

LOWER POTTS GROVE TOWNSHIP AUTHORITY August 10, 2009

The Lower Pottsgrove Township Authority held their regularly scheduled meeting on Monday, August 10, 2009. Meeting was called to order at 7:20 P.M. The following attended:

Robert Lindgren, Chairman
David Richards, Treasurer
Joseph McGeehan

Rodney Hawthorne, Manager
Stephen Kalis, Solicitor
William Dingman, Engineer
Chad Camburn, Engineer

COMMENTS FROM VISITORS: None

APPROVAL OF AUTHORITY MINUTES: Mr. David Richards motioned to approve the minutes of July 13, 2009 and Mr. Joseph McGeehan seconded the motion. All approved.

OLD BUSINESS:

1. **Developers Discussion & Update (CAP) and (CMP)**---Mr. Dingman handed out his CAP/CMP report # 27 and reviewed the highlights of the document with the Authority Board.
2. **DEP Consent Order & Agreement**----Mr. Dingman reported that he has received a letter from Ms. Jennifer Fields of DEP dated July 22, 2009 which indicated that DEP had concerns regarding the release of EDUs as agreed upon in the CO & A. On July 29, 2009, Mr. Hawthorne, Solicitor Howard Kalis and Mr. Dingman had a conference call with DEP officials Ms. Jennifer Fields, Mr. Keith Dudley, Ms. Dana Walker and Mr. Clint Cleaver to resolve issues stated in the July 22nd letter. Based on that conference call Mr. Hawthorne replied to Ms. Fields letter and the issues concerning EDUs and what the Authority is doing to complete its requirement in the CO & A. In addition, what we are doing with our 537 Planning was acceptable by DEP. As of this meeting Mr. Hawthorne has not received any reply from Ms. Fields. Mr. Dingman will call Ms. Fields on Tuesday 8/11/09 to follow up. Mr. Hawthorne & Mr. Dingman are still working on the Public Awareness Program and illegal connections to our sanitary sewer system.
3. **Act 537 Plan**--- Mr. Dingman reported that the plan work is continuing based on the assumption that a new pipeline from Porter Road Pump Station to the Borough Treatment Plant will be the chosen alternative. See New Business #1 for more details.

4. **Sewer Updates**---Mr. Hawthorne reported he gave a complete update to the Board of Commissioners on all sewer matters the Authority is undertaking. Included in the update was the PA H2O Grant extension, our meetings with DEP, our proposed new force main to the Borough Treatment Plant, our CO & A agreements with DEP and the developers as well as upgrades to both pump stations Porter Road and Sanatoga. The Remediation Contribution Fee (RCF) to be charged to all new hook ups and our proposed Lateral Inspection Program at the time of a home sale was also discussed. The Authority has a draft resolution, but Mr. Hawthorne wants to make additional changes to the document and then have it reviewed again by the Authority and approved.

NEW BUSINESS:

1. **Borough of Pottstown Request for Escrow**---Mr. Hawthorne reported that he has received a letter from the Borough Authority Solicitor, Mr. Dave Garner requesting a \$10,000 escrow for analysis of additional flows from LPTA to the Borough Treatment Plant. Mr. McGeehan motioned approval of \$10,000 based on time and materials. Mr. McGeehan also wanted a clause in the escrow agreement that would provide us with a capabilities and capacities analysis within the agreement. Mr. Dingman wanted the agreement to include a reasonable time component to be included as we are on a timeline with DEP to resolve our SSO issue. Mr. Richards seconded the motion. All Approved.
2. **Buchert Ridge EDUs**---Mr. Dingman and Mr. Hawthorne explained to the Authority Board that the professional staff, Solicitor Howard Kalis, Mr. Dingman and Mr. Hawthorne met to discuss a compromise with Buchert Ridge over the payment of EDUs and our \$3,000 developer's agreement charge as part of the developer's group. Our offer to avoid extensive litigation was that we split the full charge of \$73,000 and agree to accept from Buchert Ridge \$36,500. In Mr. Garners letter on behalf of Buchert Ridge their counter offer was that they would be willing to pay the Township Authority \$24,000. Our Authority was not willing to accept this and has instructed myself and Solicitor Kalis to give a final offer of \$36,500 and accept that in written form within 10 days or go back to the full EDU charge of \$73,000. Mr. Lindgren stated that Mr. Hallman will need to make a business decision on this and move on. The \$36,500 must be paid to the Authority within 90 days. A motion to approve the final offer of \$36,500 was made by Mr. McGeehan and seconded by Mr. Richards. All approved.

INFORMATION:

Mr. Dingman reported that we had (3) SSOs in August so far, (1) on 8/2/09 and (2) on 8/9/09.

August 10, 2009
FINANCIAL REPORT

I. TREASURERS REPORT:

Mr. McGeehan motioned to approve the Treasurer's Report, as reported by Mr. Richards and Mr. Richards seconded the motion. All approved

SEWER REVENUE ACCOUNT	\$2,927,334.84
CAPITAL IMPROVEMENT RESERVE	\$ 41,162.86
DEBT SERVICE RES EMMANUS LOAN	\$ 351,500.00
WATER FUND	\$ 187,716.94
DEVELOPERS CIP ACCOUNT	\$ 146,972.94
DEVELOP TREATMENT CAPACITY	\$ 31,239.10

II. BILLS FOR PAYMENT

Mr. Kalis presented the following bills for payment. Mr. Richards motioned approval for payment and Mr. McGeehan seconded the motion. All approved.

CAPITAL BILLS

SEWER CAPITAL RESERVE PLGIT

BURSICH ASSOCIATES	\$ 5,456.40
BURSICH ASSOC-ACT 537	\$ 12,302.30
BURSICH ASSOC DIESEL PUMPS	\$ 4,728.75
BUCKS ENVIRONMENTAL	\$ 31,131.85
SIGMA CONTROLS	\$ 2,832.22

REQUISITIONS

#232 BURSICH ASSOCIATES	\$ 1,769.55
#233 FOX ROTHSCHILD, LLP	\$ 11,621.30

WET WEATHER SEWER SYSTEM CONVEYANCE CAPACITY

BURSICH ASSOCIATES(Sanatoga)	\$ 1,241.00
BURSICH ASSOCIATES(Porter Rd)	\$ 2,056.00

OCCIDENTAL PERMIT

BURSICH ASSOCIATES	NONE
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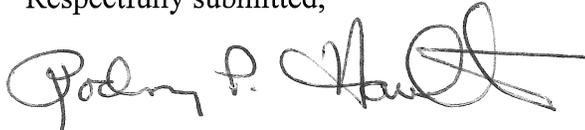
WATER FUND

**FOX ROTHSCHILD, LLP
BURSICH ASSOCIATES**

**NONE
NONE**

There being no further business, the meeting adjourned. The next meeting is Monday, September 14, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney P. Hawthorne". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rodney P. Hawthorne
Manager