

The rescheduled monthly meeting of the Municipal Authority of the Borough of Sinking Spring was opened on Tuesday, December 16, 2008, at 7:00 p.m., at the Sinking Spring Borough Hall, by Mr. Francis Butkus. The following Authority members were present:

Francis Butkus  
Dennis Leiby  
Jeffrey Mohn  
Kandis Moser

Others present were: Mr. Alex Morrison, ARRO Consulting, Municipal Authority Engineer; Mr. John Hoffert, Authority Solicitor; and Ms. Elizabeth White, Authority Secretary/Treasurer who recorded the minutes of the proceedings.

### **APPROVAL OF MEETING MINUTES:**

Mr. Butkus asked if everyone had a chance to look over last months meeting minutes and if there were any errors or corrections. Hearing none he asked for a motion to approve the minutes from November 11, 2008. Mrs. Moser made a motion to approve the November 11, 2008 minutes; seconded by Mr. Mohn. Motion carried.

### **ENGINEERS REPORT:**

Mr. Morrison presented the Engineers Report dated December 16, 2008. Copy attached.

#### Wastewater Treatment Plant Project:

Mr. Morrison mentioned that the PaDEP did approve the project but it was contingent upon approval by the DRBC (Delaware River Basin Commission). He stated that the DRBC had it on their docket for December 10, 2008 for review and that ARRO was notified verbally that it has been approved and that a formal response is expected. He stated with that the permit should come in from DRBC for the plant project and that ARRO is finalizing the bid documents and probably sometime in January/early February we will go out for bid.

#### Dissolution of the Authority:

Mr. Morrison stated that Borough Council approved an Ordinance to assume the Authority debt and that approval from DCED (Department of Community and Economic Development) is still required. He stated that once DCED approves it the paperwork for the dissolution can be finalized and forwarded to the State for approval. He mentioned that it is his understanding that the next meeting will be a joint meeting with Council on January 13, 2008 at 7:00 p.m. to finalize some paperwork. Mr. Hoffert stated that he has ordered title searches from First American Title Company. He mentioned that at the request for Mr. Fitzpatrick, they met

**ENGINEERS REPORT: (Cont.)**

with Mr. Setley and contacted First American to do a present owner search of things that are recorded in the Authority's name. He mentioned that any right-of-ways would have to go into the Borough name.

**Infiltration and Inflow Study:**

Mr. Morrison stated that there has been no additional contact from ADS. He stated that ultimately it has to be resolved and that he does not know why they are not getting back to us. He stated that it is his presumption, and that he does not know this for a fact, but he thinks that they may have claimed it as a loss on their taxes so they would not be able to take the money now.

**Mountain Home Road Sanitary System Additions Project:**

Mr. Morrison stated that letters were sent out by the Borough to the property owners saying that they need to connect.

**Corrective Action Plan (CAP):**

Mr. Morrison stated that a status report is now due and that it is a semi-annual report. He mentioned that it will probably be passed on to Mr. Schlott to do for the Borough. He stated that it will be a one page report listing what has been done.

**Topics for Resolution – Fourth Revision (copy attached):**

Mr. Morrison stated that he revised the list again and removed items that had already been decided on. He stated that the last item on the list is the Inter-municipal Agreement. He stated that it is his understanding that they are just going to move forward with the Borough. Mr. Hoffert stated that it is his understanding, from Mr. Fitzpatrick and Ms. Masano, that a new draft has been done and that the Authority's name has been taken off so we are not responsible. Mr. Butkus stated that it should be noted in these minutes that our concerns were not addressed and in the future, if a problem occurs, it was not an oversight by the Authority. Mr. Hoffert stated that he completed everything that the Authority requested including the letter to Mr. Hartman. He stated that he was directed at the last meeting to send a letter to Lower Heidelberg explaining why we sent the letter to the school district. Mrs. Moser stated that Mr. Hartman has not work for Lower Heidelberg for three months. Mr. Leiby asked if Mr. Hoffert had gone over all of our concerns with Mr. Fitzpatrick. Mr. Hoffert stated that he sent the letter and that Mr. Fitzpatrick wanted to meet and then the same people on Council that moved to disband the Authority elected to proceed to have a new agreement prepared without the Authority being part of it. Mr. Leiby stated that his concern is the connections and if they don't know how many connections there are then how can they approve the agreement.

**ENGINEERS REPORT: (Cont.)**

Mrs. Moser asked if they could get a copy of the letter that was sent to Mr. Fitzpatrick and if we were allowed to see a copy of the new draft agreement to see if anything changed. Mr. Hoffert stated that we can request a copy of the agreement and that he would request it for the Authority.

Mr. Hoffert mentioned that, after next month, it is his understanding that we don't have a say about anything except the execution of the bill of sale, and the assignments which is whatever First American Title Company ascertains is part of the report. He stated that as soon as he gets that he will send it out for distribution. He stated that the report should list any recorded documents, right-of-ways, easements and anything else that belongs to the Authority because we want to be off everything.

Mr. Morrison asked if any of the members of the Authority were up for reappointment, because they will have to do that first. Mr. Butkus stated that he was and Ms. White mentioned that Mrs. Moser was also up for reappointment. Ms. White mentioned that when she heard about the joint meeting she informed Mrs. Shade that Mr. Butkus and Mrs. Moser were up for reappointment and that they would need to be reappointed in order to sign any documents or vote on anything. She stated that Mrs. Shade would put it on the agenda for the December 30, 2008 meeting to reappoint them.

Discussion ensued.

**APPROVAL OF BILLS:**

Ms. White mentioned that we are still holding the bills from Reinsel in the amount of \$2,050.00. Mr. Hoffert asked if we ever got an answer from them on the questions. Mr. Butkus stated no. Mrs. Moser stated that she wanted to know what the other \$650.00 was for. Mrs. Moser recommended that we hold them until we get answers.

Mr. Butkus went over all of the bills as listed below.

Three bills from ARRO consulting totaling \$14,502.20 for services through October 31, 2008.

One bill from Mr. Hoffert in the amount of \$450.00 for services through December 16, 2008.

One bill from Ms. White in the amount of \$70.00 for services through November 30, 2008.

**APPROVAL OF BILLS:**

Mr. Leiby made a motion to approve all of the above listed bills except Reinsel's; seconded by Mr. Mohn. Motion carried.

It was decided that the Authority had enough funds to pay all of the bills except one of ARRO's in the amount of \$9,658.56. This bill will be submitted to the Borough for approval and payment at their next meeting.

Mrs. White mentioned that we had a letter from an auditor for ARRO wanting to confirm the balance due as of October 31, 2008. She stated that their total is off \$.01 from what we paid them. This was documented in the remarks section and signed by Mr. Butkus.

Mrs. White mentioned that we received paperwork from Reinsel concerning the next audit. Mr. Butkus stated that we will not be here so Council will have to address it.

**TREASURER'S REPORT:**

Mr. Butkus asked if everyone had received a copy of the Treasurer's Report dated December 16, 2008 and if anyone had any questions. Mrs. White mentioned that she received and deposited two tapping fees from Paolo Brutto for the last two houses that he is building. Motion was made by Mr. Leiby to accept the Treasurer's Report; seconded by Mrs. Moser. Motion carried.

**DISCUSSION:**

Mrs. Moser asked, going back to the intermunicipal agreement, if they were waiting to execute the agreement until after the Authority is dissolved. She wanted to know how they could take Authority off if the Authority still existed. Mr. Hoffert stated that they can have an agreement regarding what they are going to assume. He stated that they already passed an Ordinance to that affect so the whole matter doesn't mean anything ever since they passed the Ordinance.

Mrs. Moser asked if we needed to be at the meeting on January 13<sup>th</sup>. Mr. Hoffert stated that he was still waiting for confirmation that there was a meeting. Mrs. White stated that as of this morning, Mrs. Shade sent the notice to the news paper to advertise the joint meeting on Tuesday January 13, 2009. She stated that Mr. Fitzpatrick could not make the first Monday of the year so they changed it to the second Monday, but then decided that they wanted a joint meeting with the Authority on Tuesday, so they decided to just have one meeting on Tuesday instead of having meetings two days in a row.

**ADJOURNMENT:**

Mr. Butkus thanked everyone for their help in operating the Authority. He stated that he is sorry to see it go because he doesn't think that the interest of the people of the Borough will be best served this way. Mr. Butkus wished everyone a Merry Christmas and a Happy New Year.

Mr. Butkus asked if there was anything else for the good of the order and asked for a motion to adjourn.

Mrs. Moser made a motion to adjourn at 7:35 p.m.; seconded by Mr. Leiby. Motion carried.

Respectfully Submitted,

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Elizabeth White  
Municipal Authority Secretary/Treasurer