

South Middleton Township Municipal Authority—October 12, 2020
Regular Meeting

Board Members Present: William Brown, Chairman, Brian Gembusia, Vice Chairman, Duff Manweiler, Secretary, Steve Aichele, Treasurer

Staff Present: Josephine Hall, Manager, Howard Butler, Engineer (GHD), Isaac Wakefield, Solicitor, Robert Kissinger

Visitors: Cory Adams, SMT (Via Zoom)
 Justin Doty, FSA (Via Zoom)
 Mike Castles, Monroe Twp. Resident (Via Zoom)
 Phil Garland, Lexington Land Development (Via Zoom)

Mr. Brown called the meeting to order at 6:00 p.m.

The minutes from the September 14, 2020 meeting were presented for approval. **Mr. Aichele made a motion to accept the September 14, 2020 minutes as written. Mr. Gembusia seconded. Motion carried 4-0.**

The monthly operations invoices were presented for payment and all board members present initialed the payment register. **Mr. Manweiler made a motion to pay the monthly operations invoices as presented. Mr. Aichele seconded. Motion carried 4-0.**

The following requisition was presented for payment from the **M & T Trust Company 2017 Project Fund-Water:**

<u>Req. No.</u>	<u>Payee</u>	<u>Amount*</u>
W-64	Lycoming Supply, Inc.	\$1,422.07

The following requisition was presented for payment from the **M & T Trust Company 2019A Project Fund-Sewer:**

<u>Req. No.</u>	<u>Payee</u>	<u>Amount*</u>
S-9	GHD, Inc.	\$ 1,844.83

The following requisition was presented for payment from the **M & T Trust Company 2019A Project Fund-Water:**

<u>Req. No.</u>	<u>Payee</u>	<u>Amount*</u>
W-17	GHD, Inc.	\$ 5,793.19

The following requisitions were presented for payment from the **M & T Trust Company 2013 Sewer Bond Redemption and Improvement Fund:**

<u>Req. No.</u>	<u>Payee</u>	<u>Amount*</u>
573	Carlisle Borough	\$38,470.05
574	Lexington Land Developers	\$34,308.00
575	SMTMA Sewer Operations	\$ 1,450.00
576	DOLI Construction Corp	\$326,125.78

The following requisitions were presented for payment from the **M & T Trust Company 2013 Water Bond Redemption and Improvement Fund:**

<u>Req. No.</u>	<u>Payee</u>	<u>Amount*</u>
462	SMTMA Water Operations	\$1,450.00
463	Lycoming Supply Inc.	\$1,813.18
464	GHD, Inc.	\$15,451.51
465	DOLI Construction Corp.	\$326,125.78

The following requisition was presented for payment from the **M & T Trust Co. 2013 Sewer Clearing Fund**—for transfer of funds for daily operation expenses.

<u>Req. No.</u>	<u>Payee</u>	<u>Amount*</u>
30	SMTMA Sewer Operations	\$ 500,000.00

* Description of all payments is shown on the Summary of Requisitions report distributed in the meeting packet and will be filed with the minutes as a permanent record.

Mr. Gembusia made a motion to authorize payment of the following; from the M & T Trust Company 2017 Project Fund-Water: Req. No. W-64, from the M & T Trust Company 2019A Project Fund-Sewer: S-9, from the M & T Trust Company 2019A Project Fund-Water: Req. No. W-17, from the M & T Trust Company 2013 Sewer Bond Redemption and Improvement Fund: Req. Nos.573, 574, 575, & 576, from the M & T Trust Company 2013 Water Bond Redemption and Improvement Fund: Req. No. 462, 463, 464, & 465, and from the M & T Trust Co. 2013 Sewer Clearing Fund : Req. No. 30 Mr. Manweiler seconded. Motion carried 4-0.

Public Input—Mr. Mike Castles, owner of 456 Criswell Drive, Monroe Township was present via Zoom along with Mr. Justin Doty, FSA, to present a request for 1 EDU of sewer capacity for the construction of a single home adjacent to the existing home at 456 Criswell Drive. Mr. Brown explained that currently Monroe Township is at full capacity for sewer flows being contributed to the treatment plant. Approximately one year ago an exception was made to grant 1 EDU of capacity for a project with the stipulation that Monroe Township was to prepare and present detailed information regarding the townships plan to correct an ongoing major infiltration problem which overloads our treatment plant. To date Monroe Township has not followed through with the direction, so at this time it is the position of the Board that no additional capacity will be granted. Mr. Castles and Mr. Doty asked if anything else could be done to enable this request to be approved. **At 6:15 pm Mr. Brown made a motion to enter executive session to discuss the EDU request for 456 Criswell Drive. Mr. Gembuisa seconded. Motion carried 4-0. At 6:30 pm Mr. Gembusia made a motion to reconvene the regular meeting. Mr. Manweiler seconded. Motion carried 4-0.**

Ms. Hall informed Mr. Castles and Mr. Doty that at this time the Board is denying the request for 1 EDU of capacity for the lot at 456 Criswell Drive. The Board though, has directed her to forward correspondences that she and Mr. Kissinger have had with Monroe Township over the last year regarding specific requirements that Monroe must address related to correcting the ongoing excessive flow issues. This information may be used to go to Monroe Township with the request for the 1 EDU of capacity for Mr. Castles property so as to share the current position of SMTMA. If information is obtained and provided in writing from Monroe Township regarding an immediate plan of action for facilitating the repairs of the faulty system, the Board will consider that information and discuss possibly signing off on the capacity for Mr. Castles' lot on Criswell Drive.

Morgan's Crossing—Phil Garland, with Lexington Land Development, was present to discuss the release of the Letter of Credit and the status of the Deed of Dedication for the sewer and water lines and pump station for Morgan's Crossing. Ms. Hall told Mr. Garland that the release request for the Letter of Credit was submitted a few weeks ago and she would follow up with where that stands. Regarding the Deeds of Dedication for the facilities, she asked that Mr. Garland wait for the discussion of the DOD and Developer's Agreement during the Solicitor's portion of the meeting which will follow shortly.

SMT Update/ Issues—Mr. Adams wanted to let the Board know that two of the larger development plans, Georgetowne, and Laurel Forge will be up for consideration at the supervisor's meeting in December. Mr. Gembusia questioned Mr. Adams regarding whether a meeting requested by the supervisors, regarding current and future development planning has been set up. Ms. Hall stated that she requested that the meeting be held sometime during this week as Friday is her last day before going out on maternity leave. Mr. Adams had a tentative date of this Wednesday, October 14th but the township engineer, Brian O'neill would not be able to make that meeting. The Board discussed the matter and determined that the meeting should take place on Wednesday, October 14th as stated and that parties present will be Mr. Brown, Ms. Hall, Mr. Kissinger, Mr. Butler, and Mr. Wakefield for the Authority and Mr. Manweiler, (serving as Authority Board member and Township Supervisor), Mr. Adams and Mr. Salzman, Township Solicitor. Mr. Adams will finalize the arrangements.

MANAGER'S REPORT— Ms. Hall's monthly operations status report was included in the meeting packet for the Board's review. (A copy of the Manager's report is filed as a permanent record with these minutes.)

Vitro (PPG) Request for Sewer Capacity—Ms. Hall had included a letter received from Vitro requesting an extension of the deadline for the Sewer Tapping Fee Reimbursement agreement from December 17, 2020 to March 17, 2021. After discussing the request, **Mr. Aichele made a motion to grant the extension of the agreement from December 17, 2020 to March 17, 2021. Mr. Gembusia seconded. Motion carried 4-0.** The Board directed Ms. Hall to send a letter to Vitro acknowledging receipt of the request for the extension and informing them that the Board approved the extension.

Ms. Hall also had noted in her monthly report that Vitro has indicated that they would like to develop an emergency use agreement related to the ability to transfer flow from their internal discharge location back to the Authority's system in the event of a breakdown or scheduled maintenance. The Board discussed this and directed that Ms. Hall inform Vitro that they will need to present a Term Sheet to the Authority so that our Solicitor can prepare any such agreement to the specifications of the Authority.

Ms. Hall also discussed an issue presented by the homeowner of 206 Woodlawn Lane, in the FRA Phase II project. They contend that DOLI did damage to a considerable portion of their driveway that should not have been affected by the project work. After some discussion, the Board directed that the GHD inspector who met with DOLI regarding the issue present the proposed repair plan to the homeowner for approval.

CONSULTING ENGINEER'S REPORT (GHD)—Mr. Butler presented the monthly memorandum, as distributed in the meeting packet, detailing the progress of the Task Orders prepared by GHD. (Memorandum is filed with these minutes as a permanent record).

Mr. Butler presented requests to the Board to authorize the advertisement of the Park Drive Water Line Replacement Project and the York Road Water Line Connection Project. He would like to put the Park Drive project out for bid this Friday, October 16, 2020 so as to schedule the bid opening to take place before the November 9, 2020 meeting. And likewise advertise the York Road project to follow to allow for the bid opening prior to the December 14, 2020 meeting.

Mr. Kissinger stated that requests for temporary easements will need to be obtained for the Park Drive project and he feels that meetings should be held with both Land O Lakes and Vitro regarding the extensive intrusion that will take place with the project on their properties. Also for the York Road project, he also reminded the Board that requests for easements have been sent to several parties for this project and no responses have been received.

Mr. Gembusia made a motion to authorize GHD to advertise the Park Drive Water Line Project as indicated. Mr. Aichele seconded. Motion carried 4-0.

Mr. Aichele made a motion to authorize GHD to advertise the York Road Water Line Project as indicated. Mr. Gembusia seconded. Motion carried 4-0.

SOLICITOR'S REPORT—Mr. Wakefield presented three separate Deeds of Dedication for the Morgan's Crossing Development. Mr. Wakefield said that there are a few exhibit items that he wants to make sure are available before presenting the items for acceptance. He asked if there is a document that identifies the component parts of the pump station. Ms. Hall stated that we do have the record drawings for the pump station. Additionally Mr. Wakefield asked if Mr. Butler can provide the Engineer's Certificate of Completion and if we are in receipt of the Maintenance Bonds. Mr. Butler said that the certificate of completion is forthcoming and the Maintenance Bonds for all facilities have been presented. Mr. Butler also stated that all As-built drawings have been provided. With that, Mr. Wakefield asked for separate motions to accept the three Deeds of Dedication subject to receipt of the Engineer's Certificate of Completion and submission of the Maintenance Bond for each facility. **Mr. Gembusia made a motion to accept the Deed of Dedication for Morgan's Crossing Phase I water lines subject to the receipt of the Engineer's Certificate of Completion and submission of the Maintenance Bond. Mr. Aichele seconded. Motion carried 4-0.**

Mr. Gembusia made a motion to accept the Deed of Dedication for Morgan's Crossing Phase I sewer lines subject to the receipt of the Engineer's Certificate of Completion and submission of the Maintenance Bond. Mr. Aichele seconded. Motion carried 4-0.

Mr. Gembusia made a motion to accept the Deed of Dedication for Jefferson Court Pump Station subject to the receipt of the Engineer's Certificate of Completion and submission of the Maintenance Bond. Mr. Aichele seconded. Motion carried 4-0.

Mr. Wakefield also submitted the Developer's Agreement for Phase II, Morgan's Crossing. He explained that the Phase II agreement is essentially identical to the Phase I agreement with the removal of a few specific items that are not relevant to the Phase II agreement. He asked for a motion for the Chairman to execute the Morgan's Crossing Phase II Developer's Agreement provided that no substantial changes will be made and upon acceptance by the Lexington Land Developers. **Mr. Gembusia made a motion to authorize the Chairman to execute the Morgan's Crossing Phase II Developer's Agreement provided not substantial changes will be made and the developer accepts the agreement as prepared. Mr. Manweiler seconded. Motion carried 4-0.**

SPECIAL COMMITTEE REPORTS—HR Committee—None.

Capital Projects Committee—Mr. Brown asked that a meeting be scheduled the end of October to review all projects and review the 2021 Draft Budget so that it can be presented for the November 9, 2020 meeting. A meeting for October 28, 2020 at 10:00 am was scheduled for Mr. Brown, Mr. Aichele, Mr. Kissinger and Mr. Butler.

Tapping Fee Adjustment Committee—None.

NEW BUSINESS—None.

At 7:20 pm Mr. Brown moved to adjourn the regular meeting and enter executive session to discuss potential litigation. Mr. Manweiler made a motion to move to executive session. Mr. Gembusia seconded. Motion carried 4-0.

At 7:44 Mr. Gembusia made a motion to reconvene the regular meeting. Mr. Aichele seconded. Motion carried 4-0.

At 7:45 pm the regular meeting was reconvened and Mr. Manweiler made a motion to adjourn. Mr. Gembusia seconded. Motion carried 4-0.

Respectfully submitted,



Secretary/Asst. Secretary