

The regular meeting of the Middle Smithfield Township Municipal Authority was called to order on Thursday, June 4, 2009 at 6:04 P. M. with the Pledge of Allegiance, Mickey Roth presiding.

Municipal Authority members present: Mickey Roth, Jack O'Rourke, Oscar Woerlein, Gary Summer and Scott LaBar.

Also present Richard Deetz, Jennifer Wise, Doug Olmstead, Dave Scholtz, Robyn Pugh, Sandra Black, and other interested parties.

Oscar Woerlein moved to accept the minutes of the Authority meeting held on Wednesday, May 20, 2009. Gary Summers seconded the motion.

Jack O'Rourke stated the representative's name of Alternative Resources Inc. was misspelled in the minutes. The proper spelling is Pat Calpin – correction to minutes of May 20, 2009.

Jack O'Rourke also stated an additional comment should be added to paragraph 5 regarding the short discussion sentence. Gary Summers suggested "the house is more than 150 feet from the sewer line and after a short discussion it was decided the house did not have to be connected to the sewer" be added – correction to minutes of May 20, 2009.

Motion to accept the minutes with the necessary correction and additional statement carried 5-0.

Mickey Roth stated there was a correction to the payables presented at the May 20, 2009 meeting. There was a typing error on the payables listing and the invoice for Stoz and Fratinger was not approved because of it.

Jack O'Rourke moved to accept the payables of Thursday, June 4, 2009 and Gary Summers seconded the motion. Motion to approve the payables carried 5-0.

Action Lift Inc.	0.00	109.02	109.02	1116
Allstate Septic Systems	0.00	450.00	450.00	1117
AT & T	9.95	0.00	9.95	1118
Coyne Chemical	0.00	2,490.00	2,490.00	1119
Scott LaBar	50.00	50.00	100.00	1121
Lehigh Valley Fence Co.	0.00	48.00	48.00	1122
Oscar Woerlein	50.00	50.00	100.00	1123
Riley Computers	0.00	35.00	35.00	1124

Mickey Roth	50.00	50.00	100.00	1125
Strand Pool Supply Inc.	2,838.00	0.00	2,838.00	1126
Gary Summers	50.00	50.00	100.00	1127
Verizon	92.56	249.58	342.14	1128
Waste Management	0.00	2,647.41	2,647.41	1129
John J. O'Rourke	50.00	50.00	100.00	1131
<b><u>TOTAL BILLS:</u></b>	3,190.51	6,279.01	9,469.52	

**Correspondence:**

Mickey Roth informed the Board of correspondence received from the Pennsylvania Municipal Authorities Association regarding free membership into the Association.

Doug Olmstead recommended the Authority accept the free membership due to the fact the Association is associated with the same business the Authority is in. The Authority Board would be able to receive information from one municipal authority to another.

Richard Deetz also recommended the Municipal Authority Board become a member of the Pennsylvania Municipal Authorities Association.

Mickey Roth moved the Middle Smithfield Township Municipal Authority Board become a member of the Pennsylvania Municipal Authorities Association. Oscar Woerlein seconded the motion and motion carried 5-0.

**Solicitor**

Richard Deetz stated since FNCB turned down the request for the right-of-way, this item would be tabled until the lot next to the bank is purchased. The Authority will make sure a right-of-way access will be a part of the development of the property.

Doug Olmstead informed the Authority Board he requested the HOP permit from Penn Dot for the use of the Prosser Laboratories employees when servicing Pump Station 6. He also recommended the Authority send a letter to the Board of Supervisors for the Authority to be notified when plans are presented for the development of the lot. Sending the letter to the Township Supervisors will assure the Authority of obtaining the right-of-way when plans are submitted to the Township.

Gary Summers moved the Authority table the FNCB easement issue and address the matter at a later date. Scott LaBar seconded the motion and motion carried 5-0.

Richard Deetz referred to the draft of the ordinances which dated back to January, 2003 and encompasses a “first come, first serve basis” and a “use it or lose it” reference. He pointed out some of the items in the draft such as the Authority will not entertain reservation agreement, purchase capacity, use it or lose it, and if it is not used, the Authority can approach the developer and take it back and refund a portion of the money. The ordinances were drafted and a copy was given to the Town Supervisors but they were tabled. The ordinances still have the first come first serve basis but the use it or lose it has been changed tremendously. The ordinances define connection permit, availability, issuance and limitation of the connection permit.

Jack O’Rourke questioned Mr. Deetz as to the percentage for the repurchase of the connection. Mr. Deetz stated the buyback percentage is presently at ninety percent. Jack O’Rourke reminded Mr. Deetz the percentage should be at fifteen percent and it had been discussed and agreed upon at a previous meeting. Mr. Deetz agreed to correct this item in the Ordinances.

Mr. Deetz proceeded to read different portions of the drafted Ordinances which referred to the issuance of connection permit which shall be “site specific” which is found on Page 3 of the drafted Ordinances. He also read Paragraph 3, Page 4 regarding the presentation of “as built” plans. Paragraph 4 referred to inspections being given advance notice and Section 5 the visual inspection of the actual connection.

Richard Deetz also read the paragraph referring to the Authority’s option to repurchase connection permits, “The Authority may repurchase the connection permit(s), at its option, for the same price paid by the original owner(s), subject to a ten percent administrative deduction.”. He stated the paragraph was still in a draft format.

There was an extensive discussion regarding the wording of the repurchasing of connection permits since the idea was that the Authority had the option of not being required to repurchase them. It is obvious the Authority does want to take edus away from their customers.

Richard Deetz stated the Authority had “backed off” from the “use it or lose it” option. If presented with the option to repurchase an edu at the request of the owner, the Authority would buy it.

The purchase of an edu has to have 537 approvals in which they will have waste water capacity as per Doug Olmstead, the Authority’s engineer. Doug stated an option to buy back the edu should be required in the Ordinances because if the original owner does not need the edu, the owner has to be the one to remove it from the original 537 approved plan since they had applied for it.

Mickey Roth questioned Mr. Deetz regarding an approximate time for the completion of the Ordinances.

Richard Deetz stated he will have the revised document ready for the next Authority meeting and it will be ready to also be forwarded to the Township Supervisors.

Bushkill Group will be discussed during Executive session.

**Engineering:**

Doug Olmstead reported the topsoil and seeding for Winona Lakes was almost completed. The location of the fence has been staked out. The contractor for the fence is to get in touch with either himself or Paul McNemar of F. X. Browne regarding the placing of the fence. There are still a few minor items on the punch list before the plant is complete done.

Mickey Roth requested Doug Olmstead get together with Scott LaBar and Oscar Woerlein regarding additional items for the punch list for the Winona Plant. There were a few items which the two Board members had noticed during their tour of the plant which should also be added to the punch list.

Doug stated he met with Dave Scholtz regarding the budget for the main plant. They conducted an inspection tour of the plant and made a list of needed repair work but they are not finished with the list. A rough budget will be submitted and the work could possibly take up to two to three years to be completed.

A meeting was held regarding the 209 sewer extension line with respect to funding. The required information will be provided to the individual who will be assisting the Authority in obtaining the funding.

Damian DeGeorge submitted three bids regarding the landscaping around Pump Station 6. Doug Olmstead recommended the Board choose the lowest bid which was submitted by Strasser Nature's Helpers. Strasser submitted a bid of \$640 for three white pines, two burning bushes, installation, delivery and labor. Approval of the placement of the bushes will be made before the actual planting.

There was a short discussion regarding the choice of the plants and the possible bending of the pines during snowstorms. At the end of the discussion, Mickey Roth questioned the Authority Board whether they were ready to make a decision or table the item and make a decision at the next meeting. The Board members decided not to table the landscaping of Pump Station 6.

Mickey Roth moved to accept the \$640 bid from Strauser if the bid also includes the one year warranty. Jack O'Rourke seconded the motion and motion carried 5-0. Sandra Black will inform Damian DeGeorge of the Board's decision.

Doug Olmstead reported Damian revisited the Middle Smithfield Elementary School and found their volume of grease consistent to previous levels. Their problem had been amended and the trap was in good working order.

Damian also revisited the Big A and found the grease levels had dropped compared to his previous report.

Mickey Roth requested Doug address the Board regarding the letter sent to Sonny Murray and his questions regarding sewer services throughout the Township.

Doug stated Sonny Murray had expressed a concern with respect to additional capacity and sewer lines coming down Route 209. The letter sent to Mr. Murray assured him that the Authority was acquiring an additional 100,000 gallons per day of treatment capacity. Doug advised Mr. Murray to submit his plans to the Township on an informal basis, since the Authority is in the process of re-writing their Ordinances.

Fred Courtright is working diligently with Chuck Leonard on the process of acquiring funding for the 209 sewer line extension.

### **Accountant**

Robyn Pugh reported to the Board the operating account being held by PNC Bank had a balance of \$4,917.52 and the construction account a balance of \$1,128.94. She suggested the Authority write out a check to the Board and deposit it into the Wayne Bank accounts thereby closing out both accounts.

The PNC operating account had one outstanding check made out to Ryan Homes dated January, 2008. Robyn spoke to Bob McCracken of Ryan Homes and informed him the original check should be destroyed and the Authority Board will reissue the check.

The letter for M and T Bank requesting the balance of the funds has been mailed out.

Information regarding the PLGIT account has been provided by Marianne Glamann of Wayne Bank. Their interest rates are higher. The FDIC insurance will cover the deposits. Robyn recommended the Board start slow by purchasing a CD in the amount of \$100,000. The current PLGIT account has a balance of \$1.50 million.

Gary Summers stated he had researched Act 72 on the Internet and requested Marianne Glamann provide to the Authority their Act 72 reserves for Wayne Bank which he was unable to find on the Internet.. Gary requested Wayne Bank provide proof their PLGIT accounts are fully protected. His recommendation to the Authority was to leave the PLGIT account as is until information from Wayne Bank has been provided. The PLGIT account item is tabled.

Gary Summers moved to close both the operating and construction accounts at PNC and moved the monies to Wayne Bank. Jack O'Rourke seconded the motion. Motion carried 5-0.

Oscar Woerlein moved the M & T bank account be closed out and the check be deposited into the Authority's account held at Wayne Bank. Jack O'Rourke seconded the motion and motion carried 5-0.

Mickey Roth questioned Robyn whether her questions submitted to Riley and Company regarding the 2008 audit of the Municipal Authority Board had been answered. Both Robyn Pugh and Gary Summers stated they have had no communications in regards to their questions on the audit from Riley and Company.

Doug Olmstead questioned Robyn regarding the bond issue and if Tom Becket would be able to obtain a rating without the completion of the audit of 2008. Robyn Pugh responded it can be done without the audit being completed. She stated Scott Miller was holding up the audit due to pending activities.

Mickey Roth requested Gary Summers to contact Scott Miller of Riley and Company to complete the audit and deal with the activities at a later time. The audit is to be completed and ready for the next Authority meeting with Scott Miller's presence at the meeting.

### **Plant Operator**

Dave Scholtz informed the Board the tank at the main treatment plant had been cleaned out. Dave met with Doug Olmstead to discuss a budget for the main treatment plant.

Request was made for three quotes on the hydrated lime and Graymont who is the plant's current provider also submitted their quote. Mercer Lime and Stone Company and Coyne Chemical also submitted bids.

Graymont, Inc. provided prices for one calendar year, a delivered price of \$236.80, pallet charge of \$9.50 and wrap charge of \$8.00. A credit of \$7.50 would be given upon the return of the pallet. Graymont's price per truck load is \$5,508.

Coyne Chemical offered a price of \$247.60 per ton and it would be shrink wrapped. Coyne Chemical's price per truck load is \$5,571.

Mercer Lime and Stone Company provided a price of \$235.00 per ton, with a freight charge of \$750 per flatbed and \$650 per van load in addition to a fuel surcharge. Mercer Lime's price for a truck load is \$5,937.50.

The lowest bid given was by Graymont and the price is effective through June 4, 2010. Graymont has been the supplier for the plants for the past four years.

Jack O'Rourke questioned Dave Scholtz as to the amount of lime supply available for the plants at the present time. Dave Scholtz replied there were four pallets which would last for approximately four weeks.

Doug Olmstead questioned Dave as to the delivery of the supplies. Dave stated it would take possibly a week or two for the delivery of the hydrated lime. He recommended the Authority accept the bid from Graymont Inc.

Jack O'Rourke moved the Municipal Authority accept Graymont Inc. bid for the hydrated lime. Oscar Woerlein seconded the motion and motion carried 5-0.

Jack O'Rourke questioned Dave as to the specifications for the flow meter for Big Ridge.

Dave Scholtz stated he would provide them to him. He had submitted to Sandra Black the W. G. Malden quotation which indicated the specifications on it.

Jack O'Rourke stated he would check on the prices using the W. G. Malden specifications for the flow meter once he receives a copy of it from the secretary.

Doug Olmstead informed the Board that by joining the PMAA, the Authority could supposedly purchase discounted items for the plants.

Mickey Roth questioned Dave Scholtz as to the nitrates problem and Dave answered that they were now under control.

Jack O'Rourke questioned Dave as to the amount of time he is spending at the Winona Lakes plant. Dave Scholtz stated he spends approximately an hour and half to an hour and a quarter at the plant.

### **Old Business**

Richard Deetz stated that due to being unable to locate the needed documents to research the LTS letter of credit, he would be unable to provide an opinion regarding it. He requested this item be tabled until the next Authority meeting.

Doug Olmstead stated he had provided to LTS amounts which were obtained from the Authority's accounting system.

Mickey Roth stated the numbers could change once Richard Deetz is able to review the documents.

Richard Deetz stated there is a document regarding the litigation but was unable to locate it. He has copies of two amendments which were not approved.

A citizen, Al Decker, requested a copy of a balance sheet reflecting the accounts payables against the accounts receivables of the Municipal Authority Board.

Jennifer Wise informed Mr. Decker he would have to fill out the Open Records form requesting the information and pay for it under the Rights-to-Know Act.

Gary Summers questioned Mr. Deetz if a citizen requested the balance sheet at the meeting would they still be obligated to fill out the Open Records form.

Mr. Deetz stated it would be up to the individual Board member if he wished to give his copy to the citizen.

Gary Summers offered his copy of the balance sheet provided by Robyn Pugh to Al Decker.

### **New Business**

Action Lift Inc. provided a quote for the fixture of the old fork lift. The price of the part for the lift is \$93.61 plus labor and freight of \$394.00 for an overall total of \$487.81.

Mickey Roth questioned the Authority Board if they were agreeable to the fixture of the forklift.

Oscar Woerlein moved for the fork lift to be repaired by Action Lift. Scott LaBar seconded the motion and motion carried 5-0.

Mr. Roth informed the Board a meeting had been held today regarding the H20 Grant. He had also contacted John Siptroth regarding the grant and a meeting will be held with Mr. Siptroth on June 12, 2009. Fred Courtright is to forward to Mr. Siptroth's office a copy of the first H20 Grant application.

Jack O'Rourke requested a copy of the H20 Grant application also be sent to Kasey Gillette in Bob Casey's office.

Mickey Roth announced the Municipal Authority Board of Middle Smithfield plans to conduct regular work sessions Monday through Friday mornings at 9:00 A. M. as needed throughout the year 2009 and it would be advertised in the Pocono Record and posted on the Bulletin Board.

Jennifer Wise stated the work sessions of the Authority should be advertised so they would not be fined for being in violation of the Sunshine law.

Richard Deetz agreed with Ms. Wise and suggested the Board enact a motion on it.

Mickey Roth moved the Middle Smithfield Township Municipal Authority Board conduct work sessions Monday through Friday mornings starting at 9:00 A. M. and a public notice of the work sessions be advertised for whatever business may come before the regularly scheduled Authority meetings in the Pocono Record and also be posted on the Township Building's Bulletin Board. Oscar Woerlein seconded the motion and motion carried 5-0.

Mickey Roth then announced to the Board a work session has been scheduled with Pat Calpin of ARI on the possible sale of the Winona Lakes Sewage Plant on Monday, June 15, 2009 at 1:00 P. M.

**Citizens Comments:**

Pat Cusmano commented he had questioned Dave Scholtz about the sewage material in the pumps stations and he did not see his question in the minutes of May 20, 2009. He also stated his name was not reflected in the minutes but was being referred to as “citizen” which he objected to.

Mickey Roth replied the Authority minutes' only need to reflect motions and issues.

Oscar Woerlein moved to enter into Executive Session at 7:49 P. M. Jack O’Rourke seconded the motion and motion carried 5-0.

Jack O’Rourke moved to reconvene the Board meeting at 8:55 P. M. and Oscar Woerlein seconded the motion. Motion carried 5-0.

There being no further business, the meeting adjourned at 9:00 P. M.

Respectfully submitted:

Sandra Black, Recording Secretary  
Middle Smithfield Township Municipal Authority

Mickey Roth \_\_\_\_\_

John J. O’Rourke \_\_\_\_\_

Oscar Woerlein \_\_\_\_\_

Gary Summers \_\_\_\_\_

Scott LaBar \_\_\_\_\_