

The regular meeting of the Middle Smithfield Township Municipal Authority was called to order on Wednesday, January 21, 2009 at 6:02 P. M. with the Pledge of Allegiance, Mickey Roth presiding.

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

Also present Richard Deetz, Dave Scholtz, Scott Schaller, Doug Olmstead, Sandra Black, Robyn Pugh, and several interested parties.

Fred May moved to approve the January 8, 2009 minutes and Oscar Woerlein seconded the motion. The motion carried 5-0.

Accounts Payables: Jack O'Rourke questioned the \$14,000 invoice from Riley and Company. Sandra Black stated the invoice is itemized corresponding to the work performed by Riley and Company and it was correct. Oscar Woerlein questioned the Graymont invoice. Dave Scholtz stated the invoice from Graymont was for the lime being used for the plant.

212 Software	28.04	56.91	84.95	4158
Allstate Septic Systems, LLC.	1,080.00	0.00	1,080.00	4159
Day-Timer	0.00	78.23	78.23	4160
Graymont Capital Inc.	0.00	5,695.00	5,695.00	4160
Met Ed	7,528.88	1,752.94	9,281.82	4162 & 4163
Prosser Laboratories, Inc.	13,938.52	0.00	13,938.52	4164
Pocono Record	0.00	41.18	41.18	4165
Riley and Company	0.00	14,000.00	14,000.00	4166
Stotz & Fatzinger Office Supply	0.00	131.80	131.80	4167
Strand Pool Supply LLP	1,595.20	0.00	1,595.20	4168
Verizon	65.89	0.00	65.89	4169
Waste Management	1,319.36	0.00	1,319.36	4170
<b>TOTAL BILLS:</b>	<b>25,555.89</b>	<b>21,756.06</b>	<b>47,311.95</b>	

Jack O'Rourke moved to approve the payables and Oscar Woerlein seconded the motion. The motion carried 5-0.

**Correspondence:**

Penn Dot submitted an invoice for the sewer relocation work at Fernwood in the amount of \$56,943.60. Jack O'Rourke moved to table the invoice until the following meeting so that the Authority Board could further review the material submitted by Penn Dot. Fred May seconded the motion. Motion carried 5-0

Mickey Roth stated that even though it was voted on and approved at the last meeting, the termination of F. X. Browne, Inc., F. X. Browne, Inc. had submitted a letter stating they are willing to complete the Winona Lakes project.

Jack O'Rourke questioned the letter submitted by F. X. Browne regarding the fact that they will charge for their services on a time and material basis. Jack O'Rourke questioned the fact that the Authority already had a contract with F. X. Browne where they agreed to the Winona Lakes project for an amount of \$85,000.00.

Mickey Roth stated F. X. Browne had exceeded their estimates but they are willing to see the Winona Lakes project to completion but on a time and material basis. Paul McNemar had informed the Chairperson, in a telephone conversation, F. X. Browne is owed \$17,000.00 but they are willing to forego this amount.

Doug Olmstead stated the Authority should agree with the letter from F. X. Browne for the completion of the Winona Lakes project because F. X. Browne did not have a fixed fee, it was a fee estimation and things had escalated. As far as he is concerned it makes more sense for F. X. Browne to see the Winona Lakes project to completion as opposed to another engineering company taking the project over at this point in time.

After a lengthy discussion it was decided that F. X. Browne Inc will be allowed to complete the Winona Lakes project but not exceeding more than 20 hours of work, on a time and material basis and under the direct supervision of Doug Olmstead.

Oscar Woerlein made the motion that F. X. Browne, Inc., Paul McNemar, be rehired to complete the Winona Lakes project but not exceeding more than 20 hours of work, at a rate of \$150.00, on a time and material basis, under the direct supervision of Doug Olmstead. Fred May seconded the motion. Motion carried 5-0.

Mickey Roth proceeded to read the email from Fred Courtright of Achterman Associates, dated January 21, 2009 regarding the filing of the Chapter 94 report for the PaDEP on the operation of the sewage treatment plant and its collection system. Two reports for the Authority are required to be filed, one for the Fernwood plant and one on Winona, and the deadline is March 31.

Mickey Roth questioned Doug Olmstead regarding the filing of the reports. Doug Olmstead stated he has done these reports previously but he had not read the email. Dave Scholtz stated he was also familiar with the report and he can obtain the majority of necessary data. Both the engineer and plant operator will complete the required reports.

Oscar Woerlein made the motion Doug Olmstead would be responsible for the filing of the Chapter 94 reports for the PaDEP with the assistance of Dave Scholtz. Jack O'Rourke seconded the motion. Motion carried 5-0.

Mickey Roth stated the Authority would need to review the H2O Grant Application, grant for improvement projects, which was also submitted by Fred Courtright.

Jack O'Rourke stated the application had to be completed by February 13, 2009 which gave the Authority time to review the application and have it completed by the Authority's meeting set for Thursday, February 5, 2009. Jack O'Rourke also stated the Authority would need a grant writer to prepare the application.

Oscar Woerlein moved the Authority proceed with the filing of the H2O Grant Application for the Winona Lakes Project and the pump stations. Jack O'Rourke seconded the motion. Motion carried 5-0.

The budget projections received from Riley and Company were placed as an item on the Agenda for the Thursday, February 5, 2009 meeting

**Solicitor's Report:**

Richard Deetz recapped the situation regarding HDD Land and the Sewer Capacity Reservation Agreement. HDD Land does not need a Letter of Credit due to the fact that they have provided cash to take care of the matter. He stated HDD Land had signed the Sewer Capacity Reservation Agreement which reserves the rights for connection for the lots which they still own until the year 2013. Mr. Deetz stated that he needed authorization from the Authority to approve the Sewer Capacity Reservation Agreement with HDD Land.

Jack O'Rourke moved to authorize the Authority to sign the Sewer Capacity Reservation Agreement with HDD Land. Fred May seconded the motion. Motion carried 5-0.

Richard Deetz handed out a letter which he received from Tallman, Hudders and Sorrentino regarding Lennar Corporation's Letter of Credit and the release of it. Mr. Deetz recommended the Letter of Credit be released at this time. A form was attached to the letter which needs the approval of the Chairman of the Municipal Authority.

Jack O'Rourke moved that Lennar Corporation's Letter of Credit be released. Oscar Woerlein seconded the motion. Motion carried 5-0.

Richard Deetz requested Sandra Black prepare a letter releasing the Letter of Credit of Lennar Corporation for Mickey Roth, Chairman of the Municipal Authority, approval.

Richard Deetz stated he had not received any updates regarding the Miggy Brothers request for their Letter of Credit to be released.

Doug Olmstead stated the problem regarding the encroachment to the wetlands had not been resolved as of yet. This problem is still being addressed by the Bennigan's owners and the engineers of the project.

Richard Deetz recommended this item be removed from the Agenda but the Letter of Credit is not to be released until the violation has been resolved.

Regarding the FNCRB – easement and right-of-way access, Mr. Deetz stated Paul McNemar of F. X. Browne, Inc. was working on this situation and he did not have any updates on it.

Doug Olmstead stated he spoke with Paul McNemar about the CVS easement. Paul McNemar is submitting a progress report to the Authority and the CVS problem would be on it.

Mickey Roth stated the FNCRB item would remain on the Agenda until the Authority receives a report from Paul McNemar of F. X. Browne, Inc. and Doug Olmstead will be able to proceed with this item and finish up with the project.

Richard Deetz stated a letter had been sent to Jeff Snyder regarding a revised figure after the rescinding of the 8 EDU's, which were never assigned to him because he had never paid for them, and Mr. Snyder has not responded.

Richard Deetz also stated he had not heard as of yet from the attorney who is representing the condo association, which owns the Snyder property, regarding the right-of-way on the property.

Richard Deetz stated that in the future both the Authority and Township Authority should adopt a new policy regarding new projects and easements in favor of the Authority.

Mr. Deetz then requested an Executive Session regarding the Bushkill project.

#### **Engineer's Report:**

Doug Olmstead stated the goal once the letter is received from Paul McNemar of F. X. Browne, Inc. is to make a list of all of the things which have not been addressed, prioritize the items and get approval from the Authority to proceed with them.

#### **Sewer Plant Operator's Report:**

Dave Scholtz stated the December DMR have been submitted to the DEP and everything was fine.

Dave Scholtz then stated that in regards to Big Ridge development, he spent time with W. B. Baldwin, who does the calibrations of the flow meters. They took a look at the installation by the Pond Creek manhole. This meter is continuously under water and has to be pumped continuously. The sensor can be submerged in water but it was not made to be submerged continuously. The meter works but it will not register below 35 gallons. Dave Scholtz went into lengthy discussion regarding the flow meter and the things which have to be corrected in order to obtain a proper reading from it.

Regarding the odor control situation, Dave submitted a written report to the Authority for their review.

Pump station 3 has a corrosion problem which needs to be addressed as soon as possible

Dave stated that the electronic composite sampler had died and a new one costs \$2,166.07. Dave Scholtz requested the Authority's permission to replace this item.

Oscar Woerlein moved for Dave Scholtz to purchase a new electronic composite sampler. Fred May seconded the motion. Motion carried 5-0

W. B. Baldwin performed calibrations at Big Ridge and the balance of the flow meters and they have been certified for the year. The calibrations have to be performed on a yearly basis.

Dave Scholtz stated he conducted another grease trap survey, copies of the reports were submitted to Sandra Black. Every grease trap needs to be cleaned out more frequently as opposed to what is being done now.

Dave Scholtz and Sandra Black will work on a letter informing the owners of the requirements for the maintenance of the grease traps.

Richard Deetz stated the Township has an appointed officer, code enforcement officer, who should be conducting these inspections. The code enforcement officer has to review the situation and, if compliance is not obtained after proper documentation, is to contact the district justice and file a complaint.

Jack O'Rourke stated the Authority would continue monitoring the situation, documenting it and when a violation had to be enforced, the situation would be turned over to the code enforcement officer.

Dave Scholtz stated the DMR for the Winona plant has been reported to the state.

**Accountant:**

Robyn Pugh stated in regards to the letter from PNC bank, there was nothing to worry about it. The letter was actually a form letter letting the Authority know that FDIC insurance was now unlimited.

Robyn Pugh stated she needed to request of the Board members what action they wanted to be taken regarding the standby fees which were charged during the moratorium.

Robyn Pugh proceeded to point out that landowners who had not paid the standby fees, their accounts should be zeroed out. The landowners who paid the fee should be eligible

for a credit plus an interest rate, towards the tapping fee. The landowners who requested a refund of their money, the Authority should refund their monies.

Richard Deetz stated a refund requested from a government entity has a certain time limit. Richard Deetz mentioned he would research the law regarding refunds.

Robyn Pugh suggested the Authority needs to know what their options and policies are regarding landowners requesting the refund of their monies.

Mickey Roth approved the Letter of Engagement submitted by Serendipity Accounting and Tax Services since it had been motioned and carried at the previous Authority meeting.

**Old Business:**

**New Business:**

Mickey Roth informed the Authority they needed to finalize the hiring of Doug Olmstead as the Authority's engineer at a salary of \$4,200 per month since F. X. Browne's services had been terminated at the last Authority meeting.

Gary Summers moved that Doug Olmstead be hired on as the Municipal Authority's engineer. Jack O'Rourke seconded the motion. Motion carried 5-0.

Regarding delinquent sewer accounts, Richard Deetz stated liens are placed against the property and copies of the liens have been given to Michele Clewell on a monthly basis. Liens are indefinite and the property owner cannot sell or refinance their mortgage before paying off their sewer debt.

After a lengthy discussion, a motion was made by Oscar Woerlein for Sandra Black to send out delinquent sewer account letters. Jack O'Rourke seconded the motion. Motion carried 5-0.

Jack O'Rourke requested the Authority board members be supplied with business cards and identification cards. Sandra Black stated this request was already in process.

**Citizen's Comments:**

Neicy Ramos and Marianne Glamann of Wayne Bank requested to be placed on the February 5, 2009 Agenda.

**Executive Session:**

Jack O'Rourke made a motion to enter into Executive Session at 8:05 P. M. Motion seconded by Oscar Woerlein. Motion carried 5-0.

Motion made by Oscar Woerlein to reconvene the meeting at 8:30 P. M. and seconded by Fred May. The motion carried 5-0.

There being no further business, the meeting adjourned at 8:31 P. M.

Respectfully submitted:

Sandra Black, Recording Secretary  
Middle Smithfield Township Municipal Authority

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

Jack O'Rourke \_\_\_\_\_

Fred May \_\_\_\_\_

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

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