

Minutes
North Lebanon Township Municipal Authority
May 13, 2010

The meeting of the North Lebanon Township Municipal Authority was held on Thursday, May 13, 2010 at 7:00 PM at the North Lebanon Township Municipal Building, 725 Kimmerlings Road, Lebanon, PA with the following Board members present:

Wynanne Demler	Chairperson
Richard Miller	Vice Chairperson
Brian Hartman	Secretary
Susan Switzer Pierce	Assistant Secretary
Tod Dissinger	Treasurer
Frederick Wolf	Solicitor
Scott Rights	Steckbeck Engineering
Sheila Wartluft	Assistant Manager

Also in attendance were Edward Brensinger, Township Supervisor; Mike Kneasel, Wastewater Foreman; Chad Weaver, Weaver Building Systems; Scott Burkholder, Landmark Homes; Robert Gunnels; and several residents.

Comments from the Public

Scott Burkholder, Landmark Homes

Scott Burkholder from Landmark Homes stated he would like to resolve the remaining issue with the church property on North Eighth Avenue. Solicitor Wolf stated there were agreements signed by the Church of the Open Door, Landmark, and the Authority regarding the sewer line which is on the church's property. The agreement between the church and Landmark was that this sewer line would be turned over to the Municipal Authority and Landmark would be connecting into that church line. The agreement also provided that the Authority would have that line inspected and if any work needed to be done to get it up to our standards that Landmark would pay for those improvements. He further explained that when Mike and Scott had the line inspected it was determined there was work to be done. He explained that Landmark's plan for the Crossings is in process and getting this resolved is holding up the Board of Supervisor's approval. He stated this is the preliminary plan and if it is approved this plan does not get recorded yet and is not required to post any security with the county. He stated they would want to have financial security set and also a reasonable time in which the work would be done.

Mr. Burkholder stated he was under the impression that payment would be made before final approval instead of preliminary approval but that Landmark could accomplish this for preliminary approval. Solicitor Wolf again explained that this was the one issue which was holding up preliminary approval of the Crossings.

MOTION: Motion was made and seconded that we get from Landmark \$5,025 either as cash to be held in escrow, a letter of credit, or a restrictive bank letter of escrow monies to be set aside for a period of six months pending preliminary approval of their plan with the Church of the Open Door and the Crossings at Sweet Briar and that if the upgrade to the manholes is not completed to our satisfaction that the money would revert to the Municipal Authority Board. With no further discussion motion carried.

Conveyances of sewer lines for Briar Lake and Narrows Glen

Sheila stated they would need signature for conveyances of sewer lines for Briar Lake and Narrows Glen that Landmark has done. Sheila stated they have received the as built and exhibits.

Chad Weaver

Chad Weaver from Weaver Building Systems stated he was representing a client who is Looking at buying a property at 765 North 22nd Street. He stated he is looking for an indication from the Board regarding connecting to public sewer as the septic system on the property is failing. He explained the pump system there were proposing would be crossing someone else's property and they are working on an agreement for that. He stated the property has two dwellings that have septic systems and are looking at combining the two into one and connecting on Taylor Street. He explained that the septic system has been inspected twice and it was failed on a home inspection and passed on the second inspection. Sheila explained the ordinance that if you are within a certain distance to public sewer you are required to connect; however, the best place to connect in this instance is to go through someone else's property. Mr. Weaver explained scenarios including subdivision of the property and this was a back up that if the potential buyer purchases the property it would meet the approval of the Board.

MOTION: Motion was made and seconded that the Authority will agree that the exhibit shown by H.R. Weaver to do a duplex station with a concrete pit for the property at 765 North 22nd Street if the on lot system fails. With no further discussion motion carried.

Robert Gunnels

Mr. Gunnels stated he had a list of questions to address to the Board. Mr. Gunnels questioned who had the most authority, the Board of Supervisors or Municipal Authority? He asked why other persons who were not either the Solicitor nor Municipal Authority Board members were in the room during an executive session when his financial information was discussed in 2008? He stated Sheila had kept a copy of his information to which she replied that all of the people on the water project who

requested an extension due to financial hardship had supplied that information and it was kept with their property file. Mr. Gunnels stated members Hartman and Dissinger had stated his financial situation wasn't pertinent. Members Hartman and Dissinger both replied they were only interested in him connecting by the previously agreed upon deadline as was the Board's expectation and in fairness to everyone else in the Township who was having financial difficulties. It was further explained that Mr. Gunnels had been given several extensions, and a total of six years to connect.

Mr. Gunnels stated he was concerned his information would be released under the "right to know" law to which Solicitor Wolf stated that request would be denied. Solicitor Wolf explained that this type of information was requested from each person who had asked for an extension due to a financial hardship.

Mr. Gunnels stated he had called the office upon numerous occasions and Sheila did not return his call to which she replied that she had contacted Solicitor Wolf to ask him how to proceed. She stated she also knew he would contact other Board members and did not want to get into an argument with him. Discussion followed regarding how and what would need to be kept legally. Sheila read the financial extension form that was given in the "notice to connect" packet, and also the statement from the records retention manual.

Mr. Gunnels continued by accusing Sheila of not returning his phone call regarding being placed on the agenda to which Sheila replied she was at a meeting when the request came. She emailed Tod to let him know Bob would be placed on the Agenda as Tod also emailed Sheila about Bob being placed on the Agenda. Mr. Gunnels stated he had explained to Solicitor Wolf that he hadn't received any financial gain but that he was on schedule to have the connection put in by the end of April. He continued to question why he was getting no reply from the City of Lebanon Authority nor the Township regarding the meter and pipe. Sheila replied the water system belongs to the City and they have the specifications not our Authority. Sheila stated she would no longer answer any questions which were accusatory of conversations that were not correct.

Mr. Gunnels next asked how Solicitor Wolf's office billed the Authority. Sheila explained that when Solicitor Wolf sends a bill regarding a resident, the charge is then passed on to that resident. He continued to question the bill for one letter and said that he had not been billed for other letters to which Solicitor Wolf stated if his office had not billed the Authority they would not have billed him. Mr. Gunnels stated he would be in "first thing" in the morning to make payment. Mr. Gunnels continued to ask questions to which the Board told him that if he had connected on time, this would not be an issue. Mr. Gunnels told the Board that they should have made him connect.

Mr. Gunnels stated he had contacted an attorney to which Chairperson Demler stated they could no longer discuss this issue with him as now it would be between the attorneys.

Chairperson Demler asked for a motion to approve the April minutes.

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

Chairperson Demler 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.

SOLICITORS REPORT

604 East Maple Street Public Auction

Solicitor Wolf stated the auction for the 604 East Maple Street property was conceded back to the bank and the Authority has received payment.

EDU question

Solicitor Wolf explained Chairperson Demler has received a letter from an attorney regarding a customer who is billed one EDU for the residence and a half EDU for the business. He said he would supply a copy of his response to the Board and then send it out.

Rockwood Project

Solicitor Wolf stated Scott would be explaining the status of going forward and application for the H₂O grant. He said he had previously sent out a list of things which would need to be addressed in an inter-municipal agreement. He further mentioned he would like the Authority's approval for him to prepare a draft of an agreement and would like the Board of Supervisors to be involved since it will include another Township. He would like to circulate this draft to all parties involved.

Scott explained that Swatara Township would need to revise their original plan. Solicitor Wolf stated they would in essence need to create a new agreement even if it was called an amendment to the original agreement. Solicitor Wolf stated he would suggest that we would go ahead and get the grant money, do the construction, but each municipality would borrow their own money and be responsible for collecting their own fees. Solicitor Wolf stated they needed to continue working on this because the

grant application is due by July 1st and we should have a plan in place once a grant would be awarded. Discussion followed regarding the language and issues that need to be resolved in the agreement.

MOTION: Motion was made and seconded to authorize Solicitor Wolf to do the preliminary draft of the inter-municipal agreement with Swatara Township for an amended Act 537 Plan covering the concerns plus any others that come up to protect North Lebanon Township Municipal Authority's interests. With no further discussion motion carried.

ENGINEER'S REPORT

Scott Rights stated they needed to complete three things by July 1st: 1) planning module, 2) permitting done, and 3) grant application. He explained they would at least need to get the applications for the permits which Swatara is working on now. He stated we will piggyback on that saying we will agree to the concept that they approve. The plan will be putting gravity sewers and a pump station in Rockwood and pump to Water Street. He explained the module is done and Swatara Township will approve it at a special meeting.

Scott stated he, Mike, and Sheila have been out in the field laying things out. He said they are targeting making the permit application by the end of May. He explained it will give DEP details of the concepts but doesn't mean things can't be moved around. He stated he will need a resolution that the Board acknowledges they are sending in the application for the grant at the next meeting. He said the application will basically state they are applying for two thirds of the cost of the project and the details of the project establishing the hardship for residents.

Scott stated they had allocated money in the budget for a pump station. He further explained they had looked at some alternatives for the pumping station to lower the costs at this time unless further development occurred in the area. He stated they had talked to residents in the area regarding a site for the pump station, and one resident may be willing to negotiate selling a lot to the Authority. He further explained they would need to continue discussions between now and the next meeting.

ASSISTANT MANAGER'S REPORT

Sheila stated the Board had already signed the conveyances to Landmark.

She explained she had gone out to the Rockwood area on two of the three days and she believed they had 100% positive reception to the possibility of connecting to public sewer on the days she was present.

SEWER DEPARTMENT REPORT

Mike Kneasel, wastewater foreman, stated they had finished manhole rehab on Eighth Avenue and started cleaning lines this past Monday.

MOTION: Motion was made and seconded to accept Mike's report for May. Motion carried.

With no more business for the good of the Authority the meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Barbara Bertin, Recording Secretary