MAIDENCREEK TOWNSHIP AUTHORITY
Regular Meeting Minutes
November 14, 2012

Attending: Robert Shinn, Earl Rothermel, Patricia Hecker, Gary Saggio, Kim Rossetti- Recording Secretary, Patrick Donovan- MTA Manager, Robert Hobaugh- Stevens & Lee/ MTA Solicitor, Greg Unger- Systems Design Engineering, Inc./ MTA Engineer

Guests: Tom Duffy- Systems Design Engineering, Inc., Cody Rhodes

Chairman, Robert Shinn, called the Regular meeting to order at 6:03 PM.

PUBLIC COMMENT:
None.

PLAN REVIEW STATUS:
Village at Summit Crest
Robert Hobaugh reported that the developer has responded to the August 2011 Development Agreement. Mr. Hobaugh, Greg Unger and Patrick Donovan reviewed the developer's comments. Mr. Hobaugh confirmed that some comments/changes were agreed upon but added that additional changes will be necessary. The new agreement will include what pipes will be dedicated, it will restate flows due to added buildings, it will ask for dedication of the in-fill area easement and pipes, and while Phase III easement areas and pipes will be offered, but not be necessarily accepted, for dedication, the agreement will give MTA the right to go on-site at Phase III to make corrections, if necessary. A designated amount of flow will be sold, contain a BOD cap and MTA will be able to install a meter to measure the flow.

Mr. Hobaugh stated that there are still other legal documents and engineering issues to be reviewed and finalized but the review is almost complete. The developer has requested a copy of the draft engineering review. Mr. Hobaugh stated that he does not see a problem with granting this request.

> **Motion:**
> Gary Saggio made a motion to send draft copies of the engineering and legal review letters and the marked up draft of the Development Agreement to Mr. Chris Bradley, seconded by Earl Rothermel. Hearing no questions, the motion passed unanimously.

Crossing at Maidencreek
Mr. Hobaugh reported that Nova Bank, the bank that holds the Letter of Credit, has been taken over by the FDIC. The FDIC sent a letter, dated November 5, 2012, repudiating the Letter of Credit. This matter will be discussed in Executive Session- Real Estate.

DEVELOPMENT CLOSEOUT STATUS:

Melrose Place

Mr. Hobaugh reported that he attended a meeting with Mr. & Mrs. Cipa, Mr. Novakovich, Jill Nagy, Mr. Shinn and Mr. Donovan regarding Deeds of Easement for the Cipa and Novakovich properties. Mr. Hobaugh confirmed that Mr. & Mrs. Cipa have signed their Deed of Easement and it is ready for signature by the Authority. He recommended not recording the signed Deed until the Authority is ready to accept dedication and all other outstanding plan issues are resolved and approved by MTA resolution.

Mr. Hobaugh added that Mr. & Mrs. Novakovich did not sign the Deed of Easement for their property, and that he requested a revision that addresses the fence he erected on his property that is within the easement. Ms. Nagy will revise the Novakovich easement adding language regarding the fencing issues. Mr. Donovan reported that the fire hydrant in front of the Cipa's home will be relocated to a more secure location.

APPROVAL OF PRIOR MEETING MINUTES:

Motion:

Earl Rothermel made a motion to approve the October 10, 2012 Regular Meeting minutes, seconded by Patricia Hecker. Hearing no questions, the motion passed unanimously.

NEW BUSINESS:

Pension Plan

Mr. Donovan and Mr. Hobaugh advised the Board regarding the agreement and unfunded liability. Mr. Hobaugh stated that he reviewed the agreement and believes there are several areas that need to be clarified before being approved. He believes the plan should be in place by January 1st; the Board will need to review and approve the changes at the December meeting.

Motion:

Earl Rothermel made a motion to fund the pension plan at 100%, seconded by Patricia Hecker. Hearing no questions, the motion passed unanimously.

Office Rent

This matter will be discussed in Executive Session- Real Estate.

UNFINISHED BUSINESS:

Excess Use Letter

Tabled until the January 2013 meeting.

Home Occupation

Tabled until the January 2013 meeting.

LEAK REDUCTION:

444 Hoch Road

The Board reviewed the bill reduction request and supporting documentation. This incident spanned two billing cycles. Mr. Donovan confirmed the request meets the requirements of the current policy/resolution. The homeowner will be advised that bill reductions are approved on a one-time-per account basis.

Motion:

Kim Rossetti made a motion to approve the two-billing cycle reduction request in accordance with the current policy, seconded by Patricia Hecker. Hearing no questions, the motion passed unanimously.

ENGINEER'S REPORT:

Mr. Unger provided the Board with a written summary report prior to the meeting. Mr. Unger added that he is working on the plan review status with Mr. Hobaugh and Mr. Donovan and has also assisted Mr. Donovan with some items at the WTP.

SOLICTOR'S REPORT:

Mr. Hobaugh provided the Board with a written summary report prior to the meeting. Mr. Hobaugh added that a hearing is scheduled on November 29th to address the Trustee's Motion to Dismiss Mr. and Mrs. Seyler's Bankruptcy plan.

MANAGER'S REPORT:

Mr. Donovan provided the Board with a written summary report prior to the meeting. Mr. Donovan advised the Board that he received a written proposal, by Mr. Kenneth Adam, for a roof structure over the dumpster in the amount of $3,700. The roof will be 14'x20', have an 11' clearance and 6"x6"x14' posts. The roof will resemble a carport/pavilion and used to keep the snow, ice and rain off the dumpster/contents. The proposal has been reviewed by Mr. Unger.

Motion:

Earl Rothermel made a motion to authorized construction of the carport/roof, at a cost not to exceed $3,700, seconded by Gary Saggio. Hearing no questions, the motion passed unanimously.

Due to a recent event, Mr. Donovan asked for the Board's direction on how to address the personal use of the Authority trash dumpster at the WTP. After some discussion, the Board reached a consensus that only MTA and MTA staff may dispose of waste and/or personal household waste in the MTA trash dumpster, providing: there is room, the privilege is not abused and will not result in any additional refuse charges to the MTA.

OFFICE ADMINSTRATOR BUSINESS:

Reduction Letters

None

Inter-Account Transfers (Approval and Release)
Bills- (Approval and Release)
Solicitor's Reimbursable Expenses
Engineer's Reimbursable Expenses

Motion:

Earl Rothermel made a motion to approve the Account Transfers, Bill Payments, Solicitor's Expenses and Engineer's Expenses all at one time, in one motion, seconded by Patricia Hecker. Hearing no questions, the motion passed unanimously.

Motion:

Earl Rothermel made a motion to approve the following transactions:

Transfer funds - Sewer Revenue AC to Savings - $1,142,599.69
Citizens Bank PR AC to Vist - $24,991.26
Operating AC to Savings - $600,000.00

Payment of Bills – November 9, 2012 bill list totaling $103,249.87
November 14, 2012 bill list totaling $24,408.88

Solicitor Expenses – November 9, 2012 bill list totaling $468.25 billed directly to the developer or paid from Escrow Funds.

Engineer Expenses- November 9, 2012 bill list totaling $2,894.32, billed directly to the developer or paid from Escrow Funds.

seconded by Gary Saggio. Hearing no questions, the motion passed unanimously

CORRESPONDENCE:

None.

COMMENTS FROM THE CHAIRMAN:

The Board, Manager and Professional Staff discussed a date and location for a holiday dinner.

EXECUTIVE SESSION:

Motion:

Patricia Hecker made a motion to adjourn to Executive Session for the purpose of discussing personnel and real estate matters, seconded by Earl Rothermel. Hearing no questions, the motion passed unanimously.

The Board moved to Executive Session at 7:49pm to discuss Personnel and Real Estate matters. The Board adjourned from Executive Session at 8:00pm, reconvened in Regular Session and took the following actions:

Crossing at Maidencreek

Motion:

Kim Rossetti made a motion to retain the Law Firm of Masano & Bradley, at the billing rate of the MTA Solicitor, to review the improvements agreement, letter of credit and repudiation of the letter or credit and recommend what further action is warranted in this matter, seconded by Gary Saggio. Hearing no questions, the motion passed unanimously.

Office Rent

Motion:

Earl Rothermel made a motion to authorize Mr. Shinn and Mr. Donavan meet with the Maidencreek Township Manager on November 15, 2012 with a verbal proposal of paying $15,000 per year in rent, creating a new 5-year lease beginning, January 1, 2013 and expiring December 31, 2018, including a COLA, and option for an additional 5-year extension; further proposing that MTA will agree to break the current lease agreement which expires May 31st, 2013, seconded by Patricia Hecker. Hearing no questions, the motion passed unanimously.

ADJOURNMENT

Having no further business, Patricia Hecker made a motion to adjourn the meeting, seconded by Earl Rothermel. Hearing no questions, the motion passed unanimously.

The meeting adjourned at 8:19 PM.
The next meeting will be Wednesday, December 12, 2012 at 6:00pm.

Respectfully Submitted,

Kimberly Rossetti
Recording Secretary

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

cc: Maidencreek Township Authority Board
Patrick Donovan, Maidencreek Township Authority General Manager
Greg Unger, Systems Design Engineering, Inc., MTA Engineer
Robert Hobaugh Jr., Esq., Stevens & Lee, MTA Solicitor
JoAnn Schaeffer, Maidencreek Township Authority Secretary
Maidencreek Township Authority Plant Operators
Maidencreek Township Board of Supervisors
Maidencreek Township Planning Commission
Eugene Orlando, Esq., Orlando Law Firm, Solicitor
Diane Hollenbach, Maidencreek Township Manager
Ontelaunee Township
Kosmerl & Company