

# MINUTES OF THE GETTYSBURG MUNICIPAL AUTHORITY BOARD OF DIRECTORS MEETING

**September 21, 2009**

The duly advertised Meeting of the Board of Directors of the Gettysburg Municipal Authority ("GMA") was called to order at 6:00 p.m. at the GMA office, 601 E. Middle Street, Gettysburg, PA 17325, by Chairman Melvin D. Crouse. Present were Mr. Melvin Crouse, GMA Chairman; Dr. Tim Good, Vice Chairman; Mr. Ted Streeter, Secretary; Ms. Dorothy Puhl, Assistant Secretary/Treasurer; Mr. John R. White, Authority Solicitor; Mr. Mark Guise, Utilities Manager; Mr. Brian Funkhouser, P.E. and Mr. Paul Gross, P.E., of Buchar Horn, Inc., Authority Engineers; Ms. Ramona Overton, Financial Director and Jesse Mains, Recording Secretary. Absent was Mr. Bill Monahan, Treasurer.

Citizen, Mr. Pat Naugle was also in attendance.

## **Water Agenda:**

### **Public Comment:**

Mr. Crouse called for Public Comment and Mr. Naugle addressed the Board. He stated that he attended the Act 220 Regional Meeting, during which Marsh and Rock Creeks were nominated to be declared as critical watersheds. Alloway Creek may be added to the critical watershed list at a later time. A public hearing is scheduled for November 17, 2009, at 3:00 p.m. Information is being forwarded to the state committee for voting.

### **Minutes:**

**Mr. Streeter moved, seconded by Ms. Puhl, to approve the Minutes of the Board's August 17, 2009 meeting. The motion passed unanimously.**

### **Approval of Invoices:**

**Mr. Streeter moved, seconded by Ms. Puhl, that all invoices for the month be paid. The motion passed unanimously.**

### **ACNB Customer Repurchase Agreement:**

Ms. Overton informed the Board that, in order to meet new FDIC requirements, ACNB has added two new clauses to GMA's current sweep accounts agreements and requires updated Board signatures. These clauses do not apply to GMA as GMA's accounts are backed by security, but, nevertheless, need to be approved by the Board. Ms. Puhl noted that ACNB is required to notify its customers of these clauses, whether they pertain to them or not. **Mr. Streeter moved, seconded by Dr. Good, to sign the ACNB Customer Repurchase Agreement. The motion passed unanimously.**

### **Faison Appeal Update:**

Mr. Guise reported that there are currently no updates on the Gettysburg Crossing project. Solicitor White recalled that Faison is appealing the Straban Twp. Zoning Hearing Board's denial of its Special Exception application, and is currently awaiting the County Court's ruling.

### **Andrew Well Update:**

Following up from last month's meeting, Mr. Guise reported that he has been in touch with Mr. Ryan (Andrew Well point of contact for the citizens group), regarding GMA's proposed Impact Avoidance & Mitigation Plan, and to let him know that GMA is currently scheduled to meet with the National Park Service this week regarding the well and future waterlines. Mr. Guise also discussed the draft of the Impact Avoidance & Mitigation Plan, which was provided by Mr. White. Listed in this draft are the steps that GMA would take if situations arose wherein a GMA well impacted a residential well. Attorney White noted that this Plan was written specifically for the Andrews Well (Well #10), but that it will be used for future wells, as is noted in the last paragraph of the Plan. Mr. Gross provided the Board with the Hydrogeologic Report on Well #10 and asked that the IA&M Plan be used as an Appendix within the Hydrogeologic Report to be submitted to PaDEP. **Mr. Streeter moved, seconded by Dr. Good, to accept and adopt the Impact Avoidance & Mitigation Plan as presented. The motion carried unanimously.**

**Public Notification System:**

In order to comply with the PaDEP Chapter 109 – Safe Drinking Water Regulations (effective in May, 2010), GMA has obtained a proposal for the purchase of the Rapid Response System™ provided by GeoDecisions®, a Division of Gannett Fleming. Mr. Guise reviewed the proposal, stating that the upfront cost for the license is \$1,450.00, which includes the set-up fee for the database. GMA's monthly maintenance fee would be \$128.00. A fee of 5 cents per 30 second call would be also be charged, most of which calls are anticipated to last 30-45 seconds, notifying GMA customers of an incident or situation regarding the GMA public water supply (for example, a boil water notification in connection with a water main break). Mr. Guise believes that use of the system for such notifications would cost GMA approximately 10 cents per call. Dr. Good questioned where the Rapid Response System™ would be located. Mr. Guise responded that he believes that it will be placed on the Billing Clerk's computer in order to have access to GMA's customer database. Solicitor White provided the Board with a memo, dated September 10, 2009, opining that GMA may proceed to accept the subject proposal and implement the PaDEP-required emergency notification system as a "piggy back" contract under the Fox Chapel Authority – PMAA solicitation for bids, without the necessity of additional competitive bidding and contracting by GMA itself. **Dr. Good moved, seconded by Ms. Puhl, to accept the Rapid Response System™ proposal and to enter into a contract for the purchase of the same from GeoDecisions®. The motion carried unanimously.**

**Interceptor Design Proposal Phase I:**

Mr. Gross stated that Buchart Horn would like to begin the design work for Phase 1 (5,000 feet) of the sewer interceptor line that will run from GMA's Rock Creek Wastewater Treatment Plant to North Stratton Street in the Borough of Gettysburg. The Board was provided with a proposed Agreement for Professional Services with Buchart Horn, Inc., totaling \$193,000.00. This cost would cover the up-front and alternate design fees, survey work and beginning investigations. This project is presently structured to consist of three (3) phases and construction will be split into three (3) contracts through 2015. **Dr. Good moved, seconded by Ms. Puhl, to enter into the Agreement for Professional Services with Buchart Horn, Inc. for Phase 1 of the sewer interceptor lines project. The motion carried unanimously.**

**J.A. Myers/Patriot's Choice Development:**

Mr. Guise stated that the Patriot's Choice Development is at 60-70% of full build-out of the development and that the developer would like to dedicate the development's water mains and related appurtenances to GMA. All of the Patriot's Choice Development's streets have not yet received the final paving coat, and, therefore, GMA is requiring that the 18 month warranty period and maintenance financial security not begin until all of the final paving is completed or Cumberland Township accepts dedication of the development's streets, whichever last occurs. Solicitor White stated that this dedication follows through on the GMA – J.A. Myers Developer's Agreement from March of 2005. The dedication also states that the contractor shall remain responsible for any repairs to the water mains and appurtenances if they are damaged during the final paving process. Mr. Guise stated that GMA does currently hold enough in financial security to cover the cost of any such damages, in the event of the developer's default. **Mr. Streeter moved, seconded by Ms. Puhl, to sign the Deed of Dedication of Public Water Infrastructure and Easement Agreement between GMA and J. A. Myers. The motion carried unanimously.**

**Sewer Agenda:**

**Plant Upgrade/537 Study:**

Mr. Gross stated that the Act 537 Plan was submitted to PaDEP on July 17, 2009 for review and approval and that PaDEP recently indicated to Buchart Horn that they would be acting favorably on the Plan in the near future.

**Route 30 Sewer Main Extension Update:**

Solicitor White provided the Board with correspondence that he prepared for forwarding to Straban Township Solicitor Walton V. Davis, Esquire, regarding the enforcement of property owners' connections to the Route 30 sewer main extension. Dr. Good noted that Solicitor White, in his correspondence, referenced the "amount of expended funds" that GMA has incurred regarding this issue and inquired if Solicitor White had a figure he could supply. Solicitor White commented, and Messrs. Guise and Gross confirmed, that the referenced higher expense figure relates to administrative costs incurred by GMA for more than anticipated time in completing the project.

**H<sup>2</sup>O Grant Update:**

Mr. Guise asked the Board for approval to accept the Agreement for the H<sup>2</sup>O Grant. Dr. Good inquired if there was a timeline for spending the funds issued with grant. Mr. Guise stated that the projects needed to be completed by June 30, 2012, with all invoices to be submitted by August 31, 2012. Dr. Good asked if there were penalties if GMA falls behind schedule, to which Mr. Guise replied that GMA will only be able to receive monies for invoices submitted on time. **Mr. Streeter moved, seconded by Ms. Puhl, to approve GMA's acceptance of the H<sup>2</sup>O Grant, totaling \$5,000,000.00. The motion carried unanimously.**

**PENNVEST Grant:**

Mr. Guise informed the Board that GMA is currently awaiting follow-up from PENNVEST's attorneys regarding GMA's original intent to buy rain barrels, sell them to GMA customers at a reduced rate, and then buy more barrels with the remaining money.

**Correspondence:**

Mr. Guise reviewed correspondence regarding the Dayhoff bond release, Adams Electric's rate increase and the Kollege Korner Apartments delinquent water and sewer accounts. Mr. Streeter inquired if GMA has ever received a response from the owner on such Kollege Korner matter, and Mr. Guise stated not as of this time.

**Other Business:**

**Well #9 Update:**

Mr. Guise requested permission for payment for PSI Pumping Solutions, Inc. Application for Payment No. 2 in the amount of \$58,896.00. This AFP covers work on Well #9 through August 25, 2009. **Mr. Streeter moved, seconded by Dr. Good, to approve the Application for Payment No. 2 from PSI Pumping Solutions, Inc. Chairman Crouse called for public comment, as this was not an agenda item. No public comment was given. The motion carried unanimously.** Mr. Guise noted that the shell of the well house has been completed and the trusses, brick and electrical work will follow in the upcoming weeks. He also noted that there are 45 days left on the construction contract and that it is hoped to have the subject water purification equipment operational at the end of such 45 days period. Mr. Gross noted that PSI Pumping Solutions, Inc. is running behind schedule but that they are making progress.

**Executive Session:**

Mr. Crouse called for an Executive Session at 6:55 p.m. to discuss pending litigation. The Board reconvened at 7:26 p.m.

**Adjournment:**

With no other business to come before the Board, **Dr. Good moved, seconded by Ms. Puhl, to adjourn the meeting at 7:27 p.m. The motion carried unanimously.**

***The next regular GMA Board of Directors meeting will be held on Monday, October 29, 2009 at 6:00 p.m. at the GMA Office.***

Respectfully Submitted,



Jesse Mains  
Recording Secretary