

THE REGULAR MONTHLY MEETING WAS HELD BY THE VIRTUAL MEETING ZOOM PLATFORM AND IN PERSON ON TUESDAY, JANUARY 17, 2023, 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 silence for all people out in the West and Mid-West who have had deaths due to the storms.

CITIZENS PARTICIPATION

No citizens present.

SCOTT LINDE OF LINDE CORPORATION

Mr. Linde introduced himself to the Board of Directors. He discussed the misunderstanding of the grading at the distribution box at the wastewater plant. The grade pitch was off by 1.5 feet, changed to a precast box. Because of the change, equipment needed to sit for a month, and everyone knows the cost for things to be reworked. Relied on all grading from the drawings. No substantial completion done, due to no stairs or handrails installed yet. Linde Corporation to supply vendor with changes on dimensions for stairs and handrails. Josh Fox of HRG, explained without the stairs and handrails the weir gates cannot be accessed to make changes. Linde is responsible.

Mr. Linde mentioned making several phone calls to discuss this change order.

Mr. Kavitski did explain to Mr. Linde it needs to be done at a meeting so everyone can hear the information and make an informed decision. Mr. Linde stated he has learned a few things from tonight's meeting and even though the Engineer has made a decision, the contract is between Linde and the Authority. Mr. Linde asked the Board to review the Change Order offer so it all could be resolved. (Reference 2407-A).

Mr. Kavitski stated the issues with the job were: the project was bid one way and Linde Representatives asked for a substitution. And that was allowable and not a problem. The precast was discussed instead of the poured in. The Contractor was to verify dimensions and it was not done. The Authority appreciates the job and the work and is willing to pay for the extension but it's not fair to the Authority to have to pay for everything because Linde did not verify dimensions prior to starting.

Mr. Tierney asked if the Authority would be in the predicament if no Change Order was in place. Josh Fox of HRG explained the physical dimensions changed, which allows the Contractor to submit a Change Order for additional costs. HRG went through the Change Order and had questions, responded with additional comments, and asked for additional information. At that time, the work was being done and HRG witnessed the work, made a report, and made recommendations on the Change Order based on what was witnessed as well as backup information provided by Linde dated December 8th. Linde Corporation appealed to Mr. Fox's decision on the denial of the Change Order by filing a claim under Article 12 of our contract. Mr. Fox stated the monies HRG felt are not in accordance with the contract. Mr. Fox pointed out to the Authority, as your Engineer, we have a responsibility to review the contract and make recommendations per the contract. The number one thing that is really important, and is on the third sheet on the contract drawing, Contractor is responsible to verify all site dimensions by field verification and was discussed at the Pre-Construction Conference and comments provided on the substitution request. Also, the project was bid as a cast in place structure, in case anything needed to be changed at time of excavation. Linde submitted a substitution. Field verification of all the dimensions and coordinate with the owner's supplied equipment – grading, stairs, gates, handrails etc. The Authority purchased materials in advance so the project would not be held up. Contractor is responsible for any additional costs related to changes to any other equipment/materials as a result of the substitution. Mr. Fox stated the clarifier distribution box is in operation, but access is limited without the stairs and grading to operate the gates, work is not completed. Substantial completion request has not been submitted to date and is part of the contract. Contractor must submit stating they are substantially complete and request an inspection. Ryan Smith, HRG design team and Contractor would tour the area and have a punch list, which then would need to be completed. Mr. Fox of HRG stated the Authority should know, had the test pit been done prior to the start and the same thing was identified there would still be costs associated with the extension of the box, which HRG is recommending payment for. The costs associated with the additional labor to put the fitting on to make the field connection. HRG recommendation again is based on our Bluebook rental fees, which

are associated with the contract documents and what was witnessed onsite. This is where HRG came back with the numbers. It is entirely up to the Authority if you want to agree with HRG's decision or suggest something different.

Mr. Kavitski inquired about the finishing of the stairs & handrails and Mr. Fox stated mid-January is the statement but nothing definitive.

Mr. Linde stated by going with precast additional costs were incurred but the job of pipe cutting went faster. The error was the grade not being correct.

Mr. Fox again stated in the contract that the dimensions needed to be verified by the Contractor and was discussed at the Pre-construction Conference and in the submittal. The fact that this did not happen led to the delay. Except for the paperwork now, all parties worked very well in the field together. Project coordination prior to start of project and end of project is and was not the best.

Mr. Kavitski stated the Board was going into a quick Executive Session at 6:20 PM.

The Board returned from Executive Session at 6:24 PM.

Mr. Kavitski stated the Authority is not setting a precedence now, but after discussion, the Board is willing to split the difference on the labor portion.

Mr. Linde stated that sounded reasonable and will accept that offer.

Mr. Kavitski stated steps and handrails need to be done as soon as possible. Mr. Linde thought they were owner supplied not realizing that Linde changed things.

Mr. Linde thanked the Board for their time.

Mr. Kavitski approved Mr. Josh Fox of HRG to write up the modified Change Order.

Mr. Fox asked Mr. Linde to inquire about the Substantial Completion Order with Fred Ostroski.

APPROVE DECEMBER MINUTES

Mr. Thomas made the motion to approve the December minutes and Mr. Tierney second. Vote 5-0.

APPROVE DECEMBER PAID INVOICES

Mr. Fisher made a motion to approve the December paid invoices for the Water Division totaling \$141,832.30 and the Sewer Division invoices totaling \$213,190.41 and Mr. Clymer second. Vote 5-0. (Reference 2408-A).

CURRENT INVOICES

Mr. Fisher made a motion to approve payment of the current Water Division invoices totaling \$93,999.16, the Sewer Division invoices totaling \$78,039.84, Zima Invoice for \$636.77 and the Sandy Run invoices totaling \$188.35 and Mr. Thomas second. Vote 5-0. (Reference 2408-B).

FINANCIAL STATUS

The Secretary reviewed the Financial Status as outlined in Reference 2408-C.

Mr. Kavitski stated the weir gate project was done with monies coming out of the Sewer General Fund, if it was a project, it would have been Grant monies or PennVest funds. The monies taken out of the Sewer General fund should be replaced. The ESSA Sewer Savings Account receives less interest so funds should be pulled out of this account. The Authority can start to replace in the future.

Mr. Thomas made the motion to pull the total amount of the project from the funds in ESSA Sewer Savings and transfer to the Sewer General Fund and Mr. Tierney second. Vote 5-0.

SEWER DIVISION

Mr. Josh Fox of HRG, Inc. presented the Engineering Report. (Reference 2408-D).

Sewer Area

-SIUA and sampling stations – Everything was signed and sent to EPA for approval. Discussion on the sampling station locations at Citterio & PGA, once the Plan is approved.

-Sewer & Water Rules & Regulations – Had meeting yesterday – draft needs to be finalized yet.

Appendix F Standard Details – No review. Tapping Fee should be added to Rate Resolution in the Rules and Regulations. Low Pressure Sewer Line is included in the new Rules and Regulations. Review and if there are changes make a list and send to Josh. Mr. Kavitski would like to see the Rules and Regulations approved at the February Meeting or March Meeting at the latest.

-NPDES Permit Renewal Work – See Engineering Report.

-WWTP Final Clarifier Distribution Box – The clarifier box was discussed earlier in the meeting with Mr. Scott Linde of Linde Corporation.

-Sludge Dewatering Upgrade Project – Planning Consultation Meeting on December 19th between HRG and PennVest to discuss the financing options. Probably no Grant Funding for this project. This is not an Environmental Impact because it is within an existing building.

There is no room at the WWTP to have a second sludge press like the Authority has discussed in the past. The other situation would be if the equipment is not used regularly, the equipment would develop problems.

PennVest Service Proposal for consideration of approval for the Sludge Dewatering Upgrade Project in the amount of \$17,500 which is \$11,000 for the PennVest Application and \$6,500 for Coordination & Management, which is Phase A & B Only, Mr. Clymer made the motion to approve and Mr. Kavitski second. Vote 5-0. (Reference 2409-A).

Resolution to Apply #1 of 2023 for the Sludge Dewatering Project with PennVest – Mr. Kavitski made the motion to approve and make Mr. Kavitski and Mr. Thomas signatures of the Project Paperwork and Mr. Fisher second. Vote 5-0. (Reference 2409-B).

A Letter of Responsibility will be sent once the amount for the project is finalized in the next couple of days and Mr. Kavitski and Mr. Thomas will need to sign it. (Reference 2409-C).

Mr. Kavitski inquired about the H2O Grant Application and Mr. Fox said the new Governor Mr. Shapiro is trying to get established first. July is supposed to be the announcements for the grants.

-Headworks Evaluation – See Engineering Report.

-PADEP Chapter 102 – See Engineering Report.

-ACT 537 Special Study – No significant activities.

Water Area

-Oak Street Water Storage Tank – Josh Fox thanked Attorney Fagan for helping with Pagnotti to gain access to the area for all technical work and stormwater basin testing. 30% design review meeting completed and working on the comments. 60% completion meeting shortly than submission of the Public Water Supply Permit. Reviewing Harding St Tank drawing for the evaluation to be sure both tanks will work off of one another, which is critical for the system.

-Well 6 & 10 Treatment System Feasibility Study – Based on the samples no treatment is required. Mr. Kavitski stated the samples will be redone. Staff took samples. The new sample will be taken when pumps first turn on, and ten minutes after pump is running.

WATER DIVISION

Mr. Kavitski explained to the Board, Core & Main Representatives will be here at the Authority to discuss new customer water meters, with possible radio read and automatic shut off valves at 9 AM if anyone is interested in attending the informational seminar.

MANAGERS REPORT

Ryan Smith presented the Technical Manager Report. (Reference 2409-D).

Modern Power onsite to fix generator – they are thinking a power surge created the bad panel.

Mr. Fisher recommends a surge suppressor to protect the equipment. TM will contact Jonathan Forschner of Forschner WireWorx to discuss a surge suppressor.

Freeland Borough Code is working on PGA building per Mr. Tierney.

Mr. Kavitski asked for a motion to amend the agenda to include the Nowak Bros Tree Service quote for \$2,150.00 for removal of dead tree by Well 9, Mr. Fisher made the motion to amend the agenda and approve the quote and Mr. Clymer second. Vote 5-0. (Reference 2410-A).

Weekend Operations – continue with chlorine checks & rounds, the guys are getting 2 hours of work and rounds are not taking two hours. TM asked to consider this as scheduled overtime, instead of 2 hours of overtime. The Board agreed.

Mr. Thomas inquired about 537 Cedar Street; a customer is concerned about the curb stop. Can the Authority find it and mark it, so the customer knows where it is in case of an emergency.

ENGINEERING INVOICES

No invoices at the present time.

ATTORNEY REPORT

Attorney Fagan announced the decision regarding the PGA lawsuit, which was a favorable decision for the Authority. Attorney Greg Malaska did a fantastic job, stated Attorney Fagan. Mr. Anthony does have 30 days to appeal but Attorney Fagan does not think he will file for one.

Attorney Pompo submitted EPA Pretreatment Plan.

Restrictions and covenants were filed at Courthouse today regarding Chapter 102 NOT.

Ryan Smith inquired about the property at the corner of Johnson & Birkbeck Streets. The person interested in purchasing for a recycling program is now rethinking her decision. Redevelopment Authority was supposed to turn land over and remove the tanks years ago to the fire company.

OPEN/OTHER ACTIONS

Mr. Tierney made the motion to approve the Hach datalogger and Claros annual renewal support for \$3071.32 and Mr. Kavitski second. Vote 5-0. (Reference 2410-B).

Mr. Thomas made the motion to approve the Exele Top Viewer annual renewal support for \$344.25 and Mr. Kavitski second. Vote 5-0. (Reference 2410-C).

Garland Communications Warranty on Server, increase storage capacity and the time to install is \$18,749.15, Mr. Tierney made the motion for approval and Mr. Thomas second. Vote 5-0. (Reference 2410-D).

Need clarification about Datto and Server Warranty will vote by email and amend motion at next meeting.

Extended Reporting Period Coverage Insurance - the Board would like to meet with Brown & Brown Insurance Company Representative at next month's meeting to discuss this coverage.

Authority COVID pay – No longer will be paid by the Authority, employees must use their own sick time.

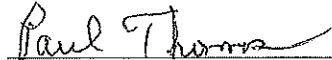
The Union Contract was sent back to Union Representative, but it has not been signed or returned to the Authority yet.

Mr. Tierney made a motion to accept Jose Hidalgo resignation and Mr. Fisher second. Vote 5-0. (Reference 2410-E).

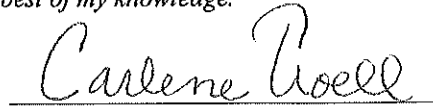
ADJOURN

Mr. Kavitski made the motion to adjourn the meeting and Mr. Clymer 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