

February 16, 2016

On the above date at 1:00 P.M., the Luzerne County Flood Protection Authority Board re-convened their December 15, 2015 meeting at the Luzerne County Flood Protection Authority Administrative Offices, 300 Laird Street Suite A-1 Wilkes-Barre with the following present: Kevin O'Brien, William Falls, and John Maday. Also in attendance was Christopher Belleman, Executive Director, Christopher Cullen, solicitor for the Board and Theresa Licata, Recording Secretary. It was noted that all meetings are electronically recorded.

Mr. O'Brien, Chairman requested a motion to re-convene the December 15 2015 meeting. Mr. Maday made the motion to re-convene the meeting and Mr. Falls seconded it. Mr. O'Brien then entertained a motion to adjourn the December 15, 2015 meeting. Mr. Falls made the motion and Mr. Maday seconded it. The above was approved by a vote of 3-0. **"AYES" – O'BRIEN, FALLS, MADAY.**

Mr. O'Brien then called to order the February 16, 2016 meeting. Mr. O'Brien opened the meeting with the pledge of allegiance and asked for a moment of silence.

First order of business is to re-organize for 2016. Mr. Falls made a motion that the current officers of 2015 remain the same for the year 2016. Mr. Maday seconded it. On the question, Mr. O'Brien asked Solicitor Cullen for his legal opinion, if this is acceptable. Solicitor Cullen responded that it is. It was voted the current officers remain the same for the 2016 year. The above was approved by a vote of 3-0. **"AYES" – O'BRIEN, FALLS, MADAY.**

1:10 p.m. the Board recessed to meet in Executive Session to discuss Legal matters. 1:23 p.m. the Board re-convened its regular meeting.

PUBLIC COMMENT

Next order of business is public comment. Mr. O'Brien asked if there was any public comment.

Mr. Ed Chesnovitch congratulated Mr. O'Brien for being re-appointed to a five (5) year term on the Flood Authority Board.

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Mr. Brian Shiner commented that the Flood Protection Authority is the most opened and welcoming Board to the Public. Mr. Shiner said that although there were some ups and downs with the Authority over the years, this Board realizes that the goal is for the betterment of the County and its residents.

Mr. O'Brien thanked both gentlemen for their kind words.

REGULAR MEETING

Mr. O'Brien then asked for a motion to ratify the minutes of the December 15, 2015 meeting and also ratify the minutes of the December 9, 2015 Budget meeting held. Mr. Maday made a motion to approve the minutes of December 15, 2015 and also the minutes of the December 9, 2015 Budget meeting and Mr. Falls seconded it. The minutes were approved by a vote of 3-0. **AYES" – O'BRIEN, FALLS, MADAY.**

Mr. O'Brien requested a motion to ratify and confirm the payment of the following:

- Christopher P. Cullen, invoice dated January 21, 2016 in the amount of \$900.00 – January monthly retainer.
- Christopher P. Cullen, invoice dated January 21, 2016 in the amount of \$ 2,475.00– January Legal Issues.
- Christopher P. Cullen, invoice dated February 15, 2016 in the amount of \$900.00 – February monthly retainer
- Christopher P. Cullen, invoice dated February 15, 2016 in the amount of \$2,115.00 - February Legal issues.
- Pennsylvania Municipal Authorities Association, Invoice dated December 15, 2015 in the amount of \$2,100.00 – 2016 Membership Dues.
- Hamburg, Rubin, Mullin, Maxwell & Lupin, PC , invoice #222907 dated December 29, 2015 in the amount of \$7,385.00 – Professional Legal Services provided by Attorney Steve Hahn for the Quo Warranto Lawsuit for the period November 18, 2013 through November 30, 2015.
- Grevera & Associates invoice dated December 24, 2015 in the amount of \$3,182.00 – Professional Services for the month of December 2015.
- Grevera & Associates Invoice dated February 2, 2016 in the amount of \$2,872.44 – Professional Services for the month of January 2016.

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- Quad 3 Group, Inv. – Invoice #11737.020-3 in the amount of \$8,277.20 – Task 01 Levee Pipe Penetration and Task 02 Wyo./West Wyo. ROW Legal Descriptions.
- Quad 3 Group, Inc. – Invoice #12211.010-1 in the amount of \$2,949.00 – Task 03 Parking Lot Demo.

Mr. Falls made the motion and Mr. Maday seconded it. The above was approved by a vote of 3-0. **AYES” – O’BRIEN, FALLS, MADAY.**

A Motion was requested to ratify and confirm the payment of the following vouchers:

- Luzerne Bank 600 Fund Vouchers from December 12, 2015 thru February 12, 2016. (See Attached)
- PNC Bank 605 Fund Vouchers from December 12, 2015 thru February 12, 2016. (See attached).

Mr. Maday made the motion and Mr. Falls seconded it. The above was approved by a vote of 3-0. **“AYES” –O’BRIEN, FALLS, MADAY,**

Mr. O’Brien requested a motion to submit the report of the Treasurer (as of January 31, 2016) into the record as stated.

Levee Raising Project

Bank of New York

98 A&B Construction Fund	\$0.00
98 A&B Debt Service Fund	\$0.00

Operations Fund (Luzerne Bank 600)	\$3,819,849.41
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US Bank

Federal Escrow Fund	\$156,862.98
Commonwealth Escrow Fund	\$1,335,559.43

Levee Fee

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PNC Bank (605)

\$1,908,701.84

Mr. Maday made a motion to accept the Treasurer's report into the record as stated and Mr. Falls seconded it. The above was approved by a vote of 3-0. **"AYES" - O'BRIEN, FALLS, MADAY.**

Mr. Belleman presented the following new business.

- A. Levee Fee Update. Mr. Belleman mentioned to the Board that approximately 85% of the fees has been collected so far.
- B. Request permission for a salary increase for the Levee Supervisor.
- C. Request permission for a salary increase for the Electrical Systems Manager.

NOTE: Mr. O'Brien suggested to the Board that Items "B & C" be tabled until the March meeting when all members are present and can offer their input. Board members agreed. Items "B & C" were tabled.

- D. Request permission to purchase replacement tires for the fleet of Hustler Turf mowers from Goodyear Commercial, Wilkes-Barre in the amount of \$4,985.28. Most responsible quote of three (3) vendors. Mr. Maday made the motion and Mr. Falls seconded it. The above was approved by a vote of 3-0. **"AYES" – O'BRIEN, FALLS, MADAY.**
- E. Request permission to approve Task order #2016-01 with Brozena Consulting for the development of a Project Manual for structure demolition and site stabilization for three (3) properties in Mocanaqua, Conyngham Twp. and possibly one (1) in Plainville, Plains Twp. Mr. Belleman handed out to the Board a copy of what the scope of work should be. Mr. Maday made the motion to approve Task Order #2016-01 and Mr. Falls seconded it. On the question, Mr. Chesnovitch asked if the figures Mr. Belleman mentioned are what it would to demolish the property. Mr. O'Brien responded the cost Mr. Belleman mentioned are what Mr. Brozena will charge for his work. The above was approved by a vote of 3-0. **"AYES" – O'BRIEN, FALLS, MADAY.**

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- F. Request permission to award the installation of a Mitel MiVoice Business telephone system for the new Administrative Offices to Frontier Communications in the amount of \$9,450.00, per proposal dated 02/11/2016. Mr. Maday made the motion and Mr. Falls seconded it. Mr. O'Brien mentioned to Mr. Belleman that once the phones are up and running, to please get the information to the media to publish for the public. The above was approved by a vote of 3-0. **"AYES" – O'BRIEN, FALLS, MADAY.**
- G. Request Board approval of Authority Resolution No. 2016-01 to amend the By-laws of the Luzerne County Flood Protection Authority, Article I "The Authority", Section 3 "Office of the Authority" to reflect the new location of the Authority's administration offices, 300 Laird Street, Suite A-1, Wilkes-Barre, PA 18702. On the question, Mr. O'Brien asked Atty. Cullen his legal; opinion. Attorney Cullen responded that by law a resolution is required to amend the by-laws. Attorney Cullen also mentioned that he will notify the Dept. of State with the change. Attorney Cullen also stated that the resolution does not have to go to the County Council for any reason. Mr. Maday made the motion and Mr. Falls seconded it. The above was approved by a vote of 3-0. **"AYES" – O'BRIEN, FALLS, MADAY.**
- H. Request permission to authorize Unified Office Equipment, Forty Fort, PA to perform maintenance on the Lexmark X954de copier/printer at a cost of \$2,130.43. Most responsible quote received of three (3) vendors. Mr. Maday asked if this is for service or repair. Ms. Licata responded that this is much needed work on the copier; that not every company will work on Lexmark copiers. Mr. Maday made the recommendation to try to find a company that give a service contract to on an annual basis. Mr. Maday made the motion and Mr. Falls seconded it. The above was approved by a vote of 5-0. **"AYES" – O'BRIEN, FALLS, MADAY.**
- I. Mocanaqua Mitigation Update. Mr. Belleman handed out pictures of the properties acquired by the Authority. Mr. Belleman explained that two properties are located on River Street, one is on Pulaski St. and one in Plains Twp. Mr. Belleman told the Board that levee employees secured the

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properties so they are not vandalized. Mr. Belleman explained that once the properties are torn down, the land is turned back to the municipality.

- J. Luzerne County EMA Flood Response Protocol. Mr. Belleman informed the Board that he had attended a meeting that acting County Manager Dave Pedri held on Flood Response Protocol. Mr. Belleman explained that Mr. Pedri wants to work with the Flood Authority to establish this protocol. Mr. Belleman told the Board that he is very pleased to see the cooperation between the County and the Authority.
- K. County-FPA new Intergovernmental Cooperation Agreement Update. Mr. Belleman said the ICA was presented to the County Manager two weeks ago. Mr. Belleman hasn't heard anything as of yet. Mr. O'Brien asked if the Authority is still in negotiations with the County as far as the separation is involved. Mr. Belleman responded yes. Attorney Cullen mentioned that in his opinion, he feels the document is a very well drafted document.
- L. FPA Personnel Policy Update. Mr. Belleman mentioned that the Personnel Policy has been finalized and each employee was given a copy.
- M. Toby Creek Impounding Basin Update. Mr. Belleman explained that DEP requires these inspections and he completed them and sent them to DEP.
- N. Rotary Club WVFRMP Presentation, February 18, 2016. Mr. Belleman informed the Board that he had been invited to do a power point presentation on the flood control system.

Mr. O'Brien asked if there was anything else for the good of the order.

Mr. Maday said that he was looking through the agreement with the County and one thing that he is questioning is the lighting at the River Common. Who is responsible for it? Mr. Belleman said that the past practice was that the County pays for the electricity. When a light is out the County would purchase the ballast and since the Authority has the lift truck, Authority personnel would replace them.

Mr. O'Brien went off the agenda and mentioned to Mr. Belleman that he would like Mr. Belleman to look into getting on the list that is available to purchase Federal Surplus Equipment. Mr. Belleman said he would look into it.

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Mr. O'Brien also mentioned that he would like Mr. Belleman to prepare a 5 year plan for the Authority with the assistance of Mr. Brozena in order to justify any fee increases that may occur. Mr. O'Brien said he feels the study will then justify the increase in the fees and the residents will see what the fees are being spent on. Mr. O'Brien said he would like to have the study done by the July meeting. Mr. Maday made the recommendation that once the new Administrative Offices are up and running, the Authority should have an "open house" to promote the Authority's mission. Mr. Shiner recommended the Authority should look into developing their own web site. Mr. O'Brien asked for a motion to have Brozena Consulting LLC assist with a five (5) year plan for the Flood Authority. Mr. O'Brien made the motion and Mr. Falls seconded it. The above was approved by a vote of 3-0. **"AYES" – O'BRIEN, FALLS, MADAY.**

Mr. O'Brien announced the next meeting will be held on March 15, 2016, at 1:00 p.m. at the Authority's Administrative Offices located at 300 Laird Street Suite A-1 Plains Twp.

Mr. O'Brien asked for a motion to recess the meeting at the call of the Chair. Mr. Maday made the motion and Mr. Falls seconded it. The above was approved by a vote of 3-0. **"AYES" – O'BRIEN, FALLS, MADAY.**

Meeting recessed at 2:15 p.m.

RECESS

Respectfully submitted,

THERESA M. LICATA,
Recording Secretary