

The regular meeting of the Middle Smithfield Township Municipal Authority was called to order on Wednesday, June 17, 2009 at 6:01 P. M. with the Pledge of Allegiance, Mickey Roth presiding.

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

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

Oscar Woerlein moved to accept the minutes of the Authority's meeting held on Thursday, June 4, 2009. Gary Summers seconded the motion and motion carried 5-0.

Jack O'Rourke questioned Robyn Pugh as to the reissued check for Ryan Homes, was The original check issued a stop payment even though it had been outstanding since 2008.

Robyn Pugh replied she would contact PNC to request the issuance of a stop payment.

Mickey Roth questioned Scott Schaller regarding the invoice for payment to Middle Smithfield Township.

Scott Schaller stated the invoice covered both the engineer's and the secretary's salaries for third quarter 2009, labor for the Township employees for the installation of the fence slates for Pump Station Six and wages for Damian DeGeorge for grease trap inspections.

212 Software	57.70	134.89	192.59	1132
Achterman Associates	0.00	8,104.95	8,104.95	1133
CMR-POC	300.00	500.00	800.00	1134
Coyne Chemicals	0.00	2,490.00	2,490.00	1135
Fed-Ex	0.00	23.25	23.25	1136
F. X. Browne	2,190.59	0.00	2,190.59	1137
Barry J. Hoffman	8,721.00	0.00	8,721.00	1138
Scott LaBar	50.00	50.00	100.00	1139
Met-Ed	0.91	5,800.17	5,801.08	1140
MST	10,378.76	12,273.94	22,652.70	1141
Oscar Woerlein	50.00	50.00	100.00	1142

Prosser Laboratories	3,756.08	20,101.51	23,857.59	1143 & 1144
Mickey Roth	50.00	50.00	100.00	1145
Ryan Homes	0.00	1,150.00	1,150.00	1146
Gary Summers	50.00	50.00	100.00	1147
Waste Management	0.00	1,539.55	1,539.55	1148
John J. O'Rourke	50.00	50.00	100.00	1149
<u>TOTAL BILLS:</u>	25,655.04	52,368.26	78,023.30	

Correspondence:

Mickey Roth stated the Board had received a resume from Attorney Donald Karpowich applying for the alternate attorney position for the Municipal Authority Board. His resume will be taken into consideration and no action is to be taken.

Citizen Al Decker questioned the Board regarding the position of alternate attorney, why was the Board looking to hire a new attorney when there were two attorneys on the Board already.

Mickey Roth replied the Board has only one attorney, Richard Deetz and Jennifer Wise, Township solicitor, is assisting on the special Bushkill Group project, so the position of an alternate attorney is available.

Mickey Roth questioned Doug Olmstead about the letter received from Reilly Associates/ Christopher McDermott addressed to Peter Andrews regarding sewage flows for the Four Seasons Diner.

Doug Olmstead stated he would have to review the letter and speak to Chris McDermott and report his findings at the next Authority Board meeting

Scott Schaller informed the Board the letter from Reilly Associates was written specifically expressing interest in the sewer extension along Route 209 and possibly was not worded correctly for the Authority's purposes.

Mickey Roth informed the Authority Board the letter addressed to the Township Supervisors regarding the right-of-way/easement for the lot next to the First National Bank was ready for approval. The letter requested the Township Supervisors to notify the Authority Board when development plans were presented to the Township for the lot next to the bank to ensure a right-of-way for the Board to Pump Station Six.

Gary Summers moved Mickey Roth approve the letter addressed to the Township Supervisors regarding the right-of-way/easement for the lot situated next to First National Bank. Jack O'Rourke seconded the motion and motion carried 5-0.

Also presented for signature for the Chairman of the Authority Board were eight(8) letters, addressed to Senators Robert Casey, Lisa Boscola, Lisa Baker, Robert Mellow, Arlen Specter, Governor Edward Rendell, Representatives Paul Kanjorski, and Mario Scavello requesting their support of the pending H2O application which was submitted to the Pennsylvania Department of Community and Economic Development on February 11, 2009 on behalf of the Municipal Authority Board.

Jack O'Rourke moved for Mickey Roth to sign off on the eight(8) letters regarding the H2O application. Oscar Woerlein seconded the motion and motion carried 5-0.

Solicitor

Richard Deetz stated he had reviewed the request from LTS regarding a reduction in their letter of credit. LTS had originally agreed to pay \$220 per year to reserve capacity. LTS still has three more years under the reservation agreement of payments. Upon the completion of his review, the letter of credit should be reduced to \$64,680 and a letter should be send to LTS informing them of the Authority's decision.

Mickey Roth moved for Sandra Black to send the letter to LTS regarding the Authority's decision to reduce their letter of credit. Jack O'Rourke seconded the motion. Motion carried 5-0.

Bushkill Group will be discussed during Executive session.

Jennifer Wise, Middle Smithfield Township solicitor informed the Board that per the Right-to-Know law, emails are public record.

Engineering:

Doug Olmstead reported he had approved the Barry Hoffman request for payment for the Winona Plant. As per his records, Barry Hoffman should soon be turning over the as-builts plans and the manuals for the plant.

The McElwee Group should be installing the fence around the Winona Plant by the following week. The seeding, mulch and topsoil should also be done and Doug will contact the Conservation District. As far as payment to the McElwee Group, there is still a healthy sum which is owed to him.

Gary Summers requested Robyn Pugh submit a spreadsheet reflecting the actual numbers of payments still owed to the McElwee Group at the next meeting.

Mickey Roth questioned Doug Olmstead regarding the punch list provided by Oscar Woerlein and Scott LaBar on the Winona Plant. Doug responded the punch list had been reviewed and completed.

Doug Olmstead continued with his report on the main plant and the fact that he has contacted both suppliers and contractors to submit a budget for the coating of the inside of the tank which is the first task which will be undertaken. Has plans to put it out for bids the following year and have the work started by next spring.

Regarding the 209 sewer line extension, Doug met with Fred Courtright and went over a couple of items in order to put together applications. Doug asked for approval from the Board to request from Walsh two separate quotes for the sewer work and a trench wide enough to install a water pipe. The cost for using Walsh is \$1,500. Quotes are needed in order to establish the proper dollar amount to borrow for the sewer extension line. The quotes should be ready for the next meeting.

Mickey Roth moved for Doug Olmstead to utilize Walsh Estimating Service for the Route 209 sewer line extension and Oscar Woerlein seconded the motion. Motion carried 4-0 with Jack O'Rourke abstaining.

Doug Olmstead continued stating Damian DeGeorge had selected three more restaurants along Route 209 for evaluation of their grease traps and will submit his report at the next Authority Board meeting.

The landscaping around Pump Station Six has been completed.

Accountant

Robyn Pugh distributed to the Board members the financial activity report for the periods January 1, 2009 through May 31, 2009. She stated she was working on separating the financial activity of the Winona Plant and on the requested information for ARI.

The check from M&T Bank has been received and deposited in the operating account.

Both the operating and construction accounts held by PNC are now in the process of being closed out. A check has been prepared, \$4,817.52, from the PNC operating account made out to Wayne Bank for the new operating account. Two members of the Board will have to personally go to PNC to close out the construction account.

Received an email from Tom Beckett with questions which have now been answered and he is working on couple of scenarios to submit to the Board regarding the bond issue.

Plant Operator

Dave Scholtz reported the May DMR report for the main sewage treatment plant was submitted to the DEP with no exceptions. Treatment plant flow averaged 388,000 and

peak flow was 575,000. No sludge was received at the main plant from the Winona Plant because the sludge tanks are still filling up. Processed 46 tons of sludge and they were disposed at the Keystone landfill. Has discontinued what has been done in the past for odor control and has not received any complaints but odor monitoring continues. Submitted Med Ed charts to Sandy Black for distribution to the Board members. Responded to one alarm at the plant on May 24, 2009 due to a computer freezing up. The computer was reset and brought back on-line. The decant flow equalization tank was emptied and cleaned out.

Regarding the Winona plant, the nitrate levels came in high at 5 and needs to be below 4 for the compliance samples - one exception for the month of May. Processed adjustments to bring it into compliance. The plant flow rate average was 17,000 with a peak flow of 22,000. The flow rates have been much higher due to the rainy weather. No sludge and no problems at the pump stations.

Sent four requests for bids for "Ferric Chloride" and copies of the letters have been given to Sandy Black.

The hydrated lime which Graymont was approved as the supplier at the last meeting has been delivered.

Made a request to ITT Flygt, the manufacturer of the pumps in the pump stations for a quote on servicing the pumps along Route 209, six location, two pumps in each station, a total of 12 pumps. They submitted their price quote and a list of items they will check during their service call. Their price quote was \$6,024.

Jack O'Rourke questioned Dave Scholtz as to whether the servicing of the pumps is done either annually or semi-annually. Dave stated the older pumps are suppose to be serviced annually but it has been over two years since they were serviced.

Mr. O'Rourke then questioned the servicing of the electronic control panels. Dave stated the electronic controls had been installed by ITT Flygt and should be serviced by them.

Jack O'Rourke motioned to accept the price quote of \$6,024 submitted by ITT Flygt for the servicing of the pumps in the pump stations. Oscar Woerlein seconded the motion and motion carried 5-0.

Regarding the flow meter, Jack O'Rourke had obtained another price quote which was \$600 lower than the original quote submitted by W. G. Walden. Jack stated he would like to speak to W. G. Malden and request a lower price quotation from them for the meter.

Jack O'Rourke moved to try and obtain a lower price quote from W. G. Malden and, if the quote is reduced, approve W. G. Malden for the installation of the flow meter. Oscar Woerlein seconded the motion and motion carried 5-0.

Mickey Roth questioned Dave Sholtz as to the old fork lift and whether it needed repair or not since at the previous Board meeting Action Lift had been approved to repair it.

Dave Scholtz stated the old fork lift was working properly again and it only required the annual servicing. Due to the fact the forklift started working again, the request for repairs by Action Lift had been cancelled.

Solicitor:

Richard Deetz re-addressed the Board regarding the proposed draft of Ordinances. He distributed a new draft of the Ordinances to the Board members. The draft of the Ordinances is a clarification of the Resolutions enacted in January, 2003 which basically embodied the theories of “first come, first serve” and the “use it or lose it” concept.

Page 2 of the draft defines the connection permits. This would be the piece of paper an applicant and/or developer would receive once they paid either the connection or tapping fees which would be site specific. It would have their name on it showing that they have paid for the right-to-connect to the sewage treatment plant. The bottom of Page 2 reflects the “first come first serve” concept in Ordinances language and the specific prohibition for reservation agreements.

The top of Page 3 states no connection permit for a sub-division or land development plan can be either sold or issued before obtaining approval from the Board of Supervisors. The Township Supervisors also have to approve the 537 plan before the purchase of either connection or tapping fees.

Also on Page 4, Section 3 it states the applicant and/or developer has to submit financial security which must be approved by the Municipal Authority. Continuing on Page 4, Section E is the Authority’s option to repurchase, if requested by the owner, the connection permit at a 15% administrative deduction. At the time of the repurchase, the developer has to file an amended Act 537 Plan. Page 4 also has the requirements for inspection of the sewage line installation and submission of the as-builts.

The Authority can make recommendations but the Supervisors have the final say so on 537 plans and the DEP would make their decision after the Supervisors’ have made theirs.

Jack O’Rourke questioned Richard Deetz if the connection is site specific in a development, is it mandatory for the Authority to repurchase it

Richard Deetz stated the Authority does not have to repurchase it

Jack O’Rourke moved for the Ordinances presented by Richard Deetz to be passed onto the Middle Smithfield Township Supervisors. Scott LaBar seconded the motion and motion carried 5-0.

Old Business

Delinquent dollar amount collected since June 5, 2009 was \$3,222.70. A total of \$139,536.02 has been collected since February, 2009.

New Business

Mickey Roth informed the Municipal Authority Board of the re-appointment of Scott LaBar for a period of five years by the Town Supervisors of Middle Smithfield Township.

Scott Miller of Riley and Company presented his list of answers to questions presented to him by Gary Summers and Robyn Pugh. Due to the fact his summary was rather lengthy, it was requested by Mickey Roth he present to the Board in writing the questions and answers in order for the members of the Board to have the opportunity to review them and be able to address them at the next meeting.

Scott Schaller questioned the Board as to the late submission of the 2008 audit by Riley and Company and the reasoning behind it.

Mickey Roth stated the audit was placed on hold by the Board due to the negotiations with the Bushkill Group. Since the negotiations were going well with Bushkill, it was requested Scott Miller present the audit at the meeting.

Citizens Comments:

Citizen Larry Dymond questioned the Board about their possible acquisition of 1,000 capacity and would it be profitable and beneficial to the Township.

Mickey Roth stated due to on-going negotiations he would not be able to answer Mr. Dymond's question.

Pat Cusmano questioned the Board as to their decision to change their work session to Executive Session on Monday, June 15, 2009.

Richard Deetz answered that due to the Sunshine law, the work session of the Authority Board had to be advertised but it also was possible for the work session to be changed over into an Executive Session regarding discussions of either personnel or real estates matters. No decisions or issues can not be decided on or voted on during an Executive Session. Decisions and/or issues must be presented before a regular meeting but a work session can be initiated into an Executive Session.

Mickey Roth moved to enter into Executive Session at 8:00 P. M. Scott LaBar seconded the motion and motion carried 5-0.

Mickey Roth motioned to reconvene the Board meeting at 8:50 P. M. Oscar Woerlein seconded the motion and motion carried 5-0.

There being no further business, the meeting adjourned at 8:55 P. M.

Respectfully submitted:

Sandra Black, Recording Secretary
Middle Smithfield Township Municipal Authority

Mickey Roth _____

Jack O'Rourke _____

Oscar Woerlein _____

Gary Summers _____

Scott LaBar _____