

**LOWER POTTS GROVE TOWNSHIP AUTHORITY      September 14, 2009**

The Lower Pottsgrove Township Authority held their regularly scheduled meeting on Monday, September 14, 2009. Meeting was called to order at 7:00 P.M. The following attended:

Robert Lindgren, Chairman  
James Toth, Vice Chairman  
David Richards, Treasurer  
Mark Loshnowsky, Secretary  
Joseph McGeehan

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

**COMMENTS FROM VISITORS:** None

**APPROVAL OF AUTHORITY MINUTES:** Mr. James Toth motioned to approve the minutes of August 10, 2009 and Mr. Mark Loshnowsky seconded the motion. All approved.

**OLD BUSINESS:**

1. **Developers Discussion & Update (CAP) and (CMP)**---Mr. Dingman handed out his CAP/CMP report # 28 and reviewed with the Authority Board. Mr. Dingman also discussed a change order of \$50,000 for an additional I/I report. In Mr. Dingman's memo dated 9/14/09 Pipe Services will do the job. Mr. Toth motioned to approve the change order and Mr. Loshnowsky seconded the motion. All approved.

Mr. Dingman then discussed his memo dated 9/14/09 for flow monitoring in the Sanatoga Basin the estimated cost of \$32,000 to add 16 meters at 16 sites all shown on the memo map. This item would fall under professional services under Bursich Associate, then they would contract with Goel Services. A motion was made by Mr. Loshnowsky to authorize Bursich Associates to subcontract metering not to exceed \$32,000 plus 10% overhead and the motion was seconded by Mr. Richards. A motion to table by Mr. McGeehan for more discussion at next meeting. All approved

Mr. Dingman then addressed the diesel pumps to be placed at the Porter and Sanatoga Road Pump Stations he wanted to pay 80% of cost now and the remainder once the pumps are installed. The information is detailed in his memo dated 9/14/09, also addressed were the (2) overflows and the paid fines that have been sent to DEP. Mr. Dingman discussed the I/I action plan testing of laterals, down spouts, sump pumps and low vents. Letters will be sent to make an appointment with Mr. Keith Place to meet with the residents, Mr. Richard Yoder

and the sewer department staff will also be involved. The first area will be the Woodgate Development where we have a high infiltration flow.

**Sukonik Developers**----Solicitor S. Kalis explained the Sukonik agreement to the Authority, and that these agreements are an indirect part of the Consent Order and Agreement and that a payment of \$84,306.60 is owed to the LPTA. All the developer's in the development group are required to have these agreements. Solicitor S. Kalis reported Sukonik has complied with all the issues to date. Motion to accept and authorize the signature of the Developer Agreement associated with the Consent Order and Agreement was made by Mr. McGeehan and seconded by Mr. Toth. All Approved.

2. **DEP Consent Order & Agreement**--- See Old Business #1
3. **537 Plan Update**---Mr. Dingman is continuing to work on the 537 plan and will report back at the next Authority Meeting in October.
4. **Resolution #09-73 Lateral Inspection At Time of Home Sale**---Mr. Hawthorne reviewed with the Authority the Lateral Inspection Resolution that would require a lateral inspection at the time of a home sale. The other issue was Mr. Hawthorne wanted a recommendation from the Authority to recommend to the Township Commissioners to draft a Lateral Inspection Ordinance, so that we can inspect the property lateral between the hours of 8:00 AM to 6:00PM. The Ordinance would provide that a lien would be placed on the property if the lateral is not fixed or repaired within 90 days. This would just be a recommendation, all the above could be changed. Authorization for Mr. Hawthorne to go to the Board of Commissioners with a recommendation from the Authority to the Board to do a similar ordinance on Township wide lateral inspections. Before any ordinance is approved the Authority will review. Mr. Toth made a motion to have the Board of Commissioners do a draft Lateral Inspection Ordinance and Mr. Richards seconded the motion. Mr. McGeehan did not approve. All others approved.
5. **Escrow Agreement Feasibility Analysis**---Solicitor S. Kalis addressed this issue on the Escrow and Feasibility Analysis. The escrow is not to exceed \$10,000 and authorized the disbursement of funds to the Borough of Pottstown. Mr. McGeehan motioned execution of the agreement and Mr. Loshnowsky seconded the motion. All approved.
6. **Buchert Ridge Phase Two Contribution Fee**---Solicitor S. Kalis updated the Board regarding the status of the discussions with the Developer's counsel involving its obligation to provide payment of a contribution fee to the Authority in exchange for the EDU's made available for the project. Solicitor S. Kalis informed the Board of a telephone conversation held with the Developer's counsel requesting that the Board hold off on any further action regarding the payment of the Developer's contribution fee until it had a chance to advance a new proposal to both the Authority and the Township. In the event the proposal is

accepted, the Developer would then pay the original amount of the contribution fee in full and withdraw any challenge to past invoices generated by the Authority and/ or its professional staff involving the project. After considering the request, the Board authorized Solicitor S. Kalis to hold off on pursuing the course of action previously approved by the Board at the August 10<sup>th</sup> meeting until such time as the Developer meets with representatives of both Township and Authority to convey and discuss its new proposal for further consideration by the governing Boards.

#### **NEW BUSINESS:**

1. **Brown Street Lease Agreement**---Solicitor S. Kalis reviewed the lease involving the building located at 2404 Brown Street and explained to the Board that the initial term of Lease between the Township and the Authority expires as of December 31, 2009 with an option to renew available to the Township if properly and timely exercised and, further, subject to increase in annual rental as set forth through paragraph 18 of the Lease. After discussion, the Board, upon motion made by Mr. Loshowsky and seconded by Mr. Richards and a subsequent amendment thereto to clarify the action to be taken, unanimously authorized Solicitor S. Kalis to contact the Township solicitor to inquire as to the Township's interest in renewing the Lease and, if such option is properly exercised by the Township, thereafter establish a new annual rental in the manner set forth through the Lease.
2. **Borough of Pottstown Treatment Costs**—Mr. Richards motioned to approve the 2<sup>nd</sup> and 3<sup>rd</sup> quarterly payments for treatment costs and Mr. Toth seconded the motion. Mr. Loshnowsky voted yes and Mr. Lindgren and Mr. McGeehan voted no. Approved by a vote of 3-2.
3. **2010 Budget** ---Mr. Hawthorne and Mr. Dingman informed the Authority they have started the budget process for the 2010 budget. Mr. Hawthorne hoped to have the budget approved in November of 2009. Sewer hookups and interest income are way down for this year. More information to follow.
4. **Authority Dryer Costs**----Mr. McGeehan wanted to authorize Solicitor S. Kalis to read the contract on the Dryer Costs. Mr. Loshnowsky motioned to approve and Mr. Richards seconded. Mr. Lindgren, Mr. Loshnowsky and Mr. Richards did not want to pay the Dryer costs. Mr. Hawthorne explained we received an invoice of \$121,245.64 for the Dryer Costs at the Borough Treatment Plant. The Borough had a problem with the unit and so additional fees were added to the cost mostly for engineering and follow up by Pottstown staff. This will be followed up with more discussion in October.
5. **1128 Kepler Road Sanitary Sewer Connection**---Mr. Hawthorne explained that he received a letter from All County Associates to hook up 1128 Kepler Road to

our sanitary sewer system do to a septic system failure. Mr. Hawthorne and Mr. Place of the Codes Department and Mr. George Wrigley of Bursich Associates will provide information when contacted by All County. Mr. Toth motioned approval of the sewer hookup at 1128 Kepler Road and Mr. McGeehan seconded the motion. All Approved.

**September 14, 2009**  
**FINANCIAL REPORT**

**I. TREASURERS REPORT:**

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

<b>SEWER REVENUE ACCOUNT</b>	<b>\$2,727,334.84</b>
<b>CAPITAL IMPROVEMENT RESERVE</b>	<b>\$ -0-</b>
<b>DEBT SERVICE RES EMMAUS LOAN</b>	<b>\$ 351,500.00</b>
<b>WATER FUND</b>	<b>\$ 187,846.60</b>
<b>DEVELOPERS CIP ACCOUNT</b>	<b>\$ 147,074.46</b>
<b>DEVELOP TREATMENT CAPACITY</b>	<b>\$ 31,260.01</b>

**II. BILLS FOR PAYMENT**

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

**CAPITAL BILLS**

**SEWER CAPITAL RESERVE PLGIT**

<b>BURSICH ASSOCIATES</b>	<b>\$ 4,627.40</b>
<b>BURSICH ASSOC-ACT 537</b>	<b>\$ 5,979.00</b>
<b>BURSICH ASSOC DIESEL PUMPS</b>	<b>\$ 12,137.00</b>
<b>PIPE SERVICES CORP</b>	<b>\$ 7,500.00</b>
<b>GODWIN PUMPS PORTER RD 80%</b>	<b>\$ 104,154.60</b>
<b>GODWIN PUMPS SANATOGA LK80%</b>	<b>\$ 91,868.35</b>

**REQUISITIONS**

<b>#234 BURSICH ASSOCIATES</b>	<b>\$ 3,144.70</b>
<b>#235 FOX ROTHSCHILD, LLP</b>	<b>\$ 7,104.46</b>

**WET WEATHER SEWER SYSTEM CONVEYANCE CAPACITY**

<b>BURSICH ASSOCIATES(Sanatoga)</b>	<b>NONE</b>
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**BURSICH ASSOCIATES(Porter Rd)      NONE**

**OCCIDENTAL PERMIT**

**BURSICH ASSOCIATES      NONE**

**WATER FUND**

**FOX ROTHSCHILD, LLP      NONE**  
**BURSICH ASSOCIATES      NONE**

There being no further business, the meeting adjourned. The next meeting is Tuesday, October 13, 2009.

Respectfully submitted,

A handwritten signature in cursive script, reading "Rodney P. Hawthorne". The signature is written in black ink and is positioned above the printed name and title.

Rodney P. Hawthorne  
Manager