

**Mercersburg Sewer Authority
SPECIAL MEETING
Borough Hall, Mercersburg, PA
April 29, 2014
MINUTES**

Attending: Chairman Dan Chayes, Vice-Chairman Doug Hoffman, Treasurer Secretary Jim Malone, Catalin Bonciu, William Gaunt, and Assistant Manager Dawn Scheller

Absent: Borough Manager Tammy Oberholzer, Solicitor, and Engineer

Guests: Mary-Anne Gordon: BTW Mercersburg PA; Ed Twine: BTW, Mercersburg PA; Tom Suddeth: Main St, Mercersburg; Jon Kittredge: Main Street Mercersburg PA; and Jason Cotton: Buchanan Drive, Mercersburg, PA

Press: None

Meeting was called to order at 6:00 pm. It was announced that the regular scheduled meeting was still scheduled for and would be held on May 8, 2014.

Chairman Chayes asked for a motion to establish the Meeting Agenda to review items: 1) Sewer Treatment Pump Replacement/Repairs for the under drainage for the reed beds; 2) Quotes for Curb and Street Work on 5923 Buchanan Drive, 2) Insurance Carrier being placed on Notice for Buchanan Drive, 3) 57 E. Grandview Adjustment of \$78.64, and 5) review/discuss recent actions made by the Water Authority and Personnel Issue.

MOTION: to approve the following items as Agenda Items for April 29, 2014 Meeting; 1) Sewer Treatment Pump Replacement/Repairs for the under drainage for the reed beds; 2) Quotes for Curb and Street Work on 5923 Buchanan Drive, 3) Insurance Carrier being placed on Notice for Buchanan Drive property, 4) 57 E. Grandview Adjustment of \$78.64, and 5) review/discuss recent actions made by the Water Authority and Personnel Issue, was made by Doug Hoffman, William Gaunt second all ayes, motion carried.

Dawn Scheller reviewed that the two pumps that handle the under-drainage for the reed beds have stopped working and Paul Sharrow had both pumps removed. Dawn Scheller reviewed that the current pumps are now obsolete and it may be impossible to get replacement parts to repair the pumps. Dawn reported that Paul Sharrow had been working with his contacts to try to get parts and if unable to get parts he was trying to get quotes for replacement pumps. Dawn Scheller reported that an estimated cost per pump would be around \$4000-\$5000 each; however this was only a guess because no prices had been received. Dawn Scheller stated that it is important that these pumps be taken care of as soon as possible. Dawn Scheller reviewed that it would be up to the Authority to make a motion to approve up to a certain dollar amount to try to get replacement parts first and if unable to get at least one if not both pumps working.

Chairman Chayes added that these pumps take the runoff from the reed beds and send it back to the processing plant. Dan continued to note that since the Authority doesn't have any pumps sending the runoff from the reed beds sending it back to the processing plant it is currently just ground filtering.

The Authority discussed whether the purchase of one or both would be best, the age of the equipment, and Dawn Scheller reviewed that the motor was an item which Paul had mentioned to be in bad shape.

MOTION: to Authorize the Assistant Borough Manager to spend up to \$10,000 to purchase new pumps for the underdrainage of the reed beds was made by Doug Hoffman, second by Jim Malone, all ayes, motion carried.

Chairman Chayes stated that he would work with Dawn to make sure that competitive quotes were obtained for this.

Chairman Chayes asked for Public Comment, no Public Comment was made.

Chairman Chayes asked for the sidewalk and street work at 5923 Buchanan Drive.

Dawn Scheller reviewed that the property of 5923 Buchanan Drive had sidewalk, driveway, and curbing removed last fall during the new main being installed on Buchanan Drive. Dawn reported at that time Tammy had gotten quotes from Ganoë to complete the restoration. Dawn Scheller reviewed that the property owner had recently contacted her regarding the restoration of the yard, sidewalk, driveway and curbing. It was at that time where the property owner had reviewed they had not signed the Agreement and that would need to be completed. Dawn stated that she met with the owners, the agreement was executed, and they had indicated additional damage done to their sidewalk and wished it be replaced to the condition it was prior to the work being done. Dawn Scheller had reviewed previous pictures and compared it to the current condition of the sidewalk. Nine additional 4x4 squares had damage. Six out of the nine had equipment marks on them and the other three looked to have salt damage on them. Dawn Scheller reported that the property owner stated he did not use salt on the sidewalk and the damage was done by the equipment. Dawn Scheller said that she spoke with Don Shaffer Sr. who said he would not disagree or argue with the property owner. Dawn Scheller reviewed that since she could not see any damage in the earlier photos and now there is damage, she believes the Authority should replace the entire sidewalk in question in addition to the other work already indicated. Dawn Scheller provided the Authority with three quotes for the work along with an opinion of the Solicitor.

Dan Chayes reviewed the three quotes obtained: Ganoë- \$7039.45; Pro's Concrete- \$4800; and Robert McCulloh \$4481.81. The Authority decided to replace the quoted sidewalk and not dispute the three 4x4 squares in question. The Authority discussed the cost difference between all of the quotes and discussed deadlines for the work along with recent review of the contractors and the work they have done in the Borough.

Ed Twine made the suggestion that since the Scope of Work has changed of what was originally quoted; the Authority has directed to obtain quotes for the project.

MOTION: to authorize Robert D. McCulloh Excavating & Paving, Inc. to complete all the work as proposed with the cost of \$4481.81 on Buchanan Drive complete it within 15 days was made by Doug Hoffman, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to authorize Dawn Scheller to execute any and all Right of Way Agreements for the properties on Buchanan Drive was made by Catalin Bonciu, second by Jim Malone, all ayes, motion carried.

Chairman Chayes opened discussion for the Cotton Property on Buchanan Drive.

Dawn Scheller reviewed that she has contacted the Insurance Agent and have placed them on notice about the Cotton Property. Dawn Scheller reviewed that she provided them with information for the Insurance Carrier to have should any property owner claim damage due to the main failing. Dawn Scheller reviewed that it would fall under the Liability Portion of the Insurance. Dawn Scheller had provided the Authority with a copy of the letter sent to Mr. Cotton pertaining to him connecting within 60 days. Dawn Scheller also explained that any letter received from an owner would be directly forwarded to the Insurance Agent and Carrier for them to review and ultimately decide an outcome.

The Authority reviewed that Mr. Cotton's lateral has still not been connected. Chairman Chayes expressed interest with getting Mr. Cotton's lateral connected and asked Mr. Cotton what he would like to do.

Mr. Cotton stated that the ball is in the Authority's Court, that he had already offered a final proposal to the solution and he received a letter stating that he had 60 days to install his lateral. Mr. Cotton said that now the insurance is

handling it the Authority is offering to put the lateral in. Dan Chayes answered that the Authority is not offering to put the lateral in, but assist with the digging around the connection point / new connection point. Mr. Cotton reviewed that the existing lateral is above the new main approximately 15'-20' north.

Chairman Chayes reviewed in the correspondence that Mr. Cotton wanted compensation for the damages and he reviewed that the Authority is now out of that loop. Chairman Chayes reviewed that the connection point moved and the line is still above ground.

Catalin Bonciu asked if the Authority could do something to satisfy Mr. Cotton as he is a paying customer.

Chairman Chayes proposed with whatever damages Mr. Cotton has had to be settled through the insurance carrier.

Mr. Cotton interrupted and stated that there will be litigation and said that the Authority is liable.

Chairman Chayes stated that we are not going into the previous discussion topics and invited Mr. Cotton to attend and readdress how he would like to be reconnected.

Catalin Bonciu reviewed that this was the situation which bothered him the most. He felt that the Authority should have solved it. He asked how can we address it and make everyone happy.

Mr. Cotton spoke how Chairman Chayes has never had 50 gallons of raw sewage dumped in his house because a board decided that a couple of dollars was worth more than his house and his family. He stated that he finds it appalling that the Authority wouldn't settle with him for \$3500 and he put his own line in. Mr. Cotton continued and Chairman Chayes asked that he keep an even tone of voice. Mr. Cotton stated that he was disturbed that Authority approving up to \$10,000 for two pumps.

The Authority Members continued discussion and Mr. Cotton expressed his concerns about past previous meeting minutes. The Authority reviewed that Mr. Cotton would place a claim with the insurance company, they would review the evidence, and they would decide to do whatever the insurance company decides to do regarding damages/liability. Mr. Cotton was invited to attend the meeting.

Doug Hoffman suggested that the Authority consider connecting Mr. Cotton lateral from his house to the main. The Authority Members discussed the yard restoration and the two very large trees that could be damaged due to the work. Mr. Cotton stated that the neighbor across the street is furious, and he had just spoken to him the other day. Dawn Scheller reviewed that Don Shaffer had just gotten a load of top soil delivered. Doug Hoffman asked Mr. Cotton what the square footage would be of yard disturbed with putting in the lateral. Mr. Cotton responded that it would be his whole yard. The Authority reviewed the previous offers made. Mr. Cotton expressed dissatisfaction with having to go thru the insurance company; he feels it is something that he shouldn't have to go thru. Mr. Cotton reviewed that he has spoken with other Municipalities who have stated that they would have authorized a \$5000 check and stuck it in a Thank You card for being out there all weekend trying to fix the issue.

Doug Hoffman said that he would prefer to not have to make Mr. Cotton come to another meeting. Doug Hoffman asked Mr. Cotton a question which was if the Authority completes the line from the house to the main and the Authority fixes the yard would this go away? Doug continued that Mr. Cotton can work with the insurance company for the other claims.

Chairman Chayes reviewed that there was a problem with the existing lateral. Mr. Cotton said No there was no problem. Chairman Chayes stated that the existing lateral did not have continuous fall to the outlet. Mr. Cotton stated that it had a slight belly in it.

Jim Malone said he would also be inclined to connecting Mr. Cotton, get the yard fixed and Mr. Cotton could contact the insurance company to determine if Mr. Cotton should receive money for damages done to his house.

Mr. Cotton responded with his fear that he authorizes that to happen but the Insurance company responds that they don't think there is any liability for payment of claims, what is his recourse. Dawn Scheller answered that she does not know what type of appeal process there is with the insurance company. Chairman Chayes stated that if the authority agreed to do this for Mr. Cotton he would need to sign a release.

Catalin asked if the Authority could pay Mr. Cotton and then go back to the insurance company to be reimbursed. Dawn Scheller responded that it doesn't work like that. Dawn Scheller explained that since the Sewer Authority and Mr. Cotton haven't come to a mutual agreement on the liability issues was the reason why she placed the insurance carrier on notice.

Mr. Cotton asked how the insurance company calculates time lost; Doug Hoffman responded that is what they do. Mr. Cotton said that it is not that he hasn't tried to work with the Authority. Dawn Scheller suggested that Sam Wiser be present at the next meeting. The Authority asked that Mr. Cotton contemplate the offer and come to the next meeting to discuss further. The Authority wished to table the conversation until the next meeting. They reviewed the offer to Mr. Cotton: the Authority has a consensus that they are offering to connect Jason Cotton's line. Jason reviewed the last letter he received and will run out May 14, 2014 and that it is his responsibility to connect.

Chairman Chayes moved onto the last item on Dawn Scheller's report. She reviewed the 8,000 gallon adjustment request due to the outside meter and inside remote reading not matching. After discussion the Authority made the following motion.

MOTION: to approve the 8,000 gallon adjustment (78.64) for the property of 57 East Grandview was made by Catalin Bonciu, second by Mr. Gaunt, all ayes, motion carried.

The Water Authority covers the cost of the meters.

Chairman Chayes moved on to the loss of representation on the Personnel Committee. He reviewed that he was present at the Water Authority Meeting and the motion that was passed by the Water Authority, " *To approve seeking legal counsel in an effort to relinquish money paid to the Borough until the Water Authority is satisfied with their representation as a Member on the Personnel Committee was made by Gregg Davis, second by Larry Nair, all ayes, motion carried*". Dan Chayes reviewed that the Sewer Authority's representation on the Committee was removed and had been longstanding.

Dan Chayes invited Ed Twine to make a comment. Ed Twine stated that when each Authority pays 1/3 of the bills they need to have a 1/3 representation on that committee. Ed said that he has been informed by Council that it is only an advisory committee. Ed said that the members on the Authority are well qualified to screen people for jobs and know what is going on with this Borough. Ed Twine reviewed that he let each person in the Authority speak their mind and they all were in agreement 100% that this is the direction that they go unless they get equal representation on the Personnel Committee. Ed Twine reviewed that they have not had voting rights in the past, and it is an advisory committee, but maybe the Authorities have a voting committee on all parts.

The Sewer Authority reviewed the Salaries paid for the different positions; Plant Manager 50% Water & 50% Sewer, Billing Clerk 45% Water & 45% Sewer & 10% Borough, the (3) PWD Employees on average 1/3 each, and Manager and Assistant Manager 40% Borough & 30% Water & 30% Sewer. The Authority reviewed that the Authorities pay 0% for the Police Department.

Ed Twine stated that he has spoken to other municipalities who operate with a joint authority separate from the Borough. Ed Twine stated that the Water Authority authorized to seek counsel to do so unless they get equal representation on the Personnel Committee.

Chairman Chayes invited Council President to speak about the phone call that had been received. Council President spoke and reviewed that he had called and stated that 2 members from each authority was put back on personnel. Tom stated it would be up to the Authorities to choose two representatives and the next meeting was scheduled for Monday, May 5th at 1:00. Council President Suddeth also invited a member of each Authority to send representation to the Streets Committee.

Chairman Chayes asked about future meetings and if they will be scheduled outside of normal business hours. Jon Kittredge reviewed that the future Personnel Meetings will be held the third Monday at 7:00 pm.

Chairman Chayes reviewed the concern that the Personnel Committee being an advisory committee and not have control over the people who work for the Authority. He said that this is a good step in the right direction; he thinks that the Sewer Authority should continue to work towards more ability to manage the employees.

The historical makeup of the Borough, and Authorities was reviewed and discussed.

Catalin Bonciu reviewed that the elected officials are going to make the decisions and the make-up of the Authorities are appointed.

Doug Hoffman reviewed his concerns of losing their Manager for two and a half weeks now with not knowing why and he has a problem with that. He said that Council made a decision and doesn't want to tell the Authority why or involve the Authority in the decision process. Ed Twine also added that Council chose to delete them from the discussion prior to the instance and Ed stated that he has a problem with that. Catalin stated that he can't speak on the issue. Doug reviewed that Council changed the committee one month before the manager is gone.

Dan Chayes spoke that he has no doubt that operating collectively benefits all parties involved and that if Water and Sewer were to operate independently that it would raise complications. The conversation continued with the following motion.

William Gaunt spoke that if the Sewer Authority is paying 1/3 of the salaries then they deserve representation.

Jim Malone spoke that the Borough Manager is the person who acts out the things that got done at the monthly meetings; they are the agent or executor of what they are asking to get done. He said that they need to have a say in that persons evaluations and at the personnel committee. Jim said that the Authorities can point out things that the personnel committee might not see.

Dawn Scheller asked who the Authority would like to appoint to the Committee. Jim Malone said he would be interested to continue. Ed Twine spoke that 3 people would be representing Council on the personnel committee. It was asked if the Water Authority has talked about this yet. Ed Twine reviewed that the Authority Members have not discussed it yet as the next meeting is scheduled for May 13, 2014.

The Sewer Authority members reviewed that the Borough Manager is still being paid and if the Authority does nothing those funds would come out of Authority money paid to the Borough. In short they would be paying money for no work received. Ed Twine asked Tom Suddeth to put his offer in writing (a letter) and the Water Authority will then take a vote

on it. Tom Suddeth said that he would put the offer in writing and it will be presented at the next Water Authority meeting. More discussion occurred.

MOTION: to authorize and approve seeking outside legal counsel in an effort to investigate all options for operating independent of the Borough and to explore the withholding of salary paid for the person on paid administrative leave for the Borough Manager was made by William Gaunt, second by Doug Hoffman, Jim Malone added that he appreciates the fact that Borough Council has made an effort to consider representation for the Authority, a vote was taken, Catalin Bonciu voted against, remaining ayes, motion carried.

The Authority Members discussed who would be present at the Personnel Committee and Streets Committee. Jim and Dan would represent the Sewer Authority on Personnel and Dan Chayes would represent for the Streets Committee.

MOTION: to adjourn at 7:40 pm was made by Catalin Bonciu, and second Doug Hoffman, all ayes, motion carried.

These meeting minutes have been transcribed and have been respectfully submitted by Dawn Scheller with the use of her meeting notes and recording.

Date Approved: _____