

**Minutes
North Lebanon Township Municipal Authority
February 10, 2011**

The meeting of the North Lebanon Township Municipal Authority was held on Thursday, February 10, 2011 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 three guests.

Comments from the Public

There were no comments from the public.

Chairperson Demler asked if there were any additions or corrections to the January minutes.

MOTION: Motion was made and seconded to approve the January 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

Miller Street

Solicitor Wolf stated he had given the Board a draft of the letter to be sent to property owners on Miller Street which will need to connect to public sewer. He explained we want to notify them that sewer service will be available to them and giving them three years to connect. We will also be notifying them what the tapping fees will be, and they will be receiving a reduced rate on the condition that they sign an agreement now.

We can also give them some different options if they want to start making payments on the tapping fees during the three year period. We would still have to purchase sewer capacity from the Lebanon City Treatment Plant at the cost of \$2,290. It was mentioned that we had already discussed this at a previous meeting and it was decided that the tapping fee would be \$2,000 plus the capacity fee. Solicitor Wolf stated this would be contingent upon them signing the agreement now otherwise it would be full price.

MOTION: Motion was made and seconded that the reduced tapping fee for the special sewer connection on Miller Street be set at \$2,000 plus the City of Lebanon Authority capacity fee on the condition that they sign the agreement otherwise they pay the full tapping fee. With no more discussion motion carried.

Crossings at Sweet Briar

This plan is still in the process of consideration by the Township for changes requested by Landmark that the Township would accept the streets. Sheila stated she hadn't heard anything or received any payment for fees or capacity. Solicitor Wolf said the agreement is ready and needs to be processed.

PA Natural Chicks

Solicitor Wolf mentioned that they were going to take Tom Kissinger's deposition but it was continued, then cancelled due to weather, and hasn't been rescheduled yet.

Hillside Pump Station

Solicitor Wolf stated the Hillside pump station is now complete and finalized out with the contractor.

Rockwood Sewer Extension

Solicitor Wolf stated Scott and Sheila would report on the status of the Penn Vest loan application and H₂O grant.

Collection Issues

Torres Case

Solicitor Wolf stated that this case has been in reorganization bankruptcy and they have been making their required payments to the trustee who sends us a check which is credited toward old debt. However, they have not been paying the new bills which is in violation of the bankruptcy order. We filed a motion asking the bankruptcy court to release the property from bankruptcy so we can process for what they owe us. He

explained he and Sheila went to the bankruptcy hearing with the proposal presented for our consideration. He further explained he did not yet have the agreement from their attorney but the matter before the Authority is the Torres' would need to continue to make the same payments to complete that plan and be discharged from bankruptcy in May of 2013. The proposal is that they would have to keep all new bills which are sent out current and paid within 30 days, \$50 a month on the back bill until May of 2013 and at that time it jumps to \$100 a month. He explained this settlement agreement will go to the judge and provides that if they don't make any of the payments as promised we give them a 15 day notice to correct it and then the judge automatically dismisses the property from bankruptcy and we can then go ahead and proceed. He stated they have agreed to the amounts due to the Authority and all the costs incurred including attorney's fees.

MOTION: Motion was made and seconded to accept the proposal regarding payment in the Torres case. With no further discussion motion carried.

Weindel case

Solicitor Wolf explained that Mr. Weindel made his first installment on his payment plan for the water debt and he will be paying \$150 a month on his past bill and keep his current bill paid. He further explained that it will take him approximately one year to complete that part and he has agreed to connect at that time.

Connection Ordinance

Solicitor Wolf explained that North Lebanon Township is a Second Class Township and years ago when the mandatory connection ordinance was enacted under the Second Class Township code it said that mandatory connection would be required by a property owner only if the lateral was within 150 feet of the building to be served. He explained that statute has now been changed to state if you get the sewer service to where their lot begins there is no 150 foot rule. He said we need to decide on an either case by case basis or some other rule for the lateral from the building. Solicitor Wolf said the Township would have to change the ordinance or we would still be required to go by the 150 foot rule. Question was asked if this was for new lots only to which Solicitor Wolf replied it would depend on the wording of the resolution. Discussion followed regarding what the consequences and feasibility would be if the ordinance was changed.

Mike Kneasel suggested he look at what areas could be affected by a change in the ordinance. Sheila explained that another ordinance that is in place states if the on-lot fails and the property owner is within 500 feet they would be required to connect. Decision was tabled until the next meeting.

ENGINEER'S REPORT

Rockwood Project

Scott Rights explained that he had received a call from Dave Gates at DEP asking if we had re-applied for the PENNVEST loan which has an application deadline of February 15th. He said he explained to Dave that we had been waiting until we heard about the H₂O grant. Mr. Gates said we should re-apply and that if we don't continue to make attempts they may not be willing to work with us. Scott explained he had spoken with PENNVEST and asked them what changes may need to be made, and that we would not have updated financial information due to the audit for 2010 not being completed until mid-April. PENNVEST explained to Scott that we should leave the 2009 financial information in the application and change the completion date as 2012 with question of financial information being requested in 2013 and take out Grace Avenue since it is complete. Scott explained we had asked for 100% of the costs. He showed how the costs were compiled with the updated amount requested on the application of \$3,123,911. He further explained the estimate for construction costs were \$2,003,000. Discussion followed regarding feasibility and options if we do not receive any funds and whether to make re-application of the loan.

Sheila explained Jen from Swatara Township applied for the Multiple-municipality Grant from the County and we were approved for \$50,000 through the County Commissioners and the County Comprehension Plan. Question was asked when we would be passing some of the engineering fees over to Swatara Township? Another question was asked about the resolution which Scott had mentioned.

MOTION: Motion was made and seconded for the Authority to adopt Scott's resolution in the amount of \$3,123,911 which is Resolution 02-2011 for him to proceed with a new application for PENNVEST. With no further discussion, motion carried.

Grace Avenue

Scott stated he had received a reply from PennDot that the Grace Avenue project had not been sealed and they wanted us to seal it. Scott explained that the permit is good until June or July of 2011 but Marks would need to extend their bonding. Question was asked whether we would need to seal it if they are going to overlay.

ASSISTANT MANAGER'S REPORT

Sheila said regarding the Miller Street project one of the properties was sold and she gave Scott the information for the new owners.

Sheila reported she, Wynanne, and Scott had attended the City of Lebanon Authority meeting and they said the fees for termination and also sewer consumption rates may

also be increased this year. Scott explained how they may arrive at their new rates. Discussion followed regarding the information from the meeting.

SEWER DEPARTMENT REPORT

Mike stated they had plowed snow and done odd work around the building and on the equipment.

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

With no more business for the good of the Authority the meeting was adjourned at 8:10 p.m.

Respectfully Submitted,

Barbara Bertin, Recording Secretary