APPROVED

MAIDENCREEK TOWNSHIP AUTHORITY
September 9, 2009
MEETING MINUTES

Attending Board Members: Robert Shinn, Earl Rothermel, Patricia Hecker and Ken Schnader

Also attending: Robert Hobaugh, Stevens & Lee, Greg Unger, SDE, Patrick Donovan, General Manager, and Tammy Deysher, Assistant Office Administrator.

Also in the audience, Tim Krall of Spotts, Stevens & McCoy, Dan Becker, solicitor for James Hardie, Leslie Heere, a resident of Maidencreek Township, Henry Koch, Koch & Koch, and Dr. Hanna.

Mr. Shinn called the September 9, 2009 meeting of the Maidencreek Township Authority to order at 6:00 PM at the Maidencreek Township municipal building.

PUBLIC COMMENT

Mr. Heere, a resident of Maidencreek Township was asking for relief on his current water and sewer bill in the amount of $394.00. He **pressure washed** his house for two days and used 41,000 gallons during this time. Mr. Heere does not want to pay his sewer portion of the bill. The Board will look into his request and contact him at a later date.

JAMES HARDIE / CAN CORPORATION / INDUSTRIAL PARK

Mr. Henry Koch addressed the Board. He represents Can Corporation. He said "we are concerned about the approval that was granted last night by the planning commission." The Authority reviewed three construction drawings for these projects. According to Mr. Koch, the Authority never addressed any potential damage to the sewer and water lines that could occur. Mr. Unger stated that the Authority does have concerns over the sewer and water lines even though they are not dedicated to the Authority at this time. Because our lines are connected upstream and downstream any damage to these lines could cause problems for us.

Mr. Unger stated that even though the lines today are not dedicated to us, the Authority is again asking to dedicate the lines.

Mr. Unger stated that SDE did not have any problems with the plans proposed, so long as standard care is taken in the field. Separation and depth is adequate so long as normal practices are followed.

Mr. Hanna was concerned over the truck traffic during construction. Mr. Unger and Mr. Krall discussed the construction process. Mr. Unger stated that SDE will be on site to inspect and will address any problems if they arise. If we encounter problems, we will address them at that time. Mr. Becker, solicitor for James Hardie stated that his client has tried to do this on a professional manner. If we encounter problems, we will fix it. Mr. Shinn commented that he was hearing a lot of "what ifs" this evening. Mr. Hanna asked, "What if the lines break and there is sewage contamination? Will the Authority

require an escrow agreement?" Mr. Hobaugh stated that he didn't see the plan, but that our Engineer is recommending that we perform the inspection during construction. Mr. Hobaugh stated we didn't think we needed improvements agreements or security agreements because they were not our lines, and right now we don't even know if the Authority has an easement.

Mr. Hobaugh stated, "the review has been made and there are no requirements to have an escrow agreement or a guarantee of performance."

Mr. Koch stated, "I want to establish the area of responsibility." Mr. Hobaugh replied, "the area of responsibility is with the Township."

Mr. Koch stated that he believed there is a vested interest in this group to have the line protected. Mr. Hobaugh replied, "it would be, and it would be further vested were the lines dedicated."

PLAN REVIEW STATUS

None

DEVELOPMENT CLOSE OUT STATUS

Shadow Ridge III – SDE reviewed the as-built drawings for Shadow Ridge III and feels the project is complete. Mr. Donovan expressed he would like to close out the project and return Shadow Ridge's funds. Mr. Donovan advised he would like to have all of the Solicitor and Engineer's bills in within 60 days.

A motion was made by Ken Schnader, seconded by Earl Rothermel to approve the closing of the Shadow Ridge project and to also making sure all the bills from the professionals are in as well. All members present voted "Aye." Motion carried.

APPROVAL OF MINUTES

A motion was made by Earl Rothermel, seconded by Pat Hecker to approve the August 12, 2009 regular minutes of the Maidencreek Township Authority meeting as presented. Hearing no public comment, all members present voted "Aye." Motion carried.

NEW BUSINESS

1. Pension Plan Action required at the September 2009 Meeting –

A. Appoint a Pension Plan Administrator:

A motion was made by Ken Schnader, seconded by Pat Hecker to reappoint Earl Rothermel as the Pension Plan Administrator. All members present voted "Aye." Motion carried.

B. Approve the MMO Obligation for the Year 2010:

A motion was made by Earl Rothermel, seconded by Ken Schnader to approve the MMO Obligation for the year 2010. All members present voted "Aye." Motion carried.

2% discount for paying bills early – A resident of Maidencreek asked for a 2% reduction on their bill for paying early.

The Board took the request under advisement.

3. Villa at Maidencreek - Mr. Donovan advised the Board that Hollenbach Construction is planning a retirement center in the Golden Manor III Commercial site. They are planning to construct a 120 retirement unit. Mr. Donovan will prepare and send out a review package for the developer.

A motion was made by Earl Rothermel, seconded by Ken Schnader to forward the plan review package to the developer. The package will contain a public water certification and a water and sewer capacity notice, the capacity notice will state that the Authority can service the project on a first come, first served basis, and that the Authority does not reserve capacity. All members present voted "Aye." Motion carried.

4. Health Insurance – Nothing new to report at this time. Mr. Donovan is working closely with The Township on this matter.

5. Industrial Appraisal – Mr. Donovan advised the Board that the Authority's assets have not been done in a long time.

A motion was made by Ken Schnader, seconded by Earl Rothermel to authorize Industrial Appraisal Company to perform an appraisal on all Authority assets at a cost not to exceed $4680.00. All members present voted "Aye." Motion carried.

UNFINISHED BUSINESS

320 Main Street – Mr. Hobaugh advised the Board that he filed the lien against Dean Shuman in the amount of $4994.40.

OTMA – Mr. Unger provided the Board with the calculations for OTMA's billing. The units that were not originally hooked up to the MTA Sewer system, will receive a 10% penalty.

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A motion was made by Ken Schnader, seconded by Earl Rothermel to approve the Otma's billing and to add 10% late fee. All members present voted "Aye." Motion carried.

2009 Hunting –

A motion was made by Ken Schnader, seconded by Earl Rothermel to approve 2009 **hunting permits**. All members present voted "Aye." Motion carried.

LEAK REDUCTION

NONE

SOLICITOR'S REPORT

Mr. Hobaugh submitted a written report.

Mr. Hobaugh advised the Board they will have to amend last meetings motion for Mr. Donovan to hire the Township men to help with Authority projects.

A motion was made by Ken Schnader, seconded by Earl Rothermel to modify the motion to bidding out jobs if over the $10,000.00 amount and needing telephonic calls for over $4,000.00. All members present voted "Aye." Motion carried.

ENGINEER'S REPORT

Mr. Unger submitted a written report.

MANAGER'S REPORT

Mr. Donovan submitted a written report.

PAYMENT OF BILLS

A motion was made by Earl Rothermel, seconded by Pat Hecker to pay all the bills at once. All members present voted "Aye."

A motion was made by Earl Rothermel, seconded Pat Hecker to approve inter-account transfers, the payment of the August 2009 after meeting checks and the September 2009 Bill List in the amount of $63,412.71, the additional September 2009 Bill List submitted at the September 9, 2009 meeting in the amount of $19,969.25, to approve the payment of the following from the Review Fee Accounts or billed directly to the Developer: the engineer's reimbursable expenses of $490.14, the solicitor's reimbursable expenses of $21.50. All members present voted, "Aye." Motion carried.

EXECUTIVE SESSION

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An executive session was called to order at 7:40 PM to discuss personnel.

RECONVENED

The Board reconvened the meeting at 8:04 PM.

A motion was made by Ken Schnader, seconded by Earl Rothermel to authorize Mr. Hobaugh to revise the current personnel policy to **modify the paid time off section** as follows: Employees must be actively on duty to earn paid time off. All members present voted, "Aye." Motion carried.

ADJOURNMENT

A motion was made by Earl Rothermel, seconded by Ken Schnader to adjourn the meeting at 8:05 PM.

Minutes are subject to change prior to the approval of the Maidencreek Township Authority.

Tammy L Deysher, Assistant Office Administrator – September 9, 2009

CC:
Authority Board
Patrick Donovan
SDE Inc.
Stevens & Lee
Kosmerl & Co
JoAnn Schaeffer
Board of Supervisors
Planning Commission
Roland & Schlegel
Maidencreek Township
Ontelaunee Township
Plant Operators