

MINUTES OF THE FIRST REGULAR MEETING
OF THE MONTH OF FEBRUARY
PERKASIE BOROUGH AUTHORITY
WEDNESDAY, FEBRUARY 1, 2006

The first regular meeting of the month was convened in the Authority Office, 306 N. 5th Street at 7:00 p.m. on February 1, 2006 by Chairman Robert A. Wasson. Attending in addition to the Chairman were Board Members Benjamin Rainear, Thomas Walter and Brian Triplett. Board Member Jim Purcell joined the meeting in progress at 7:30 p.m.. Staff members present: Gary J. Winton, Manager, Peter C. Andersen, Engineer and John Schaeffer, III, Esquire, Solicitor.

MINUTES:

Upon motion by Rainear, seconded by Walter the Minutes of the regular meeting of January 17, 2006 were unanimously approved as written.

PUBLIC FORUM:

Perkasie Borough Councilman Rich Hendricks was present. Mr. Hendricks had no questions or comments.

CORRESPONDENCE:

- a) Board Member Training – PMAA is offering Board Member training to be held on March 8, 2006 at the Gateway Conference Center/Holiday Inn in Bethlehem. Anyone interested in attending should contact the Manager.

FINANCIAL INFORMATION:

None this meeting.

SOLICITOR'S REPORT:

- a) Takeover – The Solicitor reviewed with the Board correspondences from the Borough of Perkasie regarding preparations for their due diligence process, Thomas Walter's status as a PBA Board Member, a draft of a Confidentiality Agreement and a letter to PBA employees.
 - 1. Regarding a letter to the Chairman from Council President Eadie Burke dated January 17, 2006 stating a resignation from the Board has been submitted from Board Member Walter. Thomas Walter stated to the Board that he had not submitted a resignation and that any relocation plans are indefinite. The Board was in agreement that Mr. Walter met requirements for remaining on the Board until such relocation occurs or his term expires.

The Board also agreed that, having been appointed by the Borough Council to the Board of PBA, Board Members should be contacted directly by Council if questions or concerns about members' status arise.

2. A letter to the Chairman from Council President Eadie Burke dated January 20, 2006 stating the Borough's expectation for cooperation during the due diligence process with enclosures including Perkasio Borough Ordinance No. 892 and Resolution #2005-65.
3. A letter from Daniel P. Olpere, Borough Manager and Ann Thornburg Weiss, Borough Solicitor dated January 23, 2006 regarding their due diligence investigation with a Due Diligence Document List attached as well as a proposed Confidentiality Agreement.
 - a. It is the PBA Solicitor's recommendation to the Board that all items marked with an asterisk be provided in a timely manner. The Board set a date of February 24, 2006 to provide these documents.
 - b. The Solicitor recommended to the Board that divulging certain items and information requested could be a breach of security and, while the material should be made available for viewing, should not be transported from the premises or copied.
 - c. The Solicitor advised the Board to not consider the Confidentiality Agreement at this time.
4. A letter to PBA employees from Borough Manager, Daniel P. Olpere explaining the takeover process and stating his expectation of cooperation from the PBA employees. His letter also stated that, at this point, Borough Council's actions have no impact on the employment of PBA personnel.
 - a. The Board directed the Manager to distribute copies of the letter to all PBA employees and to ask them to direct any questions they may have regarding the letter to Mr. Olpere.
 - b) Southgate – The Manager and Engineer will be meeting with Southgate representatives on Thursday, February 2, 2006 to discuss the construction process and tapping fee agreement.

Upon motion by Purcell, seconded by Rainear the Solicitor's report was unanimously accepted.

ENGINEER'S REPORT:

- a) Well #11 Notice of Intent to Award – The Engineer is recommending that the Authority issue a Notice of Intent to Award Contract PBA05-3 to Nimaris Construction L.P. for the Architectural/Structural portion of the project with the low bid of \$423,277.00 to be conditioned upon their acceptance of Change Order #1 at an additional contract cost of \$4,000.00. Change Order #1 would have the contractor provide all labor and equipment to install all under floor piping, including drain lines, water lines and sample lines. PBA will provide all piping and tanks. As a result PBA will not have to expend personnel at a significant cost savings.

See Official Board Action

Upon motion by Purcell, seconded by Triplett the Engineer's report was unanimously accepted.

MANAGER'S REPORT:

- a) Senate and House Legislation – The Manager has prepared a letter from the Board to State Senator David J. Brightbill and State Representative Peter J. Zug asking that they broaden the Senate Bill 1057 and House Bill 2356 to cover all municipal authorities. The legislation proposes to require approval of outside municipalities where a city seeks to take over a municipal authority. The proposed legislation as written does not include authorities established by municipalities other than cities of third class.

The Board unanimously authorized the Manager to send the letter.

- b) Takeover Cost – The Manager brought to the Board's attention the costs incurred by PBA related to the proposed Borough takeover could possibly exceed \$50,000.00 in professional staff fees and PBA personnel hours. There is no money available to cover these costs. Rate increases may be necessary.

The Board directed the Manager to itemize any and all expenses incurred by PBA relating to the proposed takeover.

Upon motion by Purcell, seconded by Walter, the Manager's report was unanimously accepted.

UNFINISHED BUSINESS:

None this meeting

NEW BUSINESS:

None this meeting

PWTA:

None this Meeting.

CHAIRMAN'S REMARKS:

- a) Letter to State Representative Clymer – The Chairman sent a letter to Representative Clymer inviting him to attend a Board Meeting.
- b) The Chairman will be out of town from 2/11/06 until 2/19/06 but can be reached by cell phone if needed.

LIST OF BILLS:

- a) Revenue Fund Requisition Number 244 in the amount of \$29,698.34.

OFFICIAL BOARD ACTION:

Upon motion by Purcell, seconded by Walter, the List of Bills – Item a) was unanimously approved for payment.

Upon motion by Purcell, seconded by Rainear, the Board unanimously authorized the Notice of Intent to Award to Nimaris Construction for PBA Project 05-03 Architectural/Structural Well #11 arsenic removal project in the amount of \$427, 277.00 on condition of the acceptance of Change Order #1.

EXECUTIVE SESSION:

None this meeting

ADJOURN:

There being no further business to come before the Board and upon motion by Purcell, seconded by Walter, the meeting was adjourned at 8:28 p.m..

Respectfully Submitted,

Florence A. Frei, Recording Secretary

Brian Triplett, Assistant Secretary/Treasurer