

**BETHEL TOWNSHIP MUNICIPAL AUTHORITY
MINUTES**

November 4, 2009

The meeting of the Bethel Township Municipal Authority was called to order by Chairman, David Younker at 7: 02 p.m. on November 4, 2009 at the Bethel Township Community Center, Bethel PA.

Pledge of Allegiance

Roll Call

Chairman Younker called the roll:

Harold Gruber – present

Rufus Geesaman – present

Kevin Stupp – present

Carl Weaver – present

Also present were, John Roche & Andrew Gaul -Vision Engineering,
Solicitor, Terry Parish & Secretary, Darlene Orendo

Public Comment

At this time Chairman Younker recognized citizen's that had questions or concerns. Theresa Locke mentioned that she, her husband and their attorney met with the BTMA in September and questioned whether or not the resolution concerning them as a bulk user has been completed. Solicitor Parish stated it is a sewer service agreement, not a resolution; and he has worked on it but it is not finished. As time permits he will make a recommendation to the Board who will make the decision.

Approval of Minutes

Kevin Stupp made a motion to approve the minutes of October 7, 2009. Second by Rufus Geesaman. All agreed. Motion carried.

Member Report

Rufus reported the following:

- He received a letter from DEP requesting a report if any personnel are lost due to the H1N1 virus;
- He received information regarding the PMAA unemployment compensation which is cheaper than going through the State;
- He received information concerning opting out of certain claims against the State unemployment compensation fund;
- He received communication regarding the State PENNVEST audit that occurred in June. He was supposed to hear from them sooner, but that auditor has left and is no longer employed. A new person will meet with Rufus on November 13 to look at certain information.

- Rufus used the CPA (that helped him with the set-up things previously) for a few hours to get the October billing out. He will be used again to get out the normal November bills.

Solicitor Report:

Solicitor Parish mentioned that the attorney for the Kinard's would like to meet with John Roche & Andrew Gaul -Vision Engineering. John said the meeting is set for November 5 at 2:00 p.m. Solicitor Parish tried to impress on the attorney of the urgency to complete the archeological survey.

Solicitor Parish then submitted Resolution 2009-13 to the Board to adopt authorizing condemnation of the Kinard property needed for access. Rufus Geesaman made a motion to adopt Resolution 2009-13 dated November 4, 2009. Motion seconded by Carl Weaver. All agreed. Motion carried.

Solicitor Parish stated that he had discussions with Vision Engineering regarding the protective sleeves on the laterals and an indemnification to be signed by the affected homeowners. John Roche said there is a dozen at the most.

Solicitor Parish reported he is working on the sewer service agreement for the Locke property. He needs further instruction from the Board.

Engineer's Report:

Monthly Report for October '09

DEVELOPMENT PLANS FOR BOARD REVIEW AND/OR ACTION (POTENTIAL VISITORS):

1. Frystown Resident concerns and work items: As requested this office has worked on the following matters related to various resident concerns as follows:
 - a. *The Geologist has completed their investigation for the resident claim of the sewer installation affecting their well water. We have attached copies of the formal report.
 - b. In reviewing the apparent ground water problems adjacent to the sewer line in Frystown (MH # 17 and MH # 8A) we are recommending the Board place any piping improvements on hold until after the actual sewer connection of this property is completed so that the work could be better coordinated.
2. Bethel Resident concerns and work items:
 - a. The storm water related concerns along and adjacent to properties along Lancaster Avenue were placed on hold this month due to more pressing matters but will resume over the next month or two working on a report for the Board on this matter.
 - b. Bethel residents have been connecting to the sewer system. This office has reviewed several and various waiver requests for the connections this past month as directed.

FINANCING MATTERS (PENNVEST & PENNWORKS):

3. *This office is recommending payment of invoices (separate correspondence to the Board) for the construction project for the following listed contracts (through to 09/25/09) which would require Board action for payment. The payment details are attached (separate correspondence) and summarized as follows:
 - a. Contract # 1 Frystown collection lines (96% complete to date). NO WORK THIS PERIOD.
 - b. Contract # 2 Bethel collection lines (94% complete to date). NO WORK THIS PERIOD.
 - c. Contract # 3 Bethel Pump Stations (see attached).
 - d. Contract # 4 Bethel Wastewater Treatment Plant (see attached).
 - e. Contract # 5 Frystown Wastewater Treatment Plant (see attached).
 - f. Contract # 6 Mechanical Systems for WWTP and appurtenances (see attached).
 - g. Contract # 7 Plumbing Systems for WWTP and appurtenances (see attached).
 - h. Contract # 8 Electrical Systems for WWTP and appurtenances (see attached).

CONSTRUCTION MANAGEMENT AND LOGISTICS:

4. Our inspection reports are available to the Board members (via our website) and can be furnished (paper copies) upon request. In summary the work has been progressing as follows:
 - a. **Contracts # 3 – # 8** The work on the various contracts continues in varying degrees.
 - i. The lining project for the village of Bethel (Bethel WWTP tanks and the pump stations) has been evaluated by Sherwin Williams (lining material supplier). This office has provided specific additional questions for Sherwin Williams to fully address before we would recommend the Board consider any payment for this work (nothing paid to date). Furthermore we have placed the other work (Frystown tanks) on hold pending a full evaluation of the product.
 - ii. The contractor has requested the project be determined substantially complete for the Bethel WWTP (contract # 4). However, we are awaiting the final certification for the process design of the plant (which has been requested since May, 2008) before concurring with the substantial completion. This certification is expected this month.
 - iii. Work continues to progress in Frystown. At this point the schedule is waiting further coordination and completion by the Electrical contractor (Contract # 8). We are awaiting a more

formal schedule prior to the contractor's meeting next week. The schedule may also be affected by the lining work as well.

OTHER MATTERS REQUIRING BOARD REVIEW AND/OR ACTION:

5. Lining Work for Manholes and Logistics
 - a. This office has not heard directly about the recent PENNVEST meeting (10/27/09) but will forward formal correspondence once it is received.
6. CHANGE ORDERS:
 - a. We have included documentation for the Board's consideration in concurrence of change orders for the laboratory setup (plumbing and electrical contract changes). This was necessitated upon final layout of the lab bench and workstation with the contract operator.
 - i. Contract # 7 (Plumbing) CHANGE ORDER # 4 (see attached document) this is to provide water service to the lower level due to the building and pump changes.
 - ii. Contract # 7 (Plumbing) CHANGE ORDER # 5 (see attached document) this is to provide the plumbing for the laboratory in the Bethel WWTP control building.
 - iii. Contract # 7 (Plumbing) CHANGE ORDER # 6 (see attached document) this is to eliminate the ADA shower and sump pump in the Frystown WWTP control building and represents a credit.
 - b. * Contract # 8 (ELECTRICAL) Change Order # 18 is attached for the Board's further consideration. This change order was required for the provision of a welding receptacle in the Bethel control building (garage).
7. ACT 537 PLAN REVISION UPDATE: This office had a phone conference with the Township Engineer discussing at length our current review comments (August, 2009). The Township Supervisors is looking for this plan to be approved by the Authority by November 16, 2009.
8. NORTHERN EXTENSION (Klahr Road).
 - a. The current status of the final design and permitting are progressing on the following order:
 - i. The archeologist has completed most of the field work but is awaiting permission for one remaining property.
 - ii. Concurrently this office is preparing the documents for submission to PADEP and PENNDOT for permitting.

The following notes were taken during the report.

There was discussion about the Change Orders for Contracts #3 - #8. Rufus Geesaman made a motion to disallow Contract #7 Change Order #4 (providing water service to the lower level due to building and pump changes). Second by Kevin Stupp. All agreed. Motion carried.

David Younker recommended that quotes be obtained for the work in Contract #7, Change Orders #4 and #5. John Roche will get the specifications to Rufus.

Rufus Geesaman made a motion to accept Change Order #6 (eliminating the ADA shower and sump pump at the Frystown WWTP). Second by Kevin Stupp. All agreed. Motion carried. John Roche will rename this as Change Order #4

Rufus Geesaman made a motion to recommend approval of Contract #8 Change Order #18. Second by Harold Gruber. All agreed. Motion carried.

John Roche said he just received the written comments from Dave Walters of Larson Design Group regarding their phone conference. The report is in the packet but John needs to review to make sure everything is as discussed.

Terry Parish reviewed and commented that he would like the last chart to be changed from "Proposed" Gravity Sanitary Sewer and Manholes" to something less firm than the word "Proposed". Dave Walters will come up with better language; it is easily changed.

Rufus Geesaman made a motion to recommend that the Supervisor's adopt the 537 plan. Second by Harold Gruber. All agreed. Motion carried.

Old Business:

Rufus Geesaman reported that 128 of the 163 total have obtained permits; with 35 still outstanding. As of 10/30, 38 addresses are connected. As of the billing cut-off date of 10/27, there were 28 bills for 48 EDU's.

- **Fines/Penalties for non hook-up** – Rufus Geesaman stated that Tulpehocken Township adds 10% after 30 days. Chairman Younker asked Solicitor Parish for comment. He will do research but he knows of no such authority. BTMA can send a bill at the end of the mandatory connection period. Chairman Younker said a letter is to be sent to the 35 that still need to get permits, reminding them they have 30 days to get a contractor to install. Rufus Geesaman mentioned that there were three people that stated they cannot pay. Solicitor Parish stated there are three parts: the contractor to install; tapping fees; and monthly fees. Failure to pay the tapping fees and monthly fees can result in placing a lien on the property. Also, if someone cannot afford to connect, BTMA might have to pay a contractor to install and lien the property for that. Most municipalities let the liens accumulate until the people can pay or they sell the property.
- **Solicitor replacement – resumes & fee schedule** - to be discussed in Executive Session.
- **PennWorks Letter** – Rufus Geesaman received an official letter amending the 4/4/06 commitment letter so that the amortization amount starts 5/1/10 with interest only until that time.
- **Seigrist Grading at Frystown WWTP** – Eugene Seigrist spoke to the Marks foremen, Wes, who said the grading is pretty well done. Eugene said it is tapered to run onto his land. He would like to coordinate with the swale plan for his

development now rather than let it the way it currently is. He also questioned why there was no other storm water design. Wes advised Eugene that there is not enough room for the hedges between the generator and the property line. Andrew Gaul -Vision Engineering, said this is the first he heard of this. Arborvitaes were to be located there, about 3 feet off the property line. Eugene said there is only 7 feet between the line and the building. Eugene also asked about the water they hit when they put in the control house as he is concerned about his aquifer. John Roche said they raised the floor of the building rather than drain the water, thereby avoiding the water. There is a footer drain but no ground water was removed. Eugene concluded that he would like to work together now on the grading. He feels when his swale is put in will not work and may collapse the BTMA grade. John Roche said the swale can be graded in without impacting the BTMA property or his development. There was discussion that BTMA was exempted from a land development plan but had to follow the rules. David Younker instructed John Roche to review and look at the design by the next meeting.

New Business

- **Policy for Sewer Certification Fee** – Solicitor Parish said this can be done as an Authority. It was decided that the Business Manager will do the certifications. Fees were also discussed. Carl Weaver made a motion to set the sewer certification fee at \$15. Second by Harold Gruber. All agreed. Motion carried.
- **Monthly O & M Report** – Rufus Geesaman reported that he received the required report for September. Mike Kreiser stated there were no violations or problems for October, but he did not get the report printed yet.
- **THS SD letter tapping fee** - No discussion
- **People who cannot pay** – previously discussed
- **Commercial Hook-up info** - Rufus advised that John Roche had sent letters and John said there is no other action needed at this time.
- **Auditor Letter** - Rufus received a letter from the auditors regarding 2009. The fee has gone up to \$3,500. Rufus made a motion to authorize Faren, Garcia & Garman LLC to do the audit for 2009 books at a rate of \$3,500 and have the Chairman sign the authorization. Second by Kevin Stupp. All agreed. Motion carried.

An executive session was called at 8:33 p.m. by Chairman Younker for personnel issues. The meeting reconvened at 8:55 p.m. Chairman Younker appointed Rufus Geesaman and Kevin Stupp to interview for a Solicitor and bring recommendations back to the Board.

- Rufus Geesaman received a letter from Snyder Development requesting waiver of hook-ups for two houses that will be demolished and one that will be moved and used as an office. Supervisors Haag and Orendo mentioned that the plan was rejected due to no request for extension (expired). This will be tabled until next meeting.

- Rufus Geesaman said there is a need for a snow blower to keep snow off the pathways at the WWTP. He was authorized to get some quotes for a snow blower.
- Kevin Stupp asked about the previous discussions about bringing in sewage from holding tanks. John Roche said they need to get more data as far as true costs, but the general consensus was that it is not good for a start-up operation. Mike Kreiser said he emailed some information several weeks ago and said they could communicate as to what other information is needed. John will talk about the concerns and get more data for the Board. Some of the data received was skewed.
- Carl Weaver asked about waiving fees for vacant houses; for example those properties that are for sale. He said Tulpehocken Township waives the fee in those situations. Solicitor Parish stated it is unusual for an Authority to waive charges when the property is vacant. The owners have the right to use it. Rufus said it would be a difficult to keep track of vacant properties and billing etc.

Authorization of Payment of Bills

Rufus Geesaman made a motion to authorize payment of the bills. Motion seconded by Kevin Stupp. All agreed. Motion carried.

Public Comment

Supervisor Randall Haag asked about the pipes that are close to the streets in Frystown. John Roche has a list of those within 5 feet. Those within 2 feet have protective sleeves. He suggests BTMA purchase and install markers for those within 2 to 5 feet. David Younker asked if there is a list for Bethel. John Roche can get that this month for Bethel. Chairman Younker made a motion authorizing Rufus Geesaman to purchase reflector posts at the best possible price. Second by Kevin Stupp. All agreed. Motion carried. Chairman Younker would like a list for Bethel for next meeting.

Supervisor Haag asked if the large pine trees at the Frystown office will be removed. Rufus Geesaman said Wes stated there are no plans to remove.

Supervisor Haag asked about the paving of the Frystown driveway and if it will be as is or changed. John Roche showed the plan and said it will be set back a bit, but should be paved this year. The staging area for the contractor will have to be restored by the contractor.

Paul Killar asked about reservation of EDU's for commercial property, specifically the Musselman property. He was given a request for information form to complete to obtain information on what Trammel Crow had done.

Betty Manbeck discussed some issues concerning her driveway with the Board. After review it was recommended that John and Rufus meet with the Manbeck's at the property site to get a closer look at the situation.

Adjournment

A motion to adjourn the meeting at 9:25 p.m. was made by David Younker. Second by Rufus Geesaman.

Respectfully Submitted,
Darlene M.Orendo
Secretary

