

DEER CREEK DRAINAGE BASIN AUTHORITY

Workshop Meeting July 13, 2016

The Workshop Meeting was held Wednesday, July 13, 2016 at 7:00 p.m. at the Authority office located at 945 Little Deer Creek Road, Russellton, PA.

Call Meeting to Order and Roll Call

Mrs. Biery called the meeting to order and asked Mr. Jenkins to call the roll. Board members present: Mr. Hammerman, Mr. Esposito, Mrs. Biery, Mrs. Pastura, Mr. Vidra, and Mr. Drischler, Mr. Sutter. Board member absent: Mrs. Bieniek and Mr. Trocki. Also present: Mr. Schmitt, Mr. Brown and Mr. Jenkins.

Flag Salute

The Board rose and recited the Pledge of Allegiance to the Flag.

Reading and Approval of Minutes

Mr. Esposito questioned the language in Resolution 01-16, which was approved at the June 20, 2016 Regular Meeting, specifically the sewer rate. Mr. Jenkins clarified that the Resolution at the June 15, 2016 Workshop Meeting proposed a rate of \$140.00 per quarter. After further discussion at the June 20, 2016 Regular Meeting, the Board agreed to raise the Hampshire Estates rate to \$150.00 per quarter per EDU, which was reflected in the approval of Resolution 01-16 at the June 20, 2016 Regular Meeting

MOTION was made Mr. Esposito and seconded by Mr. Drischler to approve the minutes of the Regular Meeting of June 20, 2016. Motion carried unanimously.

Solicitor's Report

Executive Session

MOTION was made by Mrs. Pastura and seconded by Mr. Hammerman to move the meeting into Executive Session at 7:05 p.m. to discuss legal issues. Motion carried unanimously.

Mrs. Biery reconvened the meeting at 7:27 p.m. and said the Executive Session concerned legal issues.

Mr. Brown addressed the Board regarding the letter he received from Mr. Sutter's attorney, Dennis Blackwell, dated July 11, 2016. Mr. Blackwell's letter requested Mr. Sutter be compensated \$19,000.00 for his work in installing a sewer line extension along Cedar Ridge Road (in 2012). Mr. Brown informed the Board of his and the Authority's legal basis for developer's reimbursement and DCDBA's policy, history and past practices regarding developer's reimbursement. Mr. Brown explained to the Board that he has thoroughly researched the matter regarding developer reimbursement, concurred with colleagues and other municipalities, discussed the history of this matter with the Board, and determined DCDBA's developer reimbursement policy is consistent. Mr. Brown read the language from the Municipal Authorities Act that addresses developer's reimbursement, calling out

language in the Act specifically requiring a direct service line connection to the line extension to meet the reimbursement requirement.

Mr. Brown also discussed the language in the Developer's Agreement pertaining to reimbursement, reading 'the developer may be eligible for reimbursement if abutting properties are enabled by the sewerline extension to connect to the sanitary sewer system, subject to Pennsylvania Act 203, Part IV - reimbursement component.' Mr. Sutter asked Mr. Brown to clarify Act 203 Part IV 1990 regarding reimbursement. Mr. Brown stated and Mr. Schmidt concurred that Act 203 Part IV describes the 'calculation method' used for determining the 'amount' of reimbursement; however, it is only pertinent when the circumstances qualifying the developer for reimbursement have been met, such as the direct connection of a service line. In Mr. Sutter's case a direct service line connection was not made by the Shoff Farm development. Mr. Brown advised the Board that the Shoff Farm sewer mainline extended from Mr. Sutter's sewer line extension is not a direct service line connection and thus does not qualify for reimbursement. Mr. Brown advised the Board on the Act as it applies to Mr. Sutter's reimbursement request, while directing the Board to take action in regards to Mr. Sutter's request for reimbursement. Mr. Brown also informed Mr. Sutter of his ethical obligation in this matter to abstain from the vote as an existing Board member. Mr. Sutter suggested the Authority update the language in its Developers Agreement to avoid any future litigation.

Mrs. Biery asked the Board for a motion to reject Mr. Sutter's request for reimbursement in the amount of \$19,000.00. Motion was made by Mr. Drischler, seconded by Mr. Hammerman. Motion carried, while Mr. Sutter abstained from the vote.

Engineer's Report

AVJSA Wet Weather Plan

Mr. Schmitt said he has received a copy of AVJSA's audit report. AVJSA's deadline for the wet weather plan is August 31st.

Stream Bank Stabilization

Mr. Schmitt said his office is in the process of obtaining permits for the project.

Manager's Report

Mr. Jenkins said due to insurance requirements he was updating employee job descriptions.

Mr. Jenkins directed the Board's attention to a newspaper clipping regarding the AVJSA Wet Weather Plan.

Chairperson's Report

None.

Adjournment

MOTION was made by Mrs. Pastura and seconded by

Mr. Vidra to adjourn the meeting at 8:00 p.m. Motion carried unanimously.

Respectfully submitted:

Read and approved:

7-18-16

Lynn Burg