

PENN TOWNSHIP MUNICIPAL AUTHORITY
PERRY COUNTY
102 Municipal Building Road
Duncannon, PA 17020

January 3, 2007

The Penn Township Municipal Authority (Authority) met on Wednesday, January 3, 2006 in the Penn Township Municipal Building. The meeting was called to order at 7:00 p.m. by Vice-Chairman Franklin Reidlinger, who led the group in the recitation of the *Pledge of Allegiance* and a moment of silence. Vice-Chairman Reidlinger then announced that the meeting was being recorded to aid in the preparation of the minutes.

Authority members present:

Franklin Reidlinger, Vice-Chairman
Irene Graybill, Executive Secretary/Treasurer
Henry Holman, III, Secretary
Lee Wright, Assistant Secretary/Assistant Treasurer

Professional staff present:

Dennis Shatto, Esq., Cleckner and Fearen (CF), Solicitor
Dennis Crabill, P.E., Buchart Horn (BH), Engineer

Authority staff present:

Sam Auxt, Authority Inspector
Ed Chism, Plant Operator
Susan Long, Billing Clerk, Financial Accountant, and Recording Secretary

Visitors present:

John Myers	Mike Wolfersberger
Don Carpenter	Henry Holman, Jr.
Clyde Albright	CeCe Novinger
Richard Novinger	Millie Novinger

Minutes

Henry noted that there was a difference between the first and final drafts of the December 6, 2006 minutes. In regards to the response of Chairman Shaffer to Inspector Sam Auxt's question about the Authority's position if contaminated soil was found during excavation for the water meter vault at Petersburg Commons, Henry offered his opinion that the first draft was correct and that it had been stated that all responsibility lies with the contractor. Susan will revise the final draft to include the response from the first draft and re-submit the minutes for approval at the February 7, 2007 meeting.

Visitors

Mike Wolfersberger

Mr. Wolfersberger explained that he is an electrician who has been connecting the electrical service to the grinder pump control panel boxes for several residences involved in the Lower Cover/Perdix sewer project. He reported that, at the Kehr property at 1007 State Road, the control panel post had fallen over because it was only sunk into the ground twelve inches. He offered his opinion that that was not an acceptable depth

for a post for electrical equipment and stated that he refused to connect the electrical service in fear that the post might fall down again. Mr. Wolfersberger reported that, at 208 Railroad Street, a block of wood had been screwed to the control panel post to hold the electrical conduit strap. However, the weight of the conduit pulled the wooden block from the post. He stated that he had appeared at an earlier Authority meeting to report what he considered to be poor quality workmanship on the part of the contractor in regards to broken conduit and conduit not being strapped securely to the posts or houses. Mr. Wolfersberger noted that, since that time, the contractor has returned and buried the conduit at a deeper depth but stated his continued concern that the electrical conduit has not been strapped properly onto the control box posts. He offered his opinion that the conduit run and control box are the Authority's responsibility and the problem with conduit strapping should be addressed before it becomes a serious issue. Lee informed Mr. Wolfersberger that he would discuss the problem with Don Lavine of ARRO Engineering.

Henry Holman, Jr.

Mr. Holman thanked the Authority for providing him with a copy of the agreement between the Authority and the Solicitor in regards to the Water Street arbitration matter.

Mr. Holman requested that a copy of the results of the soil analysis at Petersburg Commons be provided to him when it is received from G&R Charles. Mr. Holman noted that during construction of the water meter vault water was discharged into the storm sewer contrary to the specifications called for in the contract with G&R Charles and expressed concern that it might have been solvent-laden. Mr. Holman noted a number of discrepancies and deviations from the specifications of the water meter vault. He expressed his concern that the Engineer had put his stamp of approval on the project results when the specifications were not met. The Engineer responded that his only responsibility in the project was to see that the specifications were drawn up and that the project was put out for bid, with everything else to be handled by the Authority. He agreed that there were several items on the shop drawings that did not meet specifications, specifying the plastic vent pipe, the height of the tank, and the ladder. Mr. Holman informed the Engineer that a 150-pound vault lid was used instead of the 300-pound lid called for in the specifications. The Engineer stated that, before he approved the project, he had talked to the Inspector about the vent pipe, tank height, and ladder, and that they did not think there was a problem with those three items and, to keep the project moving, he decided to approve it that way. He explained that the contractor does have to do what is called for in the contract documents. He noted that the Inspector had compiled a punch list of work to be completed and stated that the contractor would like to meet on site to review the list.

Mr. Holman then stated that he was glad to see that there was interest shown by Omar Syed in the Authority's application for CDBG funding. Lee explained that the Authority had forwarded the application on December 15, 2006 and had since received several calls from the Perry County Planning Commission. He added that a meeting would be held the following afternoon with Mr. Syed to continue the application process.

Henry offered his opinion that the Inspector did not feel comfortable in his qualifications to inspect the water meter vault and added that he would not put him in that situation again. The Inspector responded that he would not let himself be put in that situation.

John Myers, Duncannon Borough (Borough) Council

Mr. Myers stated that the High Street repair project came in under the estimated cost and that the Borough would be returning the unused money to the Authority.

Plant Operator's Report See Written Report for January 2007.

DMRs – (see written Discharge Monitoring Reports dated November 2006). The DMRs were reviewed with the note that the average BOD level at the Cove Wastewater Treatment Plant (WWTP) was 163 mg/l, below the Authority's design limit of 240 mg/l. The Operator extended an invitation for Authority members to contact him at any time with questions.

Cove Collection System – The Operator reported on several instances where he responded to emergency alarms for grinder pump failures or malfunctions, and his resolutions of the problems. He then stated that he is in the process of obtaining quotes from individuals willing to perform after-hour emergency grinder pump repair. He also asked for recommendations from the Authority of individuals who might be interested in submitting quotes. He asked that the Authority consider what insurance requirements the individuals would need. Henry asked the Solicitor if the individuals should be privately insured, so the Authority would not be responsible if they get hurt. The Solicitor responded that, in the past, the Authority has always wanted to see the individual's coverage. The Operator asked if a general liability/umbrella policy would be sufficient, with the Solicitor offering that the general liability coverage would be the primary concern. The Operator will provide a list of individuals and their quotes when he gets them.

The Operator noted that there was one Myers pump remaining in storage. He suggested that, when Myers grinder pumps fail in the future, the Authority consider replacing them with E-One retrofit kits. After discussion, the Operator requested to investigate the cost difference between Myers grinder pumps and E-One retrofit kits.

Inspector's Report See Inspector's Report for December 2006

The Inspector's Report was reviewed without comment

Engineer's Report See written report dated December 20, 2006

John Warden Subdivision Plan, File #2005-06 – The Engineer reported that there was no activity on this plan this month.

Market Street Sewers – The Engineer reported that he had been informed that the Borough will not authorize their engineer to work with BH on any issues pertaining to Market Street or capacity.

Petersburg Commons Water Meter Vault – The Engineer asked if the Authority would like him to meet with the Inspector and G&R Charles to review the punch list. After discussion, there was a Graybill/Wright motion to authorize the Engineer to meet with the Inspector and contractor to discuss items remaining to be completed or corrected for the water meter vault. Motion passed by unanimous vote of the Authority. Henry questioned why the water service to Petersburg Commons was disrupted when the specifications called for no interruption of service and asked if it was necessary. The Inspector responded that the water service had to be discontinued to enable connection of the supply line to the meter vault. Henry offered that, in future projects, the Authority should review all specifications with the Engineer before the project begins, to assure that they can be met. He continued that a water sample should have been taken and the meter vault should not have been set until the situation was resolved, according to the specifications. The Inspector stated that was why he had voiced his environmental concerns at the December meeting.

Solicitor's Report See written report dated January 2, 2007

The Solicitor's written report was reviewed without comment.

1129 State Road – The Solicitor noted that an issue had been raised at the December meeting whereby it will be necessary to remove the septic tank from the property at 1129 State Road before the grinder pump can be installed. He stated that if the property falls within the Township's 150' installation requirement, it is

the responsibility of the property owner to make the connection. He said that he felt it would be possible to complete the necessary removal/installation within one day. He continued that, if the property owner does not make the connection, it will become necessary for the Township to make the connection. He summarized that he felt that there was no reason for a change in the Authority's procedure for this property. Susan stated that she thought the question had been raised that, since the property was vacant and up for sheriff's sale, could the Authority legally go in and do the removal/installation and put a lien on the property before it was sold. The Solicitor responded that the Township could do that, but that procedure has never before been put into effect. He stated that all required notices would have to be sent to the property owner before it could be done. A discussion was then held on whether or not a grinder pump right-of-way (ROW) had been signed by the property owner, with Irene stating that she would have to check if one was on file. After discussion, the Solicitor suggested that the Authority make no decision until after the sheriff's sale, at which time the new owner could be contacted about coordinating a connection.

Telephone Polling of Members – Henry stated that he had received a call from the Executive Secretary asking his opinion on what should be done with the contaminated soil excavated at the meter vault pit – remove it or leave it there. He said that he did not offer an opinion because he felt it should be addressed in a public meeting. He asked that it be noted in the minutes that he objected to this type of communication. He then asked the Solicitor what the protocol should be for these types of situations. The Solicitor noted that issues of an urgent matter may arise when there is not time to hold an advertised meeting, and that the only way to address them is through a telephone call. He offered his opinion that this issue falls within the framework of an exception to the Sunshine Law. Henry stated that he just wanted to make sure that the Authority was operating within its parameters.

Billing Clerk's Report

Delinquent Sewer and Water Customers – The list of accounts delinquent as of December 31, 2006 was reviewed and discussed. Irene asked if she should turn the accounts in for collection. Lee noted that guidelines had previously been established setting the threshold amount to begin the collection process. Susan was requested to research the minutes and provide the guidelines to Irene.

Clyde Albright asked if there was any financial discount offered for prepayment of the annual sewer charge and was informed that no discount is in place. Lee responded that the financial committee would take the idea under advisement.

Financial Accountant's Report

Invoices and Expenditures – Susan reported that she had prepared a check for Doli Construction dated January 2, 2007 in the amount of \$209,352.21 which would appear on the January 31, 2007 list of bills payable. She asked for approval of the check and explained that she would hold it for payment until there was sufficient revenue to cover it. After discussion, there was a Wright/Holman motion to approve payment of the checks dated December 31, 2006 totaling \$23,828.43 and the check dated January 2, 2007 in the amount of \$209,352.21. Motion passed by unanimous vote of the Authority.

Approval of the Financial Accountant Report – After discussion, there was a Reidlinger/Graybill motion to approve the Financial Accountant report, subject to audit. Motion passed by unanimous vote of the Authority.

Treasurer's Report

Irene stated that she has previously signed the quarterly governmental forms and reports associated with payroll taxes. She asked that the Authority authorize Susan to sign the reports in the future since she is the person who compiles the reports and handles the Authority's financial reports. After discussion, there was a

Wright/Holman motion to authorize Financial Accountant, Susan Long, to sign all forms related to payroll taxes. Motion passed by unanimous vote of the Authority.

Incoming Correspondence

A list of all incoming correspondence can be found on the January 2007 agenda. The Solicitor noted that the correspondence from Cleckner and Fearen was self-explanatory, although a short executive session would be in order later in the meeting.

Outgoing Correspondence

Outgoing correspondence was circulated among the members. Members were directed to request a copy of the correspondence if they so desired.

Old Business

Grinder Pumps on Unimproved Properties – The Inspector noted that the grinder pumps on unimproved properties along the river might be subject to groundwater infiltration and suggested that the Authority consider pulling them for winter storage. Lee noted his understanding that some grinder pumps had been pulled and asked if they had water in them. The Inspector responded that groundwater was found to be in them. A discussion was held on whether the pumps might freeze. Henry and Lee offered that they did not feel the pumps would freeze. Irene agreed with the Inspector that it would be better to pull them and keep them safe in storage. The Inspector stated that he was concerned with corrosion caused by the water in them. Henry agreed with that, but reiterated that he did not feel they would freeze.

New Business

Non-Compliance List of Phase Two Property Owners – A letter from the Township Secretary was reviewed. The letter stated that the Board of Supervisors (PTS) has authorized the Authority to proceed as its agent for enforcement of the sewer connection ordinance. It contained a list of fourteen phase two property owners who have not responded to any communication from the Township office regarding connection to the public sewer. Franklin noted that he had made personal contact with the individuals on the phase one non-compliance list and volunteered to make contact with the individuals on the phase two non-compliance list also. The Solicitor agreed that this was a good procedure and stated that he would make any necessary follow-up communications.

Letters For Request of Time Extension – Vice-Chairman Reidlinger asked if the Authority would like to review each request individually, with Henry answering in the affirmative because he felt the public should hear that most requests are due to financial hardship and are justifiable. Irene noted that the first three property owners were part of phase one and that this was the last sixty-day extension that could be granted to them. Mr. Holman implored the Authority to have someone talk to the property owners asking for time extensions and explain that, after the time extensions expire, the PTS will have to take legal action, an action that the PTS would like to avoid. Franklin explained that, while Mr. Holman was out of the room, he had volunteered to contact the property owners. Lee asked if a list of property owners who had paid their tapping fees was available. Irene replied that she would provide it for him on Friday.

Henry Campbell – No reason given

Grover Kisner – Financial hardship

Rebecca Kinsey – Financial hardship

John Lehman – Financial hardship

David Hammaker – Contractor delay

Ralph Mineo – Financial hardship

Rodney DiPaolo – Financial hardship

Sam Smith – Medical bills

Jack Roberts – No reason given

Janet Kehr – No reason given

Franklin Reidlinger – Properties are in excess of the 150' requirement, with one property 205 feet from the house and the other 207 feet from the house. Lee noted that property owners had the opportunity to set the stakes for the location of the grinder pumps. Franklin responded that this is where the main was installed because it could not be located anywhere else; the main was run down along the back of his property because Herbert, Rowland, and Grubic (HRG) told the contractor to install it there. Mr. Holman noted his understanding of the project that no main was to be terminated if it was not within 150 feet of the house. He stated that he questioned Chairman Shaffer thoroughly on that issue before he signed his name to the funding application. He added that, for the project, it was decided that laterals were to be considered as mains. He continued that he was informed that the contractor and property owner would decide where to place the grinder pump and the main would be installed to that location. He said he doesn't know the circumstances as to why Franklin's grinder pumps were not placed within the 150-foot distance, but assured the Authority that it was his honest opinion that was the intent of HRG, Chairman Shaffer, and himself.

Mr. Holman stated that he has a problem understanding how and when the location of the sewer main was changed from the original contract specifications to where it was placed at Franklin's properties. Franklin stated that there was a similar issue with two properties on Susquenita Hills being outside the 150-foot requirement, with Mr. Holman responding that was a different type of system. Mr. Holman again questioned why HRG would change the drawings to locate Franklin's grinder pumps more than 150-foot away from the dwellings. CeCe Novinger asked who would have authorized changes in the drawings within six months apart and why. Irene responded that it would probably have come before the Authority, although she could not remember the time frame.

Franklin explained to the visitors that the properties under discussion belonged to him, and so that no one complained that something was done for free, he wanted them to know that he paid the fee for those connections. He said that he asked Chairman Shaffer if he was buying the grinder pumps, with Chairman Shaffer responding that the payment was nothing more than a reservation of capacity. He reiterated that he purchased reservation of capacity and paid his money. Ms. Novinger noted that he also reaped the benefits of the ROW revenue. Franklin agreed, but explained that he was forced into it because he was told where the ROW was going to be located. He stated that it originally was to go up the other side of the highway, but the contractor crossed the road at Firehouse Road and located it on the upper side of the road. Ms. Novinger asked if that meant there was a main with no property connected to it. Franklin responded that there was an extension of the main that comes up Firehouse Road that extends back to his property. He added that main is 205 feet from the house.

Ms. Novinger again asked who authorized installation of a main that cost thousands of dollars to install but will service no one. Franklin stated that he purchased reservation of capacity and that was what the main was installed for – reservation of capacity.

Lee asked why the contractor did not bring the line up and run it straight across within 150 feet of the house. Franklin replied that the Historical Society would not allow the contractor to cross the stream because it did not want digging done in that area. He added that the contractor could not go through a dam constructed by the Pennsylvania Railroad and that HRG suggested running the extension where it now is.

Lee asked Mr. Holman if he had said that the grinder is considered an extension of the main. Mr. Holman explained that there were to be no extensions of mains, nor were there to be laterals because everything was to be considered part of the main. He again stated that the main was to be installed within 150 feet of every dwelling. Mr. Holman asked why the dam should cause interference when the original drawing showed the main to be located above the properties. Franklin responded that, if it had been installed in the original location, four properties other than his would have been outside the 150-foot requirement. Instead of the main being installed behind the firehouse, it was moved to the front of the

firehouse. Mr. Holman stated that he has a problem with being assured that the main would be within 150 feet of all properties and now not having what was intended to be. He said that the purpose of locating the main within 150 feet of every dwelling was so that every property owner knew that every other property owner would also have to connect. He said that he feels that someone falsified information or said something different than what was intended with the original drawings.

Franklin stated that, if the main had been installed in its original specified location, neither he nor the other four property owners would have had to pay a tapping fee or connect. The location was changed to come down Woodland Avenue and up the front of the houses to connect the other four owners, but HRG said the contractor couldn't get across to his property without running an extension.

Mr. Holman stated that it was a moot issue in that there were no laterals, just mains, and the main was to run to the properties. Franklin stated that the main did run to his property, but is still 205 feet away from the house. Lee asked if that was where Franklin set the stake to mark the location of the grinder pump. Franklin replied that he did not set any stakes, that the end-of-the-line cleanouts were put in that location on his property.

Clyde Albright noted that the contractor went across his stream and questioned why it did not cross Franklin's stream. Franklin responded that it was after the meeting with the Historical Society. Mr. Albright then offered his opinion of Frank Grottola, the resident project manager, after which Irene asked that the subject return to the discussion of granting time extensions.

Ms. Novinger offered that she has a problem with Franklin being a member of the Authority and not having to connect to the system like the other residents. Irene noted that Franklin has paid for all of his properties up front. Franklin stated that all he is doing is asking for a time extension and added that the request was for longer than 60 days because of the 200-foot distance from the house. Lee stated that he did not understand why the grinder pump was set more than 150 feet from the house. Franklin replied that he had nothing to do with the setting of the grinder pump, nor did he have anything to do with the location of the line. He explained that Chairman Shaffer had told him at an open meeting that he did not purchase a grinder pump and that the money he spent was for reservation of capacity. Lee noted that it only cost \$300 per EDU to purchase capacity and that Franklin had said he paid \$2,120 for each property. Franklin stated that it would not make sense for him to decide to set the grinder pumps at those locations since it would cost him additional connection expense for plumbing and electrical costs to run line and wire the extra distance to his house. Ms. Novinger stated that it still did not explain why the drawings were authorized to be changed. Franklin again explained that the original drawings called for the line to go up the river side of Rt. 11/15, pick up the Lehman property, and cross the highway on the other side of Lehman's. Instead, the line was run across and connected on his property by placing a manhole at the spring and continuing up that side of the road. Since four properties on Firehouse Road would have been missed by coming up the back by the old store, they relocated the line onto Woodland Avenue and came up Firehouse Road.

Lee asked if it was a true statement that every resident was told to set a stake to mark the location for his or her grinder pump. Franklin replied that he did not put one out because the contractor put the end-of-line cleanout on his property and then set the grinder pump. Lee asked if Franklin had been part of the walk-through of the final review of the project and had seen his grinder pump in the rear of the property. He asked if Franklin had questioned why it was located there. Franklin replied that he had questioned it all along and that it was not something that he is just now coming up with.

Mr. Albright suggested that Franklin should have informed the contractor that he was purchasing reservation of capacity and not to install a grinder pump, rather than install it at the location. Franklin noted that grinder pumps were installed on vacant lots when the property owners did not sign off. Mr. Novinger questioned what was the use of the Authority if the contractor had the power to make changes and do what it wanted to do. Franklin replied that, when there was a complaint, we were told as individual Authority members that we had no right to tell the contractor what to do. Ms. Novinger pointed out that, as a whole, the Authority could take action.

Henry asked Franklin how many property owners he worked with to coordinate the setting of the stakes with the contractor. He stated that, according to past minutes, there were many occasions when Franklin worked with Mr. Grottola and the residents to help in the location of the stakes. Franklin replied that he could only recall meeting with a handful of people. He stated that he did accompany Mr. Grottola and asked Henry to understand that the stakes weren't in but the people had already decided on the location of their pumps. Henry asked if it was co-incidental that Franklin's property did not have locator stakes set out. Franklin said it was not, because Mr. Grottola knew where to locate it. Henry asked if Mr. Grottola coordinated with Franklin the way he did with the other property owners. Franklin replied that Mr. Grottola didn't do it with the other homeowners either. Lee stated that, at meetings, he heard Don Lavine tell the Authority that it would have to set locator stakes on properties where the residents did not do it. Franklin replied that he was supposed to go with the contractor's representative, but the representative set the stakes.

Franklin stated that he intends to eventually connect but does not understand why it has to be done at this time when he is 200 feet from the grinder pump. He stated that he purchased the reservation of capacity and paid the money up front. Ms. Novinger asked what precedent was being set, noting that she has a septic system that works perfectly fine but paid her tapping fee. She added that she was concerned that this might develop into a legal issue for the PTS and cost the taxpayers money. Franklin stated that he has every intention to connect. He stated that he paid over \$8,000 up front, the Authority had the use of that money and that he was asking for an extension. He asked why he should be treated any differently than anyone else who requests a time extension.

The Inspector suggested that, to move on to the next issue, the Authority grant 60-day extensions to this month's requesters and ask Don Lavine to attend the February meeting to explain why the grinder pumps were installed in those locations.

After discussion, there was a Holman/Wright motion to grant 60-day extensions to the above-mentioned requests. Motion passed by unanimous vote of the Authority.

2007 Budget – Lee reported that Henry and he met with two representatives from Perdix to review the 2007 budget, and offered that he felt it was a productive meeting.

Power Failure – Lee asked what would happen to the grinder pumps if there were an area-wide power failure. The Engineer explained that the pumps were designed for power failure and that the only problems might be in homes that had a gravity-flow water system and could continue to use the sanitary sewer. Lee noted that the township would be sending out a spring newsletter and suggested that it include an article informing the Perdix/Lower Cove residents what to do in case of power failure.

JOAC Meeting

Lee reported on the JOAC meeting held on December 7, 2006. He stated that the Borough has offered to use 32.43% as the basis for the Authority's cost for repair of any of its shared lines. He explained that this percentage is based on the fact that the Authority owns 32.43% of the capacity of the Borough wastewater treatment plant. He noted that the Authority currently has percentages ranging from 1% to 72.74% in its eighteen shared lines. Lee recommended that the Authority ask the Engineer to make an analysis comparing the repair cost using the current percentages against the repair cost using 32.43% across the board. The Solicitor offered that the advantage to an across the board percentage would be in its simplicity, but cautioned that any change would require that the Intermunicipal Agreement be amended. The Engineer was requested to present his analysis at the February 7, 2007 meeting.

Lee reported that, according to John Myers, point of connection (POC) 11, the Center Street connection for Penn Manor. is being used without any money being paid to the Borough for capacity because the Borough had inadvertently overlooked it. He asked if the Authority remembered having paid any money to

the Borough for that POC in 2002. Irene stated that she would research her files to see if the Borough was paid.

Lee reported that, due to the re-rating of the Borough WWTP, the Authority now owns capacity of 240,000 gallons per day. Irene asked Lee to find out how much reserve capacity the Authority has left in the WWTP.

Executive Session

At 9:20 p.m. the Authority entered into Executive Session to discuss legal business. At 9:55 the Executive Session ended.

Adjournment

With all business completed, a Wright/Holman motion for adjournment was made at 9:56 p.m. Motion passed by unanimous vote of the Authority.

Submitted by Susan E. Long
Recording Secretary