

April 18, 2011

SPECIAL MEETING MINUTES

A special meeting of Dover Borough Council was held at Borough Hall, 46 Butter Road on April 18, 2011 at 7 pm. President Sabold called the meeting to order, a moment of silent prayer followed. Mr. Eisenhart was absent. Jim Holley and Tom Wallace were present from the engineer's office.

The purpose of the special meeting was to allow Mr. Holley and Mr. Wallace to review eight invoices categorized by their office as: Project Administration & Shop Drawings (091008), and WWTP Expansion Inspections (091009). Each invoice shows the dates included in the bill. The total of the invoices in question was \$22,340.

Mr. Wallace began by explaining the invoices categorized as 'Project Administration and Shop Drawings' was just the billing category. The project administration started months before the project began and would not end until after the project was completed. The shop drawing portion ended at least six months ago. Any charges after, billed under this title/number would have been only for the project administration.

He moved to reviewing the invoices by category. He began with the WWTP Expansion Inspections, which included invoice numbers 18207, 18318, and 18395. He explained these invoices covered John Hertzog's time performing the inspections. Mr. Hertzog was only on site when the contractors were there. There were not charges for every day, and most days the charge was for only one hour. Time is billed based on travel time, but not from their office if Mr. Hertzog was already in the field. In that case, travel time is calculated from one location to the next. Mileage is also charged. Mr. Wallace noted the project was estimated for nine months, and it has gone well beyond that now. Mr. Sabold asked if anyone had questions regarding these invoices, and there were none.

Next, Mr. Wallace reviewed the five Project Administration and Shop Drawing invoices, which included numbers 18022, 18154, 18208, 18319, and 18396. Mr. Sabold asked him to review these individually. He began reviewing the invoices in chronological order. He noted a more detailed breakdown of the charges on invoice # 18022 had been requested in December. Copies of this were provided again. Mr. Seidel interjected that the reason this invoice angered him so much was that it included over \$6,900 in charges for the electrical engineer so late in the project. Also, he did not understand how an electrical engineer could overlook the need to install explosion proof wiring in a sewage treatment plant. Mr. Wallace explained that during project planning, they draft a list of equipment and ask the manufacturer to provide installation specifications for the equipment. Everything was 'spec'd' for explosion proof wiring. There was an add-on to a piece of equipment that the manufacturer did not include in the initial specs. This add-on required additional explosion proof wiring not included in the initial shop drawings. Mr. Holley stressed the electrical engineer from Paragon was not at fault for this omission. He could only include specifications for the equipment he knew about.

Mr. Seidel stated the project cost more than the Borough borrowed and went \$90,000 over budget. He felt many of the change order items should have been included. If the Council had known the project could go over budget, they would have borrowed more money. Why wasn't extra money built into the estimated cost? Mr. Holley provided a copy of the estimated cost for the WWTP expansion/upgrade. His office had provided this for the Council when they were deciding how much money to borrow. He questioned where Mr. Seidel got the \$90,000 figure, because a 5% contingency fee was built into the loan. A contingency amount is always budgeted in large projects such as this, and only 2½ percent of the 5% contingency fee was

used. Mr. Wallace reported only \$75,000 of the \$150,000 was spent. Mr. Seidel asked how the Borough ended up spending more than the \$3.5 million they borrowed for the project. After some discussion, it was determined the project went over budget because the Council used loan money to reimburse engineering fees for the project which had been paid before the loan was obtained. Mr. Wallace referred to a sentence at the bottom of the estimated cost sheet stating the \$3.5 million did not include \$215,000 of pre-loan engineering fees.

Mr. Seidel asked who decided how much money would be borrowed. He was reminded the Council made this decision. He then asked if anyone recalled why this additional money was not borrowed. Mr. Hess recalled Mr. Eisenhart encouraged the Council not to borrow more money than absolutely necessary. Mr. Seidel reiterated his frustration that the Borough did not borrow enough money to cover all the costs of the WWTP upgrade. Mrs. Shirey noted the engineering fees were significantly over budget and this was also part of the reason for the shortfall. Engineering fees have been consistently over the amount estimated for the annual sewer budget by Mr. Holley's office for a number of years.

Mr. Wallace stated the majority of charges resulting from the change orders were 'discretionary' spending items and were requested by the Borough. They were not necessarily essential items, but things which would be helpful in the long term. Items such as: 1) Increasing the size of a water line - \$7,000; 2) A temporary equalization valve was determined to be beneficial and was left in place - \$1,025; 3) EQ tank manhole - \$9,931; 4) Replace valves in the Delwood pump station - \$2,079; 5) Extra paving at the WWTP - \$8,649, 6) Change fence and railing at outfall - \$14,000.

Mr. Hess stated he was frustrated because removal of the old contact tanks was not included in the project. He specifically remembered this being discussed when the Council had a special meeting with Mr. Wallace at the WWTP to review the plans, in the summer of 2009. After these tanks were taken out of service, they tried to break-up the concrete to get rid of them, but it is especially hard. They attempted this with one of them and now it is an eyesore. The grates, which used to cover the top, were hauled away during the project. Public Works filled one in with dirt so it is not a safety hazard.

Mr. Sabold stated if you step back and look at the overall project, the amount of money spent, and what the Borough received for this, that it turned out very well. With a project of this size, change orders are to be expected.

Mr. Sabold referred back to earlier comments, made by Mrs. Shirey, about the engineering fees being consistently over budget. Most notably, in 2009 the engineering fees were about \$100,000 over budget. Although the Council makes the final decision on how much to budget, Mrs. Shirey checks with Mr. Holley's office each year to get their recommendation. Mr. Holley stated they cannot predict what may come up during the year that may impact this.

Mr. Seidel asked about the charge for a survey crew on invoice # 18396. Mr. Wallace explained that Mr. Lentz contacted him because it appeared the flow between the old tanks is uneven. Mr. Lentz thought it could be the weirs in the tanks. The only way to determine this is to survey the tanks to see if the weirs in one tank are lower or if the weir plates are uneven. He has not completed evaluating the data, but his initial review showed the weirs in one tank are slightly lower. These were replaced during the upgrade. They are plastic and are adjustable. If they need to be adjusted, the contractor will be responsible for this.

Mr. Holley and Mr. Wallace asked if there were any additional questions. They were excused.

Mr. Seidel reiterated his earlier opinion that the Borough did not borrow enough money to allow for the reimbursement of the early expenses. This meant that money budgeted for normal operating expenses of the Sewer Fund had to be used.

Mr. Hess reported he feels there is a potential safety problem with the new fence at the outfall. He stated if a five to ten year old child were to climb or fall over the fence, they would not be able to get out by themselves. Emergency assistance would have to be called. Brad will be asked to look into this.

Mr. Sabold asked for a vote regarding the debated invoices. Mr. Seidel made a motion to pay the eight outstanding invoices, with a total of \$22,340. Ms. Bishop seconded the motion, and all were in favor. Mrs. Shirey was instructed to pay these invoices.

Due to the recent vandalism, Mr. Sabold reported well # 6 will not be allowed back into service until additional safety measures are in place. Mr. Lentz was compiling a list of the money already spent, plus estimated costs of a different type of locks, changes in fencing, security system and/or cameras by the next meeting. Mrs. Koch asked who is stating the well cannot go back into service. Mr. Sabold was not sure who is prohibiting the use of the well, but in addition to the Northern Regional Police, Mr. Lentz was required to notify the PA State Police and Homeland Security. When someone tampers with a public water supply, it must be reported to Homeland Security. Mr. Seidel felt the barbed wire should have been replaced with razor wire even before this incident because this wellhouse is secluded. Due to a recent issue at a Dover Township wellhouse, the Council speculated the incidents could be related. This well is in Dover Township so perhaps the perpetrator thought they were damaging a township well. Mayor Pope reported Northern Regional stated they could station an officer back there to perform surveillance but it may never occur again. He also reported officers will now walk down the lane to the wellhouse several times a night. Some of the possible safety measures discussed were installing deadbolt locks, razor wire on top of the fence, security cameras, and an alarm when the door is opened. Northern Regional suggested installing a 'trail camera'. This type of camera is used by hunters to watch animal activity on trails, and is motion-activated. One could be positioned in a tree overlooking the wellhouse at a height that would not be easily noticed or accessed. It was suggested a sign could be placed at the well identifying it as a Borough well. Mr. Sabold noted additional safety measures may be required, or should be considered at the other wells. The issue of who has keys for access was discussed. Met-Ed has keys because they need to read the electric meter; Dover Township has a key for the chain for access to the lane.

Mayor Pope stated he feels the Council should consider a more efficient way to notify the residents of a problem or emergencies, rather than going door-to-door. The recent boil water advisory, resulting from a problem with a Dover Township well, took much longer for the Borough to contact residents because notification was done door-to-door rather than by telephone as was done by the township. It was noted this is the first time notification had to be done on an urgent basis. Dover Township and the Dover Area School District have emergency call systems. Mr. Sabold wondered if the Borough could piggyback on the school's system because he believes it can be limited to specific areas. Mayor Pope wondered if the fire company could assist with something like this. Could they drive through the Borough making an announcement over a loud speaker?

Mr. Sabold reported he spoke to EMA Coordinator Cindy Dietz regarding her status. She claimed she had informed the Borough several times that she would like to step down, but the Council did not act on this. Mrs. Shirey reported the Council asked her to check with Mrs. Dietz several years ago, and at that time she stated she wanted to remain in the position. No one else had any recollection of Mrs. Dietz notifying them of her desire to be replaced. Mr. Sabold will talk with her assistant, Kevin Behr, to see if he is interested. It was noted Mrs.

Dietz had not attended any Council meetings, nor had she been seen using the office at the fire company for a long time. Mr. Sabold and Mrs. Dietz also discussed the issue of the fire company using part of the EMA office for storage. Mrs. Dietz was not happy about this, and stated she has had problems with the fire company. If they will be using the space, she did not want to be involved. Mr. Sabold felt that based on Mrs. Dietz' wishes and the apparent conflict she has with the fire company personnel, the Council should replace her. The Council had no objections to the fire company using this office space at their discretion. There was nothing in the old minutes to indicate the money they donated had been designated for the space to be used only for the EMA coordinator. The fire company indicated the desk and computer will be relocated to the designated Emergency Operations Center, which is where the EMA coordinator would be working during an event.

With no further business to discuss, a motion to adjourn was offered by Mr. Dentler, with a second by Mr. Hess. The motion carried. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Janet T. Shirey
Secretary/Treasurer