

MINUTES
LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY
JANUARY 26, 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: Joel Snyder, David Bozak

Chairman Gingrich welcomed everyone to the meeting and opened the floor to Joel Snyder with RGS Associates. Mr. Snyder informed the Board that there is another partner involved in the Highspire Road project now known as Emerald Point. The width of the townhouses has changed from the original design and an additional twenty four (24) EDU's are requested. One hundred twenty four (124) EDU's have been purchased for the project. It was noted that a total of twenty-five (25) EDU's will most likely be needed since there will also be a community building as part of the project.

Chairman Gingrich explained that several projects have come before the Authority since the GCW Highspire Road project was originally presented in 2006. The developer understands that some sort of capital contribution may be necessary in order to obtain the additional capacity.

Mr. Cichy stated that he did meet with Mr. Paul and Mr. Sipe to discuss potential flow in the Highspire drainage basin. Nine major undeveloped parcels have been identified and potential flow attributable to those parcels is included in the report. It was noted that the Lehman Shope property was included as proposed development in the Highspire Drainage Basin. The information shows a deficit of 98,147 gallons per day when the planned developments, proposed developments and the undeveloped parcels and potential flows are added.

Chairman Gingrich explained that a plant expansion might soon be necessary in order to obtain additional capacity. The Authority has an option of diverting flow from the Greenplains Pump Station and redirecting that flow to Derry Township for treatment, freeing up capacity in the Highspire drainage basin. Mr. Henninger noted that Londonerry Township has two proposed projects and those developments' flow would be treated at the Southwest Derry Township Treatment Plant. It is not known how much capacity is available at the Southwest Derry Township Treatment Plant.

Swatara Township provided a letter stating that although the Highspire Road property is located in Swatara Township, Lower Swatara Township could provide the public sanitary sewer service. There is no intermunicipal agreement with Swatara Township. The Municipal Authority will discuss GCW's capacity request in greater detail and contact the developer with their decision.

Mr. High, seconded by Mr. Brokenshire, made motion to retain the same slate of offices for 2009. The motion was unanimously approved.

Mr. Brokenshire, seconded by Mr. High, made motion to retain Herbert Rowland and Grubic as the Municipal Authority Engineer. The motion was unanimously approved.

Mr. Wilkinson, seconded by Mr. High, made motion to retain Peter Henninger with Jones and Henninger, P.C. as Municipal Authority Solicitor. The motion was unanimously approved.

Mr. High, seconded by Mr. Brokenshire, made motion to approve the December 22, 2008 Minutes. The motion was unanimously approved.

Engineer's Report: Mr. Cichy distributed his monthly written report. Mr. Cichy reported that shop drawings have been approved for the Farr Pump Station Upgrade. The field work will begin in March 2009.

Mr. Brokenshire, seconded by Mr. Martino, made motion to approve the updated sanitary sewer specifications prepared by HRG. The motion was unanimously approved.

A capital contribution cost for GCW was suggested in the amount of \$248,500. This is based on current (2009) capacity fees charged for Derry Township's Southwest Treatment Plant of \$1,500 per EDU x 149 EDU's (124 units + 25 units), plus the \$25,000 Special Purpose Fee (25 EDU's x \$1,000). This would equate to \$5,100 per EDU (\$1,000 for Special Purpose, \$1,500 for capacity at Derry Township and the current

tapping/connection fee of \$2,600). Question was raised if these fees can legally be assessed. Lower Swatara Township Authority will be doing the sewer inspections for this project and the developer will be providing a meter to monitor the flow from the development.

The Authority may want to consider purchasing additional capacity at the Derry Township Southwest Treatment Plant. It was noted that the cost for treatment is greater at Derry Township than Highspire. Mr. Cichy reviewed the report of the potential flow to the Highspire drainage basin. Table 2 identifies the major undeveloped parcels and potential flow in the basin and Table 3 outlines the projected remaining LSTMA capacity in the Highspire Borough Authority Wastewater Treatment Plant.

The Board further discussed the capital contribution for the Emerald Point Project on Highspire Road. The capital contribution should be paid up front by the developer and not paid as the sewer connections are purchased. It was noted that two years ago the Chesapeake Bay regulations were not an issue. Mr. Cichy informed the Board that in the year 2011 additional regulations may be required along with the Chesapeake Bay upgrades. Mr. Henninger stated that he would contact Ralph Waters at Derry Township and check on available capacity at the Southwest Derry Township Plant.

Mr. Cichy informed the Board that HRG is preparing the Chapter 94 Reports for the three wastewater treatment plants and should have them completed February 9, 2009 for review.

HRG met with Highspire Borough Authority (HBA) January 14, 2009 to discuss funding the Highspire Wastewater Treatment Plant upgrade. PENNVEST and the H2O Grant Applications will be submitted by HBA. If the plant improvement costs are estimated over ten million, a second opinion review is required.

Mr. Brokenshire, seconded by Mr. High, to authorize the Engineer to proceed with the second opinion review should it be necessary. The motion was unanimously approved. It was noted that engineering invoices should be submitted separately so the reimbursable expenses can be easily identified.

Mr. Cichy informed the Board that Highspire would like the Lower Swatara Township Authority to notify the local legislators when the PENNVEST and H2O PA Grant Applications have been submitted so the legislators can assist with lobbying the project.

The request will be made for 66.6% funding rather than 50% grant funding from the H2O PA Grant Program. Highspire Borough Authority may bid the upgrade project as soon as February.

Mr. Cichy reviewed some of the answers to the questions on the H2O Grant Application. One question is to describe whether the project will result in a substantiated positive economic development impact. The rezoning of the Lehman Shope property and the proposed development planned for the area should be noted in that paragraph. It was noted the information for the H2O PA Grant Application indicated that the tapping fee may increase 15%.

Mr. Brokenshire, seconded by Mr. High, made motion to approve an additional \$2,000 for reviewing the grant applications and preparing the proper correspondence. Three thousand dollars (\$3,000) was previously approved and has been or will be invoiced. The motion was unanimously approved.

CET and Middletown Borough Authority are preparing their PENNVEST and H2O PA Grant Applications and Salzman Hughes is assisting them in preparing these applications. Steve Huntzinger, Middletown Borough Authority Engineer, indicated that Middletown has their permits. HRG will submit similar application information to Middletown Borough Authority. The CFA deadline is February 13, 2009 and PENNVEST deadline is February 16, 2009.

Solicitor's Report: Mr. Henninger informed the Board that the minor revisions have been made to the proposed Middletown Treatment agreement. The Agreement does allow flexibility for the Lehman Shope property which could be serviced by any of the three treatment plants. The one penalty provision for I & I is excessive. The penalty provision is relative to the amount of capacity purchased which will be 440,000 gallons per day and not based on the flow. Mr. Brokenshire stated that he cannot approve the agreement as presented and said the Authority should have more dialog with the Middletown Borough Authority regarding the penalty issue. Mr. Henninger stated that the issue is with the thirty-day penalty provision and not the twenty-four hour period or the seven day period. Mr. Cichy stated that he would check the I & I penalty provisions for Conewago Township

Manager's Report: Mr. Paul informed the Board that GCW's planning module is incorrect and a waiver will be submitted. A planning module has been submitted for PSU and thirty-three EDU's will be needed for their project.

Mr. Paul informed the Board that York Building Products would like to be connected to the public sanitary sewer system and is investigating the possibility of storing effluent onsite and releasing it in a controlled manner. Mr. Paul stated that York Building Products will most likely be requesting a reduction of the tapping/connection fees. Mr. Paul stated that York Building Products would most likely need to purchase sixty-six (66) EDU's.

Mr. Paul informed the Board that he and Ms. LaVia met with representatives from Citizen Bank to discuss automatic bank payment arrangements as an option for the Authority's sewer customers. Either the 30th or 31st of each month would be the day for automatic bank withdrawals. An article to sign up for this service will be placed in the Township's Spring Newsletter and information about the service will also be put on the Township's website.

Mr. Wilkinson, seconded by Mr. High, made motion to approve the January expenses of the Sewer Revenue Fund in the amount of \$130,584.55. The motion was unanimously approved.

The next Authority meeting is scheduled for February 23, 2009. Mr. Brokenshire, seconded by Mr. Martino made a motion to adjourn. The motion was unanimously approved and the meeting adjourned at 9:20 P.M.

ATTEST:

Leslie A. LaVia
Recording Secretary