

The rescheduled monthly meeting of the Municipal Authority of the Borough of Sinking Spring was opened on Tuesday, August 26, 2008, at 5:30 p.m., at the Sinking Spring Borough Hall, by Mr. Francis Butkus. The following Authority members were present:

Francis Butkus
Dennis Leiby
Brenda Messina (Absent)
Jeffrey Mohn (Absent)
Kandis Moser

Others present were: Mr. Alex Morrison, ARRO Consulting, Municipal Authority Engineer; Mr. John Hoffert, Authority Solicitor; and Ms. Elizabeth White, Authority Secretary/Treasurer who recorded the minutes of the proceedings. Council Representatives included; Mr. George Butkus.

APPROVAL OF MEETING MINUTES:

Mr. Butkus asked if everyone had a chance to look over last months meeting minutes and if there were any errors or corrections. Mr. Leiby made a motion to approve the July 8, 2008 minutes; seconded by Mrs. Moser. Motion carried.

ENGINEERS REPORT:

Mr. Morrison presented the Engineers Report dated August 18, 2008. Copy attached.

Mountain Home Road Sanitary System Additions Project:

Mr. Morrison stated that there are two items that need action this evening. He stated that the first is Change Order No. 5 which is a deduct change order which is recommended for Authority approval and execution and the other is the Substantial Completion form which is also recommended for approval and execution. Mr. Leiby made a motion to approve and execute both the Change Order and Substantial Completion form; seconded by Mrs. Moser. Motion carried.

Wastewater Treatment Plant Project:

Mr. Morrison mentioned that the total phosphorous removal is going to be a new effluent limit for us. Mr. Morrison handed out a draft summary of alternatives for chemical treatment of Phosphorous removal dated August 25, 2008 (copy attached). Mr. Morrison briefly went over the two alternatives. He stated that Alternative 1 would cost approximately \$41,000.00 and Alternative 2 would cost approximately \$125,000.00. Mr. Morrison recommended that the

ENGINEERS REPORT: (Cont.)

Authority go with Alternative 1 which makes use of an unused facility which the Authority paid \$300,000.00 for. Mr. Morrison stated that he is not sure how we should proceed, if the Authority should approve it or make a recommendation to the Borough. Mr. Leiby asked if we are allowed to take action on that? Mrs. Moser stated that she does not believe that we are allowed to do anything. Mr. Hoffert stated that he does not believe that it is incumbent upon the Authority to proceed with any large economic amendments, changes or renovations at this time. He stated that we could have Mr. Morrison send a letter to Borough Council stating that this is an issue that is anticipated at such time as you undergo renovations if in fact they are going to do it. Mr. Hoffert stated that he believes that the Authority would be subject to additional criticism if we took a major step to spend a large sum of money other than just ongoing conditions that are necessary to keep the plant operating. Mrs. Moser agreed that we should refer this to the Borough.

Mr. Morrison stated that PaDEP is trying to set up a meeting for September 4, 2008 with representatives of Sinking Spring and Lower Heidelberg regarding the appeal of our CAP. Mr. Hoffert stated that we have to find out if it is going to go ahead and find out a time. He stated that although we should participate, he believes it is a passive participation, only for information purposes and not for decision making because it is not something that we will be addressing in the future if we are disbanded. He also mentioned that we have to be cautious not to be criticized for over extending what we have to do to wind up the affairs of the Authority as opposed to proceeding in an affirmative manner. Mr. Morrison stated that some of the issues that will probably come up will be aimed at previous documentation on the Authority like the Chapter 94 Reports, and since the Authority's name is on it and effectively the Authority still exists the Authority should go and participate, but let them know what our position is. Mr. Hoffert asked when the next Borough Council meeting is. Mr. George Butkus stated that they have a Workshop meeting tomorrow night and the next regular Borough Council meeting is September 4th. Mr. Hoffert suggested that we go to Borough Council and find out if they want us to participate in the meeting and how they want us to proceed. Mrs. Moser asked if we got any type of cut list that basically says that we have been disbanded and this is what we need to do to close out. Mr. Hoffert stated that we have not received anything. Mr. Morrison stated that he has created a document to try to do that and will go over it at the end of his report.

Mr. Morrison stated that ARRO recommends that the Authority execute a form for the DRBC permit application. He stated that the Authority had approved the execution of a check at a previous meeting for \$8,000.00 to \$9,000.00. He stated that when ARRO calculated it the actual fee is \$7,415.00. He stated that he recommends the Authority issue the check and sign the related form. Mr. Butkus asked Mr. Hoffert for direction. Mr. Hoffert stated that the Authority could make a motion to approve Mr. Morrison's request contingent upon Council's approval.

ENGINEERS REPORT: (Cont.)

Mr. Leiby asked if there is a deadline that we have to have it in by. Mr. Morrison stated that if we delay much longer we are not going to meet the DRBC docket and the next docket will be in December. He mentioned that we may have missed it already. Mr. Hoffert asked what the impact would be if we do not meet the deadline. Mr. Morrison stated that it would delay moving forward with the upgrade three months. Mr. Hoffert suggested that Mr. Morrison attend Council's Workshop meeting tomorrow night to explain these things and answer Council's questions. Discussion ensued concerning the list that Mr. Morrison created of things that need to be resolved. Mr. Morrison stated that he or Mr. Schlott will be at tomorrow nights Council Workshop meeting and will present the list to them. He stated that two items need to be addressed right away. The first is do they want Authority members to be present at the CAP meeting with DEP on September 4, 2008. The other is the document and check for the DRBC that need to be executed. Mrs. Moser made a motion to issue the check to DRBC for \$7,415.00 and execute the related document contingent upon Council's approval; seconded by Mr. Leiby. Motion carried.

Spring Township:

Mr. Morrison mentioned that Spring Township did come to the last Council Meeting and made a presentation associated with their treatment plant expansion.

NPDES Discharge Permit:

Mr. Morrison stated that the renewal application was submitted to PaDEP and that it was deemed administratively complete

Topics for Resolution:

Mr. Morrison went over the Draft list he prepared of Topics for Resolution Revised August 26, 2008 (copy attached). He stated that these are items that he just sat down and thought about and thought that the Authority needed understanding of how we are to proceed between the Borough and the Authority.

Mr. Hoffert mentioned the pending agreement with Spring and South Heidelberg. He stated that Mr. Fitzpatrick, Ms. Masano and Mr. Lillis have already agreed on the final agreement. He stated that Ms. Masano's email stated that she believes that they have agreed upon all outstanding issues for all three agreements. He stated that she faxed copies to him today and that he told her that we were meeting tonight and that he was going to recommend that the Authority execute the agreements and that he would hold it subject to the approval of the Borough Council.

ENGINEERS REPORT: (Cont.)

Mrs. Moser stated that there was some verbiage in there that was very not agreeable. Mr. Butkus asked if that was the agreement that got rid of our 75,000 gpd in Spring Township's plant. Mr. Hoffert stated that is part of the agreement.

Mr. Butkus asked if we are to conclude that we will not be meeting again unless directed by Council. Mr. Morrison stated that he believes that the Authority would meet until it is dissolved which is normal course. He mentioned that the Authority will be out of money at the next meeting because the design bill is going to come in at about \$30,000.00 and we probably will not have enough to pay it. Mr. Hoffert stated that we are going to have to ask the Borough because if they want the Authority to continue at a minimum manner then they are going to have to transfer funds to the Authority. Mr. Butkus stated that we were going to go for what money we needed but now we are unable to do that. Mr. Morrison stated that he will add that pointed question to item five on his list of items to be resolved. He stated that we are not trying to be rude but we need direction. Discussion ensued.

JOHN HOFFERT:

Mr. Hoffert recommended that the Authority execute, and let Mr. Hoffert hold, the modification of the agreement conditioned upon the approval by the Borough since they are assuming, in essence, the Authority's responsibilities. He stated that if the Borough does not agree and execute it and assume the obligations contained here in then he will tear it up. Mr. Butkus asked which agreement this was. Mr. Hoffert stated that this is the one that Ms. Masano had faxed to him about going to metered billing. Mr. Leiby made the motion to execute the agreement and to have Mr. Hoffert hold it until the Borough approves it; seconded by Mr. Butkus. Mrs. Moser stated that she would not vote for that agreement because she does not agree with some of the language in it. Mrs. Moser stated that if this had been a continuing Authority she would have voted no. Mr. Butkus stated that he would too. Mr. Butkus asked for a vote. Mrs. Moser and Mr. Butkus both voted no. Motion did not carry.

APPROVAL OF BILLS:

Mr. Butkus went over all of the bills as listed below.

Two bills from the Reading Eagle totaling \$91.40 for advertising the rescheduled meetings.

Two bills from Aquaticlab, Inc. totaling \$2,800.00 for the NPDES Permit testing.

Six bills from ARRO Consulting, which he went over individually, totaling \$33,056.92.

APPROVAL OF BILLS (Cont.):

One bill from Mr. Hoffert in the amount of \$975.00 for services rendered through August 18, 2008.

One bill from Ms. White in the amount of \$260.00 for services rendered through August 18, 2008.

Mrs. Moser made a motion to approve all of the above listed bills; seconded by Mr. Leiby. Motion carried.

Mr. Butkus stated that we have a bill from Reinsel for the audit in the amount of \$1,400.00. Mr. Butkus stated that he is very upset that the audit is not completed yet and that the state still has not received it and it was due by June 1st. Mrs. Moser made a motion that we do not pay the bill since it is not complete; seconded by Mr. Leiby. Motion carried. A decision was made to hold the bill until the audit is completed and received.

TREASURER'S REPORT:

Mr. Butkus asked if everyone had received a copy of the Treasurer's Report dated August 12, 2008 and if anyone had any questions. Motion was made by Mr. Leiby to accept the Treasurer's Report; seconded by Mrs. Moser. Motion carried.

ADJOURNMENT:

Mr. Butkus asked if there was anything else for the good of the order and asked for a motion to adjourn.

Mr. Leiby made a motion to adjourn at; seconded by Mrs. Moser. Motion carried.

Respectfully Submitted,

Elizabeth White
Municipal Authority Secretary/Treasurer