

MINUTES
LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY
JULY 23, 2012

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
- Richard Wilkerson, Treasurer
- Donald Martino, Asst. Secretary/Treasurer
- Peter Henninger, Solicitor
- Jeff Bowra, Engineer
- Harry Krot, Township Manager
- Tracey L. Bechtel, Recording Secretary

Others in Attendance: Paul Navarro (Navarro & Wright Engineers)

A motion was made Mr. Martino, seconded by Mr. High to approve the June 25, 2012 Meeting Minutes. The motion was unanimously approved.

Chairman Gingrich asked Solicitor Henninger to update the Board on The Amendment to the BW Partnership Agreement. Mr. Henninger indicated that Mr. William's was unable to make tonight's meeting therefore he is giving this for consideration and it can be addressed at next month's meeting when Mr. Williams will be present. Mr. Henninger stated that changes were made to the Amendment consistent with the discussion at last month's meeting and he also consulted with Mr. Truntz who had some constructive changes and additions and feels that it addresses both the concerns that Mr. Williams has and protects the Authority with the regard to possible transfers.

Paul Navarro of Navarro & Wright Consulting Engineers explained that he is here this evening by the direction of the Board of Commissioners from the June meeting to ask the

Municipal Authority Board if they would take the role of applicant for a gaming grant through Dauphin County to help offset the cost associated with the sewer improvements necessary for the retirement community project located at the intersection of Nissley Drive and Fulling Mill Road. Mr. Navarro also introduced Dan Lispi, who would file the grant application for the infrastructure improvements on the Authority's behalf at no cost to the Authority other than some time from staff to answer some questions relative to the application.

Chairman Gingrich questioned that one of the things during their telephone conversation earlier was the possibility of Mr. Navarro going to Highspire and working directly with them on this, he asked if Mr. Navarro had an opportunity to talk with Von Hess or anyone at Highspire, since the improvements are all within the Borough of Highspire in their drainage basin? Mr. Navarro responded that he did attempt to reach Mr. McHale, but he is on vacation till August 1st. He did however leave a message for Mr. Hess, but has not heard back as of yet. Mr. Navarro also added that the Highspire Authority just had their monthly meeting last Thursday and they won't be meeting again for four weeks and he didn't know if they would be able to convene a meeting with Highspire in time to get the grant application filed within the next 10 days.

Chairman Gingrich also noted that another thing they discussed and he will defer to the Solicitor on this, is the concern that if the Authority did go ahead and apply for the gaming grant with the developer what would the perception be for us as the Authority getting this grant money and then turning around and giving it to a private corporation? The other concern is what impact would this have on the Authority if in a year or two we would need to go before gaming because we have another project for the benefit of the Authority, would it have a negative impact on any future grants that we may apply for?

Solicitor Henninger responded that these were the exact concerns the Board of Commissioners raised when Mr. Navarro presented this before them in June. He also noted that the Board of Commissioners discussed that when you are talking about a sewer line that sits 100% in the Borough of Highspire it would be more of the Lower Swatara Township Authority working in conjunction with Highspire perhaps a joint application.

Mr. Wilkerson agreed that Highspire needs to be approached.

Chairman Gingrich stated that he realizes Mr. Navarro is on a dead line but he doesn't know how the Authority can act on this right now, more information is needed and it needs to go

before Highspire. Chairman Gingrich also noted that this has been going on for months now and he believes that Mr. Navarro was directed earlier on to go to Highspire.

Mr. Wilkerson responded that he doesn't know how the Authority Board can support this without Highspire buying into it. Chairman Gingrich added that he would personally like to see Highspire as the lead agency.

Mr. Lispi asked Chairman Gingrich if he could address one issue regarding the grant being turned over to a private developer and just wanted to say that it wouldn't happen that way. He explained that those funds would only be accessible to the grantees which would be this Authority and Highspire and all the money would be spent on public improvements to the sewer system.

Chairman Gingrich clarified that if the Authority would be paying directly for these improvements and it wouldn't be turned over to the developer that would put the Authority in the position where they would have the cost to put out to bid and prevailing wages, design and inspection fees, etc.

After further discussion the Board felt that they do not have enough information before them in order to turn this grant application around in the amount of time Mr. Navarro is giving them.

Mr. Navarro responded that he understood the Boards position and he will make an effort to reach out to Highspire to see how they feel about it. Chairman Gingrich noted that he is willing to contact Von Hess to discuss this further with him also.

Engineer's Report: Jeff Bowra, from HRG, introduced himself and he is filling in tonight for Matt Cichy who is on vacation. Mr. Bowra distributed the monthly written report. Mr. Bowra noted that there were no invoices or updates to report with the Highspire WWTP Upgrade project. Invoice was received for the Middletown WWTP upgrade this month, Lower Swatara's share of Construction cost is \$44,752.60; Engineering & Legal fees totaled \$3,238.90. This invoice included a non-budgeted cost of \$12,000 total for rewiring of light poles at the WWTP by Controlex. CET indicated that the location of the existing wiring for the light poles was not known prior to construction and as a result was damaged multiple times during construction; therefore, new wiring was installed. The Authority's share of this cost is \$2,390. It appears that

only punchlist work remains at the WWTP and MBA is withholding approximately \$50,000 to cover those items.

Draft design documents including project drawings and specifications of the Jamesway Pump Station Improvements Project have been provided to Township Staff for review. Comments from Township Staff are expected to be received in early August. HRG will then incorporate Township Staff comments into the final design documents and produce a set of bid documents, with intentions of placing an advertisement for bid in late August.

HRG and Township Staff conducted a field view of the proposed Blacklatch Lane sewer replacement project and conceptually concluded that the sanitary sewer may be able to be offset to the upslope side of the existing alignment, and the existing sanitary sewer main abandoned. A majority of the property for the proposed replacement is on Township property for the park. In areas outside of the Township property, the proposed alignment would generally be located outside of the existing right-of-way, but between the existing right-of-way and sewer main. New right-of-way would need to be obtained for the proposed alignment. There appears to be two properties that a few existing trees would be impacted by the proposed alignment. No structures, such as sheds, were located within proposed alignment. HRG is waiting for direction from the Authority on how it wishes to proceed. Mr. Krot just noted that the Authority is looking at the upcoming budget before moving ahead with this project but feels that in a few months we can proceed.

Solicitor's Report: Solicitor Henninger reported he has no update regarding the Middletown litigation at this time. He also received copies of the class action law suit settlement issues regards to municipal derivatives from Mr. Krot and he will be forwarding that to Bond council.

Manager's Report: Mr. Krot asked for a motion to approve or reject the request for conveyance of 19 additional EDU's from Phoenix Contact and Penn State Harrisburg's request for conveyance of 4 additional EDU's. A motion was made by Mr. High, seconded by Mr. Wilkerson to approve the request from Phoenix Contact for the conveyance of 19 additional EDU's. The motion was unanimously approved. A motion was made by Mr. Wilkerson, seconded by Mr. Martino to approve the request from Penn State Harrisburg for the conveyance of 4 additional EDU's. The motion was unanimously approved. Mr. Krot also noted the memo

he distributed to the Board this evening regarding the 2011 actual Sewer Usage Rate. After meeting with the Borough of Middletown and obtaining the detailed information to backup the numbers used in their calculation of the 2011 Actual Sewer Usage Rate, there were several questions regarding expenses in the calculations. We questioned the expenses related to the Communications Center and Code Enforcement Salary. Many attempts were made to obtain explanation of these expenses, to no avail. We have recalculated the amount due for 2011 Sewer Usage excluding these disputed expenses. In addition, we recommend sending the Borough of Middletown a check in the amount of \$153,204.67 to pay for the remaining balance due for 2011 excluding these disputed expenses. A motion was made by Mr. Truntz, seconded by Mr. Martino to approve payment in the amount of \$153,204.67 to the Borough of Middletown for the remaining balance of the 2011 Sewer Usage Rate. The motion was unanimously approved. A motion was made by Mr. Wilkerson, seconded by Mr. High to approve payment in the amount of \$59,973.66 for estimated charges for the first quarter of 2012 to the Borough of Middletown 2012 Sewer Usage Rate. The motion was unanimously approved.

A motion was made by Mr. Wilkerson, seconded by Mr. Martino to approve the July expenses of the Sewer Revenue Fund in the amount of \$315,853.37. The motion was unanimously approved.

New Business: Mr. High stated he had a conversation with John Serchs, who works for Mr. Williams on his farm. Mr. Serchs has asked if the manholes could be marked along Longview Drive so they would be more visible when they are on the equipment to prevent them from driving over them and causing damage. Mr. Krot noted he will inform Mr. Sipe and have this situation addressed.

The next meeting is scheduled for Monday, August 27, 2012 at 7:00 P.M.

A motion was made by Mr. Martino and seconded by Mr. Truntz to adjourn. The motion was unanimously approved and the meeting adjourned at 7:56 P.M.

ATTEST:

Tracey Bechtel
Recording Secretary