

**POTTSTOWN BOROUGH AUTHORITY
WATER**

CALL TO ORDER

Chairman Downie called the meeting to order at 7:00 p.m. Present were Ronald Downie, Don Read, Aram Ecker, Tom Carroll and Doug Dilliplane. Also in attendance were Manager Raymond Lopez, Solicitor David Garner, Public Works Director Doug Yerger, Interim Bookkeeper Jason Bobst, Tom Weld, BCM Engineers, Wastewater Treatment Plant Superintendent Brent Wagner and Borough Secretary Virginia Takach. Utilities Director Robert Maul was absent.

PUBLIC COMMENT

a. Jeanne Petrosky, 243 Jefferson Avenue – thanked the Board for resolving the Guzenski matter for the property located at 243 Jefferson Avenue. She also apologized for any inappropriate comments previously made to the Board.

b. Maan Sallit, owner 860 High Street – requested the Board's assistance in his overdue utility bill for property located at 860 High Street. He noted that a Finance Supervisor recommended he attend the meeting to seek relief of the excessive bill and late fees.

Mr. Bobst agreed to review the bill and correspond with Mr. Sallit.

CORRESPONDENCE

Mr. Lopez advised that a check in the amount of \$3,010.10 was received from EnerNOC for the last quarter of 2008.

Mr. Lopez also noted that Council has requested a monthly report from the Authority and requested a recommendation from the Board.

Chairman Downie suggested that since Mr. Read and Mr. Carroll regularly attend the Borough Council meetings that one could provide a brief report to Council.

Chairman Downie thanked Mr. Wagner and Mr. Maul for the written report on the Fluoride Hearings.

COMMITTEE REPORTS

MARKETING

Mr. Read advised that he would be meeting with Lower Pottsgrove Township next week regarding a development in that area and will provide a report regarding that meeting.

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ENERGY

Mr. Dilliplane advised that it is the recommendation of the committee to support the Phase I, preliminary evaluation of the Honeywell presentation.

Mr. Dilliplane moved to ratify the action of Pottstown Borough Council, which has entered into an agreement for a Phase I Audit of facilities owned by the Pottstown Borough and Pottstown Borough Authority. Mr. Carroll seconded the motion and it passed unanimously.

FINANCE

Mr. Read advised that a meeting was held with the Borough's Finance Committee, which was successful and provided for open communications. He added that the EIP officials provided insight as well.

ODOR

Mr. Wagner advised that there were no complaints in January. However, in February, Councilor Rhoads filed a complaint regarding a "cookie-dough" odor. He added that the odors have been identified and mitigated.

Mr. Lopez added that the fire companies responded due to an initial report of an odor of gas. There was none found.

RESTRUCTURING

Mr. Carroll moved to appoint Brent Wagner to fill the position of Authority Manager with a motion as follows:

In order to provide the Borough Manager with additional time for Borough concerns, I motion to assign the responsibility over the Water and Sewer system to an Authority Manager. This person will be responsible to design, develop and implement strategic plans for the Authority in a cost-effective and time-efficient manner. The Authority Manager is also responsible for the day-to-day operation of the water and sewer system, including managing the supervisors of the water and sewer system and developing business plans in collaboration with the Authority for the future of the organization. The detailed job description of the Authority Manager is to be drafted by the Borough Manager and a recommendation for Brent Wagner to fill this position is included in this motion.

Mr. Ecker seconded the motion.

Mr. Carroll commented that through his investigation he concluded that this position should be filled from within the organization and has found Brent Wagner to be the person to assume the duties of an Authority Manager and the responsibility of the entire system.

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Solicitor Garner clarified that the Borough would be hiring the Authority Manager.

Chairman Downie tabled the motion made by Mr. Carroll.

Mr. Read commented that in October 2008, the Borough approved the Authority's initiative for the creation of the position of an Authority Manager and to be filled through a search committee. He felt that Mr. Carroll's motion would not fulfill that directive.

Mr. Carroll replied that the Borough recently laid off thirteen people and should not be seeking to hire another individual.

Mr. Ecker reiterated his request to have a recommendation from the committee of Doug Yerger, Terry Jones, Scott Winter, Brent Wagner and Ray Lopez and felt it crucial to have an agreed opinion.

Mr. Lopez advised that such a meeting has recently occurred with Bob Maul, Brent Wagner, Jason Bobst, Doug Yerger and himself. Mr. Lopez added that he would like to discuss in executive session due to the fact that personnel and positions would be discussed.

Solicitor Garner agreed that even though the Authority technically has no personnel, if discussion would include specific personnel and specific issues as they relate to the Authority, it would be appropriate for executive session.

Mr. Lopez added that Doug Yerger oversees the streets, infrastructure and the closed loop system project and it would be necessary for him to remain as overseeing these projects.

Mr. Carroll agreed noting his motion would not in any way effect Mr. Yerger.

Mr. Read moved that in furtherance of the recommendations of the DEP, made in its Capability Enhancement Program evaluation dated September 2007 and in furtherance of the recommendation of the Pottstown Borough Authority which was adopted on October 21, 2008 and approved by Pottstown Borough Council on November 10th, 2008, the PBA requests that the Borough Manager begin the process of hiring an individual for the Borough position of Authority Administrator. This recommendation includes the creation of a committee consisting of the Borough Manager (or a designated representative), the Director of Public Works, the Director of Finance, the lead Utility superintendent, the Authority Solicitor, the Authority Engineer and at least one representative from the Authority Board. This committee will be responsible for developing the job description, screening applicant resumes and conducting interviews leading up to a recommendation of a candidate to fill this position.

Mr. Dilliplane seconded the motion.

Mr. Read commented that the system has been running in a deficit. He added that revenues are a bigger problem than the expenses of the Authority. Mr. Read also noted that to

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separate the Borough Manager and the Authority Manager coincides with the recommendation of the DEP.

EXECUTIVE SESSION

Chairman Downie tabled Mr. Read's motion and recessed the meeting to executive session at 7:40 p.m.

Evan Brandt, *The Mercury*, commented that the Authority has no employees and therefore this is not a matter for executive session.

RECONVENED

Chairman Downie reconvened the meeting at 8:02 p.m.

Mr. Carroll withdrew his motion and Mr. Ecker withdrew his second to the motion.

Mr. Read chose not to withdraw his motion and requested his motion stand.

Chairman Downie tabled Mr. Read's motion.

OLD BUSINESS

MINUTES

Chairman Downie asked for additions or corrections to the minutes of January 20, 2009. Hearing none, the minutes stood approved.

CONSIDERATION OF ELIMINATEING FLUORIDE FROM DRINKING WATER

Chairman Downie referred to the report provided by Utilities Director Bob Maul and WWTP Superintendent Brent Wagner. He noted that the comments were split 50/50 for and against eliminating fluoride in the water.

Mr. Read moved to start the process of eliminating fluoride out of the water. The motion was seconded by Mr. Dilliplane.

Mr. Dilliplane questioned if there was a time frame for this matter.

Chairman Downie responded that there was not.

Solicitor Garner provided a report from the U. S. Center for Decease Control from 2006, which is its latest data and statistics regarding fluoridated water. The data indicates that 70% of the public water systems in the United States have fluoridated water.

Mr. Read withdrew his motion and Mr. Dilliplane withdrew his second to the motion.

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Chairman Downie tabled this matter until this data is reviewed and to allow time for local legislators to provide comments and recommendations. He added that this would be listed for the March agenda.

REVIEW OF PROJECTS (WATER AND WASTEWATER)

Mr. Weld reviewed the five projects submitted to the Commonwealth Financing Authority. He advised that a permit was received for the York Street Sewer Replacement and this project will be considered shovel ready. The other projects submitted were the Replacement of the Filter Media, the New Washington Hill Storage Tank and Demolition of Store Reservoir, the Water Treatment Plant Upgrades and the Wastewater Treatment Plant Upgrades. Mr. Weld advised that the York Street and Filter Media projects would be the most positive projects for likelihood of funding from the State.

Mr. Lopez confirmed that he will be contacting local legislators to request support for these projects.

CLOSEOUT OF WATER LINE REPLACEMENT, CONTRACT 126

Solicitor Garner reviewed the ongoing issues with the Water Line Replacement project and the outstanding issues with the subcontractor claims. He advised that the subcontractor would be filing a required Maintenance Bond to BCM. Mr. Garner also noted he is working with All Types of Construction's bonding company and no action is required by the Board at this time.

PRIVATE HYDRANT CHARGES

Solicitor Garner advised that a Resolution has been prepared and recommended the Authority's approval to amend the rules and regulations for inspection of fire hydrants on private property. He added that this would formalize the practice and policy already in place.

Mr. Ecker moved to adopt the Resolution amending the Rules and Regulations for inspection of fire hydrants on private property. Mr. Dilliplane seconded the motion.

RESOLUTION NO. 6 - 2009

RESOLUTION AMENDING THE RULES AND REGULATIONS TO ALLOW FOR THE INSPECTION OF FIRE HYDRANTS ON PRIVATE PROPERTIES AND TO ESTABLISH THE BASIS OF THE RATES TO BE CHARGED FOR THE WATER SERVICE AVAILABLE TO THOSE FIRE HYDRANTS ON PRIVATE PROPERTY

BE IT RESOLVED AND IT IS HEREBY RESOLVED, that, the Rules and Regulations of the Pottstown Borough Authority shall be amended to include a new paragraph designated Chapter 26, Section 105, paragraph 4 titled *Fire Hydrants on Private Property*.

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The Authority or its agent shall have unrestricted access to fire hydrants installed on private property for the sole purpose to insure they are in working order. At no time shall the property owner restrict the access of the Authority to enter upon the private property once the Authority has provided 48 hours prior notice. The inspection of the hydrant shall include flushing of the hydrant, a check of the mechanical operation, and a check of the general appearance. Upon the inspection of the fire hydrant, if the Authority determines that the fire hydrant needs to be repaired/repainted and/or replaced, the owner of the fire hydrant shall be notified that the hydrant is to be repaired/repainted or replaced in accordance with the Authority's standards within 60 days of the notice. Should the property owner not comply with the Authority's requirements within 60 days, the Authority shall have the right to either terminate the water service to the property and/or prosecute the issue as a summary offense.

The private property owner will be invoiced for each fire hydrant in accordance with the yearly rate for fire hydrants, as set by the Pottstown Borough Authority's current "Schedule of Charges".

The foregoing paragraph incorporates formally into the Rules and Regulations a long-standing, previously approved policy and practice of the Pottstown Borough Authority.

ENACTED AND RESOLVED, this 17th day of February 2009.

The motion passed unanimously.

TURN ON CHARGE RESOLUTION

Solicitor Garner advised that there is presently inconsistency in the schedule of charges with the Fee Resolution adopted by Borough Council and the fees listed by the Authority. He added that Staff is working on refining these charges and certain terminology discrepancies and will have a resolution prepared for the March meeting.

VINE STREET WATER & SEWER CHANGE ORDER

Mr. Weld advised that this is a West Pottsgrove Project, replacing the water main on Vine Street. He noted that in order to correct the lines and the two meters an additional cost of \$11,757.97 was negotiated and agreed upon.

Mr. Dilliplane moved to approve the change order in the amount of \$11,757.97 for the additional corrections made to the Vine Street Water and Sewer Project with West Pottsgrove Township. Mr. Carroll seconded the motion and it passed unanimously.

CONTRACT 136 BIDS

Mr. Weld explained that there were fifteen bidders that bid on the Repainting of the Washington Hill Water Tank. He added that the apparent low bidder, A & A Painting, Campbell, Ohio, did not meet the specifications and requirements and did not list any references. Mr. Weld recommended that A & A not be awarded the bid. The next apparent low bidder was S & T Painting, Parkton, Maryland.

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Mr. Read moved to reject the bid of A & A Painting, Campbell, Ohio, the apparent low bidder for Contract 136, the Repainting of the Washington Hill Water Tank due to inconsistencies in the bid received. Mr. Ecker seconded the motion and it passed unanimously.

Mr. Carroll moved to award the bid for Contract No. 136, the Repainting of the Washington Hill Water Tank, to S & T Painting, Parkton, Maryland, in the amount of \$199,300 subject to review and approval of the Solicitor. Mr. Dilliplane seconded the motion and it passed unanimously.

REVIEW WATER PROJECTS CURRENTLY UNDERWAY

Mr. Weld referred to the Engineer's Report with the outline of the ongoing projects with the Water Distribution, Water Treatment Plant, Sewer Collection System and the Wastewater Treatment Plant. He identified the projects that have submitted for a grant and the high priority items to be completed in 2009 –2010. Mr. Weld added that certain projects will be bid by Staff and reviewed those with funding through combined cash.

NEW BUSINESS

Z & A EXTENSION OF CONTRACT

Mr. Lopez advised that Zelenkofske Axlerod, Auditors, have requested an extension of the present contract for the three years. He noted that the present contract is in effect for the 2008 audit.

Solicitor Garner noted that the EIP is in progress and has an expected date of June to provide a report and recommendations. He recommended that the Authority take no action until after the EIP report is received.

Chairman Downie tabled this matter until the EIP report is received.

CLEAR WELL

Mr. Read questioned the delay in reviewing the report regarding the mixing chamber, which was conducted on November 25, 2008 by Walker Diving.

Mr. Weld advised that a report is pending review by the Water Plant Staff. He added that he will expedite the review to either go out to bid or have completed by Staff.

PLANT UPDATES

Mr. Yerger advised that Staff is continuing to work on the automation system.

Mr. Lopez reported that a meeting took place on this date with AFSCME regarding the shift change at the Water Treatment Plant from three shifts to two. He advised that

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preliminary agreement has been reached with the Union with an implementation date of April 13th.

Mr. Weld explained that under the Capital Projects, certain projects will be completed by Staff. The purchase of the equipment will be billed to Capital and the work will be done by Staff.

ADJOURNMENT

The meeting adjourned at 8:47 p.m. on motion by Mr. Ecker.

Submitted by Virginia Takach, Borough Secretary
for Don Read, Secretary