

UPPER MERION MUNICIPAL UTILITY AUTHORITY
JANUARY 18, 2011

The members of the Upper Merion Municipal Utility Authority met for their regularly scheduled monthly and reorganizational meeting on January 18, 2011 at the Township Building, 175 W. Valley Forge Rd., King of Prussia, PA. The meeting was called to order at 7:00 p.m., and commenced with the pledge of allegiance.

ROLL CALL: Stanley Channick, Chairman; Edward Veneziale, Vice-Chairman; Charles Smyrk, Jr., Secretary; Lynne Gold-Bikin, Treasurer; Ronald G. Wagenmann, Executive Secretary; Nicholas Hiriak, Director of Finance; Edward J. O'Brien, Jr., Acting Director of Public Works; Janet Serfass, MIPP Coordinator; Donald E. Burgess, Project Coordinator; Alan Boroff, Esq., Solicitor, Brown & Silbergeld, P.C.; Daniel J. Shoemaker, P.E., Consulting Engineer, S. C. Engineers, Inc.; Greg Waks, Supervisors' Liaison and Bonnie M. Weikel, Recording Secretary.

MEETING MINUTES: On a motion by Mr. Veneziale, and seconded by Mr. Smyrk, the December 21, 2010 meeting minutes were approved. None opposed.

REORGANIZATION:

On a motion by Mr. Channick, seconded by Mr. Smyrk, and all voting "aye", Mr. Wagenmann was elected Temporary Chairman.

On a motion by Mr. Veneziale, seconded by Mr. Smyrk, and all voting "aye", Mr. Channick was elected as Chairman of the Authority.

On a motion by Mr. Channick, seconded by Mr. Smyrk, and all voting "aye", Mr. Veneziale was elected as Vice-Chairman of the Authority.

On a motion by Mr. Veneziale, seconded by Mr. Channick, and all voting "aye", Mr. Smyrk was elected as Secretary of the Authority.

On a motion by Mr. Smyrk, seconded by Mr. Veneziale, and all voting "aye", Ms. Gold-Bikin was elected as Treasurer of the Authority.

The appointment of Assistant Secretary/Assistant Treasurer was tabled until which time that a new member is appointed to the Authority.

APPOINTMENTS:

On a motion by Mr. Channick, seconded by Mr. Veneziale, and all voting "aye", Mr. Wagenmann was elected as Executive Secretary, and will be compensated at the same hourly rate as established by the Board of Supervisors for the position of Township Manager for 100 hours.

On a motion by Mr. Veneziale, seconded by Mr. Smyrk, and all voting "aye", Mr. Hiriak was elected Finance Director, and will be compensated at the same hourly rate as established by the Board of Supervisors for the position of Finance Director for 100 hours.

On a motion by Mr. Channick, seconded by Mr. Smyrk, and all voting "aye" Alan Boroff, Esq., of the firm of Brown Silbergeld, PC was elected Solicitor, as listed in their letter of intent dated November 10, 2010.

On a motion by Mr. Veneziale, seconded by Mr. Smyrk, and all voting “aye”, Mr. Daniel J. Shoemaker, S. C. Engineers, Inc., was elected as Consulting Engineer, as listed in their letter of intent dated December 16, 2010.

On a motion by Mr. Channick, elected by Mr. Smyrk and all voting “aye”, Mr. Michael Wolf of the firm of Boenning & Scattergood was elected as Investment Advisor.

On a motion by Mr. Smyrk, seconded by Mr. Channick, and all voting “aye”, David Twadell, of the firm of Rhodes Sinon was elected as Bond Counsel.

On a motion by Mr. Channick, seconded by Mr. Veneziale, and all voting “aye” the firm of Maillie, Falconiero & Company, LLP CPA was elected as Auditors.

ESTABLISHMENT OF MEETING DATE: On a motion by Mr. Channick, seconded by Mr. Smyrk, and all voting “aye”, the Authority set the third Tuesday of each month, at **7:00 p.m.**, as their regular meeting date and time. Meetings will be held in the Board Room of the Township Building, unless otherwise advertised.

SOLICITOR’S REPORT: The Solicitor reported on the following:

Valley Forge Colonial: The signed easement for this project has been received with an amendment. The Solicitor asked that the Authority authorize the Chairman and Executive Secretary to execute the amended easement.

On a motion by Mr. Veneziale, seconded by Mr. Smyrk, the Authority authorized the execution of the Valley Forge Colonial amended easement. None opposed.

Le Bus: The grease trap has been installed and Le Bus has been in compliance for the past several months. A fine has been placed against them in the amount of \$12,000, payable quarterly, with the first payment due January 31, 2011.

Chapter 94 Report: There has been conflicting information received regarding the Chapter 94 Report. The DEP has a regulation regarding the use of influent meters. PA DEP has determined that influent meters are not required at this time; however, a system must be integrated that includes complete and accurate readings.

ENGINEER’S REPORT: Mr. Shoemaker reported on the following:

Chapter 94 Report: Mr. Shoemaker added that he believed that the updated 1990’s regulations did not include the influent flow meters. In reviewing the Upper Merion system, we can argue all the major interceptors come into the pumping stations, so we can use the pumping station flow as a means of determining if the PA DEP requested flow figures.

The Township and Authority did a study several years ago on the Upper Merion system and developed a flow model to identify where potential problems could occur.

Mr. Shoemaker will present a cost estimate to determine the capital cost to the Authority to meet PA DEP’s new interpretation of its regulations.

Pine Hill (Tredyffrin) Agreement: Mr. Shoemaker met with Mr. O’Brien and Mr. Hiriak to review the draft agreement calculations.

EXECUTIVE SECRETARY'S REPORT: Mr. Wagenmann reported on the following:

Henderson Road Project: Staff is working with Kravco on the sewer extension for this project. Issues of concern are the over head wires and a steep slope. A proposed Easement Agreement was reviewed by the Township Solicitor. When this line is installed, it will be turned over to the Authority.

ACTING DIRECTOR'S REPORT: Mr. O'Brien reported on the following:

Matsunk Generator Project: This project is moving along according to schedule. It is anticipated that the generator will be in and installed by the end of April.

MIPP COORDINATOR'S REPORT: Ms. Serfass reported on the following:

LE Bus: The EPA's Compliance/Enforcement Division Headquarters audited the Upper Merion Township MIPP Program back in September and at our request informed the Region 3 NPDES Division Compliance Division about Le Bus' compliance issues. As a result, they issued an information inquiry to Le Bus to determine their compliance with the MIPP. They have determined that LeBus is in non-compliance with the Pretreatment Program.

Ms. Serfass informed LeBus that our final determination from Le Bus' appeal of the NOV issues of August 9, 2010 by Upper Merion Township was to reduce the fine from \$48,000 to \$12,000, based on installed capital improvements and continued compliance with their permit.

The EPA requested a copy of our final determination. They will be issuing LeBus a letter indicating that they have been found to be in non-compliance of the MIPP Pretreatment Program requirements.

The EPA fully supports our program and will issue Le Bus a letter noting their non-compliance. US EPA also indicated that they may make it a federal offense as well.

The EPA has indicated that based on the past five year's annual reports, Upper Merion Township is implementing their program thoroughly and effectively.

PROJECT COORDINATOR'S REPORT: Mr. Burgess reported on the following:

Tredyffrin Interceptor: B. P. Paterson, Inc has signed their agreement for the Tredyffrin Interceptor. A pre-construction meeting with B. P. Paterson, Inc., ARRO Consulting, Inc., Metz Engineering and staff will be scheduled in the near future.

White Gate Development: This development would like to dedicate the sewers of their Phase II to the Authority. The Solicitor is in receipt of the plans and easements.

Slots Parlor: The planning module for this project is being forwarded to the PA DEP with the flow calculations attached to it.

FINANCIAL REPORT: Mr. Hiriak presented the monthly Financial Report.

REQUISITIONS:

BROWN & SILBERGELD, PC	\$2,170.00	Inv. 0200 – Professional Services to Authority – 12-7-10 to 12-23-10.
PHILIPS BROTHERS ELECTRICAL	79,485.88	Pay App. No. 1 – Matsunk Generator Replacement – Ending 12-25-10.
ARRO CONSULTING, INC.	1,710.00	Inv. 6864 – Tredyffrin Interceptor Expansion – 11-13-10 to 12-10-10.
ARRO CONSULTING, INC.	10,150.00	Inv. 6870 – Matsunk Generator Expansion – 11-6-10 to 12-3-10.

FRANK JONES TROPHIES	84.88
SC ENGINEERS, INC.	880.27
SC ENGINEERS, INC.	450.91
SC ENGINEERS, INC.	3,356.81
SC ENGINEERS, INC.	3,356.81
NORFOLK SOUTHERN RAILWAY CO.	211.72
NYCE CONSTRUCTION SERVICES	<u>25,200.00</u>
TOTAL:	\$127,057.28

Inv. 46443 – Retirement Plaque - Al MacCart – 12-20-10.
 Inv. 2003-01-204 – Professional Services – 11-1-10 to 11-28-10.
 Inv. 2003-01-205 – Tredyffrin Interceptor Expansion – 11-1-10 to 11-28-10.
 Inv. 2003-05-30 – Matsunk WPCC – NPDES Matters – 11-1-10 to 11-28-10.
 Inv. 2003-07-30 – Trout Run WPCC – NPDES Matters – 11-1-10 to 11-28-10.
 Inv. 9101029684 – Lease of Pipe – Upper Merion Twp. – 1-1-11 to 12-31-11.
 Inv. 326 – Matsunk Generator Project – To 12-31-10.

Requisitions were approved in the amount of \$127,057.28 on a motion by Ms. Gold-Bikin, seconded by Mr. Veneziale. All were in favor.

ADJOURNMENT: There being no further business to come before the Authority, the meeting adjourned at 7:54 p.m.

RONALD G. WAGENMANN
EXECUTIVE SECRETARY

Approved: 2-15-11
 Entered: 3-8-11