

**Red Lion Municipal Authority
Meeting Minutes
Wednesday, March 27th, 2019**

Members

Eric Immel, Chairman
Skip Missimer, Vice Chairman
Mike Poff, Secretary
Jeff Herrman, Treasurer
Dennis Klinedinst, Asst. Sec/Treasurer

Others

Keith Kahwajy, Superintendent
Jeff Beard, Asst. Superintendent
Jason Reichard, Engineer
Andy Miller, Solicitor

Visitors

Stephanie Weaver
Nevin Horne
Tina Frutiger
Bob Frutiger

1. The meeting was called to order @ 7:00p.m. Everyone present participated in the pledge to the flag.
2. One revision was necessary to the February 27th, 2019 Meeting Minutes. Under “Visitors”, Mr. Shoffner stated he is not installing a new valve in the street, “*at a cost of \$10,000*” was added. Mr. Klinedinst made a motion to approve the Meeting Minutes with this revision; Mr. Poff seconded. All were in favor; motion carried.
3. **WATER USAGE REPORT**—5.91” of rainfall was received since last meeting. Keith reported this weekend marked the highest turbidity level since the WTP opened.
4. **CONNECTIONS REPORT**—2 new connections this month (1 in a development; 1 at the daycare on Lombard Road)
5. **VISITORS**—Mr. Horne inquired about rights-of-way on private property & whether they had to be recorded at the courthouse. In order to be binding, Andy said they should be recorded; otherwise, future property owners could not be held to the agreement.
6. **WATER AND SEWER—OLD BUSINESS**
 - **Solicitor’s Report**—Andy requested an Executive Session at the end of the meeting.
 - **Engineer’s Report**—Jason reported the following:
 - **2018 Sanitary Sewer Maintenance Project** is nearing completion.
 - Contract #1—Barrasso Excavation, Inc. has some excavation work to finish. They’ve submitted their 3rd Application for Payment in the amount of \$147,147.68, which Jason & Authority staff concur with. There is still \$16,623 retainage being held to cover miscellaneous items. And 5% on each project completed to cover street restoration & miscellaneous items. Mr. Missimer made a motion to approve the payment of \$147,147.68; Mr. Poff seconded. All were in favor; motion carried.
 - Contract #2—Mobile Dredging & Video Pipe, Inc. has one section of pipe to complete the sewer mainlining in the Horace Mann area.
 - Contract #3—Mr. Rehab has completed the requirements of their grouting contract. Their 1st Application for Payment has been submitted in the amount of \$10,046.25, with 5% retainage being held due to final paperwork that needs processed & a manhole on East Lancaster that may need additional grouting. Jason & Authority staff concur with the payment request. Mr. Missimer made a motion to approve the payment of \$10,046.25; Mr. Poff seconded. All were in favor; motion carried. Keith reported Mr. Rehab also looked at a

manhole on Henrietta Street & two downstream from where the force main dumps in. A price is being gathered for this additional work.

- **North Camp Street Water Main Replacement**—as reported last month, Mr. Ilgenfritz has not signed the Easement Agreement; however, we were waiting until Spring to see how lawn restoration goes. MacMor Construction has been in contact & will touch up the lawns once nicer weather is here. \$2,500 is being held for this purpose.
- **Superintendent's Report**—Keith reported the following:
 - **Authority members attending Borough Council meetings:**
 - April 1st Work Session—Skip Missimer
 - April 8th Council—Mike Poff
 - May 6th Work Session & May 13th Council—Eric Immel
 - **Shut offs for delinquent water bills** will be April 17th, 2019
 - **Source Water Protection Meeting** will be held at Windsor Township office on April 17th, 2019 @ 6:30p.m.
 - **Flushing is tentatively scheduled** for April 8-26th, 2019. It was delayed due to Borough street sweeping.
 - **Burrows Lane project**—Jason is working on an approximate construction estimate based on the areas that need completed & the work that's involved. Details can be discussed with Authority staff, but Jason wanted to get an approximate cost on the interconnection because this project could potentially be \$300,000 with milling & overlay included. At that cost, it could push some other projects to the side; however, this can be discussed once more costs are gathered. PennDOT plans to pave Rt. 24 in 2020, so this work should be done prior to that. Discussion was leaning toward pushing Springvale Road work to 2021 & complete Burrows Lane late summer, early fall 2019.
 - **T-Mobile renewal**—when Keith contacted T-Mobile as suggested & asked for money upfront plus a one-time rent increase, T-Mobile declined that offer. Andy said the rent rate the Authority receives now (\$2,000/month) is a favorable rate in today's market, so he believes that is why T-Mobile declined. He doesn't think; however, the need to lockdown the tower rent into an extended term will go away because of the new 5G rollout & carriers want to get the sites locked up. The Authority's term is locked up until 2023 & it includes a 3% yearly rate escalator, which is favorable, but if the Board wishes to negotiate, discussion can be held. There are still 4 services on the tower/tank (Sprint, T-Mobile, AT & T and Verizon) but there used to be 5, so there is some expansion room for another service, if needed.

7. **WATER AND SEWER—NEW BUSINESS**

- York County Conservation District conducted an inspection at the Water Treatment Plant on 11/19/18 and filed a Notice of Termination for the facility.
- Tier II Volunteer Chemical Report has been completed & submitted.
- The CCR (Consumer Confidence Report) has been completed & sent to DEP for approval before it is posted & publicized.
- RLMA had an employee resign from the maintenance department. This position of Assistant Collection Tech I (not DEP-certified) had been advertised & there were six applicants. Interviews were conducted & the job has been offered to someone. He is in the process of getting his pre-employment physical and his Drug & Alcohol test, which came back clean. His driving record was also clean. His tentative start date is April 8th, 2019.
- The Emergency Action Plan has been submitted to DEP and EPA for their approval.
- The Recreation Department contacted Keith requesting the use of the RLMA generator for Suds 'n' Song (June 1st). He did not see a problem with it.

- To date, 1,050 of the new meters have been installed.
- Last night (3/26) the roof guy conducted the infrared imaging of the Municipal Office roof & will report back whether there was any dampness on/under the rubber roof.
- Mr. Klinedinst asked why one of the two new hydrants on Horace Mann Avenue was bagged. Keith & Jeff were not aware of why it was done & stated RLMA uses orange bags that read “out of service”. This particular hydrant was bagged with a black bag wrapped with duct tape. Jeff said he & Keith assumed the Borough’s contractor replaced the hydrants, but they were not told when they would be replaced, so the valves weren’t turned off for the replacement. They heard there was a problem with this hydrant, probably because the valve was not exercised.

These two were replaced because they weren’t breakaway hydrants & parts were not going to be easily accessible for them. Mr. Immel stated he would like to see these two hydrants get into service as soon as possible. A Public Works truck was seen in the area of the Horace Mann hydrants; however, the Municipal Authority got blamed for bagging this one not in service. If there is a problem with any of the hydrants, Jeff & Keith said Brett Patterson or any of the Public Works crew can contact them anytime.

Mr. Klinedinst asked if Municipal staff can check that these hydrants are working, but Jeff stated that is between the Borough & their contractor. When the system is flushed in two weeks, it will be known whether that hydrant is functioning. It’s unknown whether whoever bagged the hydrant called 911 to let them know it was not in service.

- Mr. Klinedinst stated Jeff Shue confirmed that Doug Lamb (Lamb Construction) is willing to pay \$1,000 to repair the lamppost that had rebar driven into the sewer main during the Streetscape Project years ago. It is at the manhole near the Historical Museum on East Broadway. Doug Lamb does not agree that his contractors did the damage; however, Keith said it was discussed since 2014. Jeff Shue was made aware of it at that time and it was discussed several times since then. Keith has the timeline of all discussions between the Borough, Authority & Jeff Shue who stated at that time, he would contact Doug Lamb to make the repair. The rebar creates a problem and the Authority staff must clean debris from it, so it doesn’t form a clog.

How can this situation be fixed? Jeff Shue had obtained a price from USG & authorized them to do the work to repair the lamppost/manhole. USG gave a timeframe of two months, but it was never done. It was asked again in April 2017, but it wasn’t done. Jeff Shue was asked again prior to the preconstruction meeting of the Authority’s sewer project. Keith spoke to Mr. Rehab, who stated they do this type of work, so Keith gave all the information to Jeff Shue. Jeff contacted Mr. Rehab & obtained a quote of \$6,850 for the underground work only (no street work).

The Statute of Limitations has since run out for Lamb Construction to be responsible; however, Mr. Klinedinst stated we could take the \$1,000 Doug Lamb offered & then come up with a solution, but he said the Borough isn’t paying for the repair.

The Streetscape Project was run by the Borough & any grant monies that the Borough obtained for it. Mr. Immel said all the communication is documented since 2014 & this should’ve been taken care of years ago. Neither the Borough nor the Authority should be responsible, but who is going to pay the additional \$5,000 to Mr. Rehab, if they complete the work? Jeff Beard used the example of PA One Call and said, when a contractor damages a line, they are responsible to repair it.

Mr. Immel said Mr. Klinedinst, Keith or someone needs to discuss this with Jeff Shue regarding all the communication that took place and find a solution. Why was it left go for years? Jason stated since this was through a contract, the decision should be made at Board-level as to what action was going to be taken against the contractor and should’ve been handled in 2014, when the problem was discovered.

The gas company originally found the problem during a project while checking cross bores. USG was the contractor that televised the area & from there, all the discussion took place with Jeff Shue. But it was during the original Borough contract with Doug Lamb that the damage took place. Jason said another option would be to obtain a 2nd quote from Mobile Dredging. He believes \$6,850 seems like a lot of money for the repair, so it may be worth getting a 2nd quote.

Mr. Klinedinst and Mrs. Frutiger don't recall this ever being discussed at a Borough Council meeting. But Jeff Shue talked to Doug Lamb about it, so why wasn't anything done about it? Mr. Immel said it needs fixed & the Authority isn't paying for it.

- Mr. Klinedinst mentioned an email that was received stating the Municipal Authority violated their MS-4 requirements by washing vehicles in the parking lot (rear of Municipal Office). Keith said the truck was only rinsed off with water, no detergent or degreaser was used. No vehicles are washed behind the building.

Mr. Klinedinst said a public meeting needs to be held between the Borough, Municipal Authority & the Fire Company regarding MS-4 requirements, so everyone is on the same page. Mr. Missimer said Jeff Shue assists the Borough with their MS-4 plan, so he would have the answer to whether only rinsing a vehicle with water is a violation.

Mrs. Frutiger stated this had to do with a Borough Ordinance violation, not an MS-4 violation.

- Mr. Missimer mentioned he witnessed Borough employees changing streetlight bulbs in the bucket of a front loader, 10' in the air, with no safety harness. Mr. Klinedinst said he has mentioned this before to Public Works employees & will look into it.
- Were meeting dates distributed for the Borough & Authority committees to meet? Mr. Klinedinst was told meeting dates were emailed; however, Mr. Immel said he wasn't given any meeting dates. He's on the committee and hasn't received any notice. It was previously stated that Keith & Mrs. Price would not be in the discussion, but he heard that the Borough's committee consists of Cindy Barley, Mrs. Price & Brett Patterson. That was not what was agreed on, which was to be the Council President plus one Council member. Mr. Immel said he will not meet until it's what was agreed upon. Mr. Klinedinst said the Municipal Authority doesn't run everything & Borough Council can have who they want at the meetings. Things between the entities need to be resolved, so Mr. Klinedinst suggested Authority Board members come to a public Council meeting for discussion. Mr. Immel said things need to be resolved from a committee point of view & he doesn't know what Brett Patterson & Mrs. Price have to do with it. Eventually yes, they will be a part of it, but not for the first meeting.

Mr. Immel stated maybe it should be handled at a public meeting, so everything is recorded.

Mr. Herrman said maybe Council should make the decision of who will sit on the committee. Who runs Borough Council, Council or the Borough Manager? The Municipal Authority Board runs the Municipal Authority & the Council members should run Borough Council. If there is an employee that doesn't accept that, maybe that employee needs to go. He stated the Borough & Municipal Authority used to work together well until a certain employee was hired. He said both entities are "the Borough" and it's time to find out who runs this community—a paid employee? Or an elected official?

Mrs. Frutiger stated the Borough & Municipal Authority have had many differences since Ray Arnold was Manager; it's been a constant thing. Mr. Herrman disagreed saying the two entities worked together. Mr. Missimer said back in the 90's, when the Borough needed money, Borough Council raised taxes; they didn't go to the Municipal Authority and ask for money, which seems to be what happens now. When the Authority's revenue doesn't meet their expenditures, they raise rates.

Mrs. Frutiger said she doesn't remember the Borough coming to the Municipal Authority asking for money; however, some Authority members disagreed.

Mr. Immel went back to his original idea and said he will send an email tomorrow (3/28) about forming a committee with two Authority members & two Council members. If that doesn't work, discussion will be held at the April RLMA meeting.

Keith said the committee dates he received were April 2nd or April 3rd @ 6:30p.m.

8. **Approval of bills & statements**—Mr. Missimer made a motion to approve the bills & statements; Mr. Poff seconded. All were in favor; motion carried.
9. **Authority recessed to Executive Session** @ 8:05p.m. to discuss litigation issues.
10. **Authority reconvened** @ 8:40p.m. No decisions were made.
11. **Adjournment**—Authority adjourned their meeting @ 8:40p.m.
12. **Next RLMA meeting to be held Wednesday, April 24th, 2019**

Respectfully submitted by:

Stacy Myers, Recording Secretary