

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

July 5, 2007

The Penn Township Municipal Authority (Authority) met on Thursday, July 5, 2007 in the Penn Township Municipal Building. Chairman Henry Holman, III, called the meeting to order at 7:10 p.m. He then led the group in the recitation of the *Pledge of Allegiance* and a moment of silence and announced that the meeting was being recorded to aid in the preparation of the minutes.

Authority members present:

Henry Holman, III, Chairman

Lee Wright, Vice-Chairman

Elmer Knaub, Secretary

Irene Graybill, Executive Secretary, Assistant Secretary, and Assistant Treasurer

Henry Holman, Jr.

Professional staff present:

Dennis Shatto, Cleckner & Fearen, Solicitor

Authority staff present:

Sam Auxt, Inspector

Susan Long, Billing Clerk, Treasurer, and Recording Secretary

Visitors present:

None

Minutes

Approval of the June 6, 2007 minutes was tabled until August 1, 2007.

Plant Operator's Report

DMRs (See written Discharge Monitoring Reports dated May 2007). The DMRs were reviewed without comment. There was no written or oral Operator's report. Chairman Holman asked Inspector Sam Auxt if the pump at the Lower Duncannon pump station had been repaired. The Inspector responded that it had not been repaired, and added that the generator is still leaking. Henry and Chairman Holman will inform the Inspector as to the time when they can meet at the pump station to begin the repairs.

Inspector's Report See Inspector's Report for June 2007

Master Meter Report – The Master meter report was reviewed. Irene asked if she was correct in thinking that Duncannon Borough (Borough) had approved the wastewater flow meters that were installed on Ann and Clark streets. She was told that the Borough did approve the model of the meters.

Mutzabaugh's Market – The Inspector noted that a vending machine is blocking the deduct meter at Mutzabaugh's Market. He offered to contact Mr. Mutzabaugh and inform him of the fact.

Perdix Fire Hall – The Inspector asked if a water meter should be installed at the Perdix Fire Hall to monitor water usage. Susan noted that the fire company holds Bingo nights and a meter would be useful for monitoring the water usage. The Inspector suggested that, since the Authority waived tapping fees for the fire company, it supply the water meter. The Inspector was requested to find out if there is a water supply solely for the Fire Hall; if so, a water meter

will be provided. Discussion was held on whether the Authority also waived the sewer rental fees. Susan will research the minutes to see what decision was previously made.

Kisner's Garage – The Inspector asked if, for purposes of consistency, he should start reading the water meter at Kisner's Garage when he reads the meters of the other commercial properties. Although it was agreed that the water usage at the garage would be minimal, it was the consensus for the Inspector to read the water meter each month along with the other commercial meters.

Karen Brown Apartments, State Road – The Inspector provided copies of an "Apartment for Rent" advertisement for a third floor apartment beside Big Bee Boats. It was noted that, in the past, Ms. Brown was charged for two EDUs for the building until she informed the Authority that she was no longer renting out the apartment. At that time the Authority reduced her sewer rental fee to one EDU. With the publication of the advertisement, it was decided to again bill Ms. Brown for two EDUs for the building.

The Solicitor recommended that the records should be researched to see how many tapping fees were paid for the building. Irene was requested to research the information.

Telencio Property, 126 Railroad Street – Susan reported that the house at 126 Railroad Street had been destroyed by fire several years ago and was demolished. She stated that the property has since been sold and the new owner has an RV parked on the lot. She asked if the grinder pump should be pulled. Discussion was centered on whether there is a water supply on the property, whether there is a bathroom in the RV, and what the owner is doing with the sewage from the RV. It was the consensus that Irene would write a letter to the new owner, asking him how the sewage from the RV is being disposed, and informing him that if he had no use for the grinder pump it would be removed.

Penn Township Supervisor (PTS) Report

Decoven Property, State Road – Henry reported that a potential developer for the Decoven property had attended the June 27, 2007 PTS meeting to inquire what could and could not be done with the property. He stated that, when questioned whether the on-site waste water treatment plant (WWTP) would be re-permitted, the developer responded that DEP would require a new permit.

Charles Stoner Subdivision – Henry reported that Mr. Stoner has submitted a subdivision plan, along with a request for a zoning variance for construction of a dialysis center, which would connect to the Stonebridge WWTP. He stated that the subdivision plan calls for a separate WWTP for the proposed homes.

Solicitor's Report See written report dated June 5, 2007

Dollar General Duplex Grinder Pump Easement – The Solicitor reported that the grinder pump easement for Dollar General has been recorded at the Perry County courthouse.

Cove Centre Deed of Dedication – The Solicitor asked if the leak in the wet well at the Cove Centre had been repaired so that he could record the deed of dedication. The Inspector responded that the leak had not yet been repaired. He added that he would contact owner Randy Rohrer and remind him that the deed of dedication can not be accepted until the wet well has been repaired.

Water Street Arbitration – The Solicitor announced that executive sessions to discuss the Water Street arbitration had been held on June 21 and July 2, 2007. He reported that the arbitration hearing scheduled for July 11 – 12, 2007 has been postponed. He then stated that he had received a letter from the Borough's solicitor dated July 5, 2007 containing the Borough's written understanding of the oral agreement reached between the two parties. Discussion was held on the agreement, with the following changes made. In paragraph four, "resolve the arbitration" will be changed to "stay the arbitration". In paragraph five, the following wording will be added to the end of the paragraph, "...upon final resolution and termination of the arbitration proceedings."

Chairman Holman offered that the agreement does not eliminate the arbitration, but merely postpones it. He added that he feels the Authority should enter into the agreement and resultant discussions with the Borough with a strong sense of endeavor. After discussion, there was a Knaub/Wright motion to accept the Water Street arbitration

agreement, subject to the above-mentioned changes. Motion passed, with Henry abstaining. He explained the reason for his abstention in that he feels that several open issues should have been resolved with the agreement. He also feels that the Authority did not gain anything by the agreement.

Additional Right-of-Way (ROW) for Petersburg Commons – Lee asked if any response had been received from Allen Hench to the Authority's offer of \$750 for the additional ROW needed for the water meter vault. The Solicitor stated that he has received no response and will contact Mr. Hench, now that the restoration is complete.

Per-Meeting Fee – Lee asked if the Solicitor had prepared a "per-meeting" fee for the monthly scheduled meetings. The Solicitor proposed a flat fee of \$225 for meeting attendance, with the expectation that he would be dismissed by 9:30 p.m. and the understanding that the billing for additional services would remain at \$85 per hour.

Billing Clerk's Report

Delinquent Accounts – Susan presented a list of accounts delinquent as of June 30, 2007. Chairman Holman noted that the delinquent accounts totaled over \$15,000 for sewer and \$6,000 for water. Henry noted that the Municipal Authorities Act contains provisions to shut off public water connections to force the payment of delinquent sewer bills, which he felt would be effective. The Solicitor concurred that it is a procedure that can be put into place, although he believed that, in the past, the Authority opted not to do it. He suggested if the Authority would like to consider it for the future, he would research the procedure.

During discussion, it was noted that the Authority had previously approved a procedure for turning delinquent accounts into the District Judge (DJ) for collection. After discussion, Irene was directed to turn in for collection all delinquent accounts above the \$250 threshold that were not attempting to make payments. Susan asked if, when accounts have been turned in, the DJ collection charge could be subtracted from the payments first, with remaining money being applied to the delinquent amount. The Solicitor felt that was an acceptable procedure.

The Solicitor noted that, after the DJ has declared a judgement, the Authority can file it in the Perry County courthouse, thereby putting a lien against the property. The Authority can then decide to file a Writ of Execution to force the property to be sold.

Susan was requested in the future to include with the list of delinquent accounts the names of those who are attempting to make payments.

Treasurer's Report

Invoices and Expenditures – After discussion, there was a Wright/Knaub motion to approve payment of the June 30, 2007 invoices totaling \$16,150.50. Motion passed by unanimous vote of the Authority.

PPL Charges – It was noted that, with deregulation, PPL costs would drastically increase. Chairman Holman asked if someone could contact PPL and ask if they have a program to evaluate how the Authority can save money. The Inspector volunteered to have the Operator and himself contact PPL.

Financial Report – The financial report covering the period June 1 through June 30, 2007 was reviewed. Lee questioned if the \$35,000 in tapping fees received from Sheetz had been transferred to the capital reserve account. Susan stated that had not been done but would do it for the next meeting.

PennVest Reimbursement – A question was raised on when the final reimbursement payment will arrive from PennVest. Lee explained that final paperwork on the loan would be completed in November when the loan is closed out and the Authority begins to pay the principal payments due to PennVest.

2006 Financial Audit – Chairman Holman asked if Kim Zeiders had forwarded the 2006 financial audit, stating that she had assured him it would be completed for this meeting. It was noted that this was at least the second year that the audit has not been completed on a timely fashion, with the Solicitor offering that failure to provide timely service could be a basis for termination of the firm's services. Chairman Holman stated that he would call Ms. Zeiders to find out why the audit has not been completed and exactly when it would be done.

Unused Escrow Account Balances – Susan noted that the Solicitor has recorded a grinder pump easement for the Dollar General property. She stated that there has been no activity in the escrow account for several years and requested authorization to return the unused balance to the developer. After discussion, there was a Holman, III/Wright motion to return the unused escrow balance in the amount of \$563.79 to Cocco Development. Motion passed by unanimous vote of the Authority.

Incoming Correspondence

A list of all correspondence can be found on the July 5, 2007 agenda. The correspondence was reviewed without comment.

Old Business

Johnson Property, 1129 State Road – It was noted that Mike Diller had been authorized at the March 21, 2007 meeting to install a grinder pump at the Johnson property at the Authority's expense. It appears that the property has since been sold, and there is some confusion as to whether the new owner's contractor is going to install the grinder pump. Irene will contact the new owner to ascertain if her contractor is going to install the grinder pump. If not, Mr. Diller will be informed that he needs to install the pump as soon as possible.

Hockenberry Property, Hill Top Road – It was noted that Mr. Hockenberry was to have been sent a letter in March, informing him that he had ninety days to install a grinder pump on his property on Hill Top Road, or the Authority would install it and charge him for the installation cost. A discussion was held on whether there is a water supply into the trailer, and how often it is lived in. Henry asked Susan for the address of the property and said that he would see that the property is monitored for signs of someone living in it.

Susquenita School District (District) Developer Refund – The Inspector noted that the issue of the amount of money owed to the District as a developer refund has never been resolved. He suggested that, with the change of administration, it might be time to re-enter into talks with District representatives. He added that a stumbling block in previous discussions was the fact that there was no cap on this particular agreement. Irene stated that she thought that the Authority has paid \$7,000 and still owed \$23,000. It was the consensus that Chairman Holman and the Inspector would set up a meeting with District representatives. The Inspector was asked to research how the \$23,000 amount was arrived at.

Water Supply for Yingst Development – Elmer reported that Steve Read had requested a meeting with the Authority to discuss water supply for the proposed Yingst development. It was the consensus that any available Authority members would meet with Mr. Read on July 11, 2007 at 2:00 p.m. in the Township building. It was noted that, because the meeting would include discussion concerning the taking of property, an executive session could be held and would not need to be advertised.

Sharar Property, 1424 State Road – The Inspector noted that there is a possibility that the brick house in the front of the Sharar property is further than 150 feet from the grinder pump. After discussion, it was the consensus that the Inspector could access the property via the grinder pump right-of-way and measure the difference. If he deems it necessary, he will ask for assistance to confirm the distance.

Recording Secretary Position – Susan reported that she had met with the individual interested in the recording secretary position and provided her with information about the position and with copies of past minutes. She stated that the individual had been invited to attend this evening's meeting, but was not in attendance. Susan stated that, if the individual is no longer interested in the position, she would continue on as recording secretary.

New Business

Phase One Properties – A list of phase one property owners who have exhausted all time extensions and have not yet connected to the sanitary sewer was reviewed. After discussion, it was the consensus that the Solicitor would write one last letter to these owners, informing them that they are in violation of the connection ordinance, and that the next step will be litigation.

Repair of Petersburg Commons Curb Boxes – Irene reported that Carol Bender contacted her to find out the cost of repairing the curb boxes damaged during snow removal. Irene told her she would find out what the cost is. Sam said that he can provide the cost of the parts to Irene, but would not have any idea about the labor costs.

Irene relayed that Ms. Bender also asked if it would be possible to lower the curb boxes to prevent further damage. Chairman Holman responded that, during the repair process, they can be lowered. Lee offered that Irene should suggest that Ms. Bender contact a plumber for the repair and lowering of her curb box.

Petersburg Commons Fire Hydrant – Susan reported that, with the installation of the master water meter, the Borough would no longer be billing the PTS \$13.13 a month for each of the three hydrants at Petersburg Commons. Discussion on whether the Authority should bill the PTS for fire hydrants was tabled until the August meeting.

Proposals for Engineering Services – A review was held on the quotes received for engineering services, to include monthly meetings, flow analysis studies, the annual Chapter 94 report, and as-needed services. Chairman Holman reported that the \$200 per monthly meeting quote from Buchart Horn keeps them in the playing field. Henry offered his opinion that Buchart Horn's involvement with the traffic study for the proposed Windsor development was unethical. Elmer recommended that a firm with experience in small communities be retained and suggested that the Authority contact the Operator for input concerning the engineers he deals with. Discussion was held on whether the Authority wanted to pay on a retainer or meeting basis, with the note that most quotes were within the same parameters. It was the consensus to continue discussion on selection of an engineering firm at the August meeting.

Solicitor Per-Meeting Fee – After discussion, there was a Wright/Knaub motion to accept the Solicitor's earlier proposal and to pay Cleckner & Fearen \$225 per regularly-scheduled monthly meeting, with all other services to be provided at \$85 per hour. Motion passed by unanimous vote of the Authority.

Recognition Plaques – Irene will contact Sam Auxt, Franklin Reidlinger, and Robert Shaffer and invite them to the August meeting to be presented with plaques recognizing their years of service to the Authority.

Adjournment

With all business completed, a Wright/Knaub motion for adjournment was made at 9:50 p.m. Motion passed by unanimous vote.

Submitted by Susan E. Long
Recording Secretary