seconded by Mr. Jared Squires, to send a letter of appreciation to HDR Engineering Co., Inc., and to Mr. Goodwin. The motion passed unanimously.

14. A motion to adjourn the meeting was made by Mr. Chrzan, and seconded by Mr. Squires. The motion carried unanimously. The time was 9:35 P.M.

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Anthony Marks  
Secretary