

**PENN TOWNSHIP MUNICIPAL AUTHORITY  
PERRY COUNTY**

102 Municipal Building Road  
Duncannon, PA 17020

October 9, 2012

The Penn Township Municipal Authority (Authority) met on Tuesday, October 9, 2012 in the Penn Township Municipal Building. Chairman Sam Auxt called the meeting to order at 7:15 p.m., immediately following the JOAC meeting.

Authority members present:

Sam Auxt, Chairman

Henry Holman, III, Vice Chairman

CeCe Novinger

Authority staff present:

Susan Long, Corresponding Secretary

Visitors:

Bob Johnson

Stan Crumlich

Mike Rash, Morrison Excavating, Inc.

Forrest Troutman, Yingst Homes

Mike Rash, Morrison Excavating

Mr. Rash was in attendance to represent Rock Morrison and to discuss Mr. Morrison's plan for his headquarters located off of SR 11/15. He stated that the most recent draft of the Developer's Agreement has been approved by William Bunt, solicitor for Mr. Morrison. He had requested that the Authority sign the Agreement at its October 3<sup>rd</sup> meeting, but the Solicitor had only received it on October 2<sup>nd</sup> and none of the members had copies of it to review. Additionally, the Agreement referred to the Land Development plan, and the Authority was not sure it even had the newest set of plans. Because of those issues, it was decided to further discuss the agreement this evening.

CeCe stated that she had several comments and questions regarding the agreement.

In Section 9, she stated that she thought "an increase in driveway restoration expense" sounded kind of vague.

In Section 10, she questioned if there was a schedule for inspection of the construction, and how would the Authority know that the installation wasn't done without an inspection. Chairman Auxt answered that it is to the benefit of the developer to initiate and schedule inspections on an on-going basis. If the facilities are installed and covered back up without inspection, the Authority has the right to require them to re-excavate so that the inspector can check that the installation was done in accordance with the requirements.

In Section 12, she questioned the use of change orders and when they would be initiated. Chairman Auxt explained that change orders are usually not known in advance, but are a result of a desire or need to change something during construction. The inspector would look at the *Rules and Regulations* and the *Developer's Specifications* to make sure the change is compliant. Any major change would have to be approved by the Authority.

In Section 14, she questioned if the performance bond is paid "up front". Chairman Auxt replied in the affirmative, adding that the amount of the bond is a percentage of the total expense of the project.

In Section 15, she noted that certain documents were to be provided to the Authority "within sixty day after completion of the sewer facilities...and prior to the use of the facilities..." She questioned how the Authority would know whether the facilities were being used prior to receipt of the documents. Chairman Auxt replied that

the Kinkora WWTP operator would see an increase of flow on the flowmeter, in which case the developer would be told to “cease and desist”.

In Section 17, she noted the requirement for installation of odor control equipment and facilities “if reasonably required” and questioned who determines if it is reasonably required. Chairman Auxt replied that the Authority would make that determination. She felt it was vague, because the developer might not think it was required. Mr. Rash offered that it would come down to the Authority, because if it received odor complaints, it would have to take action.

Henry offered that it was his impression that the Authority would take over the gravity system immediately, since it went over land owned by the Kinkora Home, but would not take over the low-pressure system until ten EDUs had been developed. However, there was no mention of this in the Agreement.

Chairman Auxt asked if the Authority wanted to approve the agreement contingent upon the approval of the Solicitor. Henry stated that he would not be opposed to an additional meeting. He stated that he had reviewed the sanitary sewer drawings and found them to be satisfactory. CeCe moved that she thought the issue of approving the Agreement should be tabled until the November 7<sup>th</sup> meeting, to meet with the Solicitor to discuss the missing section and clarify any of the issues raised by CeCe. Henry seconded the motion. Chairman Auxt stated he would set up a meeting with the Solicitor and the Authority. CeCe noted that the escrow account was almost depleted and would need to be replenished. Motion passed unanimously. Mr. Rash will return for the November 7<sup>th</sup> meeting.

#### Forrest Troutman, Yingst Homes

Mr. Troutman was present to request a determination pursuant to §507(D) of the Penn Township Subdivision and Land Development Ordinance that it is not feasible for the Authority to provide public water to the proposed Stone Mill Estates development. He offered his thoughts that it had been determined previously that the Authority could not serve the proposed development because of lack of water capacity.

Chairman Auxt informed Mr. Troutman that the Authority, at its October meeting, has instructed the Engineer to design a water facility that would serve Sunshine Hill water customers. The design is to also provide for increased capacity for future developments. He explained that the Authority must upgrade its facilities to provide better services for its customers and can not wait to see if the proposed development is approved by Penn Township. He added that the provision to waive water tapping fees would no longer apply and the developer would have to pay the cost to get to the water source.

Henry offered that he felt the Authority has negotiated with the developer in good faith, but the developer’s plans keep changing. Mr. Troutman stated that the plans change to meet the Township’s requirements and he felt that the developer has negotiated with the Authority in good faith.

Mr. Troutman asked if the Authority had a timeline for installing its facilities and was informed that installation was expected to be completed within two years. Henry noted that it will be difficult for the Authority to plan for enough available capacity for Stone Mill Estates until it knows how many EDUs would be required. Mr. Troutman stated he is not sure how many lots will be approved by the Township, but it would be less than 75. He requested that the Authority provide him with the data of how much capacity it is planning and he will see if it will be compatible with what the developer thinks could be approved.

The Authority will further discuss the issue of §507(D) at its November 7<sup>th</sup> meeting.

#### Mysoftware Forms

Approval had been given at the October 3<sup>rd</sup> meeting to pre-pay for bank checks at a cost of \$142.75. The check was then drawn up and signed tonight.

#### **Adjournment**

With all business completed, a Novinger/Holman motion for adjournment was made at 8:13 p.m. Motion passed by unanimous vote.

Susan E. Long  
Recording Secretary