

LOWER PAXTON TOWNSHIP AUTHORITY

TUESDAY, FEBRUARY 24, 2009

MINUTES OF RE-ORGANIZATIONAL MEETING

Call to Order

The annual re-organizational meeting of the Lower Paxton Township Authority was called to order at 6:00 p.m. by Chairman Pro Tem Steve Stine on the above date at CET Engineering Services, 1240 North Mountain Road, Harrisburg, Pennsylvania.

Authority members present were William B. Hawk, William C. Seeds, Sr., and David B. Blain. Also in attendance were George Wolfe, Township Manager; William Weaver, Sewer Authority Director; Jim Wetzal, Sewer Department; Steven Stine, Authority Solicitor; Jeff Wendle and Kevin Shannon, CET Engineering Services; and Watson Fisher, SWAN.

Pledge of Allegiance

Mr. Blain led the Pledge of Allegiance to the Flag.

Election of Chairman of the Board

Mr. Blain made a motion to nominate William Hawk as Chairman of the Board. The nomination was seconded by Mr. Seeds and was followed by a unanimous vote of approval electing William Hawk as Chairman of the Lower Paxton Township Sewer Authority.

Election of Vice Chairman

Mr. Blain made a motion to nominate William Seeds, Sr. as Vice Chairman. Mr. Hawk seconded the motion and it was followed by a unanimous vote of approval electing William Seeds, Sr. as Vice Chairman of the Lower Paxton Township Sewer Authority.

Election of Secretary

Mr. Blain made a motion to nominate Gary Crissman as Secretary. Mr. Hawk seconded the motion and it was followed by a unanimous vote of approval electing Gary Crissman as Secretary of the Lower Paxton Township Sewer Authority.

Election of Treasurer

Mr. Seeds made a motion to nominate David Blain as Treasurer. Mr. Hawk seconded the motion and it was followed by a unanimous vote of approval electing David Blain as Treasurer of the Lower Paxton Township Sewer Authority.

Election of Assistant Secretary

Mr. Hawk made a motion to nominate David Blain as Assistant Secretary. Mr. Seeds seconded the motion and it was followed by a unanimous vote of approval electing David Blain as Assistant Secretary of the Lower Paxton Township Sewer Authority.

Appointment of Solicitor

Mr. Blain made a motion to appoint Steven Stine's Law Office as Authority Solicitor. Mr. Seeds seconded the motion and it was followed by a unanimous vote of approval.

Appointment of Engineer

Mr. Blain made a motion to appoint CET Engineering Services, Inc. as Authority Engineer. Mr. Seeds seconded the motion and it was followed by a unanimous vote of approval.

Establishment of Regular Meeting Schedule for Authority Board Meetings

Mr. Blain made a motion to approve the regular Authority meeting dates of February 24, May 26, August 25, and November 24, 2009. Mr. Hawk seconded the motion and it was followed by a unanimous vote of approval.

MINUTES OF THE FEBRUARY 24, 2009 BUSINESS MEETING

Approval of Minutes

Mr. Blain made a motion to approve the minutes of November 25, 2008, January 13, 2009, February 2, 2009 and February 17, 2009. Mr. Seeds seconded the motion and it was followed by a unanimous vote of approval.

Public Comment

There was no public comment.

Chairman/Board Member Comments

There were none.

Old Business

There was no old business.

New Business

Proposal for Engineering Services for 2009

Mr. Wendle stated the proposed agreement amends the existing agreement to include 2009. He noted there are no changes in rates from 2008.

Mr. Blain made a motion to approve the Proposal for Engineering Services for 2009. Mr. Hawk seconded the motion and it was followed by a unanimous vote of approval.

Resolution 09-03 establishing rules and regulations for sump pump certifications

Mr. Weaver stated there have been some questions from the members of the real estate community and some township residents regarding this program. He noted staff identified that the prior resolution contained some old citations from the prior ordinance and thought it would be appropriate to re-establish the resolution with the correct ordinance citations.

Mr. Seeds asked if there have been any problems with the certification form. Mr. Weaver stated through an investigation it was discovered that a resident had a sump pump connected to the sewer even though they signed the form stating they did not. Mr. Seeds asked how this is policed. Mr. Wolfe replied the purpose of the process wasn't to police it. It was to set up a legal obligation for people to remove their sump pump at the time of sale. At the time of sale they were to certify that to the Township with the buyer, seller and closing agent witnessing the certification. Mr. Stine stated they could be prosecuted if it is discovered they have not removed the sump pump.

Mr. Seeds asked if Section II of the form could be changed to include a square to be checked by the owner indicating if there "is" or "is not" a sump pump. Mr. Seeds questioned who is responsible to the Township if the sump pump is not removed. Mr. Wolfe replied the owner who has acknowledged receipt of property that has had the sump pump removed is responsible to the Township.

Mr. Wolfe stated the process was developed to provide for a mechanism to have sump pumps removed from the sewer system without a lot of municipal involvement.

Mr. Weaver stated the following sentence was added to Article II. "The Authority reserves the right to perform an inspection to verify the Certification." He noted he and Mr. Wetzel suggested that staff perform inspections on all of them to set an example. As the public becomes aware staff is policing them, inspections could then be done on just every other one.

Mr. Seeds made a motion to approve Resolution 09-03. Mr. Blain seconded the motion and it was followed by a unanimous vote of approval.

Mr. Wendle stated other townships have adopted similar ordinances not only for sump pumps but for providing verification that there are no leaks under the slab. Mr. Wendle asked if the Board would be interested in doing this. At the time of closing the owner would be required to pass an air test and have a plumber certify there are no leaks under the slab. Mr. Weaver stated there were five hundred settlements last year and the inspections that would be required are very complicated. Mr. Wolfe stated that contractors might not be available to do the inspections on a timely basis for closing. After discussion, it was decided that CET would prepare a document for consideration by the Authority at a future meeting.

Draft Amendments to By Laws of the Authority

Mr. Weaver stated staff is recommending the Board update the By Laws under Article 1, Section 3 to reflect the correct address and delete Article V, Section 3 since the Authority Board no longer approves the payment of requisitions and bills. This business is provided for under the management agreement and is completed by the Board of Supervisors. He noted the Board may want to consider changing the deadline of March 1 for the reorganization to March 31 to allow

time for the Board to reorganize in March if Board members cannot attend the February meeting. Mr. Weaver asked if the Board wanted to reconsider Article IV Section 3 pertaining to the meeting held in December to approve the Budget. He noted in 2007 and 2008 the Board had a special meeting in October to review the Budget and then approved the Budget at the regular meeting in November. Mr. Seeds suggested that it read “on or before December 31.”

Discussion followed on the number of Authority Board members. Mr. Hawk stated a lot of townships are eliminating a separate board for Authorities and are now bringing that in under their Board of Supervisors. Discussion followed. Mr. Hawk stated the Authority members are also on the Board of Supervisors. Mr. Seeds stated he thought authorities have more powers. Mr. Stine stated authorities have more powers in the state of Pennsylvania and do not have borrowing limitations. Discussion followed. The By Laws will be presented for action at the next meeting.

Review of the Authority H20 PA Act Grant Application to the Commonwealth Financing Authority for Second Consent Decree Sanitary Sewer Projects

Mr. Weaver stated the grant application is in the amount of \$20,000,000 for total rehab for portions of the sewer system to be completed by 2013 as part of the Second Consent Decree. The total project cost is \$32,940,000. He stated over 800 applications have been received by the Commonwealth. Mr. Weaver stated there is a 90 day review period but he has not received any feedback yet.

Review of the PENNVEST Application for Second Consent Decree Sanitary Sewer Projects/CAP Plans and Review of the American Recovery and Reinvestment Act- Possible Affects to the Application

Mr. Weaver stated he provided the Board with a funding request summary. He noted the application for \$16,630,000 has been officially submitted. He stated PENNVEST has already reviewed the application and there are only some minor things to be followed up on. Mr. Weaver noted \$400,000 is available under the referendum and \$60,000,000 through the Stimulus Package. He stated the next step is for DEP and PENNVEST to make a recommendation to the Board at the April meeting for the funding request.

Discussion Relative to Future Borrowing Needs of the Authority with and without Grant Funding Requests

Mr. Weaver stated he asked Mr. Wendle to prepare a funding summary and show what was projected for 2009 for the Board to consider and when it would be a good time to borrow. He noted it is his recommendation that the Board authorize CET to revise the table and possibly talk to the financial consultant.

Mr. Wendle stated he suggests waiting until after the PENNVEST and H20 meetings in April and May to provide the revised funding summary. Mr. Wolfe stated a report should be provided at the next Authority meeting.

Discussion Relative to the Wilshire Estates Sewer Extension Construction Deficiency for Minimum Slopes

Mr. Weaver stated the Wilshire sewer extension had some sewer runs that were below the minimum slope of .50. CET met with the surveyor who has since submitted new drawings that corrected the original drawings. Mr. Shannon stated the information will be reviewed to determine if the new information is accurate. Mr. Wolfe stated it will be checked and if the information is not accurate staff will come back to the Board with another proposal.

Review of the Bishop McDevitt Sewer Extension

Mr. Weaver stated the first submission of the Bishop McDevitt High School sewer extension was presented to the Planning Commission. He noted Mr. Wetzel normally reviews plans for construction issues and CET reviews them for design issues. Mr. Weaver stated they want to put in a private sewer just to service their development. He noted it could be a workable developed sewer extension. CET was asked to look at what undeveloped parcels were left and whether or not they would require sewer service. Mr. Weaver stated since there is a boundary line with Swatara Township, he contacted Bill Jones who asked that a copy of the plan be provided to him to determine if anything in Swatara Township could be serviced by a sewer that would go through Lower Paxton to Swatara.

Mr. Shannon reviewed proposed plans for sewer service for Bishop McDevitt High School. Mr. Wendle stated if a private lateral is built and then the area develops, a second trunk would need to be built. He asked if the Board would want to request them to put in a line that could serve in the future. He noted the main difference in cost would be the extra length of approximately 1,000 feet for two laterals down to the creek. Mr. Wendle stated it seems reasonable to consider a regional approach. After discussion, it was decided CET would suggest this approach to Bishop McDevitt.

Update on the Annual Meeting with Swatara Township Authority

Mr. Weaver stated he and Mr. Wendle attended the meeting on February 15. He noted staff was advised Lower Paxton Township's share based on the bids and projects costs will be \$14,245,572. He noted the Third Addendum has not yet been signed by West Hanover, Hummelstown and South Hanover due to the requirements for payments in a single sum.

Mr. Weaver stated he was approached by West Hanover after the meeting to discuss whether Lower Paxton Township Authority is still interested in the purchase of the capacity. Discussion followed. He noted if South Hanover would prevail regarding the permitting issue, it would be worth having the additional gallons per day from West Hanover. Mr. Wendle stated if Lower Paxton bought capacity they would have over 5 mgd.

Mr. Wendle stated the estimated West Hanover Township share of the current BNR upgrade is approximately \$1,650,000, a total estimated value of \$2,900,000. This represents a total cost of approximately \$7.00 per gpd, which would be considered competitive today. Discussion followed on the advantages and disadvantages of buying capacity. It was noted that Mr. Wendle felt that buying capacity is not a collection system issue and the advantage to buying capacity is that it solves a maximum month flow issue at the treatment facility because there are no connections if there is a violation for two consecutive months. Mr. Blain stated the

additional capacity would save money on a monthly basis when there are potential hydraulic overloads going to the Swatara Creek. It was decided to list the advantages and disadvantages to be discussed at the workshop meeting.

Update on the Second Consent Decree

Status of First Amendment to the Second Consent Decree and the Paxton Creek Second Corrective Action Plan

Mr. Wolfe stated DEP has given the final written approval of the Second Corrective Action Plan for Paxton Creek. He noted it is their intention to proceed with amending the Second Consent Decree as proposed to reflect the current decision.

Paxton Creek Second Corrective Action Plan Current Construction Projects, Proposed Clear Water System and the Construction Schedule

Mr. Weaver stated permitting and design have moved ahead for the projects due to the grant applications. CET has finalized the design for many of the projects in the Engineer's Report and most of the applications have been submitted to DEP.

Mr. Weaver provided a summary of the Clear Water System planning stages for PC4B/6C. It was determined that PC4B/6C has defined areas with concentration of sump pumps, and defined areas with good drainage within these areas so that a clear water system may not be warranted in this area. Mr. Weaver stated he was informed by the Township Public Works Department that due to the cost they did not want any storm water issues included in the clear water project. Mr. Weaver stated CET has provided three alternatives for clear water systems.

The first is to install clear water systems that would be accessible to all homes in both mini-basins where sewers are being replaced. The second would be to install clear water systems for six areas within the basins that have a higher concentration of existing sump pumps. The third alternative would be to install clear water systems for three areas with existing surface water issues.

Mr. Weaver stated staff is recommending Alternative #3 to be used as a pilot study to determine if a clear water system has any effect. Mr. Wendle suggested not hooking up the system immediately. Mr. Weaver stated under slab issues could be determined during a wet weather event and documented. The clear water system could then be hooked up to determine if it had any effect on the under slab issues. Mr. Seeds asked if the clear water system had to be installed at the time of sewer construction. Mr. Wolfe stated the cost would be \$5/ft to install it at that time and \$30/ft to do it later.

Mr. Shannon reviewed a table summarizing where the plumbing exits the houses and which houses had sump pumps.

Mr. Wolfe stated staff is requesting the Board's authorization to design and bid the project as suggested by CET, putting the clear water systems in the three designated areas. Mr. Wendle stated the cost would be approximately \$165,000. The Board agreed to authorize CET to proceed with Alternative 3A.

Engineer's Report

Mr. Wendle stated the Beaver Creek Pumping Station is essentially finished. Mr. Wetzel's staff finished training. Mr. Seeds asked if the existing building was expanded. Mr. Wendle replied it was not expanded. Mr. Weaver stated there will be a minor change order for additional paving around the pump station to reach the big generator.

Solicitor's Report

Mr. Stine noted he had nothing to report.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Seeds seconded the motion, and the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Kathryn A. Sawyer
Recording Secretary

Approved by:

David B. Blain
Assistant Secretary