

September 9, 2020
Lickdale, PA

The Union Township Board of Supervisors held a scheduled sewer meeting on September 9, 2020. The meeting was held at the Municipal Building, 3111 SR 72, Jonestown, PA.

Chairman Firestone called the meeting to order at 6:30 PM.

Present:

Dennis Firestone, Chairman

Kerry McCrary, Vice Chairman

Gary Longenecker, Secretary

Paul Bametzreider, Township Solicitor & Atty. Andrew Race

Scott Rights, Sewer Engineer

Brent McFeaters, Township Manager

Elizabeth Krause, Zoning Officer

Dusty Keller, Operator

Four (4) Citizens

PUBLIC COMMENTS

None

APPROVE THE MINUTES

Kerry McCrary made a motion seconded by Gary Longenecker to approve the August Sewer Meeting minutes. All approved.

APPROVE THE FINANCIAL REPORT

Gary Longenecker made a motion seconded by Kerry McCrary to approve the Financial Report. All approved.

OPERATOR'S REPORT – Dusty Keller

Dusty Keller reported the following to the Board:

1. The Plant is running very well. There were no major breakdowns at the treatment plant or the pump stations during the month.
2. The three pump-station wet wells were cleaned by Klines Services on August 24, 2020.
3. For the month of August, the average daily flows through the plant was 77,700 gallons. There was 5.47" of rainfall recorded during the month.

ENGINEER'S REPORT – Scott Rights

The following is an update on work completed by our office during the past month

1. **Wastewater Treatment Plant & Collection System Issues:** Based on telephone conversations with the operator, no issues to report.

2. **National Pollutant Discharge Elimination System (NPDES) Permit Renewal for WWTP:** FSWA has completed the sampling work. Our office continues to prepare the application. The application is due PADEP by November 1, 2020.
3. **Land Development Projects:** The following is an update on proposed land development projects and reviews as they relate to sanitary sewer.
 - a. **Freightliner of Lebanon (SE corner of SR 0072 and Old Forge Rd):** The Township has granted Preliminary Plan approval. Although the developer is required to make application for Final Plan approval before obtaining a building permit, they would however be allowed to commence sanitary sewer construction in the interim with the Preliminary Plan approval should they chose to do so.
 - b. **Home 2 Suites Hotel (Fisher Ave.):** The subdivision and land development plans propose a grinder pump with connection to the existing 3-inch low pressure sewer running parallel to the back of the property. As reported last month, all sanitary sewer comments have been satisfactorily addressed. *(No change to project status in recent months).*
 - c. **Logistics Park Phase 2 Deed of Dedication:** The Township's Solicitor has prepared and forwarded the deed of dedication documents and agreements to Logistics Center, LLC for execution. Return of the executed documents is still pending. Copies of the As-Built drawings have been provided to both the Township and FSWA for their files.
4. **Standard Sanitary Sewer Construction Specifications:** A complete draft of the documents were provided to the Township for review and comment. We just need to follow up with staff for final input, make final edits and then seek final approval from the Board.
5. **Notice of Violation (NOV):** On August 13, 2020, PADEP at long last issued a letter rendering what they consider to be their final correspondence on the NOV they issued to the Township on January 19, 2019. The PADEP letter makes reference to the Township's February 1, 2019 letter (issued by the Township Solicitor) in response to same but no mention of the Township's July 18, 2019 follow up response (also issued by the Township Solicitor). As we previously discussed, the letter was extremely vague and non committal as to exactly what they were saying. The letter makes no mention if the NOV remains or if it is voided, it makes no mention regarding the status of fines, and other than citing regulation section 40 CFR 122.41(e), it provides no specifics as to exactly what action we committed that justifies the violation. As you requested, we followed up with a telephone call to the author of the letter, Erick Ammons. Mr. Ammons is the immediate supervisor of Heather Dock who issued the NOV (although he was not in that role at the time the NOV was issued). Although Mr. Ammons was professional in his handling of the matter by allowing me to point out the areas we were in disagreement with PADEP, he was unable to refute our claims with any confidence and wasn't able to provide any real specifics as to the cause of the violation. This was due in large part because Mr. Ammons was wasn't overly familiar with the specifics. A summary of the outcome from the telephone call is as follows:

- The NOV remains.
- No further specifics will be provided as to what action we committed that constituted the violation.
- No fines are forthcoming
- Unless we continue to keep the matter open, PADEP has put closure on the situation

Atty. Bametzreider commented that a NOV is not an enforcement action. DEP could decide to take it to the next level, at which time there would be a Hearing, and the Township would have an opportunity to prepare a defense, and DEP would decide whether or not to set a fine. At that time that would be the appropriate time to appeal to the Environmental Hearing Board. That didn't happen, so basically because they aren't pursuing it, they're not trying to impose any kind of fine, and are more or less conceding that there is nothing there. The letter that was sent by the Township stating that they disagree with the NOV is in the file, and anyone that would see it, would get the Township's side of the story, and he thinks the Township should just let it ride at that. The Board agreed that if DEP says the case is closed, then let it alone and consider it closed.

SOLICITOR'S REPORT – ATTY. PAUL BAMETZREIDER

Atty. Bametzreider said he had nothing else to report but asked if Mr. Boltz is current with his payments for the additional EDUs that he is required to purchase each year. Liz Krause said that Kyle Boltz already paid \$7,200.00 (2 EDUs) towards his 2020 payment and still owes \$3,600.00 for 1 EDU which is due by the end of the year and he is current on his quarterly sewer bill.

NEW BUSINESS – None

OLD BUSINESS – None

OTHER COMMENTS

Kerry McCrary asked Brent McFeaters what he found out about refinancing the debt for the sewer treatment plant. Brent said he and Atty. Bametzreider had a conference call with PFM and said that the current loan for the treatment plant is for 21 years and PFM recommend that the Township wait until November 2021, because it wouldn't make any sense to go with a local bank because most local banks will give you a 3 to 5 year fixed interest rate, then it would be a variable rate after that. They said they will come to the Township the beginning of 2021 to Solicit to reestablish the bonding for the next 5 years.

Atty. Bametzreider added that PFM would start to get the ball rolling at the beginning of the year, because the "call period" will commence in November, and because it's tax-free financing, the Township must wait five years before you can "re-fund" it. In November of 2021, the Township will be in a position to re-fund, but there is a lot of preliminary steps that need to happen, so hopefully the rates will stay low and at the beginning of next year, they will begin to take the steps that need to be taken in order to get something in place and be able to fix the rate in July of next year and do the re-funding in November and the rate will be good for the next five years. Brent McFeaters said the Township is paying 2.75% for the current financing and Paul Bametzreider said that the current rates are in the low ones percentile, so they will have to do an analysis to determine if it will make sense to do the re-funding. He said the last time they did the

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re-funding which was in November 2016, and the Township saved over \$220,000.00 noting that the original debt started in 2011 which includes the Township Building.

BILLS

Dennis Firestone made a motion seconded by Gary Longenecker to pay the bills in the amount of \$15,283.31 from the Sewer Fund. All approved.

DATE OF NEXT LICKDALE TREATMENT PLANT MEETING

Wednesday, October 14, 2020 at 6:30 P.M

ADJOURNMENT

The meeting was adjourned at 6:42 p.m.

Respectfully submitted,

Elizabeth Krause
Recording Secretary