

MEETING OF MAY 16, 2022

The regular meeting of the Danville Municipal Authority was held at the Danville Borough Hall, on Monday, May 16, 2022. Present were Pete Rickert, Betty Ann Moyer, Mike Kuziak, Dick Blosky, and Donald Lutz, along with their Solicitor, Michael P. Dennehy, Esquire. Also present was Shannon Berkey, Borough Manager, Brindy Mordan, Jim Gregg, Chairman of the Danville Water and Sewer Committee, and Harold Beers, Councilman.

PUBLIC COMMENT:

There were no public comments.

MINUTES:

Minutes of the Meeting of April 18, 2022 were approved as published on Motion of Betty Ann Moyer and seconded by Donald Lutz. MOTION CARRIED

WATER:

Superintendent's Report:

Shannon Berkey wanted to add that the spring hydrant flushing dates will be May 23, 2022 through May 27, 2022 from 8:00 am through 2:30 p.m.

Brad contacted DEP representative and they have informed him that not having the metering 100% completed by the end of 2022 will not affect the application for applying for the renewal of the water withdrawal permit.

Financial Report:

The financial reports submitted by the Borough for the month of April 30, 2022 were reviewed. The expenditures for the operation of the water plant were \$240,598.56.

A Motion to approve the financial reports and expenditures for the operation of the water plant in the amount of \$240,598.56 was made by Betty Ann Moyer, and seconded by Dick Bloskey. MOTION CARRIED

Borough Manager's Report:

Water:

The current Management Agreements between the Authority & the Borough were discussed. The only comment received was from the engineer, in general she stated that overall,

the arrangement between the Borough and the Authority is accurately represented in both the water and sewer agreements, and there is nothing there that would raise any red flags or require any revision. Additionally, the Water Agreement is not as specific regarding regulatory and government requirements, however the Sewer Agreement does have more wording and also has an Indemnification and Defense clause. The Authority may want to take that wording from the Sewer Agreement and put that in the Water Agreement as well.

Brad, Jane, Brindy, and Shannon reviewed it in house and they all agree with what our engineer has said, however, there are some references to items that no longer exist that could be removed. Shannon said that she did contact the Solicitor's office in reference to the resolutions that were mentioned in the agreement, however, they were not successful in locating the documents that are referenced at this time. Shannon did mention that the one resolution was in reference to bonds, however, that no longer exists. However, the Resolution of 1990 would need to be referenced back.

Shannon said that there were no comments received from anyone else at this time.

Mike Kuziak made mention that the Resolutions would need to be provided so that they were informed properly and whether or not they were relevant. Secondly, since the Borough is our biggest vendor, he feels that they need a different attorney other than the Borough's attorney to negotiate new agreements. The same attorney should not represent the Authority.

Mike also commented that if we did restructure anything that we should have our own administrator for the Authority that we pay to represent us. The administrator should be separated and rather than pay 2/3 of the salary to the Borough office, they would pay one salary for one individual who collects the bills, deals with the engineers, and represent interest of the Authority. Mike said everyone that is currently working for us is contracted to us. Why can't we put that position out to bid? Mike would like a breakdown of the administrative costs.

Pete said in working with Jane and Brad they are highly capable in the positions they are doing to get the job done. He doesn't feel we need someone above them. Mike said we currently pay a portion of four people's salary, in the office when he feels it makes more sense to pay one person one salary for that work. Mike said that we would still contract for the Borough for Brad and Jane, the employees for water and sewer. Just the administration part.

Dick Bloskey added that Gannett Fleming has been with us for 50 years and knows the Authority inside and out. He said that while he is not opposed to looking at other options, the Authority should also consider that before brining in a new engineer. Dick Bloskey asked if they also intended at looking for a new Solicitor as well. Mike Kuziak said he feels that it should be considered.

Shannon directed to the Authority that the current arrangement between the Borough and the Authority has worked well up to this point, was there any thought as to why the Authority feels it isn't working well now. She also added that what you do see with regard to the

Engineering portion is that, she has seen other Municipal Authority Managers do have some kind of engineering background, and you will pay a lot of money to bring in one person that has a background in engineering and has water and sewer certification in the way that Mike is referring to. Shannon said she could put together some numbers so that you have a comparison of the current staffing compared to surrounding Municipalities that have municipal manager and what that structure looks like. The staff was directed to provide the finances for the current administrative structure at next month's meeting.

A Motion was made by Donald Lutz and seconded by Dick Bloskey to bring this information on the breakdown to the next authority meeting; Betty Ann Moyer, Dick Bloskey, and Donald Lutz voted yes; Mike Kuziak voted No. MOTION CARRIED.

There was also a lively discussion amongst the members with regard to the Resolutions. After the meeting was over Mike had Shannon disseminate the following in an email:

"I understand that there was considerable discussion at today's Authority meeting about some documents referenced in the 1990 Water Agreement. When the Water Agreement was signed, the Authority had an outstanding 1988 bond issue. The references in the agreement to the resolution and other documents from 1988 were to confirm that the Borough, in its operation of the water plant, wouldn't do anything to violate the bond terms. That bond issue has since been retired. So, the references to those documents are irrelevant to 2022. I didn't ask anyone to retrieve those documents because they don't have any impact on making new agreements. This is one of the updates I will be proposing to a new water operating agreement. I do agree that it is time to update both operating agreements. I would like to talk to staff and Gannett on the technical issues involved. The intention is to come up with new draft agreements that can be reviewed by Borough Council and the Authority. I ask anyone who has any questions about this to talk to me."

Shannon continued with her report regarding the DEP water withdrawal permit renewal. The meter installation will not affect that permit renewal. There was a separate proposal from Gannett Fleming that was distributed to the members. This permit is one we renew once every 50 years so it is a bit out of the ordinary and specific in nature. We have been trying to cut back on relying on our engineer to do this type of work for us unless it makes more sense. This permit would be better facilitated by the engineer due to their expertise in this area. Due to the time frame, it would be better to rely on them as well. Mike asked how much DEP charges for this permit. Shannon will find out the cost of the permit for the Authority.

Dick Blosky said the process is started and he feels delaying it would be an issue. He feels that we need to move forward. After some discussion, the members said to table the cost, but not the process to move forward. Shannon will see if there is any ability to get the price a bit lower.

SEWER:

Financial Report:

The financial reports submitted by the Borough for the month of April 30, 2022 were reviewed. The expenditures for the operation of the sewer plant were \$271,114.80.

A Motion to approve the financial reports and expenditures for the operation of the sewer plant in the amount of \$271,114.80 was made by Betty Ann Moyer and seconded by Dick Bloskey. MOTION CARRIED

Superintendent's Report:

After review of the report, Mike Kuziak asked if there was a way to have one of Brad's employee's fill in part-time for Mr. Finn until he is able to return to work. Another suggestion would be to see if they could get a part-time worker from Penn College for the summer with the understanding that once Mr. Finn returned, the job would end.

Jane is still waiting on specifications and bids on the fencing.

Borough Manager's Report:

Riverside Testing – Shannon informed the Authority that the first month of testing was completed. There were five testing sites selected. The one site was high for nitrogen and phosphorous. The other site was high just for prosperous. Shannon suggested that we only have 2 months of testing and really it would not be fair to make a decision just on that. Her suggestion would be to move that out to the July meeting to discuss.

Other Items Under Borough Manager

Water Quality Drinking Report – Brindy Mordan stated that the samples were sent out but Brad is still waiting on the results. Brindy stressed that the report has to be sent out by June 17, 2022. A Motion was made by Betty Ann Moyer, to send out the Report by June 17, 2022 whether we have the results back or not; Seconded by Donald Lutz. MOTION CARRIED

Valley Township – Shannon provided the members with a status of their arrears. She was contacted to set up a meeting to discuss the situation with regard to this issue. It was suggested that Mr. Blosky, John Novak, Chad Holmes, Shannon Berkey, Brad Horne, and two members from the Authority to meet next month. The meeting would take place during the day. Pete Rickert and Mike Kuziak volunteered to attend the meeting. Shannon will coordinate.

Water & Sewer Rate Study - The rate study cost does include a representative coming to the board. Brindy Mordan said that they will be at next month's meeting and the rate study will be included with the packet for next month.

Annual Audit and DCED report for 12/31/2021 – The audit was filed electronically and if anyone would like a copy, please contact Shannon.

Engineer's Report for Water/Sewer:

There were no actionable items on the Engineer's Report at this time.

ADDITIONAL COMMENTS:

A Motion to Adjourn was made by Dick Blosky and seconded by Donald Lutz.
MOTION CARRIED.

Respectfully submitted,

Secretary