

**PETERS TOWNSHIP
SANITARY AUTHORITY**

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James J. Miskis, Manager
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Mildred Paff, Office Manaer

REGULAR MEETING

JULY 12, 2005

ROLL CALL:

The regularly scheduled meeting of the Peters Township Sanitary Authority was called to order by the Chairman at 7:00 p.m. Board members present were G. Robert Jacobs, Gerald C. Grubesky, John P. Slagle and George A. Khalouf. Also present were Terry Soster and Kevin Hoffman, KLH Engineers, Inc.; Fred E. Baxter, Jr., Solicitor; James J. Miskis, Manager; Mark A. Chucuddy, Assistant Manager; Patricia Foote, Financial Controller, and Mildred Paff, Admin/Acct Clerk. Absent from this meeting was Denver E. Yingling.

REVIEW OF MINUTES FOR APPROVAL:

John Slagle moved to approve the Minutes of the June 14, 2005 meeting with minor changes. George Khalouf seconded the motion that carried without a dissenting vote.

VISITORS:

Visitors present in regard to the Hidden Brook development were future property owners: L Dennis Huebner, Walter & Mary Hendricks, Richard Swett, Lori Plecenik, Mike Chokel, and Mr. & Mrs. William Salesky. Also present were Scott Mance, McHolme Builders/Hidden Brook LP and Marty Gillespie, Heartland Homes, Inc.

Kevin Hoffman said that KLH has been working closely with Scott Mance, Hidden Brook LP, to try to get the sewers and pump station to the approved for use status. At this time, the pump station had the demonstration test yesterday and the pump station was checked out thoroughly. There are still several items to be completed, however, those items can be considered punch list items, and KLH recommends the pump station be approved for use, subject to the punch list items will be completed. KLH is in the process of developing the formal punch list for Mr. Mance.

In regard to the sewers, Mr. Hoffman said the sewer system is installed but there are concerns over approximately 1,250 feet of sewers in the vicinity of the pump station. The developer has been sent a notice by fax today of the deficiencies in the sewers and has been put on notice to correct these items. At the present time, because these deficient sewers are downstream of other sewers which have passed all required tests, KLH cannot make a recommendation to approve the sewers for use. Mr. Jacobs asked if there is any pattern in these deficiencies and Mr. Soster said the history is the pattern of improper grades. There have been known soil stability issues since the beginning of the project. The deficiencies were discovered and recommendations were made by the developer's geotechnical expert. There are some concerns due to the repeating nature of the problems. There are recent video tapes which show further problems with manholes that are

holding water indicating negative grade sewers on the outlet side of the manhole and sewers at an improper grade. Mr. Grubesky asked if the sewers are unacceptable because of sags. Mr. Hoffman said the lines are not installed to minimum grade, there are several minor sags that have not been addressed, and the manholes are holding water. The lines have been flushed thoroughly and televised and four manholes were found to have standing water.

Mr. Miskis said the fact that the pump station did pass through its demonstration completes 50 per cent of what was outstanding. The developer has submitted a proposal to address the sewer problems. This proposal is different than the Authority's standard procedures and should be discussed in Executive Session as part of dealing with the negotiations to resolve other matters. Mr. Miskis suggested that the Board consider the developer's proposal, consider management's and engineer's recommendations regarding providing sewers, at least in a limited sense, for those properties expecting to have occupancies. Mr. Miskis said the first step would be for the board to approve the pump station for use. Mr. Miskis said that the "approval for use" means that the facility is ready for operation but remains the full and complete responsibility of the developer until all requirements of the Developer's Construction Agreement with the Authority are satisfied, and the Authority Board, by motion, formally accepts the dedication of the facility for ownership. The "approval for use" term means the facility is ready to be put into operation however the Authority is not accepting the dedication of the facility at this time. For the pump station, the Authority will provide routine monitoring, regular maintenance and emergency response to ensure the facility operates properly but all utilities and repairs remain the developer's responsibility until formally accepted by the Authority. Mr. Miskis said if the pump station is accepted, other alternatives can be considered.

Gerald Grubesky moved to approve the Hidden Brook Pump Station for use pursuant to conditions stated previously. John Slagle seconded the motion that carried without a dissenting vote.

Richard Swett asked if the problems are indigenous to this site. Kevin Hoffman said there are concerns and the information available to us at this time can neither confirm nor deny that the traditional fix of that would work and be effective in the long run. Mr. Soster said yes it is indigenous to this site and there has been a sequence of deficiencies that, in the engineers' opinion, is sufficient to express concern that it is a reasonable conclusion that these problems can reoccur if not fixed properly. There is a probability that this could be a long-term problem if not dealt with properly now.

Mr. Hendricks asked if the problem can be remedied. Mr. Soster said yes that every geotechnical issue has some scientific solution to fix it. Mr. Soster said that when the developer went into this project, he retained geotechnical expertise to address these issues. Mr. Soster said, until the Authority is confident that there is a sewer system that is constructed in accordance with the Developer's Agreement that was executed with the Authority and confident that it will stay that way for the reasonable life of the sewer system, the engineers' cannot make recommendations on acceptance of the sewer system.

The question was raised as to whether those homes that are near completion and ready to close could be approved into the system and other homes that are not built yet would not be. Mr.

Jacobs said that is what has been discussed. The visitors indicated concerns as to whether the sanitary sewer line would be reliable for the long term or whether they would experience backups in the future if the Authority does not accept the lines for a long period of time.

Mr. Hoffman said the developer has made a proposal to the Authority for discussion. Mr. Mance, representing Hidden Brook LP, said that the developer is working with the Authority and trying to solve the problems as soon as possible.

David Stormer, 512 Clubview Drive, said he had an unrelated question regarding the deduct meter and the letter he recently received. Mr. Stormer said he purchased and installed his deduct meter in 1990 and the Authority inspected and sealed the meter and installed the remote. He is questioning the \$40.00 inspection fee and the \$12.00 read fee. He said he could read his meter and phone the read in and asked why it was necessary to inspect the meters every three years since they have already been inspected. Ms. Foote said Authority personnel will inspect the meter and remote to see that they are functioning properly and that they are connected today as they were originally permitted.

The visitors exited the meeting room and the Board went into Executive Session at 7:50 p.m. to discuss the proposal made by Hidden Brook LP. The Board came out of Executive Session at 8:45 p.m.

Mr. Jacobs said what was discussed in Executive Session was a solution to allow pumping sewage around the problem area temporarily so that the homes can be connected to the sanitary sewer and occupied.

Mr. Miskis said KLH Engineers have reported that the sewers above MH 1006 and MH 2001 have all been tested and checked out and are ready for use. Therefore, Mr. Miskis recommends that the Board approve for use the sewers upstream of MH 1006 and upstream of MH 2001. John Slagle moved to approve the sewers upstream of MH 1006 and upstream of MH 2001 for use. Gerald Grubesky seconded the motion that carried without a dissenting vote.

George Khalouf moved to authorize the manager, engineer, and solicitor to negotiate the terms and conditions with the developer as discussed in Executive Session to facilitate approval of use of a temporary pumping system for connecting in the sewage from upstream of MH 1006 and MH 2001 and authorize the Chairman and Secretary to sign the agreement. Gerald Grubesky seconded the motion that carried without a dissenting vote.

This motion will authorize negotiations with the developer to put in the temporary pumping system necessary to pump around the suspect line so that, as quickly as possible, we can allow the homeowners upstream of that area to connect into the system. In the event that those negotiations can be concluded prior to the next scheduled meeting, the process can move forward. This is being done specifically to address those people that are in need of connecting to the sewer system.

Marty Gillespie, Heartland Homes, questioned when the Authority will issue the taps to connect to the line. Mr. Miskis explained that once the temporary pumping system is in place so that

actual sewer service can be conveyed to the pump station. The developer is responsible for the cost of the temporary pumping arrangements.

The visitors departed at 8:40 p.m.

ENGINEER'S REPORT: Copy on file

Kevin Hoffman reported that, in regard to the Ivy Lane Project, they are still waiting final application request for payment from the contractor.

In regard to the Stonehenge Area Rehabilitation Projects, Mr. Hoffman said that Change Order No. 1 for each contract for additional work has been prepared for the Authority's execution tonight.

Mr. Hoffman reported that the Crossgates Sewer Project bid opening was July 6, 2005. There were four bidders and the apparent low bidder for the base bid was Edward T. Sitarik Contracting. The base bid was for the use of ductile iron pipe. John Slagle moved to accept the bid of Edward T. Sitarik Contracting in the amount of \$196,070.00 for the Crossgates Sewer Project. Gerald Grubesky seconded the motion that carried without a dissenting vote.

To expedite the Crossgates Sewer Project, John Slagle moved to authorize the Chairman to execute the contract documents when they become available and the Secretary to attest. The motion was seconded by Gerald Grubesky and carried without a dissenting vote.

As recommended by management, John Slagle moved to accept KLH Engineer, Inc.'s proposal for engineering services for the Crossgates Sewer Project. Gerald Grubesky seconded the motion that carried without a dissenting vote.

SOLICITOR'S REPORT:

The Board went into Executive Session at 9:10 p.m. to discuss a proposal from ARM Group, Inc. The Board came out of Executive Session at 9:22 p.m. Gerald Grubesky moved to accept the proposal of ARM Group, Inc. for the preliminary geotechnical assessment phase of the Hidden Brook Project. The motion was seconded by George Khalouf and carried without a dissenting vote.

MANAGER'S REPORT: Copy on file

Mr. Miskis, Manager, said that in regard to the office lease, he recommends Meriden Realty Advisors to assist the Authority in finding future office space. He also mentioned that Jordan Tax Service may be moving out of the Municipal Building and the Township may have office space available for lease to the Authority. George Khalouf and John Slagle volunteered to serve on the committee to evaluate the Township space and work with the realtor to find property for the Authority office space.

The Authority's sludge disposal contract ends October 1, 2005 and management recommends picking up the last option year of the contract with Waste Management. As recommended by Management, George Khalouf moved to pick up the option year on the contract with Waste

Management for sludge disposal. Gerald Grubesky seconded the motion that carried without a dissenting vote.

Mr. Miskis said that for the Crossgates Project, the current project only addresses the worse section of the Crossgates area sewers and will follow with a lining project later for the sewer upstream. The Bremen Lane sewer line is in poor condition with broken pipe and sagged sewers. We only have a 15-foot right of way and the sewer is deep enough that it would be difficult for equipment to work in this small right of way. Temporary easements will be required from seven property owners through this area. One of the property owners in the Crossgates Project was David Mincin whose property borders all seven properties that needs relined. Management recommends offering Mincin monetary compensation for a temporary right of way, instead of dealing with seven individual property owners.

George Khalouf moved to authorize management to go up to \$2,000.00 to negotiate a temporary easement from David Mincin to do the relining project. Gerald Grubesky seconded the motion that carried without a dissenting vote.

FINANCIAL CONTROLLER'S REPORT: Copy on file

CORRESPONDENCE FOR THE BOARD'S INFORMATION: Copy on file

FINANCIAL STATEMENT REVIEW: Month ending June 30, 2005

PAYMENT OF BILLS & REQUISITIONS:

John Slagle moved to approve payment of Operating Fund checks 13000 through 13066 totaling \$60,831.78; Developer Fund expenses of \$18,313.01; PLGIT Refund checks 2201 through 2213 disbursing \$22,500.00 Ivy Lane Grant proceeds; and Capital Improvement & Redemption Fund Requisition No. 22-05 consisting of five vendors and totaling \$20,681.73. The motion was seconded by Gerald Grubesky and carried without a dissenting vote.

OTHER BUSINESS:

1. Resolution for Schedule A – Revised Rates & Charges

Patti Foote, Financial Controller, explained that the revision was to Section E (Tapping Fee and Sewer Connection Charge) of Schedule A changing the tap fee. George Khalouf moved to authorize the Chairman to sign Resolution 04-07-05 Adoption of Revised Schedule of Rates and Charges 2005. Gerald Grubesky seconded the motion that carried without a dissenting vote. The effective date of the tap fee rate schedule is July 1, 2005.

ADJOURNMENT:

The regularly scheduled meeting of the Peters Township Sanitary Authority was adjourned at 10:00 p.m. by a motion made by George Khalouf, seconded by Gerald Grubesky, and carried without a dissenting vote.

Respectfully submitted,

Mildred Paff, Admin/Acct. Clerk