

July 20, 2021

POTTSTOWN BOROUGH AUTHORITY

CALL TO ORDER

Chairman Chomnuk called the meeting to order at 7:00 p.m.

ATTENDANCE

Present were Mike Benner, Jeff Chomnuk, Tom Carroll, Aram Ecker and David Renn. Also in attendance were Solicitor Vincent Pompo, Authority Manager Justin Keller, Engineer Cory Salmon, Public Works Director Doug Yerger, Utilities Director Brent Wagner and Bookkeeper Gerry Keszczyk.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

May 18, 2021 - Mr. Renn moved to approve the May 18, 2021 minutes as presented. Mr. Benner seconded the motion and it passed unanimously.

June 14, 2021 Special Meeting – Mr. Renn moved to approve the June 14, 2021 special meeting minutes as presented. Mr. Benner seconded the motion and it passed unanimously.

COMMITTEE REPORTS

Planning & Capital

Mr. Renn had nothing to add to the Engineer's Report.

Townships Meeting Report

Mr. Carroll reported that there have been no discrepancies with any of the Townships and all is going well.

Inflow and Infiltration Committee

Mr. Carroll noted that the Committee will be making recommendations to the Board in the near future. These were also discussed at the Townships' meeting and it was reported that most townships address I & I at the time of sale of the property. Items inspected include rain leaders, the connection into the sewer system and sump pumps. The recommendation is to not inspect floor drains and permanent drains at this time.

Mr. Keller added that Staff has been dealing with certain properties regarding sewer back-ups, due to illegal connections. He suggested adding language on the utility bill informing the owner that there is a floor drain and an illegal connection and the Borough will not be responsible for any damages. He will consult with Solicitor for the legality of this language.

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Mr. Ecker added that he would not recommend eliminating floor drains. He noted that he believes the Borough never paid for sewer back-up damages to home owners.

Mr. Keller also noted that the flat fee to property owners has been calculated into the contract for replacements or repairs to laterals from the main to the curb, with a flat fee of \$1,000 for each lateral found to be defective. Mr. Keller advised that 70% of the cost of the laterals to be replaced is in the contract. He also confirmed that additional storm water inlets are needed on the street.

Mr. Carroll suggested \$75 per foot for additional piping and recommended that HRG be doing inspections. He added that when the main is put in, the other utilities are dealt with at that time, including paving the street. He added that these findings should be recorded in the GIS system. Mr. Carroll also noted that the I & I should be addressed prior to waiting for the sale of the property.

Chairman Chomnuk recommended that a Borough employee accompany a member of HRG on any home visits and suggested matters be handled and enforced during time of sale. He added that residents should not be forced to open their doors to HRG. He added that he agrees that the inspections should be handled at the time of sale or a rental inspection and the resident or landlord should understand the process and the approach. Mr. Chomnuk also noted that it is the goal to have the sump pipes drain outside and not into the sewer system.

Mr. Ecker commented that if it is explained that the Authority is undertaking a major project and the resident may have an illegal hook-up, how would they not comply with an inspection and also noted that it may be the homeowner's choice to have a licensed plumber inspect the property.

Mr. Benner noted that the letter tells the resident that the Authority will be requesting an inspection of each property owner's sump pump and roof drain connections.

Mr. Keller confirmed that a Borough employee will accompany an HRG representative. He also advised that the rules are on the books but have not been enforced during the Pandemic.

Mr. Salmon advised that, in addition to the enforcement and replacement, the main goal is information gathering from the data received from the flow meter study, targeting clay/terra-cotta pipes.

Mr. Yerger advised that with the North End project, the owner was given the option to allow the contractor to make corrections and essentially be billed for the repairs.

Solicitor Pompo recommended that the letter as drafted could be sent to residents impacted by the contract work. He also suggested that a resolution and the fee be adopted by the Board.

Mr. Ecker moved to approve the letter to residents as presented for sewer line replacement. Mr. Carroll seconded the motion.

Solicitor Pompo confirmed that the letter would be specific to this project according to bid price of the project.

Motion carried: 5 ayes.

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Mr. Ecker moved to adopt a Resolution authorizing the fee of \$1,000 per lateral, as per the 2021 Sewer and Water Replacement project contract. Mr. Carroll seconded the motion.

RESOLUTION NO. 3-2021

A RESOLUTION ESTABLISHING A FLAT CHARGE OF \$1,000 FOR LATERAL REPLACEMENT FROM THE NEW SEWER MAIN TO THE EDGE OF THE PAVEMENT/CURB PERFORMED UNDER THE 2021 SEWER AND WATER REPLACEMENT PROJECT CONTRACT. EFFECTIVE IMMEDIATELY.

WHEREAS, the Pottstown Borough Authority (the "Authority") has entered into the 2021 Sewer and Water Replacement Project Contract No. WS-1 (the "Contract") with Joao & Bradley Co., Inc. (the "Contractor") for the replacement of certain sanitary sewer and water mains and all other work as identified in the Contract documents in various locations within Pottstown Borough (the "Borough") including Spruce Street between Oak Street and Jefferson Avenue, Henry Street between Beech Street and Morris Street, and Cherry Street between Mt. Vernon Street and Roland Street (the "Project"); and WHEREAS, pursuant to §18-202.1 of the Borough's Code of Ordinances: "It shall be the owner's responsibility to maintain, repair and/or replace building sanitary drainage systems if the Borough determines that they do not meet the requirements of this chapter. All costs and expenses incidental to the maintenance, repair, replacement, installation, and connection of the building sanitary drainage systems to the Borough sanitary sewer main shall be borne by the owner"; and WHEREAS, through the course of the Project, where sewer lateral material from the replacement sewer main to the edge of pavement/curb is found to be defective through inspection (cracks, breaks, collapsed pipe, infiltration, root intrusion, etc.) or found to be made of Vitrified Clay Pipe (VCP), Asbestos Pipe (ACP), or any material other than PVC where the Contractor may not be able to reconnect to the replaced sewer main, the owner will have 30 days after notice pursuant §18-202.1 to provide a plan of corrective action or to accept the lateral replacement from the new sewer main to the edge of pavement/curb by the Contractor; and WHEREAS, the Authority desires to fix a flat charge of \$1,000 for the replacement of the sewer lateral from the new sewer main to the edge of pavement/curb by the Contractor. NOW, THEREFORE, BE IT HEREBY RESOLVED AND IT IS HEREBY RESOLVED, that a flat charge of \$1,000 is hereby fixed and imposed for the replacement of each sewer lateral by the Contractor from the replacement sewer main to the edge of the pavement/curb. BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately.

ADOPTED AND RESOLVED this 20th day of July, 2021.

Motion carried: 5 ayes.

Mr. Carroll moved to authorize a note on the utility bill that any damage caused by an overflowing floor drain is not the responsibility of the Borough or Authority. Mr. Renn seconded the motion and it passed unanimously.

Chairman Chomnuk requested that the Board and the I & I committee be kept informed of any notices going forward.

Solicitor Pompo added that the West Chester University case is pending regarding the fee vs. a tax on stormwater issues and is now in Commonwealth Court, which are not always posted on the docket.

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AUTHORITY MANAGER'S REPORT

Manager Keller explained that DEP has found that higher than usual levels of algae, MIB (2-methylisoborneol) in the Schuylkill River have given water in Southeastern Pennsylvania a flavor that might charitably be called "earthy." He will provide additional information from DEP as received.

Mr. Keller also reported that AQUA has installed all the necessary equipment for the Farmington project and approval from DEP is expected this week. Mr. Keller also advised that the American Rescue Plan Act has allocated \$2.3 million to the Borough for a variety of projects including water and sewer projects and will determine project prior to the spending deadline of December 31, 2024. The Borough has also received \$200,000 from CDBG for stormwater improvements to address areas of sump pumps going into the roadways.

Mr. Keller noted that AFSCME negotiations have begun and Six Sigma phase is ongoing. The two open supervisor positions have been filled internally. He also reported that Marley Boone has been appointed as the Finance Director effective June 7th.

Mr. Carroll suggested that certain items be earmarked for the ARPA money in the Borough's or Authority's capital plans.

Mr. Wagner confirmed that the chemical that was detected in the water will get through to the system.

Mr. Ecker also commended that harmony among the crews on the street.

SOLICITOR'S REPORT

Solicitor Pompo referred to the upcoming changes under Act 65 effective August 29, 2021 dealing with amendments to the Sunshine Act. He advised that no action will now be allowed unless stated on the agenda prior to 24 hours of the meeting, unless it comes under one of the exceptions.

Solicitor Pompo briefly updated the Board on the Upper Pottsgrove case and will provide additional comments under Executive Session.

ENGINEER'S REPORT

Mr. Salmon provided updates on the Air Scour System, the LT2 Enhanced Surface Water Rule project and the 2021 Water and Sewer Main Replacement projects. He requested authorization to advertise the Water Filtration Plant UV Installation project for bid through COSTARS.

Mr. Salmon also advised that the bids for the 2021 Water and Sewer Main Replacement Project bids were opened May 21, 2021 with the apparent low bidder to be Joao & Bradley and requested authorization to provide a Notice to Proceed with the project with a base bid for Alternate 1 in the amount of \$1,193,975. He added that this includes the Sanatoga Road replacement cost, which is 75% covered by PennDOT.

Mr. Salmon advised that HRG has no objection to the release of escrow funds related to the dedication of the Spring Valley water mains. He also recommended award of the Water Valve Exercising

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Program to Wachs Water Services for a five-year term in the total amount of \$156,366.10. He also advised that HRG is working with Staff on the AWIA Risk Assessment Plan due to be certified to the EPA by December 30, 2021.

Mr. Salmon commended all for the efforts related to the PENNVEST application prior to the deadline of August 4, 2021. The total estimated cost for the grant funded project is \$6,072,000. He requested adoption of the resolution and local and county letters of support.

Mr. Keller confirmed that the Water and Sewer Main Replacement project is under budget by approximately \$800,000.

UTILITIES DIRECTOR'S REPORT

Mr. Wagner reported that the UV System project is due April 2022 and awaiting permit from DEP. He added that Staff is moving forward with the Air Scour system. Mr. Wagner commented on the supply chain with chemicals due to COVID crisis and shipping ports. He also advised that the temperatures are extremely high in the digester due to the recent heat waves and humidity. Staff is at full crew and the 10-year pre-treatment audit is completed. He also noted that DEP is passing regulations on sludge disposal and will provide additional information as received. He also confirmed that the water MIB issue has no bearing on the UV system project.

PUBLIC WORKS DIRECTOR'S REPORT

Mr. Yerger advised the water crew continues with the flushing project. He reported a valve crack on Common Drive in Lower Pottsgrove Township which will be addressed July 21st. Mr. Yerger commended the new supervisors for addressing outstanding issues.

FINANCE

Mr. Keszczyk advised that the positive trend continues. He reported that water revenues are at 50% and expenses at 49%. The sewer revenues are at 50% and expenses at 45%. He added that the bulk revenue is over budget by \$183,000 for the year to date and sludge hauling expense is \$90,000 under budget.

Mr. Keszczyk reported that delinquent shut-off notices have been sent out. The audit had no findings this year. He added that the invoices and reconciliations have been sent to the Townships for the year 2020.

OLD BUSINESS

2021 Water and Sewer Replacement Project

Mr. Ecker moved to ratify the bid award for the Water and Sewer Main Replacement Project to Joao & Bradley Construction Company, Inc. in the base bid amount of \$1,193,075 for the base bid and Alternate 1, as per the bid tabulations of May 1, 2021, subject to review of the Solicitor. Mr. Carroll seconded the motion.

Mr. Yerger noted that the Borough has not worked with Joao & Bradley for approximately 15 years.

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The motion passed unanimously.

NEW BUSINESS

Spring Valley Farms Deed of Dedication

Solicitor Pompo recommended approval of the Deed of Dedication of water lines for the Spring Valley Farms. He added that all of the lines are in streets and the off-site easements have been obtained by the Authority at the commencement of the project. Attorney Pompo added that the lines are not owned by the Township and the Homeowner Association will essentially be responsible for the streets. He confirmed that the Authority is taking ownership of the lines and the Deed allows the right to go onto the private roads for whatever work necessary.

Mr. Renn moved to authorize the Authority to accept the Deed of Dedication of Water Lines Indenture between 1934 Bleim Road Partners, LP and the Pottstown Borough Authority for the Spring Valley Farms Development. Mr. Benner seconded the motion.

Mr. Yerger confirmed each building has its own meter and the revenue will come to the Authority.

The motion passed unanimously.

Valve Turning Project

Mr. Carroll moved to award the Water Valve Exercising Project, Contract No. VP-1 to Wachs Water Services for the total base bid amount of \$156,366.10 (\$31,273.22 per year) as per the bid tabulation of June 23, 2021, subject to review and approval of the Solicitor. Mr. Renn seconded the motion.

Mr. Salmon commented that Staff of HRG will input the data into the GIS system. He agreed to clarify the responsibility of any damage or breakage to the valves.

The motion passed unanimously.

Water Filtration Plant UV Installation Project

Mr. Ecker moved to authorize HRG to advertise the Water Filtration Plant UV Installation project for public bids and to procure the UV systems and related controllers as well as the fabricated headers through COSTARS, with the purchase of the equipment be contingent upon receiving approval from DEP. Mr. Renn seconded the motion and it passed unanimously.

PENNVEST Application for Infrastructure

Mr. Keller explained the request for authorization for a grant submission to PENNVEST and DEP for the Lead Line Replacement Initiative for the approximate 700 lead water service lines in the Borough. He confirmed that this would be for a grant application not a loan.

Mr. Salmon added that the Authority cost for application of Phase 1 is \$6,500 and \$41,000 to implement the project. He added that part of the grant is to submit for reimbursement of these costs.

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Mr. Renn moved to adopt a Resolution authorizing submittal for application to the Pennsylvania Infrastructure Investment Authority (PENNVEST) grant application for the Lead Line Replacement Initiative in the amount of \$6,590,000. Mr. Carroll seconded the motion.

RESOLUTION NO. 2-2021

AUTHORIZING THE SUBMITTAL OF A FINANCIAL ASSISTANCE APPLICATION TO THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY; EFFECTIVE IMMEDIATELY UPON ADOPTION.

NOW THEREFORE, be it resolved by the Board of Directors of the Pottstown Borough Authority (the "Governing Body") as follows:

RESOLVED, that the Governing Body shall be, and the same hereby are authorized to submit a Financial Assistance Application to the Pennsylvania Infrastructure Investment Authority (PENNVEST), substantially in the form presented at this meeting for the purpose of financing the replacement of lead service lines within the Authority's water system. Appropriate officers of the Governing Body are hereby authorized to execute all certifications and documentation required in connection with the application.

FURTHER RESOLVED, that this Resolution shall be effective upon adoption

DULY ADOPTED, at a duly advertised public meeting of the Governing Body this 20th day of July, 2021.

The motion passed unanimously.

EXECUTIVE SESSION

Chairman Chomnuk recessed the meeting to executive session at 8:50 p.m.

ADJOURNMENT

The meeting adjourned at 9:25 p.m. on motion by Mr. Ecker.

Submitted by,

Virginia L. Takach, Borough Secretary
for Thomas Carroll, Secretary