

**Minutes
North Lebanon Township Municipal Authority
November 11, 2021**

The regularly scheduled meeting of the North Lebanon Township Municipal Authority was held at 7:00 p.m. on Thursday, November 11, 2021, at the North Lebanon Township Municipal Building, 725 Kimmerlings Road, Lebanon, PA with the following people present:

| | |
|-------------------|---|
| Gary Heisey | Chair |
| Dawn Hawkins | Vice Chair |
| Tod Dissinger | Treasurer |
| Brian Hartman | Secretary |
| Rodney Lilley | Assistant Secretary/Assistant Treasurer |
| Amy Leonard | Henry and Beaver, LLP |
| Scott Rights | Engineer-Steckbeck Engineering |
| Lori Books | Assistant Township Manager |
| Edward Brensinger | Roadmaster/Supervisor |

Molly Lum, Sewer Billing Clerk, and Erika Sheibley, Office Clerk, were also in attendance.

The meeting was called to order by Chair Heisey and the pledge to the flag was recited.

COMMENTS FROM THE PUBLIC

There were no comments from the public as no public was in attendance.

Lori introduced Erika to the Municipal Authority Board. Erika is the Township Office Clerk and will be covering the sewer billing duties while Molly is on maternity leave.

Chair Heisey asked for a motion to approve the Joint Minutes from October.

MOTION: Motion was made and seconded to approve the Joint Minutes from October. Motion approved unanimously.

Chair Heisey asked for a motion to approve the October minutes.

MOTION: Motion was made and seconded to approve the October minutes. Motion approved unanimously.

Chair Heisey asked for a motion to approve the invoices and requisitions for payment all subject to audit.

MOTION: Motion was made and seconded to approve invoices and requisitions for payment all subject to audit. Motion approved unanimously.

SOLICITOR'S REPORT – Atty. Amy Leonard

Rebecca Alley Sewer Easements Update – There are still two (2) property owners who have

not signed the easement agreement. Last month the Municipal Authority Board discussed moving forward with condemnation on the remaining properties if they do not sign the easement agreement so that this is not an issue in the future. A final letter was mailed to the two (2) remaining property owners outlining the differences between an easement agreement and a condemnation. Atty. Leonard indicated we will discuss our options in executive session.

Atty. Leonard stated she received a phone call from Jessica Berkheimer yesterday stating she already signed the agreement. Atty. Leonard explained it must have gotten lost in the mail as we never received it. Ms. Berkheimer agreed to sign another agreement. Ms. Berkheimer also provided Atty. Leonard with an alternate mailing address for her ex-husband as he no longer lives at the property in question. He is still listed on the deed as an owner and needs to sign the document as well.

Nolt, Weaver & Stoltzfus Sewer Connection – Atty. Leonard reached out to Swatara Township’s Solicitor, Colleen Gallo, asking for an update. Solicitor Gallo informed her that Mr. Nolt has not moved forward at this point and plans have not been submitted for review. There are no new updates.

Moravian Manor – Last month, the Municipal Authority Board agreed to serve as a conduit for Moravian Manor. The necessary Resolutions were adopted. The targeted closing date is December 8th, 2021, so we should see the conduit fee by the end of this year.

Chair Heisey asked if there is any additional paperwork needed to be signed? Atty. Leonard said she was not made aware of any but will double check with Peter Edelman. The Municipal Authority Board discussed authorizing Chair Heisey to sign any additional paperwork that may be forthcoming.

MOTION: Motion was made and seconded to authorize Chair Heisey to sign any additional paperwork for the conduit agreement with Moravian Manor on behalf of the Municipal Authority Board. Motion approved unanimously.

Delinquent Sewer Accounts – Atty. Leonard provided an updated copy of her lien report. There will be 5 additional accounts added next month if payment is not received in the meantime. This includes a couple of well properties and a few properties where the water has been shut off and the property is condemned.

ENGINEERS’ REPORT – Scott Rights

Orange Lane Sewer Extension – The construction of the sanitary sewers belonging to Project TV was completed. The repair to fix a leak in the new doghouse manhole constructed over the Municipal Authority’s existing sewer main within Elias Avenue has been completed. H&K is scheduled to vacuum test the manhole tomorrow. Once the lines pass the necessary testing, they will be dedicated to the Municipal Authority. The Orange Lane Pump Station can be decommissioned any time thereafter.

The construction of the NLTMA portion of sanitary sewer was completed as well. H&K has completed all testing of the manholes and sewer mains. To close out the contract, H&K needs to finish installing the manhole flag markers and submit the as-built drawings. H&K

has not submitted a final pay request this month. To date, the Municipal Authority Board has approved and paid \$59,356.00 after their initial pay request came in. This leaves a remaining balance of \$7,124.00 from the agreed upon contract price.

Scott is suggesting the Municipal Authority Board take action to issue the Substantial Completion Certificate as of October 28th. This acknowledges that this portion of the sewer lines are ready to be used. A one-year warranty then goes into effect. If anything goes wrong within that year, H&K must make the repair at no cost to the Municipal Authority.

Dawn asked Scott if the switch from the Orange Lane Pump Station to the new sewer line has occurred? Scott responded no; the lines are not in use yet. Dawn then asked why the date for the one-year warranty would start on October 28th if we aren't using the lines yet? Scott explained that our portion of the sewer line was completed by H&K on October 28th. Therefore, it could have been used. Project TV's portion has not been completed which is preventing the Municipal Authority Board from making the switch. The contract obligations between the Municipal Authority Board and H&K have been completed. It is only fair to honor the completion date of our portion.

A deed of dedication will need to be executed and recorded for the Project TV portion of the sewer line. This portion of the line will be dedicated to the Municipal Authority once completed and all testing has passed. Scott mentioned entering into an agreement prior to the deed of dedication to keep things moving forward. Lori and Atty. Leonard both stated that if Project TV is ready to dedicate the lines, it isn't worth creating a new agreement. Atty. Leonard stated she has an approved format for the deed of dedication. A few details like linear footage of the lines and a drawing are still needed but the rest is ready to go. Atty. Leonard will reach out to Charlie Suhr and ask that he begin preparing the document.

MOTION: Motion was made and seconded to issue the substantial completion certificate as of October 28th for the sewer lines completed by H&K for the Municipal Authority Board. Motion approved unanimously.

Plan Reviews – Steckbeck Engineering continues to work with the Municipal Authority staff in reviewing plans for the following projects:

1. The Crossings at Sweet Briar Phase 4 – Final land development plans were received by the office on 7/6/21. The project proposes the construction of 58 single family residential dwelling units and 3 open space lots. Steckbeck Engineering completed an initial review of the plans and noted the technical comments appear to be minor. Scott is waiting for revised plans to be submitted.
2. Towns Edge – The start of the sanitary sewer work is pending fabrication and delivery of the precast manhole structures. Per discussions with Rock Road Construction earlier this week, they anticipate delivery within the next three (3) weeks and will start work soon thereafter. Steckbeck Engineering will provide the construction inspection of the sewers.
3. Timothy & Brenda Jones Subdivision & Land Development – Plans were submitted on 10/28/21 for 2101 Water Street proposing a one lot subdivision. Steckbeck Engineering and the Municipal Authority Staff are currently reviewing the plans.

There is an existing single-family dwelling on the lot. Once the subdivision occurs, a sewer lateral will need to be installed for the proposed single-family home. The Municipal Authority Staff will need to install an Inserta Tee for the lateral connection.

4. Caliber Car Wash – Plans were submitted on 10/28/21 for 1333 E. Lehman Street proposing a car wash. This is the old Fulton Bank in front of Walmart. The plans show they are simply making a lateral connection into the existing sewer system. Steckbeck Engineering and the Municipal Authority Staff are currently reviewing the plans.

Lori mentioned Caliber Car Wash is requesting 47 EDUs for the proposed car wash. AutoSuds West, LLC only requested 7 EDUs earlier this year, however, they have proposed a water reclamation system. She stated she will be monitoring both businesses once in production to ensure they are in compliance with the capacity each has.

Tod asked why Caliber Car Wash is showing a new lateral connection. The property was previously connected to public sewer, so there should be an existing lateral. Scott is not sure; he will have to take a closer look at the plans. Avoiding an additional cut in the sewer line is always preferred.

Sewer Specs – Updated administration procedures and technical specifications continue to be revised. In addition, work has resumed on updating the standard details.

Pertinent Issues – Scott received a call from Bob Gerhart of Matthew & Hockley Associates regarding the Nolt, Weaver & Stoltzfus property in Swatara Township. This project will require a grinder pump. Bob is having trouble finding someone who will size the grinder pump for the lots. He reached out to Scott to see if Steckbeck Engineering would be able to do this for him. Scott informed Bob that he would need to check with the Municipal Authority Board first as it may be a conflict of interest since he is the Municipal Authority's Engineer.

It was mentioned that the property owner is responsible for all grinder pump maintenance. The Municipal Authority Board does not need to do anything in terms of review or inspection of the proposed grinder pump. The Municipal Authority Board would receive a copy of the selected grinder pump and specifications to place in the property file. That way if there is an issue in the future, the Municipal Authority would have record as to what was installed.

Chair Heisey asked Atty. Leonard if there would be any legal issues. She explained the Municipal Authority Board has all the information up front. There is always the possibility of a perceived conflict of interest without there being an actual conflict of interest. It will not impact the way the connection is made and their obligation to meet the specifications of the Municipal Authority.

Tod mentioned he was under the impression the property owner was running the sewer line to Grace Avenue so it could be by gravity flow. Ed stated he thought the same thing but doesn't think it will work due to the topography of the land. Lori commented the property owner already has road frontage on Grace Avenue which is why they were looking to connect via Grace Avenue. To connect to the sewers in Quarry Road, they would have

to gain access and easements through other properties.

The Municipal Authority Board members do not see an issue with Steckbeck Engineering completing the work to size the grinder pump. In fact, they see it as an added benefit to ensure the correct size pump is utilized.

MOTION: Motion was made and seconded to acknowledge the raised conflict of interest by Steckbeck Engineering and waive any potential conflict of interest. Motion approved unanimously.

ASSISTANT TOWNSHIP MANAGER REPORT – Lori Books

AutoSuds West, LLC Strong Waste Permit – Lori and Scott reviewed the Strong Waste Permit Application and submitted comments to the owners and their engineer. The plans show the installation of a water reclamation system to help treat the water. Additional information was provided, and they are working on issuing the permit.

Proposed Meeting Dates for 2022 – Lori provided a copy of the Municipal Authority Board meeting dates for 2022. They will continue to meet the 2nd Thursday of every month at 7:00 p.m. The Joint Meeting will be held in November at 5:30 p.m. All Board members agreed to the meeting dates for 2022.

Preliminary Budget Review – Lori provided a copy of the preliminary budget to each board member. Nearly all figures have been accounted for in each fund. The only thing left for discussion is within the Capital Reserve Fund. At the last meeting, the Municipal Authority Board asked Lori and Ed to get quotes on a new tow-behind generator versus a generator for the Frances Ann and Jay Street Pump Stations. Lori provided both estimates that Ed had gotten. The cost of a generator would be \$24,200.00 each for the two listed pump stations. The tow-behind generator would cost \$38,000.00.

If the Board decides on generators for each pump station, Lori stated she will budget for one in 2022 (Frances Ann) and the other in 2023 (Jay Street). It was noted that Gerald Musser owns the farm on Horizon Boulevard just off Jay Street and depending on his plans for developing this property it could affect the size of the generator needed for the Jay Street Pump Station. Lori mentioned she was recently in contact with Gerald, and he indicated he hopes to have plans submitted for this property in spring of next year. Depending on how many new homes will be flowing to this pump station, the pump station may need to be upgraded which could affect the size of the generator needed.

Tod asked Ed what direction he thinks they should go. Ed responded we originally budgeted for the purchase of a generator for Frances Ann Pump Station. Our original plan was to have a generator at each pump station. After speaking with Tommy, he suggested we replace the tow-behind generator rather than purchasing one solely for the Frances Ann Pump Station. Tommy felt Frances Ann could operate without power for possibly two to three days as the flows are not that high. Tod asked if the current tow-behind still works. Ed replied yes, it doesn't look pretty but it works, and in his opinion, it doesn't need replaced quite yet. Ed also mentioned the value of reselling the tow-behind would be better than a stand-alone unit. Ultimately, it is the Municipal Authority Board's decision.

After some discussion, the Municipal Authority Board agreed to remove the tow-behind replacement and purchase a generator for the Frances Ann Pump Station. Lori will revise those numbers in the budget accordingly for final approval next month.

BSSF Letter of Understanding – Lori is asking for authorization from the Municipal Authority Board to sign the letter of understanding from Brown, Schultz, Sheridan & Fritz (BSSF) to perform the annual audit for NLTMA for the calendar year 2022.

MOTION: Motion was made and seconded to authorize Lori Books to sign the letter of understanding from Brown, Schultz, Sheridan & Fritz (BSSF) to perform the annual audit for NLTMA for the calendar year 2022. Motion approved unanimously.

Switching Bank Accounts – Lori explained to the Municipal Authority Board that in the past, the interest we received always outweighed the maintenance fees. Now that interest rates are extremely low, the fees far exceed what little interest we are getting. Lori asked Bonnie to reach out to Fulton Bank and ask them to reevaluate the fees. They were unwilling/unable to make any changes. Lori then asked Bonnie to reach out to First Citizens Community Bank (FCCB) and Jonestown Bank & Trust (JBT).

Tod asked what exactly these fees are for? Lori had everyone flip to the Analysis Fee Comparison within the FCCB packet. Fulton Bank currently charges an account maintenance fee, a fee for every single check deposited, for every single check paid, for deposit tickets, ACH credits, currency deposits, online banking fees and check images. Tod asked how long this has been going on? Lori said it was set up this way before she started working for the Township.

Lori only realized how outrageous the fees were after sitting in on a budget meeting with Cheri. The Township had the same issue years ago and switched all their accounts to FCCB. The Municipal Authority Board could not switch banks prior to refinancing because a condition of the bonds was having the accounts remain with Fulton Bank.

The best proposal came from JBT. They would charge \$35.00 a month for online banking and \$3.00 for paper statements. According to their proposal, there are no other fees. Lori is looking for approval from the Municipal Authority Board to switch their bank accounts from Fulton Bank to JBT. Lori and Atty. Leonard already checked with Peter Edelman to have him look over the terms of the sewer loan and they are no longer required to keep their accounts at Fulton Bank. During the transfer we would need to keep some money in Fulton to cover any outstanding checks. Once all outstanding checks are confirmed, we would close the accounts at Fulton.

Rodney stated that JBT went public in July and are now under the stock exchange. This opens the possibility of a larger bank purchasing them and ultimately the Municipal Authority Board could end up at square one with fees. Brian stated that is only if the stock owners release the stock. Rodney and Chair Heisey announced they are both stockholders of JBT and would vote against releasing the stock for that very reason.

Brian raised the question that since Rodney and Chair Heisey both announced they are JBT stockholders, does that create a conflict of interest? Tod stated there are still three (3)

members who are not stockholders that could vote. Atty. Leonard agreed. Gary and Rodney could be overly cautious and abstain from the vote.

Tod asked Lori to verify with Brian from BSSF that all deposits over \$250,000.00 are secured and insured by the banking institution. It was pointed out in JBT's proposal that all deposits are secured by pledged securities or a Letter of Credit held with the Federal Home Loan Bank. If we prefer FDIC coverage, Certificate of Deposits can be held at JBT or through their CDARS (Certificate of Deposits Account Registry Service) program, which is the easiest and most convenient way to access FDIC insurance on large deposits up to \$50,000,000 (Fifty Million Dollars).

Chair Heisey asked Lori to try and get JBT to put in writing that they will guarantee these fees for a year or two. After some discussion, it was noted that most banks will not offer any type of guarantee.

Tod made a motion to switch all Municipal Authority accounts from Fulton Bank to Jonestown Bank & Trust (JBT). Brian seconded this motion. Due to a potential conflict of interest, both Gary Heisey and Rodney Lilley announced they will be abstaining from the vote.

MOTION: Motion was made and seconded to switch all Municipal Authority accounts from Fulton Bank to Jonestown Bank & Trust. A roll call vote was taken with three voting yes and two abstaining. The motion was approved by a majority vote.

Roll Call Vote:

Tod Dissinger – yes

Brian Hartman – yes

Dawn Hawkins – yes

Gary Heisey – abstained

Rodney Lilley – abstained

Pertinent Issues – Lori announced the Municipal Authority Board received an insurance rebate from Benecon for the calendar year 2020 in the amount of \$2,508.37.

WASTEWATER DEPARTMENT REPORT – Ed Brensinger

October Activity Report – The Authority Board members were provided a copy of Tommy's report.

There were 87 PA One Calls this past month. Two (2) were emergencies during work hours. Four (4) new homes were connected to the sewer system.

Grease Trap Inspections – Tony completed seven (7) grease trap inspections. This included Cedar Grill, St. Stevens Church, Blouch's Mobile, Heisey's Diner, A&M Pizza, Lebanon Valley Cold Storage/Blue Ridge Capital, and Godshall's.

All pump station yards have been cleaned of debris.

A sinkhole hole appeared on Ashton Drive. The Wastewater crew assisted with the flush truck.

We received the video camera back from the repair shop and it is working as it should. The plan is to video the Martin development lines for routine assessment now that the new gas mains have been installed.

All newer developments that have been recently built will need to be videoed with the camera. The lateral locations in these newer developments are not shown in our GIS database. All information collected will be turned over to our engineer to be input into the GIS software.

All pump stations have been winterized and the heat has been turned on. Chair Heisey asked what all is done to winterize the pump stations other than turning on the heat. Ed said they typically check the antifreeze and the standby engines. The generators are serviced by DynaTech.

There are no issues to report with the pump stations.

The Wastewater crew helped finished the Lions Lake project.

Additional Comments and Questions

Atty. Leonard and Lori both announced they would like to move into Executive Session for the purpose of discussing personnel/wages and potential litigation at 8:04 pm.

The Municipal Authority Board reconvened at 8:37 p.m.

Rodney made a motion to add an action item to the agenda to vote on splitting the wages of Erika Sheibley who will be covering for Molly Lum, Sewer Billing Clerk, while she is on maternity leave, seconded by Tod.

MOTION: Motion was made and seconded to add an action item to the agenda to vote on splitting the wages of Erika Sheibley who will be covering for Molly Lum, Sewer Billing Clerk, while she is on maternity leave. Motion approved unanimously.

Tod made a motion to split Erika's wages between the Township and the Municipal Authority for the time Erika will be performing Molly's job duties while Molly is on maternity leave. Dawn seconded this motion.

MOTION: Motion was made and seconded to split Erika's wages between the Township and Municipal Authority for the time Erika will be performing Molly's job duties while Molly is on maternity leave. Motion approved unanimously.

With no more business for the good of the Authority, the meeting was adjourned at 8:39 p.m.

MOTION: Motion was made and seconded to adjourn. Motion approved unanimously.

Respectfully Submitted,

Molly Lum
Recording Secretary