

May 19, 2009

**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, Bookkeeper Janice Lee, Tom Weld, BCM Engineers, Utilities Coordinator Brent Wagner and Borough Secretary Virginia Takach.

PUBLIC COMMENT

None.

CORRESPONDENCE

Chairman Downie referred to several articles in the *Authority* magazine regarding the Government's Relation's Update – Pennsylvania New State Water Plan, which includes water availability and assessment statistics for present and future plans. The article also addressed resource management alternatives. Mr. Downie also referred to the Annual Conference scheduled for September 13 to September 16, 2009 in Hershey and urged members to take interest in this. Chairman Downie also commented on the articles from the Rapid Response Company and Dallas Data Systems. Mr. Downie referred to a sample letter regarding the change in bidding limitations from \$10,000 to \$25,000 and requested that the Authority consider approving this change.

MARKETING

Mr. Read advised that there would be a report provided for next month's meeting.

ENERGY

Mr. Wagner referred to the Energy report provided in the packets. He also explained his contacts with three different firms for assistance in the deregulation process. The firms were EnerNOC, Taylor Consulting and Seven Utility Management and also consulted with the PECO representative for upcoming energy assistance for the plants.

Mr. Wagner indicated that PECO would assist but only through Exelon. His recommendation was to work with EnerNOC to prepurchase power at a special rate.

Chairman Downie suggested that Mr. Wagner meet with the Energy Committee and provide a recommendation to the Board for next month's meeting.

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FINANCE

Chairman Downie reported that a brief meeting was held regarding a matured bond.

Mrs. Lee advised that she would seek information and provide specifics to the Board.

ODOR REPORT

Mr. Wagner noted there were no odor reports.

RESTRUCTURING

Solicitor Garner commented that a realignment meeting should be held in June and would also review the Agreements at that time at the suggestion of the Borough Solicitor.

Solicitor Garner confirmed that the Management Agreement has already been extended to 2015.

OLD BUSINESS

MINUTES

Chairman Downie asked for additions or corrections to the minutes of April 21, 2009. Hearing none, the minutes stood approved.

TANK PAINTING

Mr. Weld advised that the new Washington Hill tank should be on line by the end of the week. He added that the contractor for painting the old tank would be given notice to proceed by June 4th. Mr. Weld also explained that the Stowe Reservoir would remain in service until the new Washington Hill Tank is in service. This is expected by September 2009, at which time the Stowe Reservoir will be taken out of service and demolished.

CONTRACT #137

Mr. Dilliplane moved to authorize the advertisement of Contract No. 137 for the Demolition of the Stowe Reservoir. Mr. Carroll seconded the motion and it passed unanimously.

Mr. Yerger advised that the new owner of the neighboring residential property is experiencing the same drainage difficulties as the former owner, Joe Ross. He noted that

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the Clean and Lien team is working on the property. Mr. Yerger also advised he is working with another property owner in the area of the Reservoir to resolve drainage issues.

NEW BUSINESS

PUBLIC NOTIFICATION REGULATIONS

Mr. Wagner advised that he is working with the School District to piggyback with the same emergency notification system.

Mr. Lopez added that this will become a responsibility to notify all residents of an emergency, even it becomes a door-to-door issue and this requirement becomes effective May 2010.

ARMAND HAMMER PUMP STATION

Solicitor Garner advised that it was brought to attention that the Authority was not receiving any notifications regarding the Armand Hammer Pump Station. He added that he has been in contact with officials at Pottstown Hospital with a proposal for the Authority to acquire the property on which the pump station sits through a Deed in Lieu of Condemnation. Solicitor Garner recommended the adoption of a resolution in order to resolve this matter.

Mr. Carroll moved to adopt a resolution authorizing the acceptance of real property in lieu of condemnation for the Armand Hammer Pump Station. Mr. Read seconded the motion.

RESOLUTION NO. 7 – 2009

A RESOLUTION OF THE POTTSTOWN BOROUGH AUTHORITY
AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY IN LIEU OF
CONDEMNATION FOR A WATER BOOSTER PUMPING STATION IN
POTTSTOWN

WHEREAS, the Pottstown Borough Authority (the “Authority”) provides water service in certain areas of Pottstown Borough and adjacent municipalities; and

WHEREAS, the Authority needs to establish a water booster pumping station along Armand Hammer Boulevard in order to provide water service within the Borough of Pottstown and other areas served by the Authority; and

WHEREAS, the optimum location for the water booster pumping station is on real property owned by Pottstown Hospital Company, LLC (the “Owner”); and

WHEREAS, the Owner now wishes to convey to the Authority and the Authority wished to accept a deed to the real property for the water booster pumping station in lieu of condemnation proceeding for the real property.

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NOW, THEREFORE, be it resolved and it is hereby resolved, by the Pottstown Borough Authority, as follows:

1. The Owner, Pottstown Hospital Company, LLC, is the owner of certain real property located in Pottstown Borough along Armand Hammer boulevard as is more fully set forth in Exhibit "A" which is a legal description and Exhibit "B" which is a map of the site.

2. The authority is prepared to condemn the real property for the purpose of a water booster pumping station; however, the Owner has offered to convey to the Authority the aforesaid real property by deed in lieu of condemnation.

3. Pottstown Borough has consented to this transfer in lieu of condemnation by a deed contain the following three restrictions:

a. The real property shall only be utilized as a location for a water booster pumping station or similar conveyance site.

b. The real property is conveyed by the Owner and accepted by the Authority on an "as is" and "where is" basis with no representations, including as to fitness or use.

c. If the real property is no longer utilized for a water booster pumping station or similar conveyance site by the Authority or its successors, the Owner or its successors shall have the absolute right to repurchase the real property for the sum on One Dollar (\$1.00).

4. The Authority has determined that accepting the real property by deed in lieu of condemnation is consistent with its by-laws and purpose of operation. Accordingly, the Authority directs the appropriated officers to take all necessary actions to accept the conveyance of the real property by a deed in lieu of condemnation with all reasonable costs of the Authority and the Owner paid by the Authority.

5. The Authority also directs the appropriate officers to accept the conveyance of all facilities and appurtenances constructed on the site by the Owner as property of the Authority.

Resolved this 19th day of May 2009.

Motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 7:40 p.m. on motion by Mr. Ecker.

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