

The meeting of the Middle Smithfield Township Municipal Authority was called to order on Thursday, October 1, 2009 at 6:00 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, Doug Olmstead, Sandra Black, and other interested parties.

Jack O'Rourke moved to accept the minutes of the Authority's meeting held on Wednesday, September 16, 2009. Oscar Woerlein seconded the motion and motion carried 4-1. Gary Summers abstained from the vote because he was not present at the meeting.

Oscar moved to accept the payables for Thursday, October 1, 2009. Jack O'Rourke seconded the motion and motion carried 5-0.

	<u>Winona</u>	<u>MSTMA</u>	<u>Total</u>
Michele Clewell	0.00	20.00	20.00
CMRS-POC (Postage)	450.00	450.00	900.00
Commonwealth of Pennsylvania	0.00	500.00	500.00
Coyne Chemical	0.00	2,820.00	2,820.00
Emergency System Company	0.00	1,870.86	1,870.86
ITT Flygt Corporation	0.00	1,596.40	1,596.40
Kirk, Summa & Company, LLP	0.00	21.30	21.30
Scott LaBar	50.00	50.00	100.00
Met-Ed	297.93	486.49	784.42
John J. O'Rourke	50.00	50.00	100.00
Oscar Woerlein	50.00	50.00	100.00
PA American Water	0.00	14.31	14.31
Pocono Record	0.00	101.74	101.74
Mickey Roth	50.00	50.00	100.00
Strand Pool Supply, Inc.	1,537.25	0.00	1,537.25
Verizon	131.87	282.37	414.24
Waste Management	0.00	2,716.61	2,716.61
<u>TOTAL BILLS:</u>	2,617.05	11,080.08	13,697.13

Correspondence:

Mickey Roth informed the Authority Board a proposal letter for the "Spray Irrigation Investigation for the Fernwood Golf Course" had been received from Achterman Associates. The letter stated "We propose to begin this project with Time and Material billing to gather the information necessary to prepare a definitive and realistic scope of

work that can be used to enter into a lump sum contract. This would include the preliminary meeting with representatives of the Bushkill Group and the necessary follow-up meetings to gather flow information, system information, and any other information available on the golf course. We would estimate that these costs would be in the range of \$2,500 to \$4,000.” Mickey Roth questioned the Board if the letter was agreeable to their terms and requested a motion on the letter of proposal.

Jack O’Rourke moved the letter of proposal from Achterman Associates for the Spray Irrigation Investigation for the Fernwood Golf Course be accepted by the Municipal Authority Board. Oscar Woerlein seconded the motion and motion carried 5-0.

A Winona Lakes customer, Joseph Albanese sent an e-mail to Sandy Black requesting to be placed on the Agenda for the November 5, 2009 meeting. The customer wants to discuss the new Winona Lakes tapping fees. He submitted his request along with an e-mail which was sent by Robyn Pugh in which it was stated that “the Authority was the recipient of an H2O grant. The total grant is \$1 million; however, it is not all for Winona. The large part of it will be going towards Winona. This lowers the tapping fee. The Authority engineer and I will be crunching the numbers sometime next week to determine the new fees.”

Gary Summers questioned the Board regarding the statement in the e-mail from Ms. Pugh which stated new tapping fees were being worked on. Did the Board pass a motion setting the new tapping fees for Winona Lakes already or is there further work being done on the tapping fees.

Doug Olmstead stated the customer had been quoted an inaccurate statement regarding the usage for the H2O grant. The tapping fees have already been approved by the Authority Board and set and he did not know anything about a change regarding the fees.

Jack O’Rourke re-read the portion of the email which stated the grant would lower the tapping fees for Winona Lakes. He stated the statement should not have been made because a large part of the grant was for the central sewage plant to reduce the overcharge the Authority had been charged... He recommended Mr. Albanese be placed on the Agenda.

Doug Olmstead stated the H2O grant was not obtained for the tapping fees and the statement should not have been made. Nothing can not be decided because the Authority has not received the check for the grant as of yet.

Fred Courtright submitted an application to the DEP regarding the Route 209 extension for approval by the Chairman of the Authority Board. The check made out to “Commonwealth of Pennsylvania” is a part of the payables submitted for payment today. Also the Authority members need to approve a form submitted by Wayne Bank for the new checking account being opened for the payroll of the recording secretary. The form from Wayne Bank requires the signatures from all five Municipal Authority Board members. Kirk, Summa and Company will be handling payroll for the Authority.

Also in the folders of the Authority Board members is a copy of the new Middle Smithfield Township invoice for the fourth quarter. It was not submitted on time for payment and Mickey requested the members review it and submit comments.

Solicitor:

Jeff Snyder requested the Board review his purchase of 14 edus with regard to Meadow Lake Plaza. He stated he wished to correct the original edu count and purchase additional edu. As per the records of the Authority, Mr. Snyder owns 9 edus. The Authority had rescinded 8 edus for non-payment. Mr. Snyder stated he purchased one edu from Peter Ahnert and personally purchased 13 edus. Mr. Snyder stated he had 14 edus before the problem with the laundromat occurred.

Richard Deetz stated Paul McNemar of F. X. Browne had prepared a summary stating Meadow Lake Plaza had 9 edu's. Correspondence had been sent to Mr. Snyder's attorney on January 7, 2009 informing them of the 9 edus. The letter also informed Mr. Snyder if he wished to purchase additional edu, he was required to submit an application with specific site plans and its usage.

Doug Olmstead stated he would review the correspondence provided and report back to the Board regarding Mr. Snyder's request.

Mickey Roth informed Mr. Snyder a review will be conducted and the Board will get back to him.

Mr. Deetz stated he spoke with Attorney Matergia regarding the termination of the Letter of Credit held by Miggy Brothers. Miggy Brothers has not been able to show clearance for the wetlands encroachment. Mr. Matergia faxed over a letter sent to PNC proposing one or two amendments for the Letter of Credit. The first amendment is extending the Letter of Credit to April 30, 2010 and retaining the 60 days notice. Mr. Matergia reassured Mr. Deetz PNC will renew the Letter of Credit.

Mr. Deetz also found a copy of a proposed First Amendment which was signed by Miggy Brothers LLC and is favorable to the Municipal Authority. On the second page of the Amendment it states "the Authority can consent to a reduction to the Letter of Credit." This was already approved by the Board.

Item 3 "the owner must maintain the Letter of Credit". Miggy Brothers have already stated they will maintain the Letter of Credit. Item 4 "the owner agrees to indemnify and hold the Authority harmless from any claims or liabilities rising from their conduct in the construction of the line including any liabilities for non-payment of fines and penalties".

Mr. Deetz suggested a motion be made to approve and sign the Amendment and a motion to draw upon the Letter of Credit by the Authority by October 21, 2009.

Jack O'Rourke moved the Authority Chairman approve and sign the proposed First Amendment as presented by Miggy Brothers. Scott LaBar seconded the motion and motion carried 5-0.

Jack O'Rourke moved the Municipal Authority officers, Authority solicitor and engineer withdraw on the Letter of Credit if the replacement Letter of Credit is not received by September 23, 2009. Oscar Woerlein seconded the motion and motion carried 5-0.

Mr. Deetz recommended the request for the refund of connection fees be tabled.

Gary Summers moved the Authority table the request for the refund of connection fees. Oscar Woerlein seconded the motion and motion carried 5-0.

Regarding the Keystone Hollow Letter of Credit, he suggested a representative of the Authority contact Keystone Hollow and informed them the Authority is willing to release the Letter of Credit if they release their Reservation Agreement. If they refuse, it should then be requested they provide the Authority detailed accounting in order to evaluate the request.

Mickey Roth suggested Mr. Deetz write to Kevin Jones of Keystone Hollow regarding their request of the release of their Letter of Credit and also request a detailed accounting from them.

Regarding the Winona Lakes homeowner who lost her home to a fire and has requested to be changed over to standby fees status, Resolution No. 10-1-2009 has been drafted for future incidents. The termination of the connection on the property shall be physically disconnected from the Authority's sewer interceptor. The connection shall be capped and sealed under the supervision of a representative of the Authority.

The drafted Resolution, sub-paragraph B reads "After the physical severance of the connection, the billing for the amount of the property owner with the Authority shall revert to "standby fees" for a period of two years".

Jack O'Rourke requested Mr. Deetz add the sentence "provided the sewer fees are current" to sub-paragraph B.

Mr. Deetz continued to read sub-paragraph C of the Resolution, "in the event the property owner fails to reconnect the sewer lateral to a structure on the premises within two years from the date of the aforesaid severance of the connection, the property owner shall be deemed to have abandoned all rights to connection to the system and the connection right or edu shall be deemed to be released and relinquished to the Authority".

Doug Olmstead stated the Authority could also purchase the edu at 15% discount.

After a short discussion it was decided to table the drafted Resolution for structure removal and this item will stay on the Agenda.

Richard Deetz then informed the Authority Board the township supervisors had incorporated minor changes to the proposed Ordinances for the Authority.

The Bushkill Agreement Bond closing situation will have a pre-closing meeting on Thursday, October 8th and both Mickey Roth and Gary Summers are to be present at the meeting in order to sign off on the documents for the closing. The closing is set for October 20th and it will be conducted by wire transfers and telephone conversations between George Aman and Tom Beckett. The funds will be available the same day. The final closing with the Bushkill Group and the Authority is scheduled for October 22nd.

Mr. Deetz requested Executive Session for personnel matters

Engineering:

Doug Olmstead reported the as-builts for the Winona Plant was federal expressed from F. X. Browne and will be in the office by Friday. Paul McNemar should be returning from his medical leave of absence by October 12th.

Fred Courtright and Doug continue working on a budget for the main plant.

Regarding the 209 sewer line, both the check and request will be sent out by Fred Courtright to the DEP soon.

The pump stations rehab work is on-going.

Regarding the Taste of Portugal and their grease trap, they have been keeping records of when they clean out the trap and when the grease has been picked up.

Working with Steve of John Siproth's office regarding DMI Manufacturing. Steve provided two contact names for DMI, Scott Rossetti and David Emillo. There will be no cost for the analysis.

Plant Operator

Mickey Roth reported Dave Scholtz was not able to be present at the Authority meeting but had submitted his report.

Main plant average flow rate for September, 2009 was 429,000. Sludge processing continues with no major problems to report. Odor problems continue to be low and have not received any complaints. Placed an order for new carbon canisters for the pumping stations.

The SBR Tank #2 was emptied to repair a brace on the decant arm. The brace was welded, repainted and reinstalled. A crane was required to reposition the decant arm bracing. Inspection was conducted on the suction line, jet line; decant discharge arm

bracing, brackets and hardware. Found one bracket on the jet header piping which were severely corroded and missing bolts on one side. Decant discharge line had one wall bracket missing. The piping appears to be solid and well supported even though two items were defective. Dave Sholtz recommends these two items be addressed next year when further preventive work is being performed.

Dave Scholtz is waiting for quotes to fabricate new brackets for the decant arms.

The SBR Tank #1 will be scheduled for an inspection of the brackets and braces.

Received a lime shipment, 18 pallets/22 tons from Graymont on September 22nd.

Two invoices were forwarded to Sandy Black for payment. The first invoice is from Emergency Generator Systems for the repair on the plant generator. The second invoice is for ITT Flygt for a level sensor at Pump Station No. 2.

Regarding the pump stations, the contractor was on site at Pump Stations 3, 4 and 7. Tentatively scheduled for servicing is Pump Station #3 for the second week of October. Dave is coordinating the work with both the contractors, Aqua Net and ITT Flygt.

The Winona Plant is operating well and there are no problems to report.

New Business:

Gary Summers questioned Richard Deetz about an article in the PMAA magazine regarding the turning off of the water system of delinquent customers and how it would apply to delinquent customers of the Authority. Gary will further investigate the article from the PMAA magazine and report back to the Authority about it.

Citizen's Comments

Pat Cusmano requested the Authority list their payables in the minutes. Sandy Black stated she usually incorporates the previous approved payables in the minutes but forgot to do it for the minutes of the meeting held on Wednesday, September 19, 2009.

Jack O'Rourke moved to enter into Executive Session for personnel matters at 7:20 P. M. Oscar Woerlein seconded the motion and motion carried 5-0.

Jack O'Rourke moved to resumed the Authority meeting at 7:47 P. M. Oscar Woerlein seconded the motion and motion carried 5-0.

John Petrizzo requested to speak to the Board regarding the odor along Route 209 and whether the Board was doing anything about it. He stated he had phoned the Township several times complaining about it.

Mickey Roth stated Dave Scholtz would be contacted and informed of his complaints regarding the odor.

Richard Deetz informed the Board he would look into a bond administrator and will speak to George Aman about it. Twice a year checks will have to be written to the various holders and the Township will have to fill out a form for the IRS for the bond. George Aman will prepared the memorandum and the secretary will have to check it our and make sure it happens.

There being no further business, the meeting adjourned at 8:00 P. M.

Respectfully submitted:

Sandra Black, Recording Secretary
Middle Smithfield Township Municipal Authority

Mickey Roth _____

Jack O'Rourke _____

Oscar Woerlein _____

Gary Summers _____

Scott LaBar _____