

MINUTES
LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY
FEBRUARY 23, 2009

Chairman Gingrich called the Regular meeting of the Lower Swatara Township Municipal Authority to order at 7:30 P.M. The record indicated the following officials in attendance:

- James R. Gingrich, Chairman
- James R. Brokenshire, Vice Chairman
- Charles A. High, Secretary
- Richard W. Wilkinson, Treasurer
- Donald Martino, Asst. Secretary/Treasurer
- Matthew D. Cichy, Engineer
- Peter R. Henninger, Solicitor
- Ronald J. Paul, Township Manager
- Leslie A. LaVia, Recording Secretary

Others in Attendance: Timothy Mihalko, Richard Baumbach,
Robert Steinkamp

Mr. Brokenshire, seconded by Mr. Martino made motion to approve the January 26, 2009 Minutes. The motion was unanimously approved.

Engineer's Report: Mr. Cichy distributed his monthly written report. Mr. Cichy reported that the H2O PA Grant application and the PENNVEST application have been submitted by Rettew for the BNR upgrades to the Highspire Wastewater Treatment Plant. The estimated construction cost is less than \$10,000,000 so a second opinion review was not necessary to meet the PENNVEST requirements. Mr. Cichy provided a draft statement for the local legislators. The final version will be provided to the Authority when completed. Mr. Brokenshire indicated that he has already made calls to the legislators and will be going to the Capitol tomorrow. Mr. Brokenshire indicated that he has the tracking numbers.

Mr. Cichy reported that the H2O PA Grant application has been submitted by Middletown Borough Authority. Mr. Cichy reported that Middletown Borough Authority did not submit an application for PENNVEST funding. Middletown Borough Authority could not complete the requirements in the timeframe allotted. Steve Huntzinger, Middletown Borough Authority Engineer, indicated to Mr. Cichy that Middletown

Borough Authority (MBA) is prepared to move forward with bank lending to cover the 50% match of H2O PA funds for their contribution and also stated that MBA is prepared to use bank lending for the entire project, if required.

It was noted that until Lower Swatara Township Municipal Authority has more information regarding Middletown Wastewater Treatment Plant's project including a tracking number for the H2O PA grant application, Lower Swatara Township Authority cannot talk to the legislators about funding the project. The estimated construction cost for the Middletown Plant will be over ten million since the second opinion review was required for the PENNVEST funding. It was noted that according to information received January 28, 2009, the project has been estimated at \$13,000,000. There is \$795.7 million for wastewater projects of the 1.2 billion PENNVEST money and approximately \$545,700,000 PENNVEST money is for spending this year. It was noted that there were 890 H2O PA funding applications submitted. It was suggested that the Board of Commissioners and residents of the Township submit letters to the legislators rather than every Authority Board member sending correspondence.

Mr. Cichy reported that HRG is still reviewing the shop drawings for the Farr Pump Station. The field work will begin the end of March and the project is to be completed May 2009.

Draft copies of the Chapter 94 Reports for Highspire, Middletown and Derry Township were distributed for review. Mr. Brokenshire, seconded by Mr. Wilkinson, made motion to approve the Chapter 94 Reports and submit the reports when the reviews are completed and approved by Township staff. The motion was unanimously approved.

Solicitor's Report: Mr. Henninger referenced correspondence received today from Middletown Borough regarding the proposed Middletown Treatment Agreement. Mr. Brokenshire stated that the penalty provision in the proposed treatment agreement is excessive and the Authority should be investigating sending flow to other plants for treatment. The Authority discussed sending flow to the new HIA Wastewater Treatment Plant several years ago.

Jeff Sipe prepared a report showing the amount of peak flow that would have to occur before the Lower Swatara Township Authority would be penalized. The data was based on 2008 peak flow amounts. There is little chance that the penalty phase for the thirty-

day period would ever occur. It was noted that the Authority doesn't have to sign a new contract since the present treatment agreement with Middletown Borough Authority expires October 2011. It is not likely that the Authority could redirect flows from Middletown before the end of the contract. There still will be some flow that has to be treated at Middletown and some sort of agreement would need to be negotiated for that flow. It was noted that the HIA Wastewater Treatment Plant is being built based on 300,000 gallons per day (gpd) and 440,000 gpd will be the amount of capacity reserved by Lower Swatara Township Municipal Authority in the Middletown plant.

Mr. Brokenshire stated that he will not approve the proposed Middletown Treatment Agreement and recommended that others not vote for approval. The Board of Commissioners must sign the agreement as well as the Authority Board and the Commissioners should be advised of the proposed agreement. Mr. Henninger stated that other than the penalty provision, the agreement is acceptable.

Mr. Wilkinson, seconded by Mr. Brokenshire made motion to invite the Board of Commissioners to the Authority's March 23, 2009 meeting to brief them on the proposed Middletown Treatment Agreement. The motion was unanimously approved.

Representatives from York Building Products located on Fulling Mill Road were in attendance to discuss their possible connection to the sanitary sewer system. Mr. Mihalko distributed information to the Board. Connection to the sanitary sewer system would be made from Fulling Mill Road. York Building Products uses a large volume of water to cool the heads on their block grinding machines and would like the Authority to calculate their EDU's based on "controlled daily discharge" rather than water usage. York Building Products estimates they would discharge 13,000 gallons per day (gpd) which equates to 57 EDU's. Mr. Mihalko stated that York Building Products would expect to be invoiced for any discharge greater than 13,000 gallons per day. York Building Products is also requesting credit should the EDU's prove to be less than the fifty-seven (57). York Building Products is constantly looking for ways to conserve water and referenced eight ways they are addressing water conservation.

York Building Products requests a seven-year payment plan for their tapping/connection fee. York Building Products would also appreciate consideration in lowering the \$2,600.00 per EDU fee.

York Building Products discussed the controlled discharge with Derry Township Municipal Authority. The amount of aluminum York Building Products would discharge should not be a problem as far as the pretreatment is concerned. It was noted that a discharge meter would have to be utilized to monitor the flow.

Mr. Henninger explained that the Authority would not lower the tapping/connection fee because this would set a precedent for other users. It was noted that the capacity portion of the tapping/connection fee would need to be remitted to Derry Township up front. The Authority's policy is to file a municipal lien on the property if tapping/connections fees cannot be paid. Mr. Cichy stated he would contact Wayne Schutz at Derry Township Municipal Authority to further discuss York Building Products plan for the controlled discharge.

Mr. Henninger provided the Authority with an updated sewer lien list. Settlement occurred on the late Gary Strohm property in January. Mr. Henninger stated that he is waiting to hear from the Lauck family regarding the Donna Lauck estate. Mr. Henninger stated that the Authority would not get payment for the sewer liens if a property is sold at a tax sale. There may be additional sewer liens filed in the near future due to the poor economic times. The Authority's policy has been to lien properties when a property is one year in arrears in the payment of the sewer bill. Mr. Henninger suggested that a delinquent list be provided to the Authority next meeting.

Mr. Paul informed the Board that GCW is currently preparing a cost analysis of their options for the Emerald Pointe Project (Highspire Road Town Houses). Representatives from GCW will most likely be in attendance for the March meeting. The Lower Swatara Township Planning Commission is reviewing the revised plan for the twenty-four additional units.

Mr. Wilkinson, seconded by Mr. Martino made a motion to approve the February expenses of the Sewer Revenue Fund in the amount of \$108, 357.86. The motion was unanimously approved.

Mr. Brokenshire reported that he attended the Highspire Authority meeting last Thursday night. Mr. Brokenshire stated that he received the information from Rebecca at Rettew regarding the grant applications. Highspire indicated that they are waiting for a stream crossing permit from DEP for the Ann Street sewer line replacement project. It

was noted that there is nothing to report regarding the Lumber Street upgrade project which will be completed by the developers. The next meeting is scheduled for March 23, 2009.

Mr. Brokenshire, seconded by Mr. Martino made motion to adjourn. The motion was unanimously approved and the meeting adjourned at 8:50 P.M.

ATTEST:

Leslie A. LaVia
Recording Secretary