

The regular monthly meeting of the Municipal Authority of the Borough of Sinking Spring was opened on Tuesday, September 9, 2008, at 7:00 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
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 August 26, 2008 minutes; seconded by Mrs. Moser. Motion carried.

VISITORS:

Mr. Mike McCormick of Traditions addressed the Authority concerning their project. He was wondering where they stand with getting the module completed. Mr. Hoffert mentioned that at our meeting last week with DEP they stated that they have accepted our plan for remediation and he knows of no legal reason why we should not proceed to act on their application. Mr. Morrison stated that their module will be processed with the contingency associated with the Corrective Action Plan (CAP). He mentioned that the CAP had been appealed and is technically still under appeal by Lower Heidelberg Township. He stated that we did have the meeting and that DEP has reaffirmed that they have accepted that CAP. He stated that at the last joint meeting between the Authority and Borough Council, Council indicated that this Authority is to continue work as a matter of course. He stated that the Borough has a lot of administrative requirements to work through, so this Authority still exists and probably will for some time in the future. He stated that with that reaffirmation from DEP the module can move forward.

Mr. McCormick stated that the one item they were working on with Mr. Hoffert was the reservation agreement. Mr. Hoffert stated that he is waiting to hear from Mr. Fitzpatrick to get that completed.

ENGINEERS REPORT:

Mr. Morrison presented the Engineers Report dated September 9, 2008. Copy attached.

Mountain Home Road Sanitary System Additions Project:

Mr. Morrison stated that ARRO has received the as-built drawings and have reviewed them. He mentioned that there was a problem with the phone line for the auto dialer which Verizon has fixed. He stated that we have a construction certification with needs to be signed tonight by the Authority. He stated that it certifies that the project is complete and that it needs to be completed and filed with PaDEP before anyone can connect to the system.

Mr. Morrison also mentioned that we have received Final Payment Application No. 6 from E. Kuser, Inc. in the amount of \$19, 294.26. He stated that ARRO does recommend payment. Mr. Morrison mentioned that with the heavy rain that we had today we did have some settlement out there. He stated that Kuser notified ARRO about the situation and that Kuser went out and filled the hole and capped it with blacktop. Mr. Butkus stated that he was there before they set the big concrete boxes and there was an active spring in the bottom. Mr. Morrison stated that we will have to keep an eye on that. Mr. Butkus asked if Kuser had tested the old line, because we had said that the final test on the line should be done before we make any connections to it. Mr. Morrison stated that they had tested it when it was put in under Phase I but he did not know if had been tested since then. Mr. Butkus stated that we had some discussion on that because we had a problem with a sink hole up at the old entrance to PP&L. Mr. Morrison stated that PP&L had a problem that became our problem. He stated that they had stripped some of their paving area and excavated down and channeled the storm water to a certain area and it undermined our pipe and it failed. He stated that Kuser fixed it and then it was retested at that time. Mr. Butkus mentioned that he was at the pump station with Kuser's men when they were wiring it up. He stated that he noticed water in the wet well which made him believe that water was coming in from somewhere. Mr. Morrison mentioned that it could have been in there from construction. Mr. Butkus stated that it was muddy water that came in.

Mr. Morrison stated that he cannot answer whether they tested again and that it is up to the Authority if they want to go forward with payment. Mr. Butkus asked what Mr. Morrison's recommendation was. Mr. Morrison stated that if there is a concern then we should have it tested because you don't want to accept anything that you don't consider as final. He stated that his understanding from his office that everything was tested and has passed but he will look into it. Mr. Butkus stated that we should pay Kuser and that he thinks that he should give Mr. Kuser a call and find out from Mr. Kuser himself what all was done. He stated that there was some concern with a leak up at the other end. Mr. Hoffert asked if it would be helpful if they did inspect it that they confirm in writing that an inspection was done.

ENGINEERS REPORT: (Cont.)

Mr. Butkus stated that we can make a motion to pay E. Kuser, Inc. contingent upon a re-inspection/testing. Mrs. Moser asked what the contract calls for. Mr. Morrison stated that the contract calls for testing and explained that the project was done in two phases and bid separately. He stated that Kuser won both jobs. He stated that Kuser did Phase I and tested that system and it passed and we paid the final bill. Now he has built the extension of the system which included running the sewer line to the pump station, building the pump station and the force main. He stated that at that time they made a connection and somehow muddy water got in. Mr. Morrison mentioned that the old pipe that was installed as part of Phase I and passed inspection has now developed a leak. Mr. Butkus stated that his concern would have been up where they had the sink hole. Mr. Morrison stated that Phase I would be out of warranty and that we could ask Kuser if they would re-test and confirm in writing, but mentioned that we cannot force him to because it is out of warranty.

Motion was made by Mr. Leiby to approve payment of \$19,294.26 to E. Kuser, Inc. contingent upon receiving written verification of the lines being re-tested including dates; seconded by Mrs. Moser. Motion carried.

Wastewater Treatment Plant Project:

Mr. Morrison mentioned that the submission to the Delaware River Basin Commission (DRBC) was made on August 29, 2008. He stated that he attended the Council Workshop Meeting on August 27, 2008 and that Council agreed with the Authority and approved the issuance of the check for \$7,415.00 to DRBC and execution of the related form by the Chairman of the Authority.

He mentioned that a letter was sent to the Spring Township Planning Commission (STPC) requesting a waiver from the land development requirements. He stated that the STPC has referred the matter to their infrastructure committee whose next meeting is September 16, 2008. He stated that Mr. Schlott will be attending that meeting.

Mr. Morrison stated that Council also concurred with the Authority's recommendation of retrofitting the existing facilities to handle the phosphorous limit.

Mr. Morrison mentioned, as discussed earlier, that PaDEP scheduled a meeting between representatives of Sinking Spring, Lower Heidelberg, Township of Spring and PaDEP. The meeting was held on September 4, 2008 here at the Borough Hall.

Infiltration and Inflow Study:

Mr. Morrison stated that there has been not additional contact from ADS.

ENGINEERS REPORT: (Cont.)**NPDES Discharge Permit:**

Mr. Morrison stated that we did receive a draft copy of the permit and that comments must be sent to PaDEP in writing within thirty days. He stated that ARRO is reviewing the permit with Mr. Juzyk.

Mr. Morrison also mentioned that there are two developments under review. One is Sunset Road Apartments which is nine units and the other is Terrace of Sinking Spring which is thirty-six units. He stated that Mr. Schlott and Mr. Smith are both involved in reviewing them.

Topics for Resolution:

Mr. Morrison handed out and went over the Third Revision dated September 8, 2008. Copy attached

He mentioned that they went over some of the items at the Council Workshop meeting on September 4, 2008. He stated that it is his understanding that the Authority is to make payments as their normal course of business as long as Authority funds are available and if no funds are available the Authority is to approve payments and forward the bills to the Borough.

Ms. White asked about the payment for Kuser. She stated that we will not have enough funds to cover that bill. She wanted to know if the Authority is to pay the bill and get reimbursed by the Borough or if she should just give the bill to the Borough. Mr. Morrison stated that his understanding is that we should give the bill to the Borough. He stated that the bill should not be forwarded to the Borough until the testing is done.

Mr. Morrison mentioned that they discussed the final payment for ADS and that the Authority is not to seek additional funding for this project but is to forward the bill to the Borough when received and approved by the Authority.

JOHN HOFFERT:

Mr. Hoffert mentioned that he did reconfirm with Reinsel the completion of the Audit report and that he has not gotten an answer from them. Mr. Morrison stated that we should not make that final payment yet. Mr. George Butkus stated that Council was in agreement with that as well and that payment should not be made until the final Audit report is received and reviewed. He also mentioned that any penalties from the Audit being late should be deducted from that bill.

GEORGE BUTKUS:

Mr. George Butkus mentioned that Council is going to review the final version of the Draft Intermunicipal Agreement regarding South Heidelberg and going to metered billing at the Workshop meeting. He stated that there has been a tentative request that any initial comments be filtered back by the end of this week so they can be discussed between various parties before the Workshop. He suggested that everyone read it very carefully. Mr. Francis Butkus wanted to go over the draft agreement page by page. Discussion ensued.

Mrs. Moser asked if we can request that Council sit down with the Authority and explain the agreement. Mr. Hoffert stated that it is only reasonable to request that a work session be held to review all of the facets of the agreement and the basis for the same and did they cover the enforcement provisions that Mr. George Butkus eluded to before the Authority becomes a party to the execution of it. Further discussion ensued.

Mrs. Moser asked if we could have a workshop with the Sewer Committee from Council, Dave Schlott and Charles Fitzpatrick to go over this agreement so that we can be educated on how they came up with the numbers so that we understand. Mr. George Butkus suggested that Mr. Hoffert submit the request in writing to Mr. Fitzpatrick since they have the most demanding schedules. Mr. Hoffert stated that he was fine with that.

APPROVAL OF BILLS:

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

Two bills from ARRO Consulting, which he went over individually, totaling \$30,806.65.

One bill from Mr. Hoffert in the amount of \$750.00 for attending tonight's meeting and also for attending the DEP meeting on 9/4/08.

Discussion ensued concerning Lower Heidelberg appealing the CAP. Mr. Hoffert stated that it was a long meeting and that the outcome was good. He mentioned that what he got out of the whole thing was that Lower Heidelberg Township had no real basis to raise an objection to the plan.

Mrs. Moser questioned the two plans that came in, one for nine units and one for thirty-six units. She wanted to know where the capacity is for that. Mr. Morrison stated that we are not currently in an overload situation and that we are still allowed to make connections. He stated that we are in a projected overload within the next five years and that is why we are doing the upgrade and minor expansion. Discussion ensued.

APPROVAL OF BILLS: (Cont.)

One bill from Ms. White in the amount of \$230.00 for services rendered through September 8, 2008.

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

Ms. White asked about the Construction Certificate for Mountain Home Road that needed to be signed and if we need to have a motion on it. Mr. Hoffert stated that we should have a motion. Mr. Morrison stated that if the Authority is not comfortable signing it without having the testing done then we could wait until we receive the written confirmation and make the motion at the next meeting. Mrs. Moser made a motion to have Mr. Butkus sign the Construction Certificate contingent upon the completion and written verification of the testing; seconded by Mr. Leiby. Motion carried.

TREASURER'S REPORT:

Mr. Butkus asked if everyone had received a copy of the Treasurer's Report dated September 9, 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 8:50 p.m.; seconded by Mrs. Moser. Motion carried.

Respectfully Submitted,

Elizabeth White
Municipal Authority Secretary/Treasurer