

Cumberland-Franklin Joint Municipal Authority

(July 12, 2007)

- Chairman Steve Oldt called the meeting of the Cumberland-Franklin Joint Municipal Authority to order in the office of C.F.J.M.A. at 6:03 p.m. A moment of silent meditation and the pledge to the flag followed.
- Those present were:

Barry E. Perry, Sr.	Dale Heberlig, Sentinel	Dwain Koser
Fred E. Clapsaddle, Jr.	Charles Heckman	Lisa Suders
Jerome Kater	Steve Oldt	Randall Kendig
Lance Kegerreis	Michael Cassidy	Angelique Rininger
Dave Weir	Richard Perry	Jim Robinson
- The minutes on the table from the June 14, 2007 meeting were motioned for approval by Mr. Kendig, upon the deletion of the line under Solicitor's Report; "Jim said that the Borough gave them a break and did lower their fees." The motion was seconded by Mr. Heckman. Motion carried.
- There were no public comments.
- The correspondence was discussed under "New Business" tonight.
- Mr. Clapsaddle motioned to approve the Treasurer's Report and Mr. Kater seconded the motion. Motion carried.
- Under Solicitor's Report, Mr. Robinson referred to the discussion at last month's meeting concerning "who owned the tanks that were located in people's yards, and of course, the pipes that come up from them and the covers on the pipes." After the meeting Lisa pulled Resolution 2005-02 and 2005-03 and gave them to him. "Both of these were enacted, or were put into effect by the Authority on November 10, 2005. They both concern the Small Diameter Variable Grade System." The difference between them is that 02 concerns proposed systems and 03 concerns existing systems. "According to your resolutions, CFJMA owns the component parts of the systems located within the easements that were granted to CFJMA; that would be the tank, the pipes, it would include the lids. What it does not include, and is specifically owned by whoever the property owner is; are the pumps, the wiring and the appurtenances." This "means that effectively, the solid parts of the system that run from your mains into the house, you own; but the pump and the wiring and stuff inside that makes it work, they own and they are responsible for." After explaining this, he stated that "that means CFJMA owns the lids. They are considered a "part" of the system and not

- an “appurtenant part” of the system. Mr. Oldt asked, “Where does that leave us? I’m assuming you’re saying; if we own the lid, it’s still in the right-of-way?” Mr. Robinson said that “the customers still have the duty to maintain the system and part of maintaining the system would be protecting the lids. It is spelled out that the customer is responsible for, first of all, allowing you in to provide some sort of maintenance and their responsible for maintaining the service parts of the system.” He stated, “I don’t see any reason why you shouldn’t be able to charge them for replacement of lids.” After some discussion among the board members, there was a mutual agreement that the property owner needs to be notified of their responsibility to pay for a new lid and the labor to do the replacement, should theirs become damaged. Mr. Cassidy motioned to have the solicitor write a letter of notification of our enforcement of the resolution. Mr. Heckman seconded the motion and it carried.

Attorney Robinson presented the board members with two resolutions for approval. The first resolution was **Resolution 2007-05**. “It is specifically to American Funds Service Company; it’s the company that is handling the employee’s retirement fund. They require the resolution as their supporting document with regards to who they are allowed to contact and deal with, who’s allowed to sign documents on behalf of; it’s actually a trustee. In the past the trustee has been Barry. With Barry’s pending retirement, it was suggested that both Barry and Lisa be named as trustees for right now.” Mr. Oldt mentioned that when changes are made we can come back to the resolution and make the changes. Mr. Kater motioned to accept Resolution 2007-05 and Mr. Clapsaddle seconded it. Motion carried. He also presented **Resolution 2007-06** “required by Penn Dot for CFJMA to get 50% reimbursement for relocating sanitary sewer manholes along Molly Pitcher Highway. Mr. Cassidy motioned to accept Resolution 2007-06 and Mr. Kendig seconded it. Motion carried.

- Under Old Business Mr. Oldt asked Barry about the information he gathered on the surveillance security system. Barry reported to the board that he has a meeting with someone next week and, that as of tonight, he didn’t have enough information gathered to present to the board. He informed the board that he would have something to present at next month’s meeting.

Mr. Oldt asked for an update of the Letterkenny Township Project. Lance reported that “there were no bog turtles found, which eases the complication of permitting. The drawings should be done within the next two weeks, which means we will then schedule the third and final meeting at Pleasant Hall; a joint meeting with the supervisors, invite the public, put it up on the wall one more time and indicate that that is the final alignment. There’s still hundreds of easements that are unattained and we will be actively seeking them during that meeting. Immediately following that meeting we want to get you (Jim Robinson) and Dave Rahausser, Letterkenny Supervisor’s attorney, together, craft a letter saying, “please sign this easement” and do a mass mailing. We will then submit PennDot HOP applications for all of the state road crossings,

we'll submit wetland crossing applications, we'll submit stream crossing applications; all to DEP and wait until they get approved. You can't build until they get approved, so this fall, I think, is out of the question for beginning potential construction. This winter is a possibility depending on the severity of the weather." He suggested that the joint meeting at the Pleasant Hall Fire Hall would possibly be the end of August 2007.

- Under New Business, Chairman Oldt asked Barry to gather information from surrounding townships and municipalities and present it at the next meeting, which help them when they discuss an increase in our current tapping fees and sewer rates. Lance suggested Barry call George at Dennis E. Black Engineering for the list that they use when gathering information within a 30 mile radius. Mr. Oldt suggested he contact PMAA and get a listing from them to broaden the survey area.

Lance explained to the board members that CFJMA had received a letter which was a "notification that the Borough's engineer is submitting a permit amendment application to DEP to increase the BOD rating from what they say that the plant is currently permitted at 4,047 lbs. per day. However, he commented that he was confused because "we've said for years in the Chapter 94 Report that the plant permit was 3,670 currently. Somebody is wrong and we have to find out what that discrepancy is about. Assuming their number is right, they are attempting to re-permit it organically from 4,047 up to 5,780, a 40% increase." After some discussion, Mr. Oldt requested that Lance make a note to report on the difference in the figures between CFJMA and the Borough on the lbs. per day. He replied that he would do that.

Mr. Oldt asked Lisa if she could have a copy of the 2006 edu report next meeting so that the board members could compare it with this year to date.

- Mr. Kater motioned to go into executive session at 6:37 p.m. for personnel and contractual issues. Mr. Clapsaddle seconded the motion and it carried.
- Motion was made by Mr. Kater to come out of executive session at 7:04 and it was seconded by Mr. Heckman. Motion carried.
- Motion was made by Mr. Kater and seconded by Mr. Heckman to hire Webber H R Solutions, LLC. Motion carried.
- Mr. Kendig motioned to adjourn the meeting at 7:05 p.m. and Mr. Heckman seconded the motion. Motion carried.

Respectfully submitted,

Fred Clapsaddle, Jr.
Secretary