

**BETHEL TOWNSHIP MUNICIPAL AUTHORITY  
MINUTES**

**January 3, 2008**

The meeting of the Bethel Township Municipal Authority was called to order by Secretary Darlene Orendo at 7:30 p.m. on January 3, 2008 at the Bethel Township Community Center, Bethel PA.

Pledge of Allegiance

All members present with the exception of Carl Weaver. Also present were Terry Parish, Solicitor, John Roche, Engineer and Darlene Orendo, Secretary.

Secretary Orendo requested nominations for Chairman. Rufus Geesaman nominated David Younker: seeing there were no other nominations Harold Gruber seconded the nomination and closed the nominations. All voted and agreed. Nomination approved.

Chairman Younker then took nominations for Vice Chairman. Kevin Stupp nominated Harold Gruber. No other nominations. Rufus Geesaman seconded the nomination and also closed the nominations. All voted and agreed. Nomination approved.

Chairman Younker then took nominations for Treasurer. David Younker nominated Rufus Geesaman. No other nominations. Kevin Stupp seconded the nomination and also closed the nominations. All voted and agreed. Nomination approved.

Chairman Younker then took nominations for Assistant Treasurer. David Younker nominated Kevin Stupp. No other nominations. Rufus Geesaman seconded the nomination and also closed the nominations. All voted and agreed. Nomination approved.

Chairman Younker requested the board appoint a Secretary. Rufus Geesaman made a motion to appoint Darlene Orendo, Secretary at the rate of \$13.15/hr. Second by Harold Gruber. All approved. Motion carried.

Chairman Younker then took nominations for Assistant Secretary. Kevin Stupp nominated Carl Weaver. No other nominations. David Younker seconded the nomination and also closed the nominations. All voted and agreed. Nomination approved.

Chairman Younker then requested a motion to appoint and adopt the following resolutions.

Solicitor – Resolution #2008-01 – Rufus Geesaman made a motion to appoint and adopt the resolution with fees naming Terry L. Parish, Esquire of Paul R. Ober & Associates as Solicitor. Second by Kevin Stupp. All agreed. Motion carried.

Engineer- Resolution #2008-02 – Kevin Stupp made a motion to appoint and adopt the resolution with fees attached naming Vision Engineering Inc. as Engineer. Second by Rufus Geesaman. All agreed. Motion carried.

Financing Counsel- Resolution #2008-03 – Harold Gruber made a motion to adopt and appoint the resolution with rates of compensation to be determined naming Frank J. Leber, Esquire, of Rhoads and Sinon, as Financing Counsel. Second by Rufus Geesaman. All approved. Motion carried.

Financial Institute- Resolution #2008 -04 – Rufus Geesaman made a motion to adopt and appoint the resolution naming First National Bank of Fredericksburg as depository for funds. Second by David Younker. All approved. Motion carried.

Auditor – Resolution #2008-05- Kevin Stupp made a motion to adopt and appoint the resolution naming Faren, Garcia and Garman, P.C. as accountant. Second by Harold Gruber. All approved. Motion carried.

### **Public Comment**

Chairman Younker acknowledged Tom McKeon and Tim Krall from the BCIDA. They discussed water issues and the coordination of the sewer system. Tim Krall advised members that an easement would be required from the Authority. Terry Parish will take the lead on obtaining the easements from the highway right of way. The intent that the sewer system would be dedicated to the Authority was also discussed. John Roche will send specifications of the system to Tim Krall. It was mentioned that the proposed Township office should be included for sewer and water connection. Solicitor Parish requested they give us a month to get back to them with a proposal for the water system.

### **Approval of Minutes**

Rufus Geesaman made a motion to approve the minutes of December 5, 2007 as amended with engineer's report attached. Second by Harold Gruber. All agreed. Motion carried.

Chairman Younker recognized Matthew Plonis, 2031 Camp Swatara Rd, Myerstown, PA who had a question concerning hookup for the board.

Chairman Younker then recognized Frank L Leber , Rhoads & Sinon, to discuss the timeline of closing with PennVest. Frank stated to members that after a conference call with John Roche and Terry Parish he had put together a revised timeline. Members received a copy and Mr. Leber went over it in detail. He reiterated to members that all easements must be signed by the closing with Penn Vest. He also mentioned that he will attend the Supervisor's meeting scheduled for January 21, 2008 to have supervisor's sign an enabling ordinance that will authorize and approve the Guaranty Agreement. A special meeting may be required before our next scheduled meeting to ensure everything is in place for the PennVest closing.

## **Member Report**

Rufus Geesaman reported to members that a letter from the Board of Supervisor's was received referencing a letter issued by Penn Dot regarding road resurfacing in the project area. The Supervisor's are requesting the Authority take a look at the lines to see if we will be impacting the paving project. The secretary was instructed to issue copies to John for reference and he will take a look at the areas affected.

Rufus also reported that a final tax exemption notice granting immunity for the last property was received from the County Tax Assessment office.

Harold Gruber gave a copy of Ordinance #2007-05 adopted by the Board of Supervisor's on December 17, 2007 for our file. The ordinance is known as "Bethel Township Public Sewer Regulations".

## **Engineer's Report**

Bethel Township Municipal Authority  
Monthly Report for January '08

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### **PENNVEST FINANCING MATTERS:**

1. Copies of the following documents will need to be forwarded to PENNVEST for the upcoming closing as follows (see attached list of items from PENNVEST for more details). Some of these documents may be prepared by Frank Leber's office, other documents may already exist, there are other documents listed on the aforementioned attached sheets (entitled "BTMA - Outstanding Items").
  - a. Articles of Incorporation.
  - b. Certificate of Incorporation.
  - c. By-laws.
  - d. Copy of DCED (PENNWORKS) documents.
  - e. Certificates of Recipient's Liability Insurance
  - f. PUC Certificate (applicable?).
  - g. Recorded documents pertaining to all encumbrances, easements and mortgages, including any financing statements or security instruments.
  - h. Evidence of Borrower's Other Funding (PENNWORKS loan & grant).
  - i. Mandatory Tap In Ordinance.
  - j. Rate Covenant Resolution (working on with Frank Leber).
  - k. Certificate of No Adverse Change in Financial Condition.
  - l. Current Financial Statements.
  - m. Resolution to Borrow\*\*and Secretary's Certificate.
2. The following documents will need to be completed as part of the PENNVEST transaction (closing). I have forwarded copies of sample documents to the Authority secretary for her completion as may be directed by the Board:
  - a. Certificate of Incumbent Officers (hard copy attached herewith).
  - b. There may be other forms necessary over the next month as we process the various items in preparation of closing, which we will forward as may be necessary and applicable.

3. This office has forwarded the unofficial bid results to both Frank Leber's office as well as Vickie Johnson.
4. This office participated in a conference call with Frank Leber's office in order to initiate the next phase working towards the closing of the PENNVEST financing. A closing date of February 28, 2008 has been established with PENNVEST.
5. This office will continue our efforts in completing the PENNVEST closing documents this month with the assistance of Terry Parish and Frank Leber.
6. Frank Leber has requested that the required Self Liquidating Debt Report be completed prior to the third week in January. After review of the bid documents, it does generally appear that the overall costs will be more favorable to the residents than our original Report completed approximately a year ago.

#### **REVIEW OF BIDDING DOCUMENTS:**

7. As the board members are aware, the bids were received Friday December 14, 2007. We have reviewed the bids with Attorney Parish and have offered our analysis of the bids (separate correspondence) to the Board members.

#### **CONSTRUCTION MANAGEMENT AND LOGISTICS:**

8. We have received the cost estimates for the paving of the alleys (alternate bid item) and have provided additional information for the board to consider in this matter (**separate correspondence**).
9. As a follow up to the discussion last month regarding the taping of the existing features and terrain (along the proposed sewer line route) we would like to reiterate that we could provide this service to the Board but would need formal authorization before proceeding. We would provide digital (electronic) video files as required to record all existing features. This may require some re-staking of sewer lines in advance of the taping for referencing purposes.

#### **STATUS OF EASEMENTS:**

10. This office received a request from the Industrial Development Authority regarding an acquisition question that may be a discussion item for executive session this evening.
11. We will summarize the remaining easements (separate attachment) that we are aware of and will continue to work alongside of Terry to complete these as necessary.

#### **STATUS OF PERMITS:**

12. As reported last month, there are a few remaining Highway Occupancy Permits which need to be re-filed with additional information for PENNDOT'S final review. The outstanding HOP's are as follows:
  - a. HOP for the Frsytown WWTP driveway. PENNDOT is requiring the Authority to clear some trees for the sight distance prior to issuing the permit (not after/during construction).

- b. HOP for the Bethel WWTP driveway. This is pending submittal to PENNDOT after the easement and/or property is obtained from the current owner.
13. Lastly, the NPDES permit for Bethel needs to be resubmitted for the Berks County Conservation District's final review. We are targeting completion of this permit early next week for final review and permit issuance.

**DEVELOPMENT PLAN STATUS:**

14. It was brought to our attention that the Board received plans for the Industrial Development Authority property. We can review these as directed by the Board.
15. We were copied on a review letter for the Werner Trucking site but did not receive any plans for review to date. Conversations with the Design Engineer indicated that they are still working on the Sewer Plan Design.

Following the engineer's report Rufus Geesaman made a motion to authorize Vision Engineering Inc. to tape all the existing features and terrain along the proposed sewer line route and provide a digital video file of all existing features. Second by Kevin Stupp. All agreed. Motion carried.

David Younker gave members a bid quote from several different trees service to clear some trees that Penn Dot would like removed before they can issue an HOP for the Frystown driveway. After discussion, David Younker made a motion to award the bid to Roy Good, Bethel. Second by Harold Gruber, All agreed. Motion carried.

A motion was then made by Rufus Geesaman to sign and adopt Resolution#2008-06 – Intent to proceed with building and financing of the sewer system. Second by Kevin Stupp. All agreed. Motion carried.

**Solicitor Report**

A written report was submitted to members detailing the easements that are complete and the ones still outstanding.

He also reported to the board that he spoke to the solicitor for the school district. The district will agree to accept a deed to reconvey the land from the Township and will sign the easement if we can assure them that there will be no connection charges, tapping fees, etc. The school will be responsible for the existing on-site system and will pay our treatment rates for the flow. A motion was made by Rufus Geesaman to have Solicitor Parish take the necessary action with the school solicitor to resolve the issue. Second by Harold Gruber. All agreed. Motion carried.

A list of possible condemnations was discussed with members. Members will try to contact residents and encourage them to sign. After discussion Rufus Geesaman made a motion to adopt and take action on Resolution 2008-07-through 17 authorizing condemnation. Motion seconded by David Younker. All agreed. Motion carried.

A motion was then made by Kevin Stupp to hold a special meeting to consider acquisition of easements and other issues to be brought before the board on January 14, 2008 at 7:00 pm. Second by Rufus Geesaman. All agreed. Motion carried.

### **Unfinished Business**

Met Ed: John Roche reported that the electrical contractor was in contact with Met Ed.

Township Office Space: Tabled

Community Meeting – keep on agenda for 2008.

### **New Business**

None

### **Authorization of Payment of Bills**

Kevin Stupp made a motion to pay the bills. Second by Harold Gruber. All agreed. Motion carried.

### **Public Comment**

None

### **Adjournment**

A motion to adjourn the meeting at 10:40 pm was made by Harold Gruber. Second by Rufus Geesaman.

Respectfully Submitted,

Darlene M. Orendo  
Secretary