

Borough of Northumberland
175 Orange Street, Northumberland, PA17857
Northumberland Borough Council Meeting
April 29, 2014

President James Troup called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Roll Call

Council members present were Stephen Reed, Ellie Rees, Paul Ruane, James Troup, and Harry Wynn. Adam Klock was present via telephone. Others present were Ryan Tira, Borough Solicitor; Jeremy Deitrick, Sewer Department Superintendent; and Janice Bowman, Borough Secretary. Mayor Len Zboray and council member Ty Sees were absent.

Public Comment

Mr. Jack Fasold stated that he is interested in getting the parties (Point Township Sewer Authority and the Borough Council Sewer Committee) together to discuss the sewer rent that is owed by the Point Township Sewer Authority.

Northumberland Sewer Department Report

Mr. Brian Book provided council with a copy of an email that was sent to him from David Henning, a PennVest Project Specialist. PennVest representatives met with Williamsport DEP Regional staff concerning the option of conveying Northumberland's sewage to the Municipal Authority of the City of Sunbury. PennVest is questioning whether the Borough had studied the options to determine if the most cost-effective alternative had been chosen. PennVest does not fund the alternative that is not the most cost-effective. Mr. Book explained that PennVest does not employ engineers but relies on the DEP to determine if the most cost effective option has been chosen.

Mr. Book provided a timeline indicating the process that determined the chosen alternative. In response to a February 5, 2010 letter from PA DEP asking for CBTS compliance under section 92.8a; Brinjac, NSA's engineer at the time, wrote a letter on behalf of the NSA, dated August 4, 2010. The letter determined that Alternative #4, "Nutrient Credit Trading" was the least costly, but suspect to cost increases which cannot be measured. It concluded that Alternative #2, "Phased IFAS upgrade with Credit Trading" is preferable. This document established an Act 537 Plan, Special Study to be submitted in September 2010, and that a new WQM Permit would be submitted in September 2011 and granted in December 2011.

The NPDES Permit was issued September 10, 2011, with the following requirements: 1. Submit WQM Part II Permit 12/31/11, 2. award contract for construction 6/30/12, and 3. compliance with effluent limits 9/30/13.

On February 3, 2012, the DEP notified NSA of its failure to comply with the deadlines contained within the NPDES Permit, specifically, the need to submit a WQM Part II permit on 12/31/11. This resulted in the DEP request for a Corrective Action Plan (CAP).

On March 23, 2012, a meeting was held between DEP, Sunbury Municipal Authority, NSA, and UniTec. Minutes were kept by Pat Ward of UniTec. Mr. Book said that Mr. Ward told him that when he sent the minutes to the parties involved, he requested that if any errors were noticed that he be contacted within five days. No one had any corrections. The minutes include references to the following:

- A statement by Randis (DEP) that the “Authority to Act” is held by the municipalities involved.
- A statement by Brinjac (NSA) that there are 2 remaining alternatives – interconnection and an SBR
- A discussion about the steps necessary going forward which included:
 - NSA Special Study over 6 months, the first 3 months will be focused on the proper flow values for NSA.
 - The Special Study needs to be adopted by Northumberland Borough, Point Township, Upper Augusta Township, and Sunbury Municipal Authority.

On March 29, 2012, a corrective action plan letter which outlines a study to begin in April 2012 to evaluate the two alternatives (SBR vs. SMA Interconnect) with a conclusion planned by September 2012. Mr. Book stated that he had conducted a study, but it was not an Act 537 Plan. The study concluded that the 2015 costs for the SBR was \$1,014,000 per year and the Sunbury interconnect was \$1,018,000 per year. Going to the end of the life of the project, the SBR was \$1.2 million and the Sunbury Municipal Authority option was \$1.5 million.

On May 23, 2012, a meeting occurred between the PA DEP and NSA. NSA informed the DEP that it had voted to replace its existing WWTP with an SBR. At this time, the study of the option of going to Sunbury was stopped. Mr. Klock added that Point Township had sent a letter to the Borough stating that they would not support the Sunbury Alternative plan.

Mr. Book stated that he has done a project for the council and he is linked to that project. He added that he cannot revisit that study.

Mr. Book suggested that in order to get a definitive answer as to whether another study is required, the council meet with state representatives, PennVest, and DEP. He also recommended that the council hire an outside consultant to conduct the study to determine the most feasible option for the Borough. He explained that his company could not conduct an unbiased study and that his conclusion could be suspect no matter which option is recommended.

May 15th is the PennVest cut-off. The Borough has a consent order so if DEP does not grant more time, there may be a fine.

On June 1, 2012, the NSA provided an implementation schedule for the SBR design and on June 21, 2012, the NSA executed a Consent Order and Agreement with the PA DEP.

Mr. Book feels that PennVest may have overstepped their bounds because they do not have engineers; they use the DEP engineers.

Mr. Reed asked why this came up at this late date. Mr. Book replied that a number of people were at the Milton Regional Authority open house and the rumor is that someone there questioned why the Borough is not going to Sunbury. Mr. Book said that after DEP said the Borough is doing the right thing by choosing the SBR, PennVest was willing to fund the last application until the Borough was required to conduct the archaeological studies and then the funding was not awarded. Mr. Klock stated that the council had been willing to conduct the study and that there is nothing to lose by doing the study. Mr. Tira said that before the Borough can decide to do the study, DEP should be consulted because of the deadlines that are in place. Mr. Book said that the first question he would ask is who says that the Borough is not doing the most cost-effective option. If it is DEP, then they should be asked if they will give the Borough more time to conduct the study. If more time is not granted, the Borough should have legal recourse because the study had not been required when the first PennVest application had been submitted. Next milestone is May 30, 2014 to award the contract. If the contract is not awarded, the Borough could be fined \$100 per day until a contract is awarded.

Mr. Tira recommended that a meeting be scheduled with the members of the sewer committee, himself, Jeremy Deitrick, Brian Book, the elected officials, DEP, and PennVest.

Mr. Book suggested that the council contract for a feasibility study and if Sunbury is not an option, the Borough would not have to do a 537 plan. He recommended that the council ask the superintendent to get pricing from engineers to study the two options. Mr. Tira stated that DEP should say what the level of study is required for the PennVest process and wait to obtain pricing until after the meeting.

Mr. Book mentioned that the special study will add at least six months to the timeline because it must be adopted by Point Township, Upper Augusta, Sunbury, and the Borough. If the study result is the option to build a new plant, a 537 plan is not necessary.

Mr. Klock noted that the difference in the interest between a PennVest loan at 1% and local funding at 4.25% over a twenty year loan is \$1.4 million plus. The local funding rates ranged from 3.9% to 4.40%. So the study is worth doing.

Mr. Book recommended that the meeting be set up in two weeks or less and that if the study is required, they learn exactly what must be included. Mr. Book said that the study that he did in November of 2012 projected the cost of the SBR at \$10.5 million (Brinjac's number). That option is now estimated to be \$13.7 million. The Sunbury option will now

have some inflation because of the time frame. Mr. Book said that his estimate was to hook up in Sunbury directly across the river from Queen Street. He has heard that Sunbury may want the Borough to hook up downstream somewhere which would be more expensive. Sunbury is a CSO community so they will have to have an offsetting amount of removed I&I so that the Borough does not cause the CSO to flood out. Mr. Book stated that the state agencies were provided with the study that he had done and that it was good enough the first time PennVest was going to fund the Borough's project. There was also a big question from PennVest about why the Borough was not doing "nothing" but trading credits. Mr. Tira added that DEP had been the agency that had approved the Borough's course of action to build a new plant. Senator Gordner had told the Borough Secretary that the Borough's project was going to be funded by PennVest, before the issue with the PHMC came up.

Mr. Klock moved to authorize the sewer committee, Sewer Department Superintendent, and professional representatives to meet with DEP, PennVest, Senator Gordner's office, and Representative Culver's office to discuss the PennVest funding issue and scheduling issues and to schedule a special council meeting for the following day or the earliest opportunity thereafter. Mr. Wynn seconded the motion. Discussion ensued. Council approved unanimously.

Mr. Tira will send a letter to Brian Johnson at PennVest and will call DEP, Senator Gordner's and Representative Culver's offices. Mr. Klock noted that the council meets on May 13th so action could be taken at that meeting if the meeting with the elected officials, PennVest and DEP could be scheduled the previous week. Mr. Tira recommended that alternates of council members should attend if a sewer committee member is not available for the scheduled meeting.

Old Business

None

New Business

1. Mr. Wynn stated that NNB has provided an offer of a \$250,000 loan at 2.75% interest for a street sweeper. The payments would be approximately \$44,000 with one payment down and the others due annually. This price is the state contract price. Interest rates were also obtained from other banks ranging from 2.85% to 3.25%. Mr. Wynn requested that the council approve the purchase tonight and moved to approve the purchase. Mr. Reed seconded the motion. Discussion ensued. Council voted unanimously to approve the purchase. The street sweeper will be delivered mid June.
2. Mr. Wynn informed the council that bids have been received for the paving project. The bid amounts are \$131,571 from Meckley's Limestone Products, Inc., \$165,771 from G & R Charles, \$193,912 from HRI, Inc., \$202,452 from Mid-State, and \$179,123 from Eastern Industries. Mr. Wynn recommended that the low bid from Meckley's be accepted. Mr. Ruane stated that the COG approved all the bids. Mr. Wynn moved and Mrs. Rees seconded the motion to accept the low bid of \$131,571 from Meckley's Limestone Products, Inc.

Mr. Klock's telephone call had been disconnected at 8:00 p.m. The remaining five council members voted unanimously to approve the motion.

3. Mr. Wynn asked that the council consider making the part-time street employee full-time. Mr. Tira advised that the discussion be held in Executive Session.
4. Mr. Tira asked Mr. Fasold about meeting with the PTSA to discuss the bills that have been sent to them. He stated that he would reach out to PTSA's solicitor. Mr. Fasold stated that that was his request during public comment.

Mr. Klock reconnected by telephone.

5. Mr. Klock stated that Jeremy Deitrick has looked into purchasing a new truck. The sewer department budgeted \$28,000 for the purchase of a new vehicle and trailer. They would get rid of the flush truck. This would provide the versatility to do more than one task. The state price of \$28,087 was obtained for a Ford F250. This vehicle is a 4-wheel drive, with a 6.2 Liter, V-8 engine. The price also includes a snow plow package, a bed liner, and other options. The vehicle runs on gasoline. Mr. Troup moved and Mr. Wynn seconded a motion to purchase the Ford F250. Council approved unanimously.
6. Mr. Troup made a motion to end the employment of Justin Glosek, effective today, for cause. Mr. Wynn seconded the motion. Council approved unanimously.

Mr. Wynn moved to adjourn. The meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Janice R. Bowman
Borough Secretary