

## WELLSBORO MUNICIPAL AUTHORITY

January 17, 2017

The meeting of the Wellsboro Municipal Authority was called to order by R. Robert DeCamp on Tuesday, January 17, 2017 at 4:00 p.m. in the Council Room of the Borough Office at 14 Crafton Street. The Pledge of Allegiance was said by all present.

**ATTENDANCE:** Wellsboro Municipal Authority Members R. Robert DeCamp, Ed Owlett, and Grant Cavanaugh, and Denny Young.

**OTHER'S PRESENT:** Solicitor Chris Lantz, Borough Manager Daniel K. Strausser, Secretary/Treasurer Susan L. Keck, Assistant Water and Sewer Superintendent Rob Cleveland, and Councilors Joan Hart, Mike Wood, and Terry Bryant.

**MINUTES:** Minutes of the December 20, 2016 meeting were approved by motion of Ed Owlett, seconded by Denny Young, and carried unanimously.

### Public Comments on Agenda Items-None

#### ITEMS:

1. Mixer Blades- One of the propellers in the oxidation ditch needs to be replaced. A thorough search revealed these types of propellers are no longer manufactured and can only be obtained by casting new. Having a replacement set cast and manufactured, at a cost of \$60,203.00, is deemed an emergency and must begin immediately to prevent disruption to the plant operation. Grant Cavanaugh made a motion approving the attached resolution authorizing the emergency casting and duplication of a set of propellers. Denny Young seconded the motion and it was carried unanimously.
2. Ed Owlett made a motion to authorize the casting and duplication of propellers to be paid out of the Extraordinary Repairs and Capital Additions category of the Gas Royalty fund. Grant Cavanaugh seconded the motion and it was carried unanimously.
3. Gas leases; EQT has indicated they are coming back to continue operations. Casselberry has started water testing again and will continue through the drilling cycle.

#### PAY BILLS

A motion was made by Denny Young and seconded by Ed Owlett to ratify the payment of bills and pay bills for the October; Citizens & Northern Bank extra principal payment on Loan No. 86840735 of \$3,805.30, C&N Water Loan 70040067 of \$16,437.13. The monthly First Citizens Community Bank Loan 0606713107 through PENNVEST has been reduced to \$12,192.10, after the final amortization of the loan. This will result in a \$1,446.24 savings monthly, a \$17,354.88 savings per year, and a total of \$130,000.00 savings over the life of the loan.

Any other Business

**WELLSBORO MUNICIPAL AUTHORITY  
TIOGA COUNTY, PENNSYLVANIA**

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RESOLUTION NO. 2017-01

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**A RESOLUTION OF THE WELLSBORO  
MUNICIPAL AUTHORITY, TIOGA COUNTY,  
COMMONWEALTH OF PENNSYLVANIA,  
FOR EMERGENCY PURCHASE OF  
HYDRAULICALLY DRIVEN PROPELLERS.**

**WHEREAS**, Wellsboro Municipal Authority is in urgent need for the design, casting, and acquisition of the replacement of hydraulically driven propellers for the Sewage Treatment System; and

**WHEREAS**, the Authority currently only has one operating propeller and one extra that is the only one in existence that can be used to create replacement propellers; and

**WHEREAS**, the extra propeller must be shipped off site in order for new propellers to be manufactured; and

**WHEREAS**, there are no commercially available replacement propellers; and

**WHEREAS**, there are no companies available to compete in both casting and creating replacement propellers; and

**WHEREAS**, in order to have a new propeller cast and created, it will take a significant amount of time; and

**WHEREAS**, Wellsboro Municipal Authority performed its due diligence and could not find any commercially available propellers so they must have a new propeller molded out of the Authority's only backup propeller; and

**WHEREAS**, the Authority performed its due diligence and could only find one company in the Reading, Pennsylvania area willing to both cast and create new replacement propellers.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of this Authority, as follows:

1. The foregoing recitals are incorporated herein by reference.
2. The Municipal Authorities Act at 53 Pa.C.S.A. §5614(b) states in part “The provisions as to bidding shall not apply to the purchase of a patented and manufactured products offered for sale in a non-competitive market or solely by a manufacturers authorized dealer.”
3. Section 5614(d) states in part “notice may be waived if the authority determines that an emergency exists which requires the Authority to purchase the supplies and materials immediately.”
4. The Authority must have a backup propeller because if it does not, in the event of inevitable failure, the Sewage Treatment System will not function. This will cause a major environmental violation and will leave the Sewage Treatment System inoperable for a significant amount of time.
5. The Authority performed an extensive search in order to find a company that could create a new propellers.
6. The Authority is not aware of any other company that can perform this work.
7. The Authority has determined that it must take *immediate action* to correct a dangerous condition.
8. The Authority also finds that time is of the essence and if the Authority must go through the bidding process it will cause an inordinate delay and would enhance an already extremely dangerous condition.
9. Pennsylvania case law states that the emergency provision may be used in a situation “where time is of the essence.” In re Appeal of Daniel Laskey et al., 82 Pa.Cmwlt. 475 A.2d 966, 969. Pennsylvania case law also holds that “where immediate action is necessary to correct a dangerous condition “[officials] must be permitted to bypass those requirements and enter into contracts without the imposition of a surcharge against them.” Id. at 969.
10. Pennsylvania law also allows exception for “sole source procurement.” The law does not insist on what is impossible or absolutely useless. Silsby Mfg. Co. v. City of Allentown, 153 Pa. 319. Pennsylvania courts have held that advertising proposals where they

are worse than useless are not required or "it could have resulted in nothing but a dangerous delay, and an idle expenditure of money." Id. at 324.

11. The Authority did its due diligence to determine that the price that has been secured is reasonable and will not cause a loss of money to the Authority. On the contrary, it will be much cheaper than any other alternative that was recommended.

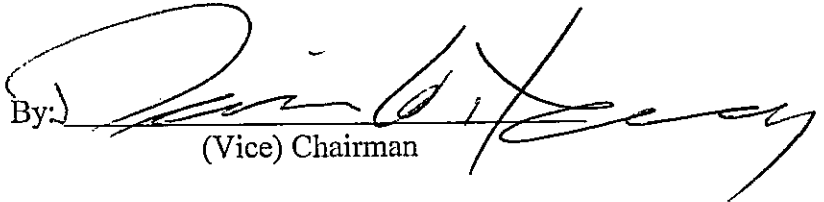
12. The Authority has been informed by its professional advisor that this matter is urgent and must be addressed immediately.

**DULY ADOPTED and RESOLVED**, by the Board of the Wellsboro Municipal Authority in lawful session duly assembled this \_\_\_\_\_ day of January, 2017.

ATTEST:

WELLSBORO MUNICIPAL AUTHORITY  
Tioga County, Pennsylvania

  
(Assistant) Secretary

By:   
(Vice) Chairman

(SEAL)

Public Comments- Terry Bryant thanked the Authority for the judicial use of the Gas Royalty money for the good of the community.

ADJOURN: Adjourned at 4:27 p.m.

Minutes respectfully submitted by *Susan L. Keck*  
Susan L. Keck