

LOWER POTTS GROVE TOWNSHIP AUTHORITY January 11, 2010

The Lower Pottsgrove Township Authority held their regularly scheduled meeting on Monday, January 11, 2010. 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
Howard Kalis, Solicitor
William Dingman, Engineer

REORGANIZATION OF THE AUTHORITY BOARD:

Robert Lindgren called the meeting to order and immediately adjourned at 7:04 PM to turn over to the Authority Solicitor Howard Kalis for the purpose of reorganization of the Board. Solicitor Kalis asked the Board for a motion for a slate of officers. Mr. James Toth motioned that we go with the same slate of officers as last year and Mr. Dave Richards seconded the motion. All approved. The Lower Pottsgrove Authority Board is as follows:

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

Solicitor Kalis asked for a motion for the position of Assistant Secretary and Assistant Treasurer. Mr. James Toth motioned for Mr. Rodney Hawthorne to be the Assistant Secretary as well as the Assistant Treasurer and Mr. Mark Loshnowsky seconded the motion. All approved.

At 7:10 Solicitor Kalis turned the meeting back to Mr. Robert Lindgren who asked for nominations for the Authority Solicitor, Mr. James Toth motioned to retain Solicitor Howard Kalis of Fox Rothschild, LLP as Authority Solicitor and Mr. Dave Richards seconded. All approved.

Mr. Lindgren then asked for nominations for the Authority Engineer. Mr. Mark Loshnowsky motioned to retain Bursich Associates as the Authority Engineers and Mr. James Toth seconded the motion. All approved.

APPROVAL OF AUTHORITY MINUTES: Mr. James Toth motioned to approve the minutes of December 14, 2009 and Mr. Mark Loshnowsky seconded the motion.

OLD BUSINESS:

1. **Developers Discussion & Update (CAP) and (CMP)**---Mr. Dingman handed out the CAP report #32 and reviewed with the Authority. We are keeping our meters in longer than planned. Diesel pumps are installed at Sanatoga & Porter Road pump stations, more testing is needed at Porter Rd. Mr. Dingman reported on the pump station emergency on 12/26/09 and reviewed his memo dated 1/8/10 by the end of February we should be a 100% operational at the Porter Rd Pump Station. Solicitor H. Kalis and Mr. Hawthorne discussed the last pump station emergency on Thursday and Solicitor H. Kalis followed up with a call to Ms. Dana Walker of DEP on 1/11/10 concerning the pump station emergency. Solicitor H. Kalis also talked to DEP Solicitor William Gellis and was reminded by Solicitor Gellis that by paying the fine it would be insurance for any 3rd party claims against LPTA. However, we will need to pay the fine by the 15th of this month. Mr. Dingman also reported in the CAP report that we had (1) additional Tap Fee added at the Southview Development.

Mr. Dingman added that he & Mr. Hawthorne sent additional information back to Ms. Walker of DEP that she requested in her letter dated 11/30/09. The letter was sent back by Mr. Hawthorne that contained information on our sump pump program, strengthening our ordinances on leaking laterals, flow documentation and some additional information concerning interpretation of language.

2. **DEP Consent Order & Agreement-Cap Report** –See Old Business # 1
3. **537 Plan Update**---Mr. Dingman gave copies of his memo to the Authority dated 1/11/10 he also addressed the Board of Commissioners on 1/4/10 and had an Resolution approved by the BOC on the 537 Plan. This Resolution approved the 537 Plan. The H2O grant deadline was moved from August 1, 2010 to July 2010. Meetings will be held with our state representative Tom Quigley and Senator John Rafferty on 1/12/10 and 1/13/10. Mr. Dingman also asked the Board for approval of the design for the force main, best case would be to have DEP review and issue a permit for our submittal. The 50,000 budget is for the preparation of plans and specifications for a Part 2 permit application submission to PADEP. A motion to authorize Bursich Associates to design the force main time & material \$50,000.00 was made by Mr. McGeehan and seconded by Mr. Toth. All approved.
4. **Authorization of a Draft Developers Agreement for Buchert Ridge Phase II**- Mr. Hawthorne explained that he has had several conversations with Wil Hallman, his attorney Charles Garner , Solicitor S. Kalis and Solicitor H. Kalis on starting the process of developing a developer's agreement with Wil Hallman. The idea was to do an agreement similar to the other developer's agreements so as both sides are clear on the Edu Fee to be charged and other items that may need to be addressed. Mr. Hawthorne was asking the Board to approve/authorize the Solicitor to prepare a developer's agreement with Wil Hallman for Buchert Ridge

Phase II. Motion to approve the Solicitor preparing the agreement was made by Mr. Toth and seconded by Mr. Richards. All approved.

5. **Sukonik Letter of Credit versus Cash Escrow---** Mr. Hawthorne has received an email from Solicitor S. Kalis concerning the development know as the Falls at Pruss Hill, the developer has asked in his email permission to substitute a LOC with a cash escrow. The developer's agreement which the Authority has with Sukonik the developer, requires a Letter of Credit and was also approved by DEP. Mr. Hawthorne's question to the Authority was do we as a Board want to accept a cash escrow which would change the agreement from a Letter of Credit to cash? This change would need Authority approval as well as DEP approval. Solicitor S. Kalis will send a letter to Ms. Dana Walker of DEP asking for DEP to approve a cash escrow instead of a Letter of Credit. Motion to approve a cash escrow and change what was in the agreement from a Letter of Credit to a Cash Escrow was made by Mr. McGeehan and seconded by Mr. Loshnowsky. All approved.

NEW BUSINESS:

1. **Update Porter Road Pump Station Flooding 12/6/09---**Reported in Old Business #1

January 11, 2010 FINANCIAL REPORT

I. TREASURERS REPORT:

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

SEWER REVENUE ACCOUNT	\$1,465,501.05
CAPITAL IMPROVEMENT RESERVE	\$ 452.19
DEBT SERVICE RES EMMAUS LOAN	\$ 351,500.00
WATER FUND	\$ 66,701.98
DEVELOPERS CIP ACCOUNT	\$ 147,163.20
DEVELOP TREATMENT CAPACITY	\$ 31,278.87

II. BILLS FOR PAYMENT

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

CAPITAL BILLS

SEWER CAPITAL RESERVE PLGIT

BURSICH ASSOCIATES	\$ 4,573.75
BURSICH ASSOC-ACT 537	\$ 500.50
BURSICH ASSOC DIESEL PUMPS	\$ 6,799.50
BULLDOG CONSTRUCTION	\$ 113,627.50
GODWIN PUMPS	\$ 22,967.09

REQUISITIONS

#242 BURSICH ASSOCIATES	\$ 1,183.50
#243 FOX ROTHSCHILD, LLP	\$ 4,124.70

WET WEATHER SEWER SYSTEM CONVEYANCE CAPACITY

BURSICH ASSOCIATES(Sanatoga)	\$ 1,960.50
BURSICH ASSOCIATES(Porter Rd)	NONE

OCCIDENTAL PERMIT

BURSICH ASSOCIATES	NONE
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WATER FUND

FOX ROTHSCHILD, LLP	NONE
BURSICH ASSOCIATES	NONE

There being no further business, the meeting adjourned. The next meeting is Monday, February 8, 2010.

Respectfully submitted,



Rodney P. Hawthorne
Manager