

MINUTES OF THE MEETING
OF THE MIDDLETOWN TOWNSHIP, DELAWARE COUNTY SEWER AUTHORITY
HELD ON FEBRUARY 18, 2020

The regular monthly meeting of the Middletown Township Sewer Authority was held on Tuesday, February 18, 2020 at 7:30 P. M., in the Township Administration Building located at 27 North Pennell Road, in Lima, Pennsylvania.

Present were Authority Members: Roland Bailey, John Hanna, Edward Klodarska (via telephone), Robert Scholz and Timothy Sullivan.

Authority Advisors James Flandreau, Esquire, Solicitor, Walt Fazler, Engineer, John Ibach, Manager, were also present.

● **OPENING-PLEDGE OF ALLEGIANCE TO THE FLAG**

Chairman Mr. Sullivan called the meeting of the Sewer Authority to order at 7:30 P. M. and led recitation of the Pledge of Allegiance to the Flag.

Mr. Sullivan announced the Board met in Executive Session to discuss a matter of potential litigation.

● **APPROVAL OF MINUTES OF THE MEETING HELD ON JANUARY 20, 2020**

Mr. Scholz made a motion to approve the January 20, 2019 minutes with minor corrections. Mr. Hanna seconded the motion. The motion carried with a vote of 5-0.

● **MONTHLY ACTIVITY REPORTS**

A. Manager's Report

1. Confined Space Entry Committee

Prior to discussing the Confined Space Entry Policy, Mr. Ibach reported that he invited the homeowners from Creek Road to attend tonight's meeting to discuss the 150' duty to connect to public sewers. He stated the owner e-mailed stating he was not able to attend and was given the date of the March 2020 MTSA meeting.

Mr. Ibach stated in the Boards packet was a proposal to prepare a Confined Space Entry Policy from Med-Tex Services. He stated he and Mr. Klodarska met with representative from Med-Tex to tighten up the proposal. He stated the first step is to develop a Confined Space Entry Policy which will provide a written plan and program for any MTSA contractor exposed to confined space. He stated Med-Tex estimated it would take between \$1,800 to \$2,000 to prepare the policy. Mr. Klodarska stated the Authority needs a policy that meets OSHA standards. He also stated the Sewer Authority purchased a stencil for confined space entry and are using the stencil to spray paint on the concrete manhole risers that are in easements.

2. Resolution for PMRS Retirement Plan

Mr. Ibach stated at the last meeting there was a discussion that PMRS is changing the Authority's retirement plans to a new IRS approved plan. He stated he and Mr. Scholz discussed the proposed changes to the Plan with the PMRS attorney. He stated the next step is to pass a Resolution accepting all the changes that the Board discussed at the January MTSA meeting. Mr. Sullivan asked if the Board needs to adopt the Resolution tonight. Mr. Ibach stated they could wait and adopt at the March meeting if necessary. Mr. Sullivan had a question on page nine about "super annuation retirement pension". Mr. Ibach stated if there are specific questions to e-mail him and he will get the answers. Mr. Sullivan also had a question regarding that a full-time employee is defined as scheduled to provide 30 hours of service per week. Mr. Scholz stated Rose works 30 hours per week and all other employees are scheduled for 35 hours per week. Mr. Scholz further stated this is their Board approved scheduled time to work with the Sewer Authority. Mr. Sullivan stated his experience is, a certain number of hours per year constitutes an employee who is eligible for a retirement plan. He stated if an employee rotates from 30 to 25 hours per week are they an employee for two months of the year. He stated this plan lacks specificity. Mr. Ibach stated the proposed changes to the retirement plan are only for existing employees. Mr. Flandreau stated he will provide a better answer as he is familiar with super annuation plans from working with a school district. He stated there is usually a formula for when an employee is "out" of the Plan. He stated it could be age based such as when you turn 70 years of age, you are out of the Plan. He stated many times it is a combination of years of service and age and this is typical of a super annuation. Mr. Flandreau stated this plan calls for age 65 and 5 years of service and once you hit that point you can start collecting your pension. He stated there is no mandatory retirement age. Mr. Ibach stated there is an opportunity to retire prior to the age 65, but you will not receive the entire benefit. Mr. Sullivan asked for a motion to approve the Resolution prepared by Mr. Joshua Vecchio. Mr. Scholz made a motion to approve the Resolution. Mr. Hanna seconded the motion. The motion carried with a vote of 5-0.

3. Valley and Darlington Road Sanitary Sewer Survey

Mr. Ibach stated that at the last meeting there was a discussion to send out a survey to some residents of Valley and Darlington Roads to determine interest in extending the MTSA low pressure sanitary sewer main to service existing homes with on-lot sewer systems. He stated the survey was sent to 20 residents and he received 5 "yes" interested, 7 "no" not interested, and 8 no responses. He stated at this time, it does not appear to be sufficient interest to extend the sewers. Mr. Sullivan inquired if the 5 "yes" responses were clumped together and whether the Board should consider extending the sewers. Mr. Ibach stated they are not together. The Board determined the sanitary sewers would not be extended now.

4. Miscellaneous

After discussing the Sewer Survey, Mr. Ibach stated he and KBX determined the sanitary sewer easement in the vicinity of the Yearsley Mill Pump Station needs to be cleared of felled trees and vegetation. Mr. Ibach informed the group it would cost approximately \$5,000 to \$6,000 to clear the easement. and requested Board approval to complete the clearing. Mr. Sullivan asked if the property owners will be notified of the work to be performed on the easement. Mr. Ibach stated this is typically what is done. Mr. Scholz asked if a motion needs to be posted. Mr. Flandreau stated this is routine

maintenance and does not require a motion. The Board agreed to allow the manager to proceed.

After discussing the easement clearing, Mr. Scholz stated the MTSA I & I program is planned for this year in the Riddlewood drainage area. He stated the issue he has is the same area was done approximately 20 years ago. He believed it would make sense to improve the program by identifying continuous leaks. He asked about the possibility of also conducting smoke tests in the area. He informed the group of a new technology being performed in a nearby municipality. The new technology installs sensors in sanitary sewer manholes. The probes collect flow data which will then produce a graph to identify key areas where I & I is encountered. He stated the data could be used to inform individual homeowners that there is an I & I problem on their property. Mr. Flandreau stated the data and a well-developed rationale to prove this is not a trivial expense that is born by all users of the system. Mr. Scholz stated another possibility is the idea to have an amnesty program for homeowners with sump pumps that discharge into the sanitary sewers. He stated the Board would need to enact a Resolution or Ordinance stating "if a home is serviced by a sump pump it cannot be connected to the sanitary sewer system. If a sump pump connected into the sanitary sewers a \$1,000 fine could be imposed on the property owner." Mr. Sullivan inquired if the homeowners could reconnect the sump pumps back into the sanitary sewers after the home inspection is completed. Mr. Niermann stated this is a possibility. Mr. Ibach asked if a revision could be made to the Lateral Inspection Program stating "if a home is found being serviced by a sump pump, MTSA could conduct a follow-up inspection" Mr. Sullivan asked if a warning could be issued where a sump pump was found and disconnected, if reconnected there will be a \$1,000 fine. Mr. Ibach stated once a lateral inspection is conducted, it is on MTSA record and the homeowner was provided with notification. Mr. Sullivan asked if the sewer certification could be signed by the person requesting the inspection and returned to the Sewer Authority. Mr. Ibach stated he will work on language to be presented to the new homeowner. Mr. Flandreau stated he recalls a program at DELCORA which had a diagram explaining to the lay person exactly what I & I is all about. Mr. Ibach stated an insert can possibly be mailed with the sewer bills to put owners on official notice that sump pumps are illegal to connect into the sanitary sewers. Mr. Scholz stated in doing research, 80% of I & I comes from homeowners' properties. He stated Mr. Fazler proposed conducting an I & I inspection program on the Knowlton Road Pump Station drainage area and the Fair Acres sewer system as opposed to the Riddlewood Drainage area. Mr. Sullivan stated the Resolution adopted at last month's meeting was for the Riddlewood Drainage area I & I project, and that project will be funded by DELCORA. He stated MTSA applied for a grant to conduct the Riddlewood project and if DELCORA starts work on the Riddlewood project the Sewer Authority would no longer be eligible for the grant monies. He stated Mr. Fazler was asked to come up with another project of the same caliber and that project was the Knowlton Road Pump Station drainage area and Fair Acres sewers. Mr. Ibach stated the grants are not scheduled to be awarded until June 2020. He further stated DELCORA wants to start their I & I project earlier than June. Mr. Ibach stated he spoke with Jack Steward at Fair Acres and there is no problem with conducting the televising within the campus. Mr. Fazler stated since the Scada system was installed at the Knowlton Road pump station, it has been determined that during heavy rain events, the pump station has seen a large spike in sewer flows. He further stated the Knowlton Road pump station and associated gravity sewers were installed approximately 35 years ago and none of the sewers were ever televised. He stated it is time

to look at this area. He also confirmed an I & I Program was conducted in the Riddlewood drainage area in the 90's. He stated the goal of CCTV is to find I & I and to extend the life of the sewer by identifying problems and fixing the problems. Mr. Fazler stated he has no idea what the Fair Acres sanitary sewer system looks like. Mr. Ibach stated the area behind the Juvenile Detention Center is remote and he wants to make sure if we propose to televise this area a camera truck can get back there. Mr. Sullivan asked if the Board is in favor of substituting the Riddlewood I & I project with the Knowlton Road Pump Station area as far as the DELCORA agreement is concerned. Mr. Flandreau stated there is a January 2020 letter that needs to be rescinded and modified based upon the Boards decision. The Board decided to conduct the I & I project in the Knowlton Road pump station drainage area.

B. Treasurer's Report

1. Payment of Operating Expenses

Mr. Hanna presented a list of paid invoices from January 21, 2020 through February 14, 2020 for a total of \$615,134.28. Expenses include Delcora (\$476,667.90), KBX (\$25,027.86). Payroll (\$20,626.44), and Bradford Engineering (\$11,918.11)

Mr. Hanna made a motion to approve the paid invoices. Mr. Scholz seconded the motion. The board approved with a vote of 5-0.

2. Capital Expenses

Mr. Hanna reported the Capital Expenses totaling \$511,183.65. which includes PACT One, LLC (\$476,667.90).

Mr. Hanna made a motion to approve Capital Expenses. Mr. Bailey seconded the motion. The board approved with a vote of 5-0.

3. Miscellaneous

Mr. Hanna stated there are 2 CD's that will mature in March and he and Mr. Ibach will be looking at the money market accounts.

Mr. Ibach stated he received an invoice from the Township for preparation of the tax and sanitary sewer bills. Mr. Ibach informed the group the budget line item for the preparation of the sewer bills will be slightly over budget because the Township sent the tax bills to an outside agency for mailing to the property owners. In the past this was done internally. Mr. Ibach stated he believes the Township also sent the bills out first-class postage instead of bulk mail which costs more.

C. Solicitor's Report

1. Franklin Mint Residential/Toll Tapping Fees

Mr. Flandreau stated the attorney for Toll Brothers informed him that a payment of approximately 1/3 of the net tapping fees due to MTSA would have arrived by the end of today. He stated the tapping fee payment did not arrive and Toll has taken a position they have a defacto phased plan as opposed to a true phased plan which is a legally recorded phased plan. He stated Toll intended to pay the MTSA tapping fees netting out equal amounts of the 100 credits they have against each phase of the Franklin Mint

subdivision. He stated they are proposing to pay for 57 tapping fees as their first payment. Mr. Flandreau stated this was unacceptable. Mr. Sullivan stated the Solicitor was to initiate legal proceedings with respect to the tapping fees which are past due. The Board went into Executive Session. Mr. Sullivan ended the Executive Session.

2. Ponds Edge Tapping Fees

Mr. Flandreau stated the payment of tapping fees is proceeding and the Developer will be able to make a draw on their loan and make distribution to the Authority for the tapping fees for the first phase of construction this month.

3. Miscellaneous

After discussing the Ponds Edge tapping fees, Mr. Sullivan stated there was a Resolution adopted last month that is not referenced in the minutes. He asked for a motion to rescind the approval of the minutes of January 20, 2020. Mr. Hanna made a motion. Mr. Bailey seconded the motion. The motion carried with a vote of 5-0. Mr. Sullivan stated the January minutes should have adoption of a Resolution subject to specific conditions. Mr. Flandreau stated for the record, at the last meeting the Authority passed the first Resolution of the year, in which the Sewer Authority approved the amendment of its agreement with DELCORA. He stated it was passed with three specific amendments to the Resolution. He stated they had to do with items of clarification made at the Authority's instruction which had to do with the I & I work discussed by Mr. Fazler earlier. He stated it was originally considered the Riddlewood project but realized the scope and area of the work needed to be amended because of the desire to preserve the eligibility of the grant MTSA application. He stated the second condition is the Authority will be a full participant in the rate stabilization plan and the benefits that will be afforded under the plan will be commensurate with or greater than those provided to other Authorities. He stated the third condition is if the PUC does not approve the acquisition of DELCORA, everything will be restored to the status-quo ante and the Authority will go back to the March 15, 2010 DELCORA Agreement as amended on January 1, 2014. Mr. Hanna stated there is also a number attached to this Resolution. Mr. Flandreau stated the number is an Engineer's estimate of \$750,000 to conduct the I & I project. He stated as Walt has defined his most recent I & I project (Knowlton Road Pump Station Drainage Area and Fair Acres sewers), it is higher than the original amount. He stated Mr. Wyatt and Mr. McNichol (DELCORA counsel) accepted all three of the conditions. He stated the Chairman signed the document and the secretary attested to it and it is now in DELCORA's hands. Mr. Flandreau stated the second Resolution is for MTSA document destruction.

After discussing the Resolutions, Mr. Flandreau stated it would be appropriate for the Chairman to announce at the outset of any public meeting if a board member is participating by telephone. He stated the Sunshine Law standards that must be met for a member to be a participant by telephone. He stated the board member must be heard and he can hear any comments. Mr. Flandreau stated just as Executive Sessions are put on the record, so should any member participating by telephone. Mr. Sullivan asked if Mr. Klodarska could hear everything being said in the meeting. Mr.

Klodarska stated he could hear the discussions but suggested a conference phone be utilized in the future. Mr. Ibach stated he is working on this.

D. Engineer's Report

1. CCIP3 Construction and Blasting Update

Mr. Fazler reported the sewer line from Lenni Road to Baltimore Pike has been completed. He stated the access road is 90% complete along the Franklin Mint property. He stated the contractor began the stream crossing of Chester Creek but because of the weather, they could not complete the crossing. He stated the contractor decided to regroup and yesterday they installed the first half of the Chester Creek port-a-dam and today installed half of the inverted syphon under Chester Creek. Mr. Fazler stated the port-a-dam will be dismantled and reinstalled on the opposite side of the creek and the sewer main from the existing CCIP1 interceptor will be installed up to the inverted syphon. He stated this work should continue for approximately 2 weeks. Mr. Fazler stated because of the proposed blasting work, the existing bridge structure located on the Mills at Glen Riddle should be inspected before and after the blasting. Mr. Ibach stated he received notice that there is blasting scheduled for tomorrow the blasting may need to be postponed. Mr. Fazler stated he did not expect there to be any issues due to the blasting, however the bridge is old and may not be in good condition. Mr. Ibach asked if the County did a structural analysis on the structure as part of the Rails to Trails project. Mr. Fazler stated he believed they did. Mr. Flandreau asked for an Executive Session. Mr. Sullivan ended the Executive Session.

2. Darlington Valley Pump Station

Mr. Fazler stated he is continuing to work on design plans for the new station. He stated the pump station is tentatively scheduled to be delivered in March and will go out to bid and awarded in April.

3. Riddle Hospital Expansion

Mr. Fazler stated there is nothing new to report. He stated there have been requests for as built on the existing sanitary sewers but to date they have not been submitted. Mr. Ibach stated Riddle's engineers are working on additions to the mapping that will be submitted. Mr. Sullivan stated he is more interested in where the proposed sanitary sewer connections are located. Mr. Ibach stated he has had communications with the Township that no building permits will be issued until this matter is resolved. Mr. Sullivan asked if the new tower section of the hospital will have its own connection into the Chrome Run sanitary sewer interceptor. Mr. Fazler stated it will go into the existing sewer collection system.

● QUESTIONS FROM THE AUDIENCE

None

ADJOURNMENT

Upon motion by Mr. Sullivan and seconded by Mr. Hanna, the meeting was adjourned at 9:15 pm.

Respectfully Submitted,

John Ibach, Manager

Cc: Authority Board and Advisors
Township Manager
S.W.D.C.M.A. and DELCORA

The minutes were recorded and transcribed by Sharon Browne

Approved: _____



Date: _____

4/20/20