

THE REGULAR MONTHLY MEETING WAS HELD BY THE VIRTUAL MEETING ZOOM PLATFORM AND IN PERSON ON TUESDAY, DECEMBER 20, 2022, IN THE CONFERENCE ROOM AT 711 BIRKBECK STREET, FREELAND, PA. PRESENT WERE MR. KAVITSKI, MR. FISHER, MR. THOMAS, MR. TIERNEY II, MR. CLYMER, THE TECHNICAL MANAGER, THE ENGINEER, THE ATTORNEY, AND THE SECRETARY.

SALUTE TO THE FLAG AND MOMENT OF SILENCE

Moment of for all people who are less fortunate and suffering through various problems in this country.

CITIZENS PARTICIPATION

No citizens present.

Mr. Thomas inquired about Mr. Balas attending this meeting. Mr. Clymer stated a few workers at Balas Distributing were asking about obtaining water at the new garage and Mr. Clymer stated Mr. Balas should come to a meeting.

Mr. Kavitski explained to the Board that Mr. Balas did stop at the office to get water service. He was told he needs to discuss it with the Board and should attend the next meeting. The Board wants to discuss the delays on some of the things he needs to complete. For example, the water meters in the Family Dollar building and the property with the abandoned well.

The Secretary informed the Board she made a phone call asking for him to be present at the meeting.

Mr. Balas said he was unsure if he would be attending.

APPROVE NOVEMBER MINUTES

Mr. Thomas made the motion to approve the November minutes and Mr. Clymer second. Vote 5-0.

APPROVE NOVEMBER PAID INVOICES

Mr. Kavitski made a motion to approve the November paid invoices for the Water Division totaling \$159,975.80 and the Sewer Division invoices totaling \$203,773.25 and Mr. Fisher second. Vote 5-0. (Reference 2402-A).

Mr. Tierney did inquire about the Foster Township sewer refund for 5 days for \$2,640.78. The Secretary explained when Foster Township sold their sewer system, the Authority was not informed of the date. All sales that take place, the Authority is given the closing date and a final bill is created. The Authority was informed of the closing date, weeks later.

Mr. Fisher asked the length of time the sodium hydroxide lasts for each delivery. Ryan Smith stated approximately a month and it is expensive.

CURRENT INVOICES

Mr. Tierney made a motion to approve payment of the current Water Division invoices totaling \$130,421.58, the Sewer Division invoices totaling \$124,701.01 and the Sandy Run invoices totaling \$1,024.22 and Mr. Thomas second. Vote 5-0. (Reference 2402-B).

FINANCIAL STATUS

The Secretary reviewed the Financial Status as outlined in Reference 2402-C.

SEWER DIVISION

Mr. Josh Fox of HRG, Inc. presented the Engineering Report. (Reference 2402-D).

Sewer Area

-SIUA and sampling stations – A Resolution for approval on the agenda for tonight adopting the Authority's Pretreatment Rule and Regulations (Appendix A), Enforcement Response Plan (Appendix B), and Civil Penalty Assessment and Injunctive Relief Policy (Appendix C).

-Sewer & Water Rules & Regulations – HRG provided a draft for review and discussion, if possible, the first or second week of January.

-NPDES Permit Renewal Work – DEP meeting for the renewal of the permit possibly the second week of January. EPA will have the IPP at that time.

-WWTP Final Clarifier Distribution Box – The clarifier box is in, but the project is not finished. Need to complete the grading, stairs, and railing. Linde Corporation is waiting for all the miscellaneous metal to come in and should be here the second week of January. Substantial completion should be completed at that time with a walkthrough with all parties and establish a punch list. Submission of the Change Order, which was discussed at last month's meeting, the Contractor requested \$17,067.00 and an additional 26 days to the contract time. HRG reviewed the information which was incomplete and was sent back to Linde. HRG asked for additional information, Linde revised the Change Order to \$14,792.09 with an increase of 35 days to the Contract Time. HRG did not have issue with the time but the cost, HRG would only approve \$8,291.91 as Engineer's Decision on Change Order. The amount would have been for the cost of the original walkthrough which was not completed beforehand. After HRG, rendered their decision, Linde put HRG on notice, Linde would dispute the decision with the Board. Josh Fox did inform the Board and Atty. Fagan; Linde Corporation does have the right to come before the Board to dispute this decision. The Authority than can agree with the Contractor or not; than it would go to Dispute Resolution.

Mr. Kavitski stated the Contractor chose not to do the walkthrough.

-Sludge Dewatering Upgrade Project – Meeting with PennVest yesterday, things are a little different from last year, due to new requirements. Went over the procurement form and environmental requirements. HRG informed PennVest, the Authority is doing work within an existing building so there is nothing to impact environmentally. A February deadline means submission between Christmas and New Year's. HRG informed the Board, PennVest just came back today saying this most likely would be a low-interest loan with no grant money.

-Headworks Evaluation – No significant activity over the last month.

-PADEP Chapter 102 – See Engineering Report.

-ACT 537 Special Study – No significant activities.

Adopt Resolution #5 of 2022 - the Rules and Regulations for Industrial Pretreatment Program and other Rules Controlling Discharges to the Sewer System, Approve Rules and Regulations for the Industrial Pretreatment Program and Other Rules Controlling Discharges to the Sewer System, Approve Borough of Freeland Municipal Authority Pretreatment Rules and Regulations Civil Penalty Assessment and Injunctive Relief Policy, Including Table 1 – Mr. Thomas made the motion to Adopt Resolution #5 of 2022 and Mr. Kavitski second. Roll Call Vote: Mr. Kavitski – Yes; Mr. Fisher – Yes; Mr. Thomas – Yes; Mr. Tierney – Yes and Mr. Clymer – Yes. Vote 5-0. (Reference 2403-A).

Mr. Kavitski stated once Resolution is passed, the Industrial Customers will need to be permitted and placed on a scheduled sampling requirement. Attorney Pompo will be contacted to see if he will be available, if needed, regarding any IPP problems.

Mr. Fisher made the motion for the approval of the Linde Corporation Application Payment #3 Contract 22-01 in the amount of \$58,318.25 and Mr. Tierney second. Vote 5-0. (Reference 2403-B).

Pennsylvania American Water Company Agreement for Water Shut Off Services and the Collection of Wastewater Charges Through Freeland Municipal Authority - The Board discussed changes regarding the agreement. Curb Stop repairs #2 should be done within a reasonable amount of time. Shut off/Restoration Hours should be normal Authority hours between 7 AM to 3:30 PM, unless an emergency, which would reflect billing of overtime hours to PAWC. Mr. Thomas made the motion to approve the agreement based upon the changes to be made by Attorney Fagan and Mr. Kavitski second. Vote 5-0. (Reference 2403-C).

927 Walnut Street homeowner called to apologize to the Authority after having a contractor excavate the sewer lateral. The tenant at the property was flushing baby wipes and created the blockage. The Authority dye tested the main sewer line earlier in the week to explain to the homeowner the blockage was within his sewer lateral due to the dye coming through the manhole below his address and no other houses on the block were having any issues.

WATER DIVISION

Resolution 6 of 2022 for COVID-19 ARPA Small Water & Sewer Program Grant Application in the

amount of \$316,200.00 for the Centre Street Water Main Replacement, Mr. Tierney made the motion to approve the Resolution and Mr. Fisher second. Vote 5-0. (Reference 2404-A).

Resolution 7 of 2022 for CFA H2O Grant Application in the amount of \$1,028,629.00 for the Oak Street Tank Project, Mr. Tierney made the motion to approve the Resolution and Mr. Kavitski second. Vote 5-0. (Reference 2404-B).

Mr. Kavitski inquired if the site survey for the Oak Street Tank Project is completed. The Authority would present the mapped area to Pagnotti Enterprises and Josh Fox informed Mr. Kavitski it is done.

December 29th is supposed to be the date for decisions on the LSA grant applications.

Mr. Kavitski inquired about Well 6 & Well 10 Treatment System Project. Josh Fox informed Mr. Kavitski the last of the sample results were received. HRG is evaluating and will provide a report at the January meeting.

MANAGERS REPORT

Ryan Smith presented the Technical Manager Report. (Reference 2404-C).

Mr. Kavitski asked how IK Stoltzfus handled the leak at the UL tank and Ryan Smith explained once bolts torqued around the area, the leaks stopped.

109 Terrace Road shut off valve needed to be dug, brought up to grade and the area will be GPS for future reference.

Well 10 Generator – Albarell troubleshoot & replaced relay but still having issues with the generator. Call placed to Modern Generator, who is certified to work on Generac Generators. Modern Technician came to look at generator and stated the computer has brain damage. No shavings in the oil filter, high frequency alarm on panel. Quote for repairs is over \$7000.00 and the generator just went out of warranty. Ryan Smith called Generac directly for an in-house technician to look at the generator. Generac informed Ryan they do not look at the generators, need to call one of the certified companies on their website. Modern will send a Master Technician to get a second opinion on the problem with the generator. The generator will not run manually. Modern installed the generators and Albarell Electric did one service of the generators and then COVID happened and no service took place.

Mr. Kavitski wants to be informed when Modern will be here so he can attend with the technician.

Josh Fox suggested to get dates and time from the code stamps, if it took place during warranty period, Generac should take care of the repairs.

Mr. Kavitski stated the Authority needs to investigate automatic meters to see if they can retrofit the meters currently used. A presentation should be done with a Core & Main representative or someone else to explain how the meters work and the steps it would take to complete.

Ryan Smith stated the Well Abandonment Project according to George Leib should be completed by year end.

DO Probe still not quite right. Kappe will demo another probe to see how this one works.

Mr. Fisher inquired about the radiation meters, if they both were ordered, and tied into the SCADA system.

Mr. Kavitski announced to the Board that Brittany has passed her Water test. All Board Members offered their congratulations. Jose passed his general and distribution parts of the test only. Jose will need to go back and retest for all subclasses. Ryan Smith will be obtaining the list of available classes for the tests.

Mr. Fisher inquired about Rich obtaining a Sewer License and Ryan Smith stated no and there are no classes at this time.

ENGINEERING INVOICES

Mr. Fisher made the motion to approve HRG Invoice #165901 \$6,890.88; Invoice #165902 \$901.94; Invoice #165904 \$648.00; Invoice #165905 \$6,548.00; Invoice #165906 \$11,570.21; and Invoice #166238 \$2,262.00 and Mr. Clymer second. Vote 5-0. (Reference 2404-D).

ATTORNEY REPORT

Attorney Fagan informed the Board Foster and Butler Townships signed the acknowledgement of the

Local Limits per Attorney Karpowich.

Mr. Kavitski asked about the electric bill for the Wyoming Street Pump Station, with Foster Township, who considered the electric bill as part of the maintenance and Mr. Kavitski asked the rest of the Board Members and Attorney Fagan, how could an electric bill be considered maintenance. PA American Water asked where in the agreements it states both parties pay the split of the electric bill. The Authority looked over the agreements and could not find the language for splitting the electric bill. Mr. Kavitski wants suggestions of what is the next step to this dilemma. PA American now wants the Authority to split the electric bill. All Board Members stated the Authority should follow the contracts, but the contract was not followed with Foster Township. Mr. Tierney stated electric bills should not be considered maintenance at all. Mr. Kavitski inquired should the Authority go back to PA American and say we are not going to pay towards the electric bill and go back after Foster Township for the electric payments too.

Attorney Fagan is stating if the Authority years ago agreed to pay the bill with Foster Township just let it go.

Mr. Kavitski inquired about the Sewer Force Main repair bill sent to Foster Township and they refused to pay it. Attorney Fagan stated the 1999 agreement states force main repairs are shared expense from what he reads, and the 2005 agreement did not change the 1999 agreement.

Mr. Kavitski suggests billing Foster Township for all monies paid for the electric bills over the years and also invoice Foster Township for the Sewer Force Main Repairs and request payment in 60 days.

OPEN/OTHER ACTIONS

Mr. Kavitski stated there are still 5 counties in Pennsylvania per DEP, still in the Drought Watch and Luzerne County is one of them.

2023 Meeting Calendar set for the third Tuesday of every month at 6 PM and all Board Members agreed.

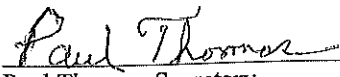
Union Contract will be sent to Teamsters Union for approval, the Authority will approve with a vote via email. Attorney Fagan recommends waiting for the Union to approve prior to final vote.

Mr. Fisher inquired about a bonus for a second license obtained. If the employee obtains both licenses, they will receive a bonus for each license.

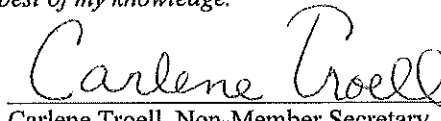
ADJOURN

Mr. Tierney made the motion to adjourn the meeting and Mr. Kavitski second. Vote 5-0.

These minutes are certified true and correct to the best of my knowledge.



Paul Thomas, Secretary



Carlene Troell, Non-Member Secretary