

WESTERN WESTMORELAND MUNICIPAL AUTHORITY

REGULAR MONTHLY MEETING – August 20, 2009

The Board of Directors of the Western Westmoreland Municipal Authority held a regular monthly meeting on Thursday, August 20, 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. Stan Caroline	Mr. Larry Chrzan	Mr. Anthony Marks
Mr. Robert Pioth	Mr. Leonard Santimyer	Mr. Sam Testa
Mr. Jared Squires	Mr. Tim Watson	

Absent:

Mr. Charles Konkus	Mr. John Nabuda
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Others in Attendance:

Mr. John Campfield, Solicitor (arrived at 7:22 P.M.)
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 the ALCOSAN Wet Weather Quarterly newsletter.
- B. Mr. Pioth referred to a letter from PMAA regarding the Sahli award, which will be presented to Robert Zenter, recognizing his service to the Western Westmoreland Municipal Authority. There was a discussion regarding whether the Authority should pay to send Mr. Zentner to Hershey to accept the award in person. This item was tabled until Mr. Campfield's arrival.
- C. Mr. Pioth referred to Wade Trim's newsletter, which was distributed to the Board.
- D. Mr. Pioth referred to the WEF Trade Show for 2010, which will be held in New Orleans. Mr. Fisher explained that this is a call for abstracts for next year's convention.
- E. Mr. Pioth referred to the ALCOSAN Wet Weather Planning Basin meeting minutes.

A motion was made by Mr. Chrzan, and seconded by Mr. Marks to include ALCOSAN's quarterly newsletter in the Western Westmoreland Municipal Authority's meeting minutes.

5. Secretary's Report – Mr. Marks –

- A. A motion was made by Mr. Testa, and seconded by Mr. Chrzan, to approve, as presented, the minutes of the July 16, 2009 Regular Meeting. The motion passed unanimously.

This concluded Mr. Mark's report.

6. Treasurer's Report – Mr. Watson –

- A. A motion to approve for payment Revenue Fund Requisition No. 105: payment to the Central Westmoreland Council of Governments, in the amount of \$175.00 was made by Mr. Watson, and seconded by Mr. Chrzan. The motion passed, 7-0, with an abstention by Mr. Marks, who is employed by the Central Westmoreland COG. A memorandum, signed by Mr. Marks, is attached to these minutes.
- B. A motion to approve for payment Revenue Fund Requisition No. 106: payment to the Colonial Grille, in the amount of \$544.45 was made by Mr. Chrzan, and seconded by Mr. Marks. The motion passed, 7-0, with an abstention by Mr. Santimyer, whose son is the owner of the Colonial Grille. A memorandum, signed by Mr. Santimyer, is attached to these minutes.

- C. A motion to approve for payment Revenue Fund Requisition No. 107, in the amount of \$123,236.33 was made by Mr. Chrzan, and seconded by Mr. Squires. 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 referred to the draft of a letter that was written by Mr. Poole to the Manor Borough Council, concerning the status of Western Westmoreland Municipal Authority's Long-Term Control Plan, and Manor Borough's requirements in conjunction with WWMA's Long-Term Control Plan. Mr. Fisher explained that Manor Borough is in the process of applying for State grants and loans for separation projects, particularly in the older section, under the railroad tracks. Mr. Fisher stated that Manor Borough is currently conducting some televising and dye-testing work in the area near Route 993 and Hill Street.
 - B. Mr. Fisher reported that the Authority received a notice of violation from the PaDEP for failure to report an emergency by-pass that occurred as a result of the flooding that occurred on June 17, 2009. Mr. Fisher explained that he spoke with Zach Flannigan, of the Greensburg office of the PaDEP, on June 18, 2009, and explained that the plant experienced flooding, and that the Authority was checking manholes. Mr. Fisher did not mention the by-pass during that telephone conversation. Mr. Fisher stated that Scott Swarm, the PaDEP Supervisor, called the office while he was on vacation. Mrs. Wtorkowski immediately notified Mr. Fisher of the call, and Mr. Fisher returned the call. Mr. Swarm told Mr. Fisher that Authorities are required to report by-passes within 24 hours of an occurrence. Mr. Fisher stated that the Authority has always reported emergency by-passes in the DMR reports following each occurrence. Mr. Swarm stated that this was not acceptable. Mr. Fisher cautioned the Board that, if the PaDEP is looking at by-pass events for combined sanitary overflows (CSO), the Authority could be facing issues in the future. The Authority was to have eliminated the CSO by the end of the last permit period. This issue is included in the Long-Term Control Plan. The PaDEP now considers overflows to be sanitary, because the two municipalities with combined sewer systems have installed approved, permitted regulator stations at their points of connection to the Authority's interceptor. The PaDEP looks at anything entering our plant to be sanitary.

Mr. Campfield joined the meeting at this time. The time was 7:22 P.M.

- C. Mr. Fisher reported that Mark Poole and he met with Jerry Sabatini, of the Valley Landfill, regarding modifications to the leachate limits. Mr. Campfield stated that he prepared a proposed set of pretreatment rules and regulations, which could be added to the Authority's Rules and Regulations. Mr. Campfield suggested that Mr. Fisher meet with Mr. Poole, Mr. Campfield, and the Legal and Engineering Services Committee, to review the proposed regulations. This would enable the Authority to issue to the Landfill a permit which lists the required parameters, and which would eliminate the need to revise the Authority's agreement with the Landfill. Mr. Caroline stated that the Penn Township Sewage Authority may want to adopt WWMA's regulations once they are approved, as this which would make enforcement easier for both Authorities. A motion was made by Mr. Marks to prepare a resolution to accept the pretreatment rules and regulations. Mr. Testa asked Mr. Campfield if the regulations needed to be revised further. Mr. Campfield stated that they are not in a final form. After discussion, it was decided that Mr. Fisher and Mr. Campfield would make final revisions to the regulations. Mr. Marks withdrew the motion. Mr. Fisher referred to three spreadsheets that contained information concerning the Landfill's leachate information, and explained the data.
- D. Mr. Fisher requested Board approval of the annual Municipal Minimum Obligation (MMO) calculation for the Authority's pension plan. Mr. Fisher explained that the calculated amount may be lower, depending upon the status of an employee who is currently on short-term disability leave. A motion was made by Mr. Chrzan, and seconded by Mr. Squires, to approve the MMO for the Authority's pension plan, and to adjust for the employee, if necessary, once status of his condition is known. Mr. Caroline asked for clarification on the calculations, which Mrs. Wtorkowski provided.

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

A motion was made by Mr. Caroline, and seconded by Mr. Testa, to ratify the authorization for the Assistant Secretary-Treasurer to sign the PMAA Region 9 ballot. The motion passed unanimously.

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

Mr. Poole reviewed the written report dated August 20, 2009, which was distributed on August 14, 2009.

A. Solids Processing Project:

1. Mr. Poole reported that the design progress meeting no. 5 was held with the Legal & Engineering Services Committee on August 6, 2009. The meeting was productive. The minutes of this meeting are attached to the Consulting Engineer's report.
2. Mr. Poole reported that he is two to three weeks behind his schedule, but the Authority is still on track to submit the Part II permit in September 2009.
3. Mr. Poole reported that he is trying to schedule a meeting with Larry Gasparato, of Pennvest, to discuss possible funding options. Mr. Poole will try to call Mr. Gasparato again on Monday, August 24, 2009 to schedule a meeting.

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

9. Solicitor's Report – John Campfield – Mr. Campfield extended his apology for arriving late, due to a meeting with another client.

- A. Mr. Campfield explained that Mr. Fisher and Mrs. Wtorkowski would like the Board to adopt a policy regarding the destruction of audio tapes of meetings. Mrs. Wtorkowski explained that, at Mr. Campfield's request, she has been reviewing minutes of prior years to determine if there were any issues that would warrant indefinite retention of the audio tapes. Mrs. Wtorkowski reported that she has reviewed the minutes from 1998 through the present, preparing an index for each year. Mrs. Wtorkowski stated that she found nothing in the minutes that would warrant permanent retention of the audio tapes, although there were some minor recording errors. Mr. Campfield stated that, since the current Board could not approve actions of a past Board, the list of information that was contained on the tapes could be adopted by the Board. Mr. Campfield stated that the Board needs to adopt a policy regarding destruction of audio tapes, and that the paper copy of the minutes is the permanent record. Mrs. Wtorkowski stated that the minutes are also being scanned into a pdf format, which is an acceptable format for permanent file retention. A copy of the pdf files is stored off-site. A discussion followed regarding file retention. Mr. Campfield recommended keeping audio tapes of meetings if a citizen tapes the meeting.

Mr. Pioth asked Mr. Campfield if the Authority was permitted to pay the costs to send Mr. Zentner to Hershey, PA to accept his Sahli award. Mr. Campfield stated that he would search his records for clarification while the Board continues with the meeting.

This concluded Mr. Campfield's report.

10. Reports of Committees:

- A. Grounds and Maintenance Committee – Mr. Santimyer –
Mr. Santimyer reported that the grounds were cleaned following the June 17, 2009 flooding.
- B. Personnel Committee – Mr. Chrzan reported that two employees are currently on short-term disability leaves. Both employees will be seen by their doctors in the near future. One of the employees may be returning to work within one month.
- C. Finance and Budget Committee –
1. Mr. Chrzan reported that the Authority received \$12,869.88 in interest in July, for a year-to-date total of \$115,717.01.

2. Mr. Chrzan reported that three certificates of deposit for the Capital Improvement Fund are scheduled to mature on August 22, 2009. Mr. Chrzan stated that current interest rates are very low, and the best rate currently available is .45%, for a term of six months, with First Commonwealth Bank.

A motion was made by Mr. Chrzan, and seconded by Mr. Watson, to purchase a Public Funds CD for the Capital Improvement Fund in the amount of \$620,520.00 from First Commonwealth Bank, for a period of six (6) months, at the rate of .45%. The motion passed unanimously.

A motion was made by Mr. Chrzan, and seconded by Mr. Watson, to purchase a Public Funds CD for the Escrow Account-Mid-American Waste Fund in the amount of \$331,096.00 from First Commonwealth Bank, for a period of six (6) months, at the rate of .45%. The motion passed unanimously.

A motion was made by Mr. Chrzan, and seconded by Mr. Watson, to purchase a Public Funds CD for the Penn Township Expansion Guaranteed Fund, Project Area II in the amount of \$307,157.40 from First Commonwealth Bank, for a period of six (6) months, at the rate of .45%. The motion passed unanimously.

3. Mr. Chrzan reported that the conversion from the Authority's depository from National City Bank to First Niagara Bank will take place at the close of business on Friday, September 4, 2009. A motion was made by Mr. Chrzan, and seconded by Mr. Testa, to appoint First Niagara Bank as the Authority's depository. Mr. Squires asked if First Niagara was keeping the same branch manager. Mrs. Wtorkowski stated that she spoke with the branch manager today, and the employees would remain the same. The motion passed unanimously.

D. Insurance Committee – A motion was made by Mr. Squires, and seconded by Mr. Chrzan, to approve the renewal of the policy workers' compensation premium with FWF Insurance Agency, for a period of one (1) year, at a total cost of \$19,763.00. Mr. Squires noted that this premium results in a reduction of \$5,085.00, compared to the previous year. The motion passed unanimously.

E. Sludge Committee – Stan Caroline – There was nothing to add to the report that was previously submitted.

F. Legal and Engineering Services Committee – Mr. Testa thanked Mr. Poole and Mr. Fisher for reporting this evening on the progress of the plant upgrade design, and he thanked Mr. Poole for preparing a report on the progress meeting. Mr. Testa stated that there are a few items that may have to be redesigned. Mr. Testa reported that the Authority is still working on the Valley Landfill issue.

11. Change Orders and Pay Estimates – None

12. Requisitions:

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

A. Capital Improvement Fund Requisition No. 84 in the amount of \$5,800.00. Motion to approve was made by Mr. Chrzan, and seconded by Mr. Caroline. The motion passed unanimously.

B. 2005 Construction Fund Requisition No. 2005-52 in the amount of \$48,936.75. Motion to approve was made by Mr. Chrzan, and seconded by Mr. Squires. The motion passed unanimously.

13. Board Member Comments – None.

14. A motion was made by Mr. Squires, and seconded by Mr. Chrzan, to enter into an executive session to discuss personnel matters and matters of current or potential litigation with North Huntingdon Township Municipal Authority. The motion passed unanimously. The time was 8:14 P.M.

A motion to return to the regular order of business was made by Mr. Chrzan, and seconded by Mr. Testa. The motion carried unanimously. The time was 8:52 PM.

A motion was made by Mr. Chrzan, and seconded by Mr. Testa, to enter into litigation with the North Huntingdon Township Municipal Authority tomorrow. A roll-call vote was requested.

Mr. Caroline – no
Mr. Pioth – yes
Mr. Testa – yes

Mr. Chrzan – yes
Mr. Santimyer – no
Mr. Watson – yes

Mr. Marks – no
Mr. Squires – no

The vote was tied, 4-4; therefore, the motion failed. A discussion followed.

A motion was made by Mr. Marks, and seconded by Mr. Squires, stating that, if the North Huntingdon Township Municipal Authority does not tender an acceptance of the offer of \$450,000.00 by its September 2, 2009 meeting, and notify the Western Westmoreland Municipal Authority before its September 17, 2009 meeting, the Western Westmoreland Municipal Authority Board is to commence with litigation. There was a question regarding a repayment option. Mr. Campfield stated that the Authority has never given North Huntingdon Township Municipal Authority a repayment option. Mr. Testa stated that there would be no provision for a payment plan. Mr. Caroline stated that the Western Westmoreland Municipal Authority is not in the banking business, and, if the North Huntingdon Township Municipal Authority needs to borrow money to complete the transaction, they should borrow the money. Mr. Squires concurred. A roll-call vote was requested.

Mr. Caroline – yes
Mr. Pioth – no
Mr. Testa – yes

Mr. Chrzan – no
Mr. Santimyer – yes
Mr. Watson – yes

Mr. Marks – yes
Mr. Squires – yes

The motion passed, 6-2.

15. A motion to adjourn the meeting was made by Mr. Testa, and seconded by Mr. Squires. The motion carried unanimously. The time was 9:10 P.M.

Anthony Marks
Secretary