

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

October 7, 2009

The Penn Township Municipal Authority (Authority) met on Wednesday, October 7, 2009 in the Penn Township Municipal Building. Vice-Chairman Elmer Knaub called the meeting to order at 7:00 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:

Sam Auxt, Chairman (arrived 7:15 p.m.)
Elmer Knaub, Vice-Chairman
Henry Holman, III, Secretary
Lee Wright, Asst. Sec./Asst. Treasurer
CeCe Novinger

Professional staff present:

Dennis Shatto, Esq., Cleckner and Fearen (CF), Solicitor

Authority staff present:

Susan Long, Treasurer, Recording Secretary
Sam Auxt, Field Representative

Visitors present:

Rock Morrison	Brian Adams
Jason Melham, Melham Associates	Steve Fallecker
Richard Wilson	

Minutes

Upon a Novinger/Holman motion, the Authority voted to approve the September 2, 2009 minutes as presented.

Visitors

Rock Morrison, Morrison, Inc. and Jason Melham, Melham Associates

Mr. Morrison and Mr. Melham were present to discuss the land development plan submitted by Morrison, Inc. for its corporate headquarters.

Mr. Morrison asked if the ten EDUs he wished to purchase was considered the tapping fee. He stated that construction of the pump station would cost approximately \$60,000.00 and asked if the tapping fee could be reduced because of that cost. He stated his understanding that he would take over ownership of the pump station. The Solicitor stated that there was ownership discussion at the September 2nd meeting, but did not think a decision was made at that time.

A sketch plan showing proposed lines and facilities was reviewed. A meeting was scheduled for October 20th for further discussion. Items for that meeting include how many EDUs are needed to start the project and whether the remainder are purchased up front or as reservation of capacity, ownership of the pump station and lines, and future connections that could be made to the facilities. Susan will advertise the meeting in the *Duncannon Record*.

Mr. Melham requested information needed by DEP as part of the sewer module for the plan. By consensus it was agreed to forward the sewer module to the Authority's engineer for information. The Solicitor provided Mr. Melham with a copy of a *Developer's Agreement for the Extension of Sewer Facilities* for his review.

Brian Adams and Steve Fallecker, Sunshine Hill Pet Supplies

Mr. Adams and Mr. Fallecker were present to discuss the Authority's requirement to purchase an additional EDU of capacity in the Duncannon Borough (Borough) wastewater treatment plant. This purchase is necessary because there is a business operating out of their residence and the amount of water being used is more than one EDU. It was explained that an EDU is defined as 150 gallons per day and the business is using more than that amount.

Mr. Adams explained that there are four adults living in the house and that no water is used in conjunction with the business, which operates out of the basement. He questioned why the EDU needs to be purchased since the water is not used for the business. He stated that the residents are trying to curb their water usage and that Mr. Fallecker is checking the water meter reading every day.

Chairman Auxt informed Mr. Adams that the amount of water used in the residence was not an issue in the past. However, the addition of the business has triggered the requirement for an additional EDU. Mr. Adams stressed that strict water conservation methods have now been implemented and the water usage is being monitored daily. Lee noted that precedence has been set with another small business – the usage is being monitored and as long as it remains below 150 gallons per day, no additional EDU will be needed.

A review of the water readings taken by the Authority showed that 5,000 gallons were used in one month. Chairman Auxt informed Mr. Adams and Mr. Fallecker that if they can stay within those parameters, no additional EDU will be necessary. Henry suggested that the Authority monitor the usage for a while, stating that the Authority is looking long-term. He also stressed the advantage of replacing the toilets with ones that use less water. Mr. Fallecker repeated that the business uses no water and asked if a family of seven that uses more than one EDU is required to purchase an additional one. Chairman Auxt informed him that there is a difference between a residence and a business, and putting the business in the house triggered this issue.

Susan reminded Mr. Adams that, with a business, the sewer charge is based on water usage. If the water usage stays at or below 150 gallons per day, there would be no change in the sewer charge. Chairman Auxt informed Mr. Adams that other businesses have purchased their own water meter and have had them calibrated. He offered Mr. Adams the same opportunity, if he felt the meter is inaccurate.

Richard Wilson, 1 Schoolhouse Road

Mr. Wilson had been requested to attend this meeting to discuss the requirement to seal his basement and outside drains to prevent extraneous water from entering the sanitary sewer. He offered his opinion that, even after sealing the drains, water will enter the line between the house and the grinder pump (GP). Chairman Auxt informed Mr. Wilson that the line between the house and the GP is the responsibility of the homeowner, with the exception of the 3-foot stub on the GP. Mr. Wilson stated that he was not the owner of the property when it was connected to the sanitary sewer. Additionally, he did not feel it should have been approved and signed off, if there was a problem with that section of the line. Chairman Auxt stated that the line was tested by Glace Associates and should have held pressure. He offered that Mr. Wilson had a good point about the line, because when Mr. Wilson called about water entering his basement through the floor drains, it was discovered that the power to the GP had been turned off for four months. At that time, the Authority questioned where the discharge had gone for that length of time.

Chairman Auxt explained why Mr. Wilson was requested to seal his drains. He noted that, after a heavy rainstorm, the GP alarm was triggered, and he deduced that the outside floor drain was discharging water into the GP faster than it could empty.

The Operator stressed that the drains must be sealed to prevent unnecessary discharge from entering the sewer system. Once sealed, if there is no further problem with the GP, no more investigation would be needed. After further discussion, it was agreed that the Operator and Field Representative would make a site visit on October 9th and meet with Mr. Wilson.

Plant Operator's Report

There was no written Operator's Report.

DMRs (See written Discharge Monitoring Reports dated August 2009.) The DMRs were reviewed without comment. Members were asked to contact the Operator at any time with questions about the DMRs.

Field Representative Report See written report for September.

Little Boston Pump Station – The Field Representative updated the members on the recent repairs made to the Little Boston pump station by Lenker's Excavating Service. A discussion was held on the location of lines serviced by the three pump stations in that area. Henry stated that the Authority needs to diagram the lines and their locations for future reference.

Master Meter Reports – The Master Meter reports were reviewed. Henry noted that the readings appear to decrease during warmer weather and asked if anyone had any ideas why this would happen.

Penn Township Supervisor (PTS) Report

CeCe stated that she had taken the Authority's concerns about the Warden plan and its suggestions for ordinances back to the PTS for consideration. However, she was unable to attend the September 30th PTS meeting and did not know what was discussed. She stated she will update the Authority at the next meeting.

Solicitor's Report – See written report dated October 2, 2009.

Wisman Sheriff Sale – The Solicitor reported that the Wismans paid the lien filed with the Prothonotary and the Sheriff sale was stayed. He relayed that he informed the Wismans that the remaining delinquency must be paid or the process would be repeated. He will notify them that they must set up a payment plan for the remaining balance within fifteen days

Connection Ordinance 101 – Discussion was held on the Perdix properties remaining to be connected to the sanitary sewer.

- Glenn Hockenberry, Hill Top Road. On September 2, the realtor for Mr. Hockenberry was given ninety days to sell the property or sheriff sale proceedings will be initiated.
- Michael Schamber, 1029 State Road. The Solicitor reported that a violation of the connection ordinance was filed with the District Judge against Mr. Schamber. Since he failed to respond to the citation, a warrant has been put out for his arrest. Until he is found, there is not much the Authority can do.
- Kirk Vanier, 100 Schoolhouse Road. The Solicitor reported that this property was sold at the July 24th sheriff's sale and that he has contacted the bank of the need to connect. He suggested that the Authority wait another month before taking further action.
- Elizabeth Mitchell Gilbert, 1414 State Road. The Solicitor reported that Ms. Mitchell informed him that she was in the process of listing her property for sale. He relayed that he told her to contact him as soon as the property is listed. Since she has not contacted the Solicitor by tonight, he will check if there is a judgment or lien that can be entered against the property, If not, a violation of the connection ordinance will be filed.
- William Sminkey, 1032 and 1223 State Road. Susan reported that a violation of the connection ordinance was filed with the District Judge against Mr. Sminkey for 1223 State Road. The septic system at 1032 State Road has not been abandoned and reservation of capacity has not been purchased for 1032 State Road. Susan will check on the status of the ordinance violation filing. The Solicitor will proceed with another Sheriff sale for 1223 State Road. It was noted that, if Mr. Sminkey pays the judgment, the Sheriff sale will be stayed, but the property will still not be connected. The Solicitor stated that the options are to keep filing for a violation of the connection ordinance or to have Penn Township go onto the property, make the physical connection, and lien the property for the connection costs. The Solicitor will research with the PTS the next procedure to be taken.
- Troy Hendricks, 1325 State Road. This property was inadvertently overlooked during the discussion of properties remaining to be connected. It had been reported at the September 2nd meeting that the Authority has filed against Mr. Hendricks for violation of the connection ordinance.

Billing Clerk's Report

Delinquent Accounts – The list of accounts delinquent as of September 30, 2009 was reviewed. Susan noted that the total of the sewer delinquencies is \$48,024.22 and the total of the water delinquencies is \$3,153.40. The

procedure for filings with the District Judge and the Prothonotary's Office will continue to be followed by the Executive Secretary.

At the August 5th meeting, the Solicitor had been authorized to contact customers whose balances were in excess of \$800.00 and inform them of the need to reduce the balance below \$800.00 or sheriff sale proceedings would be instituted. He reported that several customers have not responded to his letter and he will begin sheriff sale proceedings on their properties.

The Solicitor stated that he would also institute sheriff sale proceedings against property owners that have never made payments on their installment loans.

Chairman Auxt asked what the accepted minimal payment is, noting that several customers with a delinquent balance only pay the monthly charge of \$65.00, never reducing their delinquent balance. Lee made a motion that any customer with a delinquent balance must sign an agreement stating that they will pay the \$65.00 charge, plus 10% of their delinquent balance each month. Henry seconded the motion. Motion passed by unanimous vote of the Authority. The Solicitor will draft the agreement to be used. It was the consensus to send a letter to the delinquent customers informing them that they need to bring their account current or sign an agreement stating that they will pay the \$65.00 monthly charge plus 10% of the delinquent balance each month. If neither of these is done, their accounts will be turned over to the District Judge for collection.

Lee estimated that for every \$10,000.00 in revenue or reduced expenses, monthly sewer rates can be reduced approximately \$1.00.

Metered Sewer Customer Audit – Susan presented the quarterly audit of non-residential customers, comparing their water usage with EDUs purchased. She reported that, for the past twelve months, Roger Barrick used 27,250 gallons more than purchased, Tubby's used 41,250 gallons more than purchased, and the Duncannon Family Medical Center used 13,250 gallons more than purchased. It was the consensus that the Authority would continue monitoring the Medical Center's usage and discuss it with the next audit in December.

Susan stated that she would send an invoice to Tubby's for an additional EDU. Chairman Auxt noted that a lot of clear liquid was flowing into the Main Street Pump Station while repairs were being made. He stated that it could only have come from the Holler apartments or Tubby's. Both businesses were notified of a possible water leak.

It was the consensus to send an invoice for an additional EDU to Roger Barrick for the water usage at the Perry County Day Care.

Treasurer's Report

Invoices and Expenditures – After discussion, there was a Wright/Knaub motion to approve payment of the September 2009 invoices totaling \$70,258.50. Motion passed by unanimous vote of the Authority. It was the consensus that the money paid for the emergency generator connection should be taken from the Capital Project fund.

Financial Report – After review, there was a Wright/Knaub motion to approve the Financial Report for the period September 1 through September 30, 2009, subject to audit. Motion passed by unanimous vote of the Authority. It was noted that the balance of all accounts was \$748,577.76. However, \$27,712.86 is earmarked for escrows and repair of the Market Street line. An additional \$327,310.47 has been set aside for capital projects – unexpected major expenses for equipment failures and replacement of infrastructure.

Executive Secretary Report See written report

The Executive Secretary report was reviewed without additional comment.

JOAC Report

The next JOAC meeting is scheduled for Tuesday, October 13th. Chairman Auxt will send reminder emails to all JOAC members. He stated his understanding that the Borough is talking about installing metering chambers at all points of connection and feels that should be a topic for discussion. He noted that the Borough is responsible for the maintenance of the metering chambers in the Borough, and asked if they should be responsible for the cost of the charts and pens for the meters.

Elmer asked if it would be appropriate to discuss the issue of providing water to the Pfautz apartment at the meeting. Chairman Auxt suggested that the Authority could install a metering pit and ask the Borough if they would be willing to sell bulk water to the Authority. Susan will contact Borough councilman, Jerry Bell, to find out whom the Authority should contact to discuss water issues. Lee noted that a connection to Borough water lines has been discussed in the past for emergency situations on Sunshine Hill and that it should be further discussed.

Correspondence

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

Motion to Extend Meeting – At 10:00 p.m. there was a Wright/Novinger motion to extend the meeting until all business has been discussed. Motion passed by unanimous vote of the Authority.

Old Business

1003 State Road – Chairman Auxt reported that the Authority just recently realized that a duplex grinder pump was installed at 1003 State Road and that the owner at the time of connection only paid one tapping fee, and that only one EDU has been billed monthly. Since this property is up for sheriff's sale, there was a Wright/Novinger motion to place a lien on the property for \$2,650.00, plus 17 months of sewer charges at \$65.00 per month. Motion passed by unanimous vote of the Authority.

New Business

Right-to-Know Policy – The Authority reviewed the proposed Right-to-Know policy for the Open Records law and made changes. After review, there was a Wright/Novinger motion to approve the policy as amended. Motion passed by unanimous vote of the Authority.

Sunshine Hill Water Feasibility Study – The Authority reviewed a proposal from Wm. F. Hill, Inc. to perform a feasibility study on the Sunshine Hill Water System for a cost from \$5,000.00 to \$7,000.00. After review, there was a Knaub/Wright motion to authorize the study. However, before the vote was taken, it was the consensus that the Engineer should attend the November 4th meeting for further discussion. Both Elmer and Lee agreed to withdraw the motion.

Pfautz Request for Water – It was previously decided that Susan will contact Jerry Bell to find out the Borough's point-of-contact for water issues. The Pfautz apartment complex uses between 12,000 – 16,000 gallons per day.

Decoven Property, State Road - Chairman Auxt informed the members that DEP contacted the office earlier in the day to discuss a letter it had sent to the PTS on April 16, 2008. That letter had noted DEP's understanding that, as part of the Township's Act 537 Plan, the Decoven WWTP would be taken offline and the properties it served would be connected to the Cove WWTP. Susan noted that DEP had also sent a fax today, giving an October 26th deadline to submit a schedule for implementation of the Act 537 plan in regards to Decoven.

Chairman Auxt stated that he had been an Authority member when the Act 537 Plan was approved. He offered his opinion that it was the Authority's intent at that time to provide capacity in the Cove WWTP for Decoven, and when the time came for the Decoven WWTP to go offline, it would be the developer's responsibility to tie into the Authority's line, just like any other developer. The Authority's position was, and is, that current customers should not have to pay the expense for any developer to connect. He offered that DEP is interpreting it to mean that the Authority would provide service to the developer by installing a line to the edge of the Decoven property.

Lee stated that Henry and he read the Act 537 plan, with their interpretation being that the Authority is required to provide 17 EDUs north of the Susquenita High School. He stated that this has been done and there are very few EDUs left.

A discussion was held on the Decoven WWTP, with the comment that it is currently permitted by DEP. The Solicitor will draft a response to DEP explaining the Authority's intent and interpretation of the Act 537 Plan. He will have the draft ready for review by October 20th.

Warden Property – Lee suggested that the Authority contact the developer for the Warden property to discuss the plan to put individual wells on the 150 proposed lots. Elmer stated that he would make the contact and let the developer know that the Authority would be interested in discussing water supply options to the development.

Adjournment

With all business completed, a Knaub/Novinger motion for adjournment was made at 10:15 p.m. Motion passed by unanimous vote.

Susan Long

Recording Secretary