

WAYNESBORO BOROUGH AUTHORITY

APRIL 16, 2013

MINUTES

Authority Chairman Jon Fleagle called the regularly scheduled meeting of the Waynesboro Borough Authority to order at 3:00 p.m. with the following in attendance –

Borough Authority Members – Jon Fleagle, Christopher Snively, Lee Layman, S. Allen Stine and William Pflager (via videoconference from England)

Borough Staff – S. Leiter Pryor, Director of Borough Utilities
D. Lloyd Reichard, II, Authority Solicitor
Jason Cohen, Assistant Borough Manager

APPROVE MINUTES: Allen Stine made a motion to approve the minutes of the March 19, 2013 meeting, as written. Christopher Snively seconded; the motion passed unanimously.

DISCUSSION – BILLING POLICY REVISION: Discussion was held at the last WBA meeting regarding billing property owners (landlords) instead of tenants, and Leiter Pryor was requested to draft a proposed billing policy revision. Mr. Pryor noted that part of the implementation process, obviously, will be customer notification prior to making the change. In addition, compliance with notification requirements in the Utility Service Tenant's Rights Act of 1978 must be ensured. He provided information to Solicitor Reichard for his perusal. Mr. Reichard noted the only problem would be in the event of a delinquency; and then the procedure already in place seems to comply with the Act.

Assistant Borough Manager Jason Cohen noted that that is his concern, from an administrative perspective. He wants to ensure that the Borough is acting within due bounds of the law when a tenant is not informed via the issuance of an invoice. Mr. Reichard stated that a tenant only needs to be notified in the event of a termination. Mr. Cohen asked for clarification on the notification process ... because, if the Borough is going to be responsible for administering the procedure, he would insist upon something that gives them proper procedure to implement any type of notification, as well as termination proceedings. He requested a written procedure, with legal citations, so that the Borough can be assured that when they undertake the process, they are not violating the Landlord/Tenant's Rights Act. Mr. Reichard commented that if the Authority is satisfied with what they are doing, it is not the Borough's problem.

Chairman Fleagle noted that the WBA's discussion was in regard to billing the landlord only, with no copy of the bill being sent to the tenant (as it may be confusing, especially if the tenant normally paid the bill). If the landlord fails to pay the bill, the landlord and

tenant would both be notified that the bill is in arrears ... and (1) if the landlord doesn't pay the bill, service will be terminated and (2) the tenant would be given the opportunity to pay the bill in order to maintain service. Mr. Reichard agreed that the tenant has that right, under the Act; and all the WBA would be doing is advising him of provisions of the Act.

Mr. Cohen again asked for the procedure to be followed in this regard. Mr. Pryor explained the current procedure ... when an account goes delinquent, the landlord and tenant are both notified at the 20-day and 10-day mark – and the question is, does that satisfy the conditions of the Act? Mr. Reichard noted that the Act can be reviewed again, as there was some confusion about the exact number of days' notice required. Mr. Fleagle noted that the bill will be sent to the landlord, who is responsible for the bill. If the landlord doesn't pay the bill, the first notice sent out should also be sent to the tenant. If the bill is still not paid and a second notice is sent out, it should be sent to both the landlord and tenant, and will indicate that the service will be terminated on a certain date.

Mr. Fleagle noted that the proposed timeline for customer notification presented by Mr. Pryor is adequate. Letters will be mailed to all landlords and tenants with tenant billing arrangements beginning the 3rd quarter of 2013; an advertisement will be placed in the newspaper at the beginning of each month during the 3rd quarter of 2013 (Mr. Fleagle suggested sending a second notice to the affected parties); and an announcement will be posted on the Borough's website and in the lobby at Borough Hall.

Mr. Fleagle directed Mr. Pryor to prepare the appropriate policy/procedure, ensuring that "everyone" is in agreement with the number of days' notice, etc. Mr. Cohen reiterated that that is his concern and question ... he would like a written policy provided to the Borough to ensure that they are acting within due bounds of the law. Mr. Fleagle agreed, noting that it should also be included in the WBA's Rules and Regulations.

Discussion followed regarding the fact that there may be more than one tenant on a shut-off ... and what can be done if the landlord doesn't pay the bill and there are 10 tenants, but one tenant pays to keep his water on? The Act also provides that the tenant can deduct that amount (based on a proration process) from his monthly rent. Mr. Pryor noted that the Act is quite complicated, and he wants to ensure that the policy/procedure is spelled-out properly. Allen Stine stated that the WBA should stop allowing one (1) meter to be installed in a residence for numerous services.

Mr. Fleagle instructed Mr. Pryor and Mr. Cohen to draft a policy for consideration at the WBA's next meeting. If the WBA agrees to it, it will be presented to Mr. Reichard to ensure compliance with the law; and then the WBA will take action on it.

CLARIFICATION ON N. CHURCH STREET WATER LINE ALLOCATIONS: Mr. Pryor noted that, pursuant to the audit, it was discovered that the first \$100,000 payment to the Borough for the N. Church Street water line was inadvertently coded wrong and was transferred back into the WBA's Water Revenue Account. Accordingly, the WBA owes

the Borough \$100,000 back. Also, additional paving for that project amounted to \$76,015.51, which should also be reimbursed back to the Borough. Appropriate requisitions have been prepared for approval by the WBA at this meeting.

UPDATE - SEWER PLANT UPGRADE: Mr. Pryor reported that the painters are working on the interior final coat of the chemical building, and the electricians will then proceed with installing conduit for the instrumentation equipment. The general contractor's subcontractor is continuing with pipe work and chemical-feed vaults/lines. There was some site work and rough grading around the chemical building completed; and there will be a permanent rain-guard/vegetation installation as part of the erosion plan.

The general contractor is continuing work on the denitrification building. The masonry is completed, all walls are up, interior walls are done, and the roof panels were set last week. They are planning to install the rubberized, permanent roof the end of this week.

The painters are working in the denitrification building (putting block sealer on), which should be completed before the electricians arrive.

The generator was delivered late last week, but arrived without a fuel tank. It was set on the pad, but will have to be picked up again when the fuel tank is installed later this week. Additional costs involved will be handled by the general contractor. Early next week, they will transfer fuel from the underground storage tank to the above-ground storage tank. Mr. Pryor explained the process for electrical service, noting that an Electric Service Agreement will be forthcoming. He added that the existing generator was removed and is stored adjacent to the garage. Back-up power is still available.

Mr. Pryor noted that he received a telephone call from DEP regarding the underground storage tank. (He had notified DEP late last year that the underground storage tank would be closed and that a certified de-installer would be on-board to do the work. The original project schedule called for it to be taken out-of-service the beginning of the year, which didn't happen.) He advised that the tank will be removed within 15 days or so. A 30-day notice must be provided to DEP regarding this type of work, which has been submitted. PWI from New Oxford will be doing the work, and he anticipates no problems.

The electricians are working on pulling wire and installing underground duct banks. Excavation between the primary clarifiers is being done today.

Mr. Pryor provided WBA members with an updated spreadsheet regarding project costs.

He noted that a draw was received recently from PENNVEST; and to date, including the requisitions to be paid later in the meeting, they have expended \$5,388,597.

Chairman Fleagle asked if a resolution has been reached regarding the louver issue. Mr. Pryor noted he reminded the Project Manager that he is awaiting their decision. Mr. Fleagle advised that he shouldn't accept anything he isn't satisfied with – and the WBA will support whatever he decides. Mr. Pryor stated that the WBA paid for modulating

louvers, and that is what they should get. The matter will be discussed further at the next job meeting, which is scheduled for 05/08 at 10:00 a.m.

UPDATE – WATER DISTRIBUTION SYSTEM EVALUATION: Chairman Fleagle noted that WBA members reviewed Gannett Fleming's report at their last meeting. It was determined that all of the projects from 1983 have been completed. Scott Crum (Engineering Department) compared the list with the updated water line replacement map – probably 95% of those projects were completed – and the ones that weren't completed were in State highways (alternate projects, a block back, were done to stay out of the street).

Mr. Fleagle noted that there was a main upgrade proposed for Fairview Avenue for fire protection in the southwest end of town. Some water services have been done, and maybe the WBA could do that job before the paving is completed. Mr. Fleagle added that water quality is not an issue at this location.

Mr. Pryor noted there was a question regarding an exhibit indicating the correlation between the water age and total trihalomethanes, and one area around the well was marked with a "red dot" (indicating it is >28 days). Gannett Fleming was looking at worst-case scenarios. He explained that the Borough samples out there during the week when the well is running, so the water age is low. When the well is not running, that is one of the higher water age sections. In essence, however, it is only really high on the weekends (when the well is not running). They will also take another look at the area on Linda Lane – they don't understand why the water age is low, but the THM's are high. Mr. Fleagle suggested that a note regarding the well (and their findings) should be included.

REVIEW – WBA WATER SYSTEM RULES AND REGULATIONS: Chairman Fleagle noted that it has been a while since a complete review of the WBA's Rules and Regulations was done. Leiter Pryor provided WBA members with a copy of the current rules, as well as a copy of the rules from Mercersburg (Jason Cohen, working with Gannett Fleming and their Solicitor, had recently re-vamped Mercersburg's rules prior to being employed with Waynesboro). Mr. Fleagle suggested that everyone review the rules and highlight any items they would like to change for further discussion at the next meeting. Mr. Pryor added that the fees and rate schedules have already been updated.

CONSUMER CONFIDENCE REPORTS: Mr. Pryor reported that a change has been made to the delivery procedures for the annual CCR to customers. It can now be done electronically, provided that there is a note on the bill stock with instructions to access the report from the Borough's website. A press release will also be published to make an effort to contact those individuals who don't have internet access, and copies will be available at Borough Hall (or can be mailed, upon request). He noted that this change will result in a substantial cost savings. He spoke with Sean McFarland, and will coordinate with WTMA for the indirect customers.

SEWER CONNECTION - WYNNECREST DRIVE: Leiter Pryor advised that he was

approached last week by a realtor who was closing on a property in the Wynnecrest Development. She requested final utility billing information and confirmation of connection to the sanitary sewer system, but it was discovered that no account existed for the address (1 Country Club Road). The realtor assured him that the client had sanitary sewer service with the Borough of Waynesboro, spoke with Lee Royer and several neighbors ... and found out that there was a lateral run from the top of Wynnecrest to Dickinson Avenue and connected in, but never billed. Accordingly, she wanted to obtain service for the new buyer.

Mr. Pryor presented a design plan for the sewer lateral, which was received by the Borough (Chip McCammon) on August 7, 1993, but there was no reference to the matter in the WBA minutes at that time. He doesn't know what happened, but does know that there is a customer connected that needs to be billed. As sewer service is billed off consumption and they are on a well, the only answer he had was to require the owner to install a water meter on the well so sewer could be billed ... which was done. Discussion followed regarding whether the property is in the Borough or Township. Mr. Pryor noted the realtor advised it was in Washington Township; so Sean McFarland (WTMA) wrote a letter permitting the Borough to accept them as a direct customer.

Chairman Fleagle suggested that research be conducted to ensure there are no other similar situations in that development. Mr. Pryor noted that Scott Crum looked at the clean-outs and found no indication that anyone else was connected, but they will investigate further.

RESIGNATION AT SEWER TREATMENT PLANT: Mr. Pryor reported that Doug Whittington resigned from his position at the Sewer Treatment Plant. The opening was posted internally and then in the newspaper, and an individual from the Maintenance Department has expressed his interest in transferring. The Authority concurred.

INTERNS AT WATERSHED: Leiter Pryor reported that he spoke with Beth Brantley and Craig Houghton (Penn State-Mont Alto Forestry Department) regarding the summer interns. He and Mr. Cruickshanks will meet with them shortly.

PAY BILLS: Lee Layman made a motion to approve the payment of the following requisitions --

Sewer Revenue Fund Requisition #SA-96 - Smith Elliott Kearns & Company - \$760.00 - Progress billing for services rendered in connection with audit of financial statements for the period ended December 31, 2012

Sewer Revenue Fund Requisition #SA-97 - Material Matters, Inc. - \$1,110.64 - Environmental services in connection with the submission of an application for a PAG-08 General Permit for the period of January 19, 2013 to February 15, 2013

- Sewer Revenue Fund Requisition #SA-98 - Material Matters, Inc. - \$55.00 - Environmental services in connection with locating and qualifying new farm sites under PADEP Chapter 271 for beneficial use of biosolids for the period of January 19, 2013 to February 15, 2013
- Water Revenue Fund Requisition #13-17 - Smith Elliott Kearns & Company - \$1,140.00 - Progress billing for services rendered in connection with audit of financial statements for the period ended December 31, 2013
- Water Revenue Fund Requisition #13-18 - Borough of Waynesboro (Clearing Account) - \$100,000.00 - North Church Street Water Line Project (**REF. Water Construction Fund Requisition #WC-102 - Check was inadvertently deposited by Borough into Water Revenue Fund on 09/04/2012**)
- Water Revenue Fund Requisition #13-19 - Gannett Fleming Companies - \$150.06 - Water system engineering services related to the performance of the duties of the Authority's consulting engineer as authorized under the Annual Services Agreement for the period of February 23, 2013 through March 22, 2013
- Water Construction Fund Requisition #WC-106 - Borough of Waynesboro - \$76,015.51 - North Church Street Water Line Project (Actual Final Payment)
- Sewer Construction Fund Requisition #1028 - D. L. George & Sons - \$100.00 - Leased Space for Wastewater Plant upgrades (April, 2013)
- Sewer Construction Fund Requisition #1029 - Gannett Fleming Companies - \$1,436.40 - Engineering assistance to Waynesboro Borough Authority associated with PENNVEST financing for the Wastewater Treatment Plant Rehabilitation Project during construction for the period of February 23, 2013 through March 22, 2013
- Sewer Construction Fund Requisition #1030 - Gannett Fleming Companies - \$6,362.70 - Construction Phase Services for WWTP Upgrade and Rehabilitation for the period of February 23, 2013 through March 22, 2013
- Sewer Construction Fund Requisition #1031 - Gannett Fleming Companies - \$6,172.71 - Construction Management related to WWTP Nutrient Upgrade Project for the period of February 23, 2013 through March 22, 2013
- Sewer Construction Fund Requisition #1032 - Kinsley Construction, Inc. - \$506,425.45 - Estimate No. 13 for Contract One (General Construction - Wastewater Treatment Plant Upgrade) for work performed up to and including March 31, 2013

Sewer Construction Fund Requisition #1033 - W. C. Eshenaur & Son, Inc. - \$8,748.22 - Estimate No. 2 for Contract Two (Plumbing Work - Wastewater Treatment Plant Upgrade) for work performed up to and including March 4, 2013

Sewer Construction Fund Requisition #1034 - PSI Pumping Solutions, Inc. - \$125,820.00 - Estimate No. 4 for Contract Four (Electrical Work - Wastewater Treatment Plant Upgrade) for work performed up to and including March 31, 2013)

Allen Stine seconded; the motion passed unanimously.

Having no further business to discuss, the meeting adjourned at 4:23 p.m. on a Stine/Pflager motion which passed unanimously.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant