MAIDENCREEK TOWNSHIP AUTHORITY
October 14, 2009
MEETING MINUTES

Attending Board Members: Robert Shinn, Earl Rothermel, Patricia Hecker, Donald Keim 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, Henry Koch, Koch & Koch, and Dr. Hanna of Can Corp., Chris Bradley of Shadow Ridge, John Curtin a Consultant for Acadia Land Services, Bill Campbell of Harleysville Bank and Diane Hollenbach, Manager of Maidencreek Township.

Mr. Shinn called the October 14, 2009 meeting of the Maidencreek Township Authority to order at 5:59 PM at the Maidencreek Township municipal building.

PUBLIC COMMENT

ONTEALUNEE EDU'S

Mr. John Curtin of Acadia Land Services approached the Board to discuss the idea of potentially buying back 124 EDU's that were sold to Ontelaunee Township. Ontelaunee sold these EDU's to Heritage, a Developer in Ontelaunee Township who no longer wishes to continue with development plans.

Mr. Bill Campbell of Harleysville Bank advised the Board he is here out of concerns for his loan that is outstanding with Heritage. Mr. Campbell would like to see if there is anyway Maidendcreek Authority would like to purchase the 124 EDU'S so he can get some monies to possibly pay down the loan. Mr. Campbell would like to discuss any options with Heritage, Ontelaunee Township and Maidencreek Authority to best benefit all involved.

The Board will discuss this matter at a later date but advised Mr. Campbell that the Authority must deal with OTMA and not with any other party on this matter.

JAMES HARDIE / CAN CORPORATION / INDUSTRIAL PARK

Mrs. Diane Hollenbach, manager of Maidencreek Township advised the Board the planning commission had a meeting and has set some conditions for Can Corp and James Hardie plans. Can Corp. and James Hardie have come to an agreement and have a proposal to present to MTA.

Mr. Henry Koch who represents Can Corporation addressed the Board. Mr. Koch stated the supervisors had their meeting and imposed a requirement for all sewer and water mains in the Excelsior Industrial Park to be turned over to the Authority. Mr. Koch stated he is willing to do so but has some conditions of his own.

One, the Authority should be aware of the fact when the Authority eventually went through the property the land was turned over for your easements without any consideration whatsoever.

Two, the lines are currently being used by other customers of Maidencreek Township Authority and the supervisors did not spell out as to how this would all be accomplished. Can Corp. would like to secure a written confirmation from the Authority to not require Can Corp. to tie into the Authorities sewer system. However Can Corp. is concerned about the provision of Maidencreek's regulations and the Township's mandatory hook-up ordinance. The ordinance requires a company that is within 150' of a main to tie into the system.

Mr. Koch advised Can Corp. has its own fully operating sewage waste plant and therefore feels no need to tie into our system.

Can Corp. is proposing to build a 200,000 sq. foot expansion which a portion of that will be within 150' of the lines. This is a set back due to the Township's regulations stipulating a mandatory hook-up is necessary. The set back interferes with the traffic pattern for the expansion.

Mr. Hobaugh asked if Can Corp. could put all there requests in writing.

Dr. Hanna asked if a decision could be made for their request of a waiver.

Mr. Hobaugh advised at this point for the Board to make a determination they will need all the facts. The Board needs to know the extent of the waiver request, they need to know the locations of where the water and sewer lines are. They need to know what easements the water and sewer lines are covering, proof of title and also identities of parties of ownership, which entities are privately served by Giorgio's 12 wells and package plant. The question is would any of them be affected by this and would they now be within 150' of water and sewer lines.

Third, Mr. Koch advised there is another condition to all this, Can Corp. is not going to pay anything towards getting Mr. Hobaugh's requests done.

A motion was made by Earl Rothermel and seconded by Donald Keim to authorize the engineer and solicitor to review what was presented to them by Can Corp. All members present voted "Aye." Motion carried.

PLAN REVIEW STATUS

Village at Summit Crest

Mr. Chris Bradley of Summit Crest approached the Board to state he is proposing to put a private water system in at Summit Crest. Mr. Bradley is proposing to put a water tank high on a hill and he has already drilled two wells.

Mr. Greg Unger advised Mr. Bradley will need water treatment, which in return means sand filters will be used. The sand filters need to be back washed and discharged into the Authorities waste water treatment plant. Mr. Unger advised the Authority gave the lead to the Township on this due to water system will be private. The notes on the plan state the system needs to be built to the regulations of DEP and line sizes of MTA. Mr. Unger advised the only issue at this point is that Mr. Bradley needs to provide MTA what their discharge from their water filtration plant will be so that MTA can figure out whether any special concerns are there. MTA needs to determine flow characteristics, quantity and quality.

Mr. Unger recommends for the Board to approve the review letter and to make sure the sewer lateral coming from the water infiltration plant tie into the terminal manhole on Summit Drive upon completion of Phase II.

A motion was made by Ken Schnader, seconded by Earl Rothermel to appove the review letter for Mr. Bradley and the addition of the sewer lateral. All present voted "Aye." Motion carried.

DEVELOPMENT CLOSE OUT STATUS

Heffner Tract – Project 100% complete.

A motion was made by Donald Keim, seconded by Ken Schnader to close out the project and return all funds within 60 days. All members present voted "Aye." Motion carried.

Shadow Ridge III – Release the letter of credit.

A motion was made by Earl Rothermel, seconded by Donald Keim to release the letter of credit for Shadow Ridge. All members present voted "Aye." Motion carried.

APPROVAL OF MINUTES

A motion was made by Earl Rothermel, seconded by Pat Hecker to approve the September 9, 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. Approval of the October Shut-Off List -

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A motion was made by Ken Schnader, seconded by Pat Hecker to approve the October shut-off list. All members present voted "Aye." Motion carried.

2. Bids for Scada System -

Mr. Unger advised the Board both bids were under budget. This is for completing Scada and processing control system. Well #5 will be the master receiving station with an antenna that well #2 and #3 will be connected to. Mr. Unger recommends that the Board proceed with the intent to award notice, award and notice to Philips Brothers for $184,038.00 and also go with the alternate bid to install total suspended solids meter in the amount of $11,280.00.

A motion was made by Earl Rothermel, seconded by Ken Schnader to approve the bid for Philips Brothers. All present voted "Aye." Motion carried.

UNFINISHED BUSINESS

None

LEAK REDUCTION

Mr. Heere: acct # 0874-

Mr. Donovan advised the Board that Mr. Heere had a legitimate leak in one of his bathrooms.

A motion was made by Earl Rothermel, seconded by Pat Hecker to approve the leak reduction per standard conditions. All members present voted "Aye." Motion carried.

SOLICITOR'S REPORT

Mr. Hobaugh submitted a written report.

1. **Request for PTO policy amendment** – Mr. Hobaugh advised the Board the new PTO policy will eliminate the accrual of paid time off for a particular situation. PTO will be earned by full time employees during active employment, excluding periods of disability, workers compensation, long term sick leave and active military duty.

A motion was made by Ken Schnader, seconded by Pat Hecker to approve the **PTO Resolution No. 1-10-2009 amending paid time off**. All members present voted "Aye." Motion carried.

2. **Greta Seyler Bankruptcy** – Mr. Hobaugh advised the Board Mrs. Seyler received a statement of her payoff from MTA. Mrs. Seyler only paid the three or four liensoff we

had against her and still owes attorney fees. Mrs. Seyler filed a motion to modify her current plan to order a discharge of bankruptcy.

Mr. Hobaugh recommends to oppose this motion.

A motion was made by Earl Rothermel, seconded by Ken Schnader to have Mr. Hobaugh oppose the motion. All members present voted "Aye." Motion carried.

3. **Esbenshades** – Mr. Hobaugh advised the Board Esbenshades has sent a challenge to the Attorney General's office concerning the Township's mandatory water connection ordinance.

ENGINEER'S REPORT

Mr. Unger submitted a written report.

MANAGER'S REPORT

Mr. Donovan submitted a written report.

Purchase of a line freezer - Mr. Donovan requested a line freezer to be purchased. All of Old Blandon meters will be changed out and it would be more sufficient and less problems to have one. The purchasing price is estimated to cost $5,500.00.

A motion was made by Pat Hecker, seconded by Donald Keim to purchase a line freezer. All members present voted "Aye." Motion carried.

PAYMENT OF BILLS

A motion was made by Donald Keim, seconded by Ken Schnader to pay all the bills at once. All members present voted "Aye."

A motion was made by Earl Rothermel, seconded Donald Keim to approve inter-account transfers, the payment of the September 2009 after meeting checks and the October 2009 Bill List in the amount of $89,326.74, the additional October 2009 Bill List submitted at the October 14, 2009 meeting in the amount of $13,017.49, to approve the payment of the following from the Review Fee Accounts or billed directly to the Developer: the engineer's reimbursable expenses of $512.10, the solicitor's reimbursable expenses of $432.90. All members present voted, "Aye." Motion carried.

EXECUTIVE SESSION

An executive session was called to order at 8:06 PM to discuss personnel.

RECONVENED

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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.

EXECUTIVE SESSION

An executive session was called to order at 8:20 PM to discuss personnel.

RECONVENED

The Board reconvened the meeting at 8:59 PM.

A motion was made by Ken Schnader, seconded by Earl Rothermel **to authorize an across the board increase of $0.50 per hour, and to increase Tammy Deysher to a new rate as outlined in the table that was presented by the General Manager**. All members present voted, "Aye." Motion carried.

The Board discussed Mr. Funk's status. The Board directed the General Manager to inform Mr. Funk that he can return to duty when he is released with no restrictions from his doctors.

ADJOURNMENT

A motion was made by Earl Rothermel, seconded by Ken Schnader to adjourn the meeting at 9:07 PM.

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

Tammy L Deysher, Assistant Office Administrator – October 14, 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