

**MINUTES**  
**LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY**  
**FEBRUARY 24, 2014**

Chairman Gingrich called the Regular Meeting of the Lower Swatara Township Municipal Authority to order at 7:00 P.M. The record indicated the following officials in attendance:

- James R. Gingrich, Chairman
- Todd Truntz, Vice Chairman
- Charles A. High, Secretary
- Donald Martino, Asst. Secretary/Treasurer
- Matthew D. Cichy, Engineer
- Tracey L. Bechtel, Recording Secretary

Absent: Richard Wilkinson, Treasurer and Peter Henninger, Solicitor

Residents and visitors in attendance:

- Jeff Sipe (LSTMA)
- Jeff Ash (LSTMA)
- Bill Meiser, (MASD)
- Jack Raudenbush (Raudenbush Engineering)
- Tom Mehaffie, Commissioner

**Public Comment:** No Public Comment

A motion was made by Mr. High seconded by Mr. Martino to approve the December 16, 2013 Meeting Minutes. The motion was unanimously approved.

A motion was made by Mr. High seconded by Mr. Martino to approve the January 27, 2014 Meeting Minutes. The motion was unanimously approved.

**Engineer's Report:**

Mr. Cichy advised the Board that there are two agreements that require Board action this evening regarding the Middletown Area School Improvement Project. The first is an O & M BMP Agreement.

Mr. Raudenbush from Raudenbush Engineering explained to the Board that this Agreement followed the Township Standard Ordinance criteria in all the language with one exception, typically there is a Lien provision provided for developers. If work isn't done properly the Township or Authority could put a Lien on the developer but with School Districts you cannot put Liens, so there was another mechanism put in place to deal with that.

Mr. Cichy indicated that this Agreement has been reviewed by the Solicitor Henninger, as well as himself and the Township's Engineer. The Board of Commissioners took action at their meeting last week and recommended approval contingent upon the Authority's recommendation for Approval. Mr. Cichy recommended approval of this Agreement by the Board but pointed out one other item in Paragraph No. 4 that gives a time period for repair of the BMP's not less than 20 days and not more than 60 days. Mr. Cichy indicated that this was worked out between the Attorneys and is slightly different than the Standard Township Ordinance.

A motion was made by Mr. High seconded by Mr. Martino to approve the O & M Stormwater Management Agreement. The motion was unanimously approved.

Mr. Cichy explained that the second Agreement relates to the Look-Back period provision that the Authority has in regards to tapping fees. The School District property for the new High School is billed upon a water usage basis based upon a meter reading, so their quarterly water bill is based upon the amount of water utilized calculated by the meter. However, their EDU's are calculated based upon a projection of flow. As discussed at last month's meeting there was a question of how many additional EDU's may be needed for the new High School. What was determined was an additional 4 EDU's on top of the existing 46 EDU's that were historically set for the School District High School would be required.

The Authority/Township Resolution 2005-R-7 gives the ability to do a one (1) year look-back based upon the number of EDU's that were purchased and gives a provision to adjust by purchasing additional EDU's or refunding a number of EDU's at that time. Given the scope of this project and period it is determined that the one (1) year look-back period should be modified for the School District. The one (1) year period generally starts when the construction is complete and fully occupied. The new High School is being built for 800 students, but currently only occupies about 600 students and it is uncertain when the full occupancy will occur. So what

this Agreement is looking to do is base that one (1) year provision upon the Certificate of Occupancy for the new High School and then in addition to that there will be two (2) additional look-back periods further down the road. Currently in the Agreement right now it says to look-back in year four (4) and in year seven (7), but due to some recent discussions, we would like to modify that look-back period to year two (2) and in year four (4) instead. We do not believe there is a need to carry this out for seven (7) years. Mr. Cichy also noted that any downward change in EDU's would be limited to the 4 additional EDU' purchased per the terms of the Agreement.

A motion was made by Mr. Truntz seconded by Mr. Martino to approve the Look-Back Period Agreement subject to the modification of year two (2) and year four (4). The motion was unanimously approved.

Mr. Cichy distributed the monthly written report.

**Middletown WWTP Upgrades Update:** A Settlement Agreement and Release has been reached between Blatt & Meyers, Inc. vs. Middletown Borough Authority, Wickersham Construction & Engineering, Inc., and CET Engineering Services relating to the Electrical Contract for the Wastewater Treatment Plant Improvement Project. The parties have agreed to a \$190,000 settlement payment to Blatt & Myers, Inc. The breakdown of the \$190,000 is as follows: Middletown Municipal Authority - \$120,000; Wickersham Construction - \$45,000; CET Engineering - \$25,000.

Based upon the settlement amount the Lower Swatara Township Municipal Authority would be responsible for 20% of the \$120,000 or \$24,000.

In addition to the settlement amount, there are also additional legal invoices to Wix Wenger that remain to be paid. The Authority's share of the 10/2/13, 12/11/13, and 1/15/14 Wix Wenger invoices is \$1,079.14. Middletown Borough Authority's Solicitor anticipates at least two more invoices from Wix Wenger, covering the mediation and follow-up thereafter to execute the settlement agreement, in addition to an invoice for expert witness fees.

As of December 2012 there was approximately \$210,500 of 2009-A Bond Money remaining.

A motion was made by Mr. Martino seconded by Mr. Truntz to approve the recommendation for the Board of Commissioners to pay \$24,000 to Middletown Borough Authority for our share of the Blatt & Myers, Inc. settlement amount as well as the Authority's share of the Wix Wenger legal invoices for 10/2/13, 12/11/13, and 1/15/14 in the amount of \$1,079.14. The motion was unanimously approved.

**GIS Mapping Update:** Township Staff have completed locating, inspecting and attributing of the stormwater features throughout the Township and collected:

- Outfalls: 166
- Storm Manholes: 35
- Inlets: 1,041
- Pipe segments: 1,099
- Cross Pipe: 54
- Conveyance: 33
- Underground Storage: 0
- Rain Garden: 0
- Basins: 45

As a result of the snow and snow cover, HRG data collection of the sanitary sewer and Storm sewer features via GPS did not commence until last week. Last week, data collection of all the pump station force mains occurred with the exception of the North Union PS force main, since it is plastic. A ground penetrating radar unit is needed to designate this force main, and it is scheduled to be onsite in early March. Data collection of the sanitary sewer and storm sewer features is expected to continue later this week, weather permitting.

**Chapter 94 Report:** HRG is working with Township Staff to prepare the Annual Wateload Management (Chapter 94) Report for Calendar 2013. We anticipate completing the preparation of this report within the next week or so. It will then be submitted to Township Staff for review and then ultimately submitted to Highspire Borough, Middletown Borough, and Derry Township Municipal Authority for inclusion in their Chapter 94 Reports to PA DEP.

**SARAA North Lot 29 Update:** Mr. Cichy indicated that over the past month there has been letters sent back and forth between Attorneys regarding the Board's position as well as SARAA's position back to the Authority.

Commissioner Mehaffie noted that there is a meeting scheduled for the end of the week consisting of Middletown Borough, Lower Swatara Township and SARAA to try to come to a resolution.

**Solicitor's Report:** No Report.

A motion was made by Mr. Wilkinson seconded by Mr. High to approve the first list of February expenses of the Sewer Revenue Fund in the amount of \$120,875.42. The motion was unanimously approved.

**New Business:** None

The next meeting is scheduled for Monday, March 24, 2014 at 7:00 P.M.

A motion was made by Mr. Truntz and seconded by Mr. Martino to adjourn. The motion was unanimously approved and the meeting adjourned at 7:21 P.M.

ATTEST:

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Tracey Bechtel  
Recording Secretary