

**Minutes
North Lebanon Township Municipal Authority
July 8, 2010**

The meeting of the North Lebanon Township Municipal Authority was held on Thursday, July 8, 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 Mike Kneasel, Wastewater Foreman; and one resident.

Public Comments:

There were no comments from the public.

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

MOTION: Motion was made and seconded to approve the June 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

Agreements

Solicitor Wolf stated they had told the Tobias's they had three years to connect and at least one other property owner was to be given the same timeframe to connect. He further stated they should report their progress to Sheila.

Restoration Connection

Solicitor Wolf said this ties in with the Rockwood project. Sheila stated they had just learned Restoration Connection had no bonds in place with the County and even though the plan had been approved by the Township without the bonding in place County would not record the plan.

Scott Rights stated the plans show them running the sewer to the property. However, Scott explained that if the sewer is coming in we may be on the hook. Scott explained the four lots front Water Street and then explained to the Board the connection rules.

Clyde Patches

Solicitor Wolf stated there had been a problem with settlement at the Holtry property on Tunnel Hill Road and Sheila was holding \$500 to resolve the issue. Sheila mentioned Clyde had not responded to her communication. Solicitor Wolf stated he would contact Mr. Holtry.

Spring Creek

Solicitor Wolf said he had heard nothing new regarding Spring Creek.

Hillside Pump Station

Solicitor Wolf stated they discussed the restoration at the pump station at previous meetings. Scott explained he had sent photographs to Windsor but had not received any response as to whether he was satisfied with the results. He stated he had also contacted Mr. Leonard to which the reply was that he was not happy with the grass restoration. He further explained Marks had gone back in the spring and re-graded the area. Solicitor Wolf stated they would need to review the restoration issue again next month. Scott suggested we buy a bag of grass seed and some topsoil and let him plant the grass. He said he would contact Mr. Leonard. Discussion followed whether the remaining \$5,200 from Marks should be held or released. Suggestion was made to hold \$200 to purchase topsoil and grass seed and return the remainder to Marks. No final decision was made at this time.

EDU Reduction Request

Solicitor Wolf stated we had been discussing the assignment of EDUs and the request by a customer to reduce his EDUs. Solicitor Wolf stated he had sent the Board the leading research report which supports the position which the Authority has always taken and says if you originally planned on providing that capacity in your sewer lines to that customer then you have the right to receive that regardless of what they do or do not want to do. Solicitor Wolf stated he would send the information to the customer

who made the request for a reduction of EDUs. Discussion followed regarding the policy of re-assigning EDUs and how the purchase of capacity works with the City of Lebanon Authority for sewer treatment.

Litigation Issues

Solicitor Wolf stated there was one sewer customer and one water customer who had filed for bankruptcy. He explained how the bankruptcy works. There is one sewer customer who has been in bankruptcy for several years. He stated they had contacted the attorney and the bankruptcy court that there have been no payments made on the current bills which were to be paid.

Solicitor Wolf stated there is a second issue with a second property owner regarding outstanding water bills. He explained they will be asking the bankruptcy court to make him connect and pay all outstanding costs and attorney's fees.

He further mentioned another property that had been through Sheriff sale and that connection still hasn't been made. He stated the order before had not solved the problem. He explained it is a violation of the court order.

Solicitor Wolf stated they have a property owner which they have been working with who has financial issues and has been making payments. He explained he is falling behind with the water bill. He stated unless he is able to do what his plan requires they will need to see what the judge wants to do.

Swatara Township-Rockwood

Solicitor Wolf stated in regard to what was discussed with the Authority and the Supervisors he met with the attorney for Swatara Township. He said he informed her of the position that we were taking on what would trigger us going through with this project with us as the primary authority for getting the construction done with them being responsible for borrowing their part of the money and us being responsible for our part of the money. Swatara's attorney responded by letter after discussing this with her supervisors which at least opens the door to getting all these things resolved. While the grant application is pending they would like to get together with us and discuss these issues. He stated due to the fact they meet the same evening we do they would need to get some dates that would work for everyone.

Solicitor Wolf acknowledged Scott had worked hard getting the grant application together. He said he had given Scott a letter to include with the application letting them know we would be responsible for the bidding, contract it, and getting everything finished but at the end we would be responsible for collecting the debt from our customers and Swatara for their customers. He stated that if we want to convey their part of the system we would collect tapping and billing from our sewer customers and they would

collect from theirs. He stated from the letter he received they are agreeable to putting escrow money up for the tapping fees which would be needed. He stated that information was included in the grant. He said Sheila and Mike are concerned that if this takes place that we would still want to maintain both systems to make sure it is maintained properly with them paying us an O&M charge for their customers for us doing this. He said that Scott will be explaining two issues with one being the licensing of our crew and the second that maintenance in pump stations is a critical issue and the pump station is in Swatara Township.

Scott showed the Board on the map where the facilities were located and then explained the history of the licensing for operators. He explained that our staff had been grandfathered as operators for our system because we had maintained it for many years. He further explained that this changes the dynamics because we would be maintaining someone else's system if the system is dedicated to Swatara Township and the law would not allow us to maintain it because we are only licensed to maintain the system owned by North Lebanon Township. Scott explained that if we own the system we would be able to maintain it even though it would be another municipality. Solicitor Wolf said that if we own it we are responsible for the expense. Questions and discussion followed regarding the pros and cons of owning the system. The licensing process was discussed. Sheila reiterated how the classification of our license works and we are only licensed for facilities owned by North Lebanon Township. Questions were asked about us obtaining another license. To the question of someone getting licensed if we don't own the system, Sheila explained that DEP is not issuing any new licensing at this time and their position is that they want us to own and maintain the system.

Scott stated they have already discussed the arrangement that exists in Monroe Valley which the Board may want to consider. He explained they have escrow accounts set up that if the property owners default on their payments that the township makes sure there is enough in the escrow to cover the payment. Question was asked when the grant would be awarded to which Scott replied it may be three or four months and if the project would go through it could start after the first of the year.

Scott showed the Board an area of Grace Avenue in Swatara where they made application to Penn Dot to get the sewer lines in before the overlaying begins. Swatara Township has a \$100,000 Growing Greener Grant which they are willing to apply toward completing this work. He stated that they would need to accomplish this by mid-August because of the overlaying. Discussion followed. Scott explained that if Swatara doesn't accomplish this within the timeframe he explained to them they would be responsible for any additional costs. Scott explained that Swatara had received a consent order that they have to go through with the project or face legal action.

ENGINEER'S REPORT

Community Development Block Grant

Scott said he had looked into the Community Development Block Grant and that they would need to get 51% of the residents to have income levels to qualify for the grant. He explained it is a tier according to number of persons in the households. He explained the first step is the income survey which could be accomplished by first sending them a letter explaining that it may be helpful to them if they reply. We would need a 100% return rate of the information.

Plan Reviews

Scott said he had received the final plans for Phase I for the Crossings at Sweet Briar which was identical to the preliminary plans. He stated he felt they should request what sewers would be included in Phase I because they will be tacked along to the other phases to make the final connection. He said he would like to send a letter to them asking them to clearly delineate the sewers in the final Phase I drawings.

ASSISTANT MANAGER'S REPORT

Sheila wanted to confirm that regarding the Rockwood survey and the Right to Know issue, if they include their address and income on the survey that it is now a public record? Solicitor Wolf responded that yes it would be a public record.

SEWER DEPARTMENT REPORT

Mike stated the 18" sewer line on Tunnel Hill Road was cleaned. He further said after eight months the electric service was removed on Hillside Drive

He said they responded to a One Call on Route 72 which involved conduits which cross over our pipes.

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

With no more business for the good of the Authority the meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Barbara Bertin, Recording Secretary