

**BETHEL TOWNSHIP MUNICIPAL AUTHORITY
MINUTES**

September 5, 2007

The meeting of the Bethel Township Municipal Authority was called to order by Chairman David Younker at 7:05 p.m. on September 5, 2007 at the Bethel Township Community Center, Bethel PA.

Pledge of Allegiance

Roll Call

Chairman Younker called the roll:

Rufus Geesaman - present

Harold Gruber - present

Kevin Stupp - present

David Younker - present

Carl Weaver - present

Also present were John Roche and Andrew Gaul of Fisher Engineering, Solicitor Terry Parish, and Darlene Orendo, Secretary.

Public Comment on Agenda

No public comment

Approval of Minutes

Darlene Orendo, Secretary made a request to correct the August minutes in two different places. Harold Gruber made a motion to approve the corrected minutes of August 1, 2007. Second by Kevin Stupp. All agreed. Motion carried.

Chairman Younker deviated from the agenda to discuss engineering issues. Chairman Younker requested John Roche be temporarily dismissed from the meeting while the discussion took place.

At the special advertised meeting of August 28, 2007 the Authority named John Roche as Project Manager, as of September 15. John Roche will be terminating his employment with Fisher Engineering as of September 14, 2007. This change prompted members to look at the project and make a decision that they felt was right for Bethel Township and the funding of the project. If the bid documents are not completed on schedule it could effect our funding as advised at the special meeting by Frank Leber, bond counsel. Chairman Younker then acknowledged Jim Fisher of Fisher Engineering to discuss the change.

Jim had another meeting he had to attend this evening but wanted to avail himself to answer any questions. There was a previous discussion of some of the issues at an executive session that was held last Friday, August 31 at the Township office. There were 3 members present along with Solicitor Parish and Jim Fisher. There were several questions that had come up since that meeting by email.

During the discussion this evening, Rufus Geesaman advised members he had checked with Penn Vest regarding the web site data base and the Special Certification required. They did not feel this was a problem but would check with their legal representation. He had also checked with DEP-PENNSWORKS regarding the change.

He reported they did not have a concern but requested they be advised of the change. A final decision by members will be made later in the meeting. Chairman Younker requested Solicitor Parish contact Jim tomorrow with the decision.

Jim posed another question to Solicitor Parish regarding the Engineering name to be issued on the bid documents. Solicitor Parish stated if Fisher Engineering does not complete the job as of September 14th and if a new engineering firm is named, the new plan will be issued under the new Engineering firm name. Solicitor Parish tried to reassure Jim that we will work out details as we go through the process. We are unable to know all the unseen problems this evening and will try to make it to his satisfaction. He also reminded all present of the critical deadline the Authority had to keep given in a timeline by Frank Leber.

David Younker stated that the decision made this evening is based on the ultimate goal to keep the timeline of the project and not jeopardize the 7 million dollars from Penn Vest.

Member Report

Rufus Geesaman reported that the board had received Act 205 form from the State on employees and pensions. This should be filled out and signed by the chairman. Rufus Geesaman made a motion to complete the form and have the chairman sign the document. Second by Harold Gruber. Rufus also reported that the bonds for the vice chairman and assistant treasurer were received and the Authority now has an email address: BTMA@evenlink.com.

Solicitor Report

Solicitor Parish reported on the easements for Frystown. 48 were received and recorded and 3 were condemned. He also reported that he had a call from Jason Moyer of Frystown today who will go the Township office and get his notarized by the secretary. That gives a total of 52 leaving 2 still outstanding. He requested authorization from the board to condemn the last 2 that remained unsigned with no response from the owners. A motion was made by Rufus Geesaman to authorize the chairman and secretary to sign a document for condemnation for a sewer line easement on the property of Harold & Audrey Dice. Second by Kevin Stupp. All agreed. Motion carried.

A motion was made by Harold Gruber to authorize the chairman and secretary also sign a document for condemnation for a sewer line easement on the property owned by John D. Light. Second by Rufus Geesaman. All agreed. Motion carried.

Solicitor Parish then reported on easements for Bethel. He has received and recorded 11. He just received 10 more and 1 back for correction. He is awaiting 9 from Fisher Engineering. He reported that he had sent Larry Manbeck an easement on Thursday, August 30, 2007. It has not been signed by Mr. & Mrs. Manbeck and he requested the board authorize condemnation for that easement also. Rufus Geesaman made a motion to authorize the chairman and secretary to sign a document for condemnation for a sewer line easement on the property owned by Larry & Betty Manbeck. Second by Kevin Stupp. All agreed. Motion carried. All the easements must be completed and signed by November 15, 2007 deadline. He may need to file more condemnations if he does not receive the paperwork. John Roche stated he did

not want to sacrifice time from the bid specs and anticipated they would be complete in a week or two.

Solicitor Parish will be in contact with Mike Segley from the County IDA property concerning capacity.

Engineers Report

Bethel Township Municipal Authority
Monthly Report for September '07

Village of Bethel:

1. The geologist has completed the well drilling work (STP site) and has established a new well on the site (as was required for the MEP design). We forwarded this information to the MEP engineer for the completion of the water system.
2. The geologist completed his initial work on the soil penetration data in order to give the bidders a better understanding of the anticipated rock excavation quantities and have included the boring plans into the bid plans.

Village of Frystown:

3. The geologist has completed the well drilling work (STP site) and has established a new well on the site (as was required for the MEP design). We forwarded this information to the MEP engineer for the completion of the water system.
4. The geologist completed his initial work on the soil penetration data in order to give the bidders a better understanding of the anticipated rock excavation quantities and have included the boring plans into the bid plans.
5. After completing a very CURSORY review of the revised Seigrist Sewer Plans this office has now eliminated an additional (deep) manhole that is no longer necessary. We confirmed the removal of this manhole with Gene Seigrist's engineer (Randy Watts of Brian Hockley Associates) and should represent a cost savings.

Coordination work with Other Consultants:

6. We have at this point (yesterday) received a majority of the final bid plans, technical specifications and bid documents from the various vendors and other design professionals (Architect, Structural Engineer, etc.). The only documents outstanding are from the Mechanical/Electrical/Plumbing Engineer which was supposed to be a few days late (received by today). We had a long conversation with the Electrical Engineer this afternoon who has requested an extension of time for completion of his bid documents.
 - a. **MEP Engineer** Daily discuss and monitor the progress to maintain the current bid opening date as close as possible (within a few days).
 - b. **Attorney Parish** Completion of bid documents and final coordination efforts/review of bid documents with Terry Parish.

Other Input required from the Board:

7. We would like to discuss the current schedule with the Board this evening in light of not receiving the MEP bid documents as scheduled (8/31/07). We would like to discuss logistics of moving the bid dates around while trying to maintain the bid opening date (within a few days).

Status of Easements:

8. This past month we delivered an additional sixteen (16) easements to Terry Parish for his further processing (Village of Bethel). To date we have delivered thirty four (34) easements. Approximately ten (10) easements are remaining (to be forwarded to Terry) in Bethel (44 total). According to PENNVEST requirements these need to be obtained prior to closing.
9. As of July all sixty one (61) easements in Frystown have been sent to Terry Parish for his final review and processing.

Status of Permits:

10. We currently are finalizing the NPDES permit, Erosion & Sediment Control permits and various General Permits for the Village of Bethel site improvements which were revised to accommodate the Township's Land Development requirements (stormwater management). These permit documents should be submitted within the next two (2) weeks. The associated Frystown permits have been previously issued.
11. We have been resubmitting the various Highway Occupancy Permits (HOP's) for both Bethel and Frystown to address PENN DOT's prior comments and will reflect these changes in the bid plans. We have separated out the various driveway permits for Bethel in order to expedite the process (waiting for deed on Zeiset). We do have the remaining permits for the Chairman to sign this evening.

As requested in the report, further discussion on a timeline for the completion of the bid documents took place between members and John Roche and Andrew Gaul. A delay from the Mechanical Engineer has caused some setback. John will meet and coordinate with Terry on final logistics and the final bid documents. He will also keep members updated.

A motion was made by Rufus Geesaman to have the chairman sign the HOP permits as noted in the engineer's report. Carl Weaver seconded the motion. All agreed. Motion carried.

Unfinished Business

Easements and Capacity Agreement letters were previously discussed.

New Business

Due to a conflict for several members it was requested we change the next scheduled meeting date of Wednesdays, October 3 to Thursday, October 4 at 7:00 pm. The building is available for that date. A motion was made by David Younker to advertise and move the meeting date from Wednesday, October 3, to Thursday October 4, 2007 at 7:00 pm at the Bethel Community Center. Second by Rufus Geesaman. All approved. Motion carried.

Chairman Younker acknowledged John Roche at this time. He also requested Andrew Gaul be temporarily dismissed from the meeting. John will be terminating his employment from Fisher Engineering as of September 14, 2007. He will start his own Engineering firm. John handed out a letter to all members. The letter contained John's commitment to BTMA and the sewer project. As noted, on August 28, in a special

meeting, the Authority named John as the project engineer. John would like to remain in this capacity and addressed any questions by members.

He explained that he would have a lower over head and felt his rate would be 10% lower than the Authority is paying now with Fisher Engineering. The temporary company name is John K. Roche & Associates Inc. The permanent name will be Vision Engineering Inc. After discussion David Younker asked whether John K. Roche can meet the schedule to meet the Penn Vest requirements. Can he keep open communications with Fisher Engineering and would he have access to internet files? A question was also asked concerning liability insurance. John stated that all should be in place by September 15th. He also mentioned that there are no hard feelings between he and Jim Fisher and Jim would support John.

An executive session was called by Chairman Younker at 8:40 pm with Solicitor Parish requested to attend. The meeting reconvened at 8:58.

Chairman Younker asked for individual comments from those in attendance. Randall Haag stated that he was not pointing a finger at anyone but wanted to know how we can use 1million dollars and not turn over a spade of ground. Rufus Geesaman reported that \$600,000 had been spent on engineering costs to date and another \$380,000 on land and legal. Randall also noted that the township solicitor Eugene Orlando expressed his concern over the interest that may be the responsibility of the township if the project does not stay on task. He asked members to keep a watchful eye on the entire thing that the deadlines get met. Ken Norton mentioned that he had privately spoke to both Jim Fisher and John Roche and expected them to work together. He also mentioned that the board insists on some weekly reports and updates.

Michael Orendo stated he felt John Roche had to stay personally involved due to his expertise and knowledge of the project. Also wanted the members to weigh their decision heavily and be based on what was best for the township. There were no other comments made from those in attendance.

Rufus Geesaman then made a motion to appoint John K Roche Assoc. Inc. as of September 15 as Lead Engineer with Fisher Engineering Consulting Engineer as support for him in keeping the project going. Motion seconded by Carl Weaver. Rufus Geesaman asked a question of Solicitor Parish concerning the change of names on the bid document. Terry stated that we are working with a timeline we can not control and personally felt that as of the 15th he wants John's name on the documents. Chairman Younker then requested a right hand vote from members. All members voted by hand in approval. Motion carried.

David Younker asked John to contact Solicitor Parish and make him aware if there is anything that may jeopardize the timeline. Terry will also look at the bid documents. Carl Weaver also requested that John give the members feed back and keep them informed. Rufus Geesaman stated that he may need some help with the Penn Vest website, Andrew will be available to help.

Darlene Orendo expressed her concern about all the emails that have been issued to members in the past weeks. She requested that all emails be copied to the new email address of the Authority for our files.

David Younker requested Solicitor Parish contact Jim Fisher with tonight's decision.

Authorization Payment of Bills

Rufus Geesaman made a motion to pay all the bills .Second by Kevin Stupp. All agreed. Motion carried.

Public Comment

None

Adjournment:

Harold Gruber made a motion to adjourn the meeting at 9:30 pm. Motion seconded by Rufus Geesaman. All agreed. Motion carried.

Respectfully Submitted

Darlene M. Orendo
Secretary