

**BETHEL TOWNSHIP MUNICIPAL AUTHORITY
MINUTES**

January 6, 2010

The meeting of the Bethel Township Municipal Authority was called to order by Secretary, Darlene Orendo at 7:03 p.m. on January 6, 2010 at the Bethel Township Community Center, Bethel PA.

Pledge of Allegiance

Reorganization

At this time the secretary took nominations for Chairman. Rufus Geesaman made a motion to nominate David Younker. Motion seconded by Harold Gruber. Carl Weaver made a motion to close the nominations and approve the motion. Second by Kevin Stupp. All agreed. Motion carried.

At this time Chairman Younker took over the meeting and requested nominations for Vice Chairman. Rufus Geesaman made a motion to nominate Harold Gruber. Second by Kevin Stupp. Carl Weaver made a motion to close the nominations and approve the motion. Second by Rufus Geesaman. All agreed. Motion carried.

Chairman Younker requested nominations for Treasurer. Kevin Stupp made a motion to nominate Rufus Geesaman. Second by Harold Gruber. Carl Weaver made a motion to close the nominations and approve the motion. Second by Kevin Stupp. All agreed. Motion carried.

Chairman Younker requested nominations for Asst. Treasurer. Rufus Geesaman made a motion to nominate Carl Weaver. Second by Kevin Stupp. Harold Gruber made a motion to close the nominations and approve the motion. Second by David Younker. All agreed. Motion carried.

Chairman Younker requested nominations for Secretary. Rufus Geesaman made a motion to appoint Darlene Orendo @ the rate of \$13.90/hr. Second by Kevin Stupp. Carl Weaver made a motion to close the nominations and approve the motion. Second by Harold Gruber. All agreed. Motion carried

Chairman Younker requested nominations for Asst. Secretary. Harold Gruber made a motion to nominate Kevin Stupp. Second by Rufus Geesaman. Carl Weaver made a motion to close the nominations and approve the motion. Second by Rufus Geesaman. All agreed. Motion carried

The following resolutions were brought before the board for adoption.

Resolution # 2010-01- Harold Gruber made a motion to appoint Vision Engineering, Board Engineer. Second by Rufus Geesman. Carl Weaver made a motion to adopt Resolution #2010-01 naming Vision Engineering, Board Engineer. Second by Rufus Geesaman. All agreed. Motion carried.

Resolution # 2010-02- Rufus Geesman made a motion to appoint Frank Leber of Rhoads & Sinon, Bond Counsel. Second by Carl Weaver. Rufus Geesaman then made a motion to adopt Resolution #2010-02 naming Frank Leber of Rhoads & Sinon, Bond Counsel. Second by David Younker. All agreed. Motion carried.

Resolution # 2010-03- Rufus Geesaman made a motion to approve Resolution #2010-03 appointing First National Bank of Fredericksburg, Financial Institute. Second by Carl Weaver. All agreed. Motion carried.

Resolution # 2010-04- Rufus Geesaman made a motion to approve Resolution #2010-04 appointing Faren, Garcia & Garman LLC, Auditor. Second by Kevin Stupp. All agreed. Motion carried.

Resolution # 2010-05- Rufus Geesaman .made a motion to approve Resolution #2010-05 appointing SES and Mike Kreiser as Plant Operator. Second by Harold Gruber. All agreed. Motion carried.

Public Comment on Agenda

None

Approval of Minutes

Harold Gruber made a motion to approve the minutes of the meeting held on December 9, 2009. Second by Rufus Geesaman. All agreed. Motion carried.

Member Report

Rufus Geesaman reported on the following to members: phone service at the Frystown treatment plant has now been connected. We received the sales tax back from Met Ed and Verizon. Tax exemption for the driveway at the Bethel WWTP was only granted for 2010. Rufus contacted Solicitor Parish regarding 2009, he will check into this problem. The BCIDA agreement has now been signed and completed. He received a letter from the auditor; they will be contacting FNB, Penn Vest and PENNWORKS to start the audit process for 2009.

Solicitor Report

Solicitor Magovern reported that letters were sent out to individuals who had still not connected to the Bethel WWTP. Her office had not received any response to date and suggested she work with Rufus, liens may have to be filed.

A letter was issued to the American Legion granting a waiver request to them as long as the building is winterized and no water is flowing from the building. BTMA must receive a status report every six month's which will be reviewed.

She reported that after correspondence with USGS they are willing to pay \$500.00 to BTMA as compensation for the gauge. A contract will be signed.

She also reported that she met with John Roche regarding to several issues including Seigrist and Kinard.

An executive session was called at 7:24 pm by Chairman Younker with Board members, Solicitor Magovern, Vision Engineering and Ralph Mase, Marks Construction to discuss contract issues.

The meeting reconvened at 7:55. Chairman Younker stated possible litigation matters were discussed.

Engineer's Report

Monthly Report for December '09

This office has been working on the following items this past month and would like to update the Board as follows: (items denoted with "*" have accompanying information in the Board's packet. Items denoted with "***" have been forwarded to board members prior correspondence this month).

DEVELOPMENT PLANS FOR BOARD REVIEW AND/OR ACTION (POTENTIAL VISITORS):

1. Tank Lining Work (Marks Contracting/Dutchland, Inc. & I.K. Stoltzfus): The contractor's may be present this evening to discuss this work and the Board's further direction in this regard. Although various letters, reports and evaluations have been circulated the past several months we would like to summarize the status as follows:
 - a. BETHEL TANK LINING: The tank lining in Bethel was the first work to be completed (August/September, 2009). The lining work progressed with various issues surrounding the adherence of the primer/liner to the tank surfaces. After an evaluation by the contractors and material supplier (Sherwin Williams) technical staff it was agreed that the lining work did have problems during the application process. However, the contractors and material suppliers have offered the Board consider the following option:
 - i. The contractor's will provide a two (2) year warranty of their product and lining work. Furthermore a thorough and complete inspection shall be made at that time (prior to 2 year period) in order to determine whether or not the lining work is adequate or needs to be recoated.
 - ii. The contractor has furthermore offered to recoat the "patched areas" with the coating material as deemed necessary to the Board.
 - iii. OVERALL, our review of this option would recommend that the Board either favorably consider this option with the following

conditions or otherwise (in the alternative) require a recoating of the tanks with the same protocols and procedures necessary and used at Frystown (recently):

1. The need to recoat the patched areas shall be determined and demonstrated by technical data to ensure the proper timing of this work (now or in the future) in advance of any agreements.
 2. The work to entirely recoat the tanks (as may be necessary) shall be bonded for the agreed upon warranty period. Costs shall include ALL costs associated with the work and shall be agreed to in advance of the agreements.
 3. The contractors should consider extending their offer of a two (2) year warranty and inspection period to a four (4) year period.
 4. All terms and agreements of the inspection and determination of failure (at the warranty period) shall be established by the Authority in the form of an agreement.
- b. **FRYSTOWN TANK LINING:** The tank lining in Frystown was completed recently (November/December, 2009). The lining work here took into account all the various problems encountered on the Bethel work and actually utilized different products, procedures and protocols. The problems that were visually obvious in Bethel were NOT present here in Frystown. However, since some of the protocols and procedures were verbally directed by Sherwin Williams technical staff and were seemingly contradictory to published literature we are awaiting written certification from Sherwin Williams of these procedures and protocols.
2. Frystown resident concerns and work items:
 - a. **As discussed last month this office has discussed further plans adjacent to the Frystown Treatment Plant site with Attorney Magovern. We have also issued a letter to the Township requesting that the plans be revised to remove the improvements (stormwater & grading) on the Authority's property before the plans are considered for FINAL approval.
 3. Bethel Resident concerns and work items:
 - a. The storm water related concerns along and adjacent to properties along Lancaster Avenue were placed on hold again this month due to more pressing matters but will resume over the next month or two working on a report for the Board on this matter.

FINANCING MATTERS (PENNVEST & PENNWORKS):

4. *This office is recommending payment of invoices (separate correspondence to the Board) for the construction project for the following listed contracts (through to 12/25/09) which would require Board action for payment. The payment details are attached (separate correspondence) and summarized as follows:

- a. Contract # 1 Frystown collection lines NO WORK THIS PERIOD.
- b. Contract # 2 Bethel collection lines NO WORK THIS PERIOD.
- c. Contract # 3 Bethel Pump Stations NO WORK THIS PERIOD.
- d. Contract # 4 Bethel Wastewater Treatment Plant NO WORK THIS PERIOD.
- e. Contract # 5 Frystown Wastewater Treatment Plant (99% complete to DATE see attached).
- f. Contract # 6 Mechanical Systems for WWTP and appurtenances NO WORK THIS PERIOD.
- g. Contract # 7 Plumbing Systems for WWTP and appurtenances NO WORK THIS PERIOD.
- h. Contract # 8 Electrical Systems for WWTP and appurtenances (98% complete to DATE see attached).

CONSTRUCTION MANAGEMENT AND LOGISTICS:

- 5. Our inspection reports are available to the Board members (via our website) and can be furnished (paper copies) upon request. In summary the work has been progressing as follows:
 - a. **Contracts # 3 – # 8** The work on the various contracts continues in varying degrees.
 - i. The contractor has requested the project be determined substantially complete for the Bethel WWTP (contract # 4). However, we are still awaiting the final certification for the process design of the plant (which has been requested since May, 2008) before concurring with the substantial completion. This will also apply to Contract # 5 (Frystown WWTP) very soon as well.
 - ii. Work continues to progress in Frystown (contract # 5). This past week there have been various equipment startups and checks at the plant and a tentative schedule for initial plant startup is anticipated for the week of January 18, 2010.

OTHER MATTERS REQUIRING BOARD REVIEW AND/OR ACTION:

6. CHANGE ORDERS:

- a. We have included documentation for the Board's consideration in concurrence of change orders for the two plant sites as necessary for plant operations.
 - i. * Contract # 7 (Plumbing Contract) CHANGE ORDER # 6 (see attached document) this is to provide an eye wash station as required.

- ii. * Contract # 8 (Electrical Contract) CHANGE ORDER # 19 (see attached document) this is to provide heat trace equipment as required by the plant operator.
 - iii. * Contract # 8 (Electrical Contract) CHANGE ORDER # 20 (see attached document) this is to provide a quad phone and data port for the SCADA system.
- 7. * PENNDOT HIGHWAY OCCUPANCY PERMIT TRANSFER (Bethel WWTP driveway access): As the board is aware, the prior access strip (easement) was secured as a separate property and is now in the Authority's name (recently received a copy of the deed). The Authority should consider formally requesting a transfer of the permit into the name of the Authority.
- 8. NORTHERN EXTENSION (Klahr Road).
 - a. The current status of the final design and permitting are progressing as follows:
 - i. The archeologist has submitted the FINAL report to the State (PA – Historical Museum Commission) for their review and concurrence.
 - ii. This office has received a copy of the PENNDOT permit this week.
 - iii. Now that we have the archaeology submission completed and verified (received) we are awaiting an allowance by PADEP for a concurrent review (archaeology & PADEP permitting) due to checklist requirements.
 - iv. The easements were not distributed to the Attorney this month but have been finalized and are targeted for sending out this week.
 - b. In finalizing some of the final plan details (sewer line layout) specific underground infrastructure (current and abandoned) was revealed to create potential conflicts requiring a possible rerouting of the sewer line. We would like to discuss this matter with the Board for their consideration.

The following notes were taken during the Engineer's report from discussion with the Board and Vision Engineering:

Bethel Tank Lining:

Rufus Geesaman made a motion to authorize payment of tank coating for Contract #5 for Bethel contingent on receiving a certification letter from Sherwin Williams that has been done in accordance with standard procedure in compliance with the engineer and solicitor when we receive the letter. Motion seconded by Carl Weaver. All agreed. Motion carried.

Another motion was made by Rufus Geesaman if BTMA does not get a certification letter from Sherwin Williams that is satisfactory to the engineer and legal

counsel relative to the process we would seek to get a special performance bond at the contractor's expense. Second by Kevin Stupp. All agreed. Motion carried.

Rufus Geesaman then made an additional motion to release retainage for Contract #2 and only retain 25% plus cost of the punch list items to date. Second by Carl Weaver. All agreed. Motion carried.

Frystown resident concerns:

After discussion Rufus Geesaman made a motion instructing John Roche to send a letter to Eugene Seiverling, and a copy to the Township Solicitor to resolve the issues. Motion seconded by Kevin Stupp. All agreed. Motion carried.

Frystown Waste Water Treatment Plant start up:

Rufus Geesaman advised members that he is optimistic of a start up by the end of January. He advised the Board to choose a date to give Frystown residents 60 day's for hook up. After discussion, Rufus Geesaman made a motion to issue letters to Frystown residents regarding hook up requirements and date them 2/1/10. Motion seconded by Kevin Stupp. All agreed. Motion carried.

Change Orders

The following change orders for the following contracts:

Contract #7 – Rufus Geesaman made the motion to approve change order #6, Contract #7. Second by Kevin Stupp. All agreed. Motion carried.

Contract #8 -Rufus Geesaman made the motion to approve change order #19, Contract #8. Second by Kevin Stupp. All agreed. Motion carried.

Contract #8 –Kevin Stupp made the motion to approve change order # 20, Contract #8. Second by Carl Weaver. All agreed. Motion carried.

The following change order's were given for Contract #3: Rufus Geesaman made a motion to approve change order's #5 & #6. Motion seconded by Carl Weaver. All agreed. Motion carried.

#7 – PENNDOT HOP:

Rufus Geesaman made a motion to authorize an engineering change to the PENNDOT HOP from Andrew Zeiset to BTMA. Motion seconded by Kevin Stupp. All agreed. Motion carried.

Old Business

Snyder Developers purchased three building in Bethel and are asking for an exemption from hook up because two will be torn down and one moved. After discussion Rufus Geesaman made a motion to bill them 3EDU's (\$9,000.00) and the Authority would give them a credit against future tap in fees and planning modules.

Second by Carl Weaver. All agreed. Motion carried. John Roche was instructed to respond to Snyder Developers.

Rufus received 3 bids back regarding the 4 properties that BTMA will be responsible to hook up. The lowest bid was from Dale Bechtold Excavating @ 1,210 for a standard connection. After discussion Rufus Geesaman made a motion to select the lowest bid of Bechtold Excavating. Second by Carl Weaver. All agreed. Motion carried.

Rufus received two bids for a lab sink. After discussion, David Younker made a motion to go with A H Moyer and the better eye wash station. Motion seconded by Carl Weaver. All agreed. Motion carried.

A bid for adapters and covers was also discussed. The lowest bid was from APR. Kevin Stupp made a motion to go with APR to purchase the adapters and covers. Second by Rufus Geesaman. All agreed. Motion carried.

New Business

Rufus Geesaman reported on a letter he received from the Board of Supervisor's regarding payment of advertising of meeting dates and dumpster fees. Kevin Stupp made a motion to authorize payment of 1/5th the advertising costs for meeting dates. Second by Rufus Geesaman. All agreed. Motion carried.

David Younker made a motion to pay the dumpster fee 3 times a year. Motion seconded by Carl Weaver. All agreed. Motion carried.

Members decided not to renew the Berks County Public Works dues of \$75.00

Rufus Geesaman then made a motion to authorize payment of dues to PMAA. Second by Kevin Stupp. All agreed. Motion carried.

Rufus then requested approval from the Board to attend a training session by PMAA at a cost of \$80.00. Carl Weaver made a motion to authorize payment of \$80.00 for Rufus to attend the training session. All agreed. Motion carried.

Rufus got a bid through Costars for a table to be installed at the FWWTP for \$3,968.51. He would install it himself. Kevin Stupp made a motion to purchase the table at the bid price. Second by Rufus Geesaman. All agreed. Motion carried.

Rufus Geesaman discussed contracting Lehmas Moyer as a non employee, using him as a maintenance assistant at the rate of \$15.00/hr. After discussion Rufus Geesaman made a motion to contract Lehmas Moyer as a non employee at the rate of \$15.00/hr as needed. Motion second by Carl Weaver. All agreed. Motion carried.

Authorization of Payment of Bills

Rufus Geesaman made a motion to approve payment of all the bills. Second by Kevin Stupp. All agreed. Motion carried.

Public Comment

None

Adjournment

A motion to adjourn the meeting at 9:22 p.m. was made by Harold Gruber.
Second by Carl Weaver.

Respectfully Submitted,

Darlene M. Orendo
Secretary