

A meeting of the Board of Directors of the Municipal Authority of the Borough of Portage was held on Thursday, March 5, 2020, at 7:00 p.m., in the Conference Room at 606 Cambria Street.

Those in attendance were:

Brent Kinley, Chairman  
Craig Castel  
John Morgan  
Jerome Yetsko

Also present were: Ron Cadwallader, Supervisor; Attorney Michael Emerick, Solicitor; Joe Beyer, The EADS Group; Ron Portash, Mainline Newspapers; and Doug Wagner and John Belovsky, Allegheny Ridge Recreation Association; Chris Ringler, Employee.

## **I. CALL TO ORDER**

Mr. Kinley, Chairman, called the meeting to order at 7:00 p.m., which was followed by the Pledge of Allegiance and Roll Call.

## **II. RECOGNITION OF GUESTS**

Mr. Kinley recognized Mr. Portash, Mainline Newspapers.

Mr. Kinley also recognized Messrs. Wagner and Belovsky. Mr. Belovsky informed the Board that he and Mr. Wagner were present at this evening's meeting to request of the Board a re-visit of the proposal they presented to the Board in January. He noted that the proposal was changed from a closed limited use because none of their group thought about the fall-out that would come back to the Water Authority and people wanting permission to run the property. The new proposal would just be open to the public. Mr. Belovsky indicated that this changes a lot of things on the Allegheny Ridge Recreation Association end because they cannot sell a membership to someone that would not have some type of ownership of what they were purchasing a membership for. If they are only able to accept fees on a donation basis only, it would reduce the amount of funding they would be able to obtain. Mr. Belovsky commented that the group was estimating somewhere in the neighborhood of \$2,000 - \$2,500 in materials to do the two bridges and the stone.

Mr. Kinley pointed out that back a few months ago, the Authority had placed a temporary halt on any ATV traffic on the Authority's property in order to see, after the winter weather and spring rains, what affect the non-ATV traffic had on the property; i.e., see if the vegetation would come back, etc. Mr. Kinley stated that, since we are not into spring yet, we have no idea what will happen to the property after the spring rains. He advised Messrs. Belovsky and Wagner to keep checking back with the Board on the status of the property following the winter thaw and the spring rains when the group would have a better idea of what the Authority would need if it decided to do anything in that area. Mr. Morgan commented that he is sure the heavy winter rains we have had have not helped the property at all. Mr. Kinley commented that he is not sure if putting rock down or a bridge will help the property. Mr. Belovsky explained that the lower trail they are proposing, which they refer to as the high wall connector, has absolutely zero impact on the watershed. The other trail, the garbage hauler connector to Cichota's curve, has almost a zero impact on the watershed. If the Authority did nothing to those two springs, it would make zero impact on the watershed because they are far away from the Benscreek reservoir. Mr. Kinley indicated that he would question, once you start opening up some of the area to everyone, where is that going to lead. Mr. Belovsky emphasized that he understands the Authority's concern; however, no matter what the Authority does, they will not be able to stop all of the traffic through that area. Mr. Belovsky stated that the Authority turned the property over to the Game Commission to patrol the property. Mr. Morgan stated that, when he worked for the Authority, he ran into the Game Commission numerous times on the property. He pointed out that he had stated to members of

the Recreation Association at a Borough Council meeting that the property needs at least three to five years for the vegetation to grow back and there needs to be no ATV traffic in order to allow this. Mr. Morgan emphasized that he realizes that we will not be able to stop everyone from entering the property; and this is why the Game Commission is helping to police the area now. He pointed out that it was not always the fault of the quads; i.e., there were timber sales in the area, installation of the windmills, etc., that caused mud trails on the property.

Mr. Morgan pointed out that, when Blue Knob started their quad runs, they had over 1,000 quads which did cause damage to the watershed roads in that area. Mr. Belovsky agreed indicating that the Blue Knob poker runs brought so many people from so many areas that really had no idea of where they were allowed to run on the property. Mr. Morgan agreed indicating that the area did not get destroyed from those in the area that knew where they were allowed to run. He pointed out that the Authority appreciates everything that the Allegheny Ridge Recreation Association does; however, it only takes one person that can cause concerns on the property. Mr. Morgan pointed out that this is why the Authority would like all ATV traffic stopped on the property for a while so that we can see how the vegetation comes back. Mr. Wagner pointed out that, when the meeting was held with Borough Council, they asked Mr. Cadwallader and Mr. Barton to meet with the Allegheny Ridge Recreation Association. This occurred where the members of the Association showed Mr. Cadwallader and Mr. Barton where they would like to go on the property. At that time, the Association provided Mr. Barton with its proposal of the area, which really had no impact on the watershed. Mr. Wagner commented that Mr. Barton had stated at that time that the actions that the Allegheny Ridge Recreation Association was taking to remedy the runoff water, etc. looked good to him. In December, Mr. Wagner pointed out, Mr. Barton stated at the Board meeting that the work that the Association was doing would save the Authority approximately \$30,000 in repairs and would benefit the Authority because it would clean up the sediment before it gets down to the area of concern. Mr. Wagner emphasized that the Association clearly understands that it should stay away from the bottom area; and they regularly attempt to keep individuals away from that area. He indicated that the Association did hear that there were individuals going through the top area where they had heard that there were signs being torn down. Mr. Wagner emphasized that the Association has taken everything that the Board has stated very seriously and they want to assist in any way possible.

Mr. Morgan questioned if the Association has pictures of the things they are finding, to which Mr. Cadwallader replied that a report was provided that included pictures. Mr. Belovsky indicated that there are vehicles coming from the other side of the mountain and it is forcing them onto the road. He noted that it concerns the Association because there may be children in the area. Mr. Morgan questioned if this would interfere with the Martindale reservoir, to which Mr. Cadwallader replied that it is only the Benscreek area.

Attorney Emerick commented that this is his first meeting as Solicitor; however, he noted that, after review of previous minutes, he had read that the Board had already decided on how it was going to proceed in this regard, to which Mr. Kinley replied that the Board had decided to not allow any ATV traffic on the property until after the spring rains to see what damage was done to the property and to see how much vegetation grows back. Attorney Emerick questioned if there were issues with erosion, to which Mr. Kinley replied affirmatively. Attorney Emerick pointed out that there is a difference in the eyes of DEP of them allowing this to go on versus someone trespassing on the property. Mr. Kinley explained that, unfortunately, at the time a filtration evaluation was taking place, it was a very rainy day; and the inspectors noted in their report the amount of infiltration that was taking place. The report that was received following the inspection dropped down to a middle range for infiltration. Mr. Kinley commented that this pointed out to the Board that we needed to stop all of the ATV traffic and start implementing a plan to restore the area.

Attorney Emerick questioned if there was any inquiry of the insurance company on what the Association was requesting to do on the property, to which Mr. Craig Castel intervened that he also

had a question on the liability of the Association making the repairs on the property via a donation. Attorney Emerick indicated that, if a municipality opens up a road to ATV use, they are not liable just for opening up the road. However, Attorney Emerick pointed out, we are not talking about just opening up a roadway but we are talking about a private property. Attorney Emerick noted that, before any decision is made, he would clear everything through the insurance company to ensure that the Authority has coverage. Mr. Wagner questioned if this would include recreational use, to which Attorney Emerick replied affirmatively. Mr. Yetsko questioned if everything would remain the same per previous action by the Board, to which Mr. Kinley replied affirmatively. Mr. Morgan pointed out that the current problems in the area just didn't happen recently; there have been concerns for many years. Mr. Kinley agreed, pointing out, however, that the members of the Allegheny Ridge Recreation Association just approached the Board a few months back.

**III. CORRESPONDENCE**

Mr. Kinley informed the Board that information was received relative to PMAA Board member training, as well as the PMAA spring management workshop. Any Board member interested in attending either of these meetings was asked to contact Mr. Cadwallader.

**IV. APPROVAL OF MINUTES**

ON MOTION OF MR. CRAIG CASTEL, SECONDED BY MR. MORGAN, THE BOARD UNANIMOUSLY AGREED TO DISPENSE WITH THE READING OF THE FEBRUARY 2020 MINUTES BEING THAT THEY WERE DISTRIBUTED IN WRITTEN FORM AND UNANIMOUSLY ACCEPTED THE MINUTES AS PRESENTED. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

**V. AGENT'S EXPENDITURES**

No Agent's Expenditures to be presented for approval.

**VI. INVOICES**

Brent Kinley	\$ 45.00
Cambria Mailing Services, Inc.	75.75
Cambria Systems, Inc.	281.86
Cintas	92.89
Clearfield Wholesale Paper	77.26
CMPA	1,000.00
Craig Castel	45.00
Fairway Laboratories, Inc.	156.00
Foster F Wineland, Inc.	78.07
Galeton	32.48
Hach	936.94
Hite Company	4,438.81
John C Morgan, Jr	45.00
L/B Water Service, Inc.	167.70
Link Computer Corporation	1,312.50
Long's Equipment	288.00
Long's Outpost, Inc.	17.49
Mark Castel	45.00
Mary L Elchin	325.00
Meyers' Supply Co, Inc.	403.08
Mosholder Insurance Agency	3,584.00

Northern Safety & Industrial	56.01
PA Rural Water Association	95.00
Penstan	102.39
Peoples Natural Gas Company	328.45
Portage Auto Parts	168.43
Portage Post Office	165.00
Portage Service Center	461.65
Ray's Tires	125.00
Ray Oil & Gas Co	2,660.56
RDM – Johnstown LLC	292.00
Ronald J Cadwallader Jr	20.00
Sharon Squillario	50.00
Stagers Store	210.34
Univar USA, Inc.	3,161.16
Visa – 1 <sup>st</sup> Summit	1,883.90
WB Mason Co Inc.	67.47
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	\$ 23,295.19

	<u>Paid Bills</u>	
Aflac	\$	139.84
Michael Barton		798.40
PA One Call System, Inc.		12.65
Penelec		1,386.41
Comcast		308.38
Pro Disposal, Inc.		161.00
Sheetz Fleet Service		412.00
UPMC Health Plan		9,294.55
Verizon		476.68
REA Energy Cooperative Inc.		1,382.88
Verizon Wireless		94.81
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		\$ 14,467.60

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, THE BOARD UNANIMOUSLY AGREED TO ACCEPT AND PAY INVOICES IN THE AMOUNT OF \$64,326.70 (REGULAR BILLS, \$23,295.19; PAID BILLS, \$14,467.60; PennVEST, \$3,896.36 AND \$5,508.55; USDA, \$16,051.00; 1<sup>ST</sup> SUMMIT, \$1,108.00). BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

**VII. TREASURER'S REPORT**

ON MOTION OF MR. CRAIG CASTEL, SECONDED BY MR. MORGAN, THE BOARD UNANIMOUSLY AGREED TO DISPENSE WITH THE READING OF THE FEBRUARY 2020 TREASURER'S REPORT AS IT WAS PREVIOUSLY DISTRIBUTED IN WRITTEN FORM AND UNANIMOUSLY ACCEPTED THE REPORT WITH A BALANCE OF: BEGINNING CASH, \$1,702,544.70; CASH IN, \$210,209.49; CASH OUT, (\$209,677.26); ADJUSTMENT, \$0; ENDING CASH, \$1,703,076.93. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

Messrs. Belovsky and Wagner departed from the meeting at this time.

## **VIII. SUPERINTENDENT'S REPORT**

Mr. Kinley noted that Mr. Cadwallader's report was distributed to the Board members prior to the meeting; and he asked the Board if there were any questions regarding the report.

Mr. Cadwallader commented that he has obtained five quotes that the Board requested for the security system. The quotes included pricing for monitoring equipment, cameras and the alarm systems. The quotes were shared with the Board.

As it relates to the DEP inspection report that was received, Mr. Cadwallader informed the Board that there are few minor items that we will have to address. In the plants, where the chemicals and pump are, we will have to install some type of sump pump to catch any type of spill. This would basically require a 4" high wall in front of all of the tanks (if anything bursts, it would be contained in this area). Mr. Cadwallader noted that this project could be completed in-house with materials we already have. In addition, Mr. Cadwallader stated, we have to have the storage tanks inspected every two years now according to the current regulations; and DEP also wants the clear wells inspected inside and cleaned if they need cleaned. As it relates to this recommendation, Mr. Cadwallader noted that he would contact Dutchland, who previously did inspections of the clear wells. Mr. Morgan questioned when Dutchland inspected the clear wells, to which Mr. Cadwallader replied that they were inspected approximately two years ago.

Concerning the tanks that we have through Mid-Atlantic, Mr. Cadwallader noted, these tanks would be inspected by Mid-Atlantic at no charge; however, if any cleaning would need done, there would be a charge by Mid-Atlantic. Mr. Cadwallader commented that the tank on Munster Road was inspected in 2017. There is some rust inside the tank; and the paint on the outside is thin and getting down to the primer. Mr. Cadwallader stated that we could look at rehabilitation of the tank or purchasing a new tank. Mr. Beyer stated that the Munster Road tank is a 200,000 gallon tank; and you might consider placing a larger tank because to paint the current tank would be in the neighborhood of \$50,000-\$60,000. Mr. Cadwallader noted that, if there is lead in the paint, they would also have to contain every chip and dust particle. Mr. Beyer noted that we would also have to look at the inside structures to see if they are rusted or not. He pointed out that it might be easier to put up a new tank because they cost roughly around \$1/gallon. Mr. Morgan indicated that it would make more sense to place a new tank. Mr. Cadwallader stated that we have been approached by residents further up Munster Road relative to access, which is part of the long-range plan. Mr. Kinley questioned where we are with usage of the 200,000 tank and whether it is covering the current usage, to which Mr. Beyer replied affirmatively. Mr. Kinley questioned if we could accommodate further inquiries, to which Mr. Cadwallader replied that we would have to have a total gravity system. He explained that the way it is currently is that we have a check valve at the golf course; and as the water goes through, the check valve stops the water to hold the water for the individuals up on top. Mr. Beyer noted that this has been discussed previously by the Board; and it is his opinion that the Board has to consider placing money into the current tank versus the purchase of a new tank.

ON MOTION OF MR. MORGAN, SECONDED BY MR. CRAIG CASTEL, THE BOARD UNANIMOUSLY AUTHORIZED MR. BEYER TO OBTAIN PRICING ON THE PLACEMENT OF A NEW TANK IN THE MUNSTER ROAD AREA. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

Mr. Morgan questioned, when the new tanks were placed, were we told that they would be cleaned at any time, to which Mr. Cadwallader replied that we receive free inspections at any time; however, if we are unable to take the tank out of service, the company will bring in robos or divers to inspect it. Mr. Morgan questioned if the Munster Road tank would be the last tank to be replaced, to which Mr. Cadwallader replied affirmatively.

As it relates to the Emergency Action Plan, Mr. Cadwallader informed the Board that he contacted DEP and was told that the Authority is in compliance and certified; however, we will have to complete a CEM planner course in August (already signed up for the course). Once the course is completed, we will receive a user name and password and will be able to upload the Emergency Action Plan. Mr. Cadwallader noted that DEP also is requesting a google map (indunuation map) from Martindale to downtown with all of the boundaries circled in blue. Mr. Beyer questioned if it has to be updated and surveyed, to which Mr. Cadwallader replied that he was instructed by DEP to utilize google earth maps and outline the boundaries in blue and include the roadways. Mr. Beyer questioned if we will have to survey the actual houses, to which Mr. Cadwallader replied negatively. Mr. Cadwallader noted that the Emergency Action Plan will need to be broken down into sections and placed in the appropriate areas of the CEM planner.

Mr. Cadwallader informed the Board that there was a stipulation put into effect many years ago relative to backflow preventers. He noted that we have been following up with new homes and residents changing out water lines and placing dual check valves. Mr. Cadwallader indicated that a previous superintendent had stated that single check valves could be used; however, the single check valves are no longer certified. The reasoning behind the dual check valves is that, if one fails, there is a backup. Mr. Cadwallader stated that the residential valve looks like a tube; however, the commercial, public and industrial valves are larger and have ports on them that need to be tested. When the policy was written previously, he pointed out, the testing is the responsibility of the owners. The only way to test the residential valves is to spin off the edge of the meter and see if the water comes back; and if doesn't, the dual check is working. Mr. Cadwallader pointed out that the time limits for installing the dual check valves has passed; and what he would like to do is survey the commercial, residential and public to see if they are compliant. Most are compliant, Mr. Cadwallader noted; however, for those who are not, if the Board is agreeable, we could give them to the end of the year to have it installed. By doing this, by July of 2021, all of the residential will be completed. Mr. Cadwallader explained that, in order to have this accomplished, we would do a house-to-house inspection with a list of the residents and could then check off whether or not they have the dual check valve. If a resident does not, they would be given a date by which they would have to have it installed.

Mr. Morgan questioned whether the meter employee could do this, to which Mr. Cadwallader replied affirmatively. Mr. Yetsko questioned what the total cost per household would be, to which Mr. Cadwallader replied that the cost would be up to the resident. Mr. Cadwallader indicated that the cost of the back flow preventer is approximately \$34; however, they are more expensive for the commercial. Mr. Cadwallader pointed out to the Board that this action is a requirement of DEP, and is a requirement of Portage Borough that was set previously. Mr. Kinley commented that he believes Mr. Cadwallader's plan is reasonable to meet the requirements. Mr. Cadwallader stated that this would include Portage Borough, Portage Township and Cassandra Borough (everything that the Authority services). He noted that, if someone is not compliant, we do have the option to turn off the water as was set forth previously. Mr. Kinley commented that it would be reasonable to start with the commercial/residential and then afterwards work with it by wards. Mr. Cadwallader explained that anyone that replaced a water line, placed a meter pit, etc. has the dual check valve for residential. If they placed a meter pit for commercial, there are some that are already set up.

Mr. Morgan questioned if all of the houses that were built from 2012 on have the double check valve, to which Mr. Cadwallader replied affirmatively; however, there may be some concerns with rental properties. Mr. Morgan questioned how we will inform the public that this has to be done, to which Mrs. Ringler replied that the requirement of a double check valve has been placed in the newsletter and has been included on the monthly bills.

Mr. Morgan questioned how many residents are already compliant, to which Mr. Cadwallader replied that approximately 25% of the residents are compliant. Mr. Cadwallader stated that he would like to include this requirement in the message that is sent to residents relative to the next

two line flushings. He noted that the requirement is also included on the Authority's website. Mr. Kinley pointed out that we would need to include a deadline so there is a sense of urgency, to which Mr. Cadwallader replied that we could look at the status in June to determine if we need to include a deadline. Mr. Yetsko questioned if we are going to offer any type of assistance to residents that need to install the valve, to which Mr. Cadwallader replied that we are unable to do anything inside the residence. The Board agreed with Mr. Cadwallader's plan of action as noted above.

As it relates to a letter received from the Portage Food Pantry relative to water usage, Mr. Cadwallader stated that a similar letter was received by the Sewer Authority. Mr. Morgan stated that he did talk with Don Squillario (Sewer Authority) concerning the letter. Mr. Morgan stated that the Food Pantry is only utilizing less than 400 gallons of water per month so we really should consider doing something. Mrs. Ringler commented that the Historical Society had approached the Authority previously with a similar request; i.e., limited hours of operation and limited use of water during these hours. The Authority Board at that time did not grant the request because it was felt that other non-profit organizations may make a similar request. Mr. Cadwallader pointed out that the Authority could consider doing something similar to what it does for the Park; i.e., set a certain limit of water usage; and if the limit is exceeded, a minimum payment would be required. Mr. Morgan agreed and stated that we may want to set a limit of 2,000 gallons for the Food Pantry being that currently they only pay a \$700 annual bill for both water and sewer. Mr. Beyer questioned what would be done if there was a water break at the Food Pantry, to which Mr. Morgan replied that we would have to charge for the extra water usage. Mr. Cadwallader stated that, if we do set a usage limit, it should be a monthly usage so that we would be able to track it.

Mr. Beyer expressed his concern about setting a precedent for others by doing this. Mr. Craig Castel questioned what we will do if others approach the Authority with a similar request. Mr. Morgan indicated that, if the Historical Society approaches the Authority again, we can revisit their request as well. Mr. Cadwallader stated that the largest water usage bill that the Historical Society had was due to a toilet that was running upstairs in the building, which was addressed. Mr. Kinley stated that, if the Food Pantry is only using 700 gallons, perhaps we should drop it down to a 1,000 minimum monthly usage. Mr. Morgan commented that 2,000 is the minimum usage requirement; and the owner of the building indicated that he would not use more than 2,000 per year because the area would not be open to the public to use the restroom, etc. Following discussion, the following motion was made:

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, THE BOARD UNANIMOUSLY AGREED THAT DISCUSSION ON THIS MATTER BE TABLED UNTIL NEXT MEETING. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. KINLEY, MR. MORGAN AND MR. YETSKO. MR. CRAIG CASTEL CAST A DISSENTING VOTE.

Mr. Cadwallader shared with the Board the CCR report for 2019, which has been certified by DEP and sent to the physician offices and all public agencies that the Authority deals with.

## **IX. ENGINEER'S REPORT**

A copy of the Engineer's Report was distributed to the Board prior to the meeting.

Mr. Beyer stated that the Board discussed the Emergency Action Plan earlier in the meeting. Mr. Beyer noted that he has not received any information relative to the grants that have been submitted.

Mr. Beyer informed the Board that he has made contact with DEP relative to the minor permit amendment for the settlers for mixing. He has not received a return call from DEP; however, this

should be completed before the next meeting. Mr. Cadwallader stated that we need to include pictures of the parts that were removed from the pallets.

Mr. Beyer noted that he has prepared a drawing for the Robindale Energy request. As it relates to Cichota Lane, Mr. Beyer commented that information was received in Mr. Cadwallader's report. In addition, he noted that the DEP letter was reviewed by Mr. Cadwallader in his report; and not further action will be needed except for updated maps to be received by August if we do not have to complete the survey as discussed previously in the meeting.

## **X. SOLICITOR'S REPORT**

Attorney Emerick thanked the Board for his appointment as Solicitor and he looks forward to working with the Board. He has been working with Mrs. Ringler relative to documents to review to bring him up-to-date relative to the Board's actions.

Attorney Emerick noted that he had a chance to review the proposed license agreement that was prepared relative to the request received from Robindale Energy to go over the Authority's lines. Mr. Yetsko questioned what this is regarding, to which Mr. Cadwallader replied that Robindale Energy is the company that will be cleaning up the boney piles in Benscreek. Attorney Emerick commented that Robindale Energy is an active business organization in the Commonwealth of Pennsylvania; and they have a business and office address in Latrobe, PA. If the Board approves the agreement, signatures would be needed by the Board officers and Attorney Emerick will then forward the agreement to Robindale for approval and signature. Attorney Emerick commented that the bond that was included in the Agreement was the same as was presented to the Sewer Authority by Robindale.

ON MOTION OF MR. CRAIG CASTEL, SECONDED BY MR. MORGAN, THE BOARD UNANIMOUSLY APPROVED THE ROBINDALE ENERGY AGREEMENT AS PRESENTED, CONTINGENT UPON APPROVAL BY ROBINDALE ENERGY. SHOULD A NON-MATERIAL CHANGE TO THE AGREEMENT BE MADE BY ROBINDALE, MRS. RINGLER WOULD OBTAIN APPROVAL BY THE BOARD; HOWEVER, IF A SUBSTANTIVE CHANGE TO THE AGREEMENT WOULD BE MADE BY ROBINDALE, THE AGREEMENT WOULD BE BROUGHT BACK TO THE BOARD FOR DISCUSSION AND APPROVAL. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

Mr. Yetsko questioned what the request was that was received relative to Cichota's Curve, to which Mr. Cadwallader replied that this was a request received from the Township relative to 33 feet of the road that they need in order to obtain liquid fuels funds for that road. Attorney Emerick explained that the Township would need to pave the 33 feet in order to obtain liquid fuels monies. He indicated that he spoke with one of the Township Supervisors who stated that they would only be paving 18 feet of the roadway but that the Township needed 33 feet to obtain the liquid fuels monies. Attorney Emerick commented that this cannot be a right-of-way; it has to be a deeding of the property to the Township for the total 33 feet. Mr. Yetsko questioned if the Township would be required to come back to the Authority if the property is abandoned, to which Attorney Emerick replied that he has spoken to the Township Solicitor in this regard. Attorney Emerick commented to the Township Solicitor that his suggestion to the Authority Board was going to be to include a reversionary clause whereby if the roadway ceases to be used as a thoroughfare that it would revert back to the Authority, to which the Township Solicitor had noted that this was not included in any other deeds. Attorney Emerick pointed out that it is his recommendation that the reversionary clause be included in the Agreement.



Attorney Emerick pointed out that the other item that he questioned was whether or not it could be a quick claim deed so that there are no problems with transferring the property and there are no restrictions. As far as guaranteeing the title to the property, Attorney Emerick explained, the quick claim deed takes away any liability on the Authority's part. He noted that the Township would like the Authority to sign a general warranty deed wherein if there is a problem with the change in title, the Township could come back to the Authority since the Authority is essentially donating the property to the Authority.

If the Board is in favor of the Agreement, Attorney Emerick will request that the above changes be made to the Agreement.

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, THE BOARD UNANIMOUSLY APPROVED THE AGREEMENT AS DISCUSSED ABOVE AS PRESENTED, WITH THE STIPULATION THAT IT BE CHANGED TO ENSURE THAT IT IS A QUICKCLAIM DEED AND THAT IT INCLUDE THE REVERSIONARY CLAUSE AS DESCRIBED ABOVE. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

Attorney Emerick commented that he would send the proposed changes to the Township Solicitor to have the changes made.

Mr. Morgan questioned if the presentation that was done by the Auditor prior to the meeting should be advertised to the public, to which Mr. Cadwallader replied that it would fall under the right to know act and if someone from the public would want a copy they would be entitled to it. Mr. Kinley stated that next year we should have the audit report begin at 6:15 p.m. so that it does not run into the regular meeting. Attorney Emerick indicated that it was a clean audit.

## **XI. FORESTER'S REPORT**

No report as Mr. Barton was not present for the meeting.

Attorney Emerick stated that he read in the minutes from the last meeting the matter of someone cutting timber on the Authority's property. Attorney Emerick explained to the Board that the Commonwealth of Pennsylvania takes a dim view of this action. He commented that, if you can prove via a civil law suit that this was done intentionally, the person would be liable for triple the value of the timber. If it was done negligently, the individual would be liable for double the value of the timber. In addition, if the person had some kind of good cause for doing this, they would be liable for the actual value and cost of the timber. Mr. Morgan commented that Mr. Barton had informed the Board at the last meeting that the pin was pulled out of the ground. Attorney Emerick indicated that this would mean the person knowingly crossed the line. Mr. Cadwallader stated that he believes it was 12 trees that were cut. Attorney Emerick noted that the Authority could have a timber expert come in and estimate the value and then the cost could be passed on to the individual that did this. Mr. Cadwallader stated that Mr. Barton could give the Authority the cost; and he will contact Mr. Barton tomorrow. Attorney Emerick questioned if this is something that the Board would want to pursue, to which the Board agreed. Mrs. Ringler questioned if the individual would also pay the attorney fees, to which Attorney Emerick replied that the State does not mention attorney fees but normally these types of matters settle after an attorney looks into it.

## **XII. UNFINISHED BUSINESS**

- Treasurer Bond

Mr. Kinley commented that the treasurer bond with CBIZ was for \$8,000, the cost of which was \$250 for three years. Attorney Emerick informed the Board that he spoke with Mrs. Ringler regarding this matter. He emphasized that \$8,000 is inadequate for the amount of money being handled. Mrs. Ringler noted that she looked into \$100,000 and \$250,000 after talking with the Solicitor and the auditor. She contacted Mosholder; and the cost for \$100,000 would be \$250 for one year; and for \$250,000 it would be \$375 for one year. The amount of the bond can be whatever the Authority wants it to be. Attorney Emerick indicated that the Treasurer is currently dealing with \$1.7M in Authority total cash; and the \$100,000 is less than 10% of what the Treasurer is dealing with. Therefore, the Treasurer should be bonded for much more than \$100,000; and he would recommend the bond be at least \$500,000.

ON MOTION OF MR. YETSKO, SECONDED BY MR. CRAIG CASTEL, THE BOARD UNANIMOUSLY APPROVED THE TREASURER BOND FOR UP TO \$1M. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

- Robindale Energy Service License Agreement

Discussed earlier in the meeting.

- Precision Business Solutions

Mrs. Ringler commented that discussion had ensued at the last meeting relative to the quotes received from Precision Business Solutions. It was questioned at the meeting whether the cost of the internet would increase; and she indicated that the cost would not increase. Mrs. Ringler indicated that the information provided to the Board was what the Authority would be saving; and she had provided what both Comcast and Verizon would charge; and the internet would not go up. The Authority is still under the triple play because the Authority has to keep one telephone line for the fax, so the internet will not increase. The Verizon charge would be fixed; and we would save on the Comcast also. Mr. Yetzko questioned what the cable TV cost is, to which Mrs. Ringler replied that it is \$15-\$20 per month, but it is included in the triple play. Mr. Morgan questioned if there would be a savings if we dropped the TV, to which Mrs. Ringler replied that we would then move to the double play (because you need a telephone line) and it may be more expensive (sometimes the double play is more expensive than the triple play). Attorney Emerick questioned if the Authority is paying for internet, to which Mrs. Ringler replied affirmatively. Attorney Emerick indicated that we did do a franchise agreement with Comcast with the Borough; and he will check to see if the Authority would qualify under this agreement.

## **XIII. NEW BUSINESS**

- Employee Issue – Electric Work Pay

Mr. Cadwallader informed the Board that, when we did the generator project in 2013, a motion was made by the Board at that time to pay Mr. Brian Cadwallader \$30 per hour for any work done on the project during the evenings and weekend and regular hourly pay for any other hours. Mr. Brian Cadwallader is not questioning whether he can be paid at the electrical rate above for work (wiring, etc.) he has been completing at the plant (work being done during his eight hour day). Mr. Morgan commented that this is why we gave Mr. Brian Cadwallader the \$2 raise that was approved at a previous meeting; i.e., because Mr. Morgan was told that Mr. Brian Cadwallader was not doing any additional work. Mr. Morgan pointed out that Mr. Brian Cadwallader should have brought this up

many years ago if he wanted electrical work. He emphasized that Mr. Brian Cadwallader has done so many good things for the Authority; i.e., installed both generators in the plant. Mr. Cadwallader agreed that Mr. Brian Cadwallader saves the authority a lot of money for the electrical work that he performs. Mr. Kinley stated that he really does not know of an employee that receives over a \$2 raise and then two months later requests more money on top of that.

Mr. Morgan questioned if Mr. Brian Cadwallader is performing any of the work currently during the evenings or on weekends, to which Mr. Cadwallader replied negatively, stating that he is doing the work during his regular 7:00 – 3:00 shift. When the Board approved the electrical pay previously, it was for the generator project at that time; and Mr. Brian Cadwallader had not had a raise previous to this. Mr. Morgan questioned Mr. Cadwallader's feelings relative to this request, to which Mr. Cadwallader replied that Mr. Brian Cadwallader is worth it, but it really comes down to the budget and this request was not budgeted. He emphasized that Mr. Brian Cadwallader saves the Authority a lot of money and he does a tremendous job and takes care of things either during regular hours or after hours. Mr. Cadwallader pointed out, however, that we have to be fair as other employees coming out after hours for other jobs, or similar jobs, and do not get a special hourly wage for that particular job. Mr. Yetsko indicated that a request such as this has to be set up at the beginning of the year or at budget time and spelled out when the work would be done.

Mr. Kinley expressed his opinion that a lot of the employees are doing a lot of work outside of their spectrum to help; and he would question where we would draw the line. He pointed out that the last approved request by the Board for Mr. Brian Cadwallader was for a specific project; i.e., the generator project. Since the work that Mr. Brian Cadwallader is doing now is being done during regular work hours, Mr. Kinley stated, he would this this would be part of a regular day's pay. Mr. Morgan noted that he can see Mr. Brian Cadwallader's point to a minimum because if we would have had an outside company do the work that he did for the generators, it probably would have cost the Authority over \$100,000 for each generator; and for this work, the Authority provided \$30 per hour to Mr. Brian Cadwallader. Mr. Morgan is not saying that Mr. Brian Cadwallader is not worth it, but he should have approached the Board earlier during budget time so that, when he does major electrical work, there would be a stipulation. He noted that we have to set some type of wage chart with ranges. Mr. Morgan emphasized that the two newer employees, over 17 months, received \$3.50 per hour in raises, which is a lot of money to be paid that quickly.

Mr. Morgan again pointed out that we need to break down a raise chart for each of the employees. The newer employees are making \$14 per hour currently. Mr. Morgan questioned what the two new employees did in the 17 months to receive this type of raise, to which Mr. Cadwallader replied that they received their distribution license and their general license. Mrs. Ringler commented that you really have to take into account the general wage increase; i.e., they received a \$3 increase but they really only received \$2.65 because all of the employees received \$.35. Mr. Morgan emphasized that he really feels we are setting a precedent for future employees we hire. Mr. Kinley expressed his feeling that where we are now is good because we have a lot of young guys and guys that are retiring. He does not think we will have that much of a problem because if we set the precedent now for the young guys coming in, we will be able to make the statement that this is what we are doing. Mr. Craig Castel indicated that we may have started the newer employees in the past too low; and if we would have started them out higher, we would not have had to give them as much of a raise. Mr. Craig Castel pointed out that we really need some type of wage scale established, to which Mr. Morgan agreed.

Mr. Cadwallader noted that he will inform Mr. Brian Cadwallader that the Board will reconsider his request at budget time. Mr. Kinley indicated that he does not feel we can wait until budget time because during the last two meetings this is something that has been coming up. Mr. Cadwallader noted that on Mr. Brian Cadwallader's time, he does break out the eight hour day between electrical work and non-electrical work. Mr. Morgan commented that there is no such thing as regular hours and electrical hours so these are really just regular hours currently. Mr. Kinley

questioned if we want to discuss something for the future in the event Mr. Brian Cadwallader does have to come out to address an electrical issue, to which Mr. Morgan replied that, if Mr. Brian Cadwallader is called out for an issue, it is paid currently at time and one-half. Mr. Yetsko again pointed out that the last time the Board approved the \$30 per hour for Mr. Brian Cadwallader, it was for the generator project only. Mr. Morgan stated that Mr. Brian Cadwallader has performed other electrical projects since that time and has not requested anything in addition. He pointed out that it is his feeling that we should wait until budget time and reconsider the request at that time. Mr. Morgan questioned if the electrical work Mr. Brian Cadwallader is doing now is harder or equal to the generator work he performed, to which Mr. Cadwalalder replied that Mr. Brian Cadwallader is currently setting up the pump stations.

Mr. Morgan questioned when Mr. Brian Cadwallader presented his recent request, to which Mr. Cadwallader replied that it was following the last Board meeting. Mr. Morgan questioned what the action of the Board was in previous years, to which Mr. Cadwallader read to the Board the motion that was approved by a previous Board of the \$30 per hour electrical rate for any work completed for the generator project during the evening and on weekends and regular rate to be paid for any other hours. Mr. Morgan questioned if Mr. Brian Cadwallader is working evenings and weekends on the current project, to which Mr. Cadwallader replied negatively. Mr. Morgan pointed out that the reason Mr. Brian Cadwallader was paid differently for the generator project was because he was working evenings and weekends. At that time, we were under a time limit to have the project completed; however, for the current project, we are not. Mr. Cadwallader stated that the current project will be completed next week. On the last pay period, Mr. Brian Cadwallader had marked a couple of hours as electrical pay; and there were a few hours on the current pay as well. Mr. Morgan questioned if we currently have an electrical rate, to which Mr. Cadwallader replied that we only had an electrical rate for Mr. Brian Cadwallader at the time of the generator project.

Following additional discussion, it was agreed that Mr. Cadwallader should inform Mr. Brian Cadwallader that the Board will revisit his request at budget time.

- Audit

ON MOTION OF MR. YETSKO, SECONDED BY MR. MORGAN, THE BOARD UNANIMOUSLY ACCEPTED THE AUDIT AS PRESENTED TO THE BOARD PRIOR TO THE BOARD MEETING. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

- DEP Inspection Discussion

Discussed earlier in the meeting.

- Portage Township Deed

Discussed earlier in the meeting.

- Change In Personnel Rules for Overtime

Mr. Morgan commented to the Board that, when he made the motion at the meeting last month relative to Mr. Moore's request, he was under the impression that Mr. Moore was on worker's compensation at that time. Mrs. Ringler clarified that Mr. Moore was working at that time with his injury and was not on worker's compensation. Mr. Morgan questioned when Mr. Moore's accident happened, to which Mrs. Ringler replied that it happened on November 5; and Mr. Moore went on worker's compensation on December 23, with his last day of work being December 22. Mr. Morgan commented that that means that Mr. Moore worked from November 5 to December 23 with

no restrictions. Mr. Cadwallader pointed out that Mr. Moore was undergoing physical therapy which did not work, so he had to have surgery. Mrs. Ringler indicated that Mr. Moore went to the physician on November 8 and was able to return to work with no restrictions. He had additional visits on November 15 and November 25 and was allowed to return to work without restrictions. On Mr. Moore's visit of December 9, he was told he could return to work with modified work duties.

Mr. Kinley pointed out to the Board that the change in the personnel rules would state that "holidays and excused time for work-related injury are considered as hours worked and are not subtracted from regular hours for the purpose of computing overtime." Attorney Emerick noted that he would develop a Resolution for the Board to sign, but that the change can be approved contingent upon receipt of that Resolution.

ON MOTION OF MR. CRAIG CASTEL, SECONDED BY MR. MORGAN, THE BOARD UNANIMOUSLY APPROVED THE CHANGE TO THE PERSONNEL POLICY AS NOTED ABOVE. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

- Approval of SOP

Presented to Board approval was the SOP, "Procedure for Going from the Surface with the Low Level Pumps to a Mix with the Well with Low Level Pumps off in Martindale."

Mr. Morgan stated that he checked with other treatment companies and questioned whether their SOPs are approved by their Board, and they indicated that they are not. He pointed out that an SOP is basically a start-up procedure for any area; i.e., distribution, treatment, etc. Mr. Morgan indicated that he does not feel that the Board needs to approve an SOP. Mr. Kinley questioned what we would do if we starting putting SOPs into a book without approval, an employee goes to that SOP and completes the job as written, and the SOP is actually not correct. If this happens and the employee is injured because no one said that the SOP was right or wrong, this is a concern. Mr. Morgan explained that Mr. Cadwallader should be signing off on the SOPs and having the employees review it and sign off as well.

Mr. Craig Castel pointed out that the SOPs began coming to the Board for approval because of past issues that came up; and the Board was making sure that things were getting updated. Mr. Morgan indicated that the SOPs are basically instructions to teach someone how to do something. He agrees that the SOPs need done, but he does not feel they need approved by the Board. Mr. Morgan stated that he would make a motion authorizing the Superintendent approve the SOPs after they have been written/ revised. He pointed out that this is not the Board's responsibility to approve a day-to-day standard; and he would include in his motion that the Board stop approving these and have the Superintendent be responsible for getting the procedures in line according to DEP standards. Mr. Morgan stated that Mr. Cadwallader could be responsible for doing a few SOPs a month, place them in a book, and have the Board review the book if they desire.

Mr. Kinley explained that the whole reason this came about was because of something that happened to an employee; and for years, we just kept going back to this issue. It resulted in a meeting with the Borough Council; and it was found that the Authority really did not have an SOP on how to address what was done by the employee. Therefore, the Board agreed that we would establish or revise current SOPs to show exactly how things should be done, and that these would be approved by the Board. Mr. Morgan again pointed out that the Board does not need to be approving standard operating procedures for daily operations, as this should be the responsibility of the Superintendent. Mr. Morgan indicated that Borough Council did not request that this be done, to which Mr. Kinley agreed; however, the Board decided as a whole to take this on. Mr. Morgan noted that when he was employed by the Authority, he developed SOPs; however, they

were basic instructions so that another employee would have the knowledge on what was to be done. Mr. Morgan does not feel the Board should be approving an SOP that it knows nothing about. Mr. Kinley pointed out that the Board is attempting to fix situations so they do not arise again. Mr. Beyer stated that what Mr. Morgan is saying is that the SOPs need to be completed but that the Board does not necessarily have to approve them. Mr. Craig Castel commented that the SOPs started coming to the Board because of old issues and we wanted to make sure that things were getting updated. As a whole, he stated, the Board decided to start and revise and approve the SOPs.

Mrs. Ringler indicated that she would provide for the Board at the next meeting the minutes of the past meeting when the Board agreed to approve all of the SOPs. Attorney Emerick questioned if the SOP being presented for approval is part of a larger manual, to which Mr. Cadwallader replied affirmatively. Attorney Emerick explained that, if the Board no longer wants to approve the SOP, action would need taken by the Board authorizing the Superintendent to approve the SOP rather than the Board approving them.

After further discussion, the following action was taken:

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, THE BOARD UNANIMOUSLY AGREED THAT THE DEVELOPMENT/REVISION OF SOPs TO BE IN COMPLIANCE WITH DEP SHOULD BE THE RESPONSIBILITY OF MR. CADWALLADER AS SUPERINTENDENT AND THAT ANY NEW OR REVISED SOPs WOULD BE REVIEWED WITH THE EMPLOYEES. IT WAS FURTHER AGREED THAT THE BOARD WOULD NO LONGER BE APPROVING THE SOPs RELATING TO DAY-TO-DAY OPERATIONS. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

- Consumer Deposit Checks

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, THE BOARD UNANIMOUSLY APPROVED THE CONSUMER DEPOSIT CHECKS AS PRESENTED. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

- Unclaimed Money

ON MOTION OF MR. YETSKO, SECONDED BY MR. CRAIG CASTEL, THE BOARD UNANIMOUSLY APPROVED THE UNCLAIMED MONEY TO BE SENT TO THE STATE AS PRESENTED. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

#### **XIV. GOOD OF THE ORDER**

- Requests for Adjustments

The following requests for adjustment were presented for approval:

- 437 Main Street: total bill, \$214.37; adjusted bill, \$133.59
- 517 McClelland Street: total bill, \$211.71; adjusted bill, \$122.24

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, THE BOARD UNANIMOUSLY APPROVED THE ABOVE REQUESTS FOR ADJUSTMENT AS

PRESENTED. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

- Payroll Report

Mr. Morgan had a few questions regarding the payroll report for the period ending February 16, 2020, which Mr. Cadwallader addressed.

**XV. EXECUTIVE SESSION**

ON MOTION OF MR. MORGAN, SECONDED BY MR. YETSKO, THE BOARD UNANIMOUSLY AGREED TO GO INTO EXECUTIVE SESSION AT 8:45 P.M. TO DISCUSS PERSONNEL MATTERS. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

**XVI. RECONVENE OF REGULAR SESSION**

ON MOTION OF MR. CRAIG CASTEL, SECONDED BY MR. MORGAN, THE BOARD UNANIMOUSLY AGREED TO RECONVENE INTO REGULAR SESSION AT 9:45 P.M. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

**XVII. ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS, ON MOTION OF MR. YETSKO, SECONDED BY MR. MORGAN, THE BOARD ADJOURNED THE MEETING AT 9:50 P.M. BOARD MEMBERS VOTING AFFIRMATIVELY INCLUDED MR. CRAIG CASTEL, MR. KINLEY, MR. MORGAN AND MR. YETSKO.

**XVIII. NEXT MEETING**

The next meeting will be held on Thursday, April 2, 2020 at 7:00 p.m.

Respectfully submitted,

Sharon Squillario  
Recording Secretary