

## **OXFORD AREA SEWER AUTHORITY**

### **Minutes of Special Board Meeting and Public Hearing of April 5, 2006**

Bob Yeatman, Chairman, called to the meeting to order at 7:10 p.m. The following Authority members were in attendance: Robert Cantarera, Frank Lobb, Percy Reynolds, Larry Bonam, and Joe Scheese. Also in attendance were Ed Lennex, Executive Director; Kathleen Gray, Solicitor; John Highby, ARRO; and due to the size of the public in attendance, the sign in sheets are attached to the minutes as a matter of public record.

The Pledge of Allegiance was said.

The Chairman announced that a Public Hearing on the Authority's Get Well Plan would be held at this time. The Chairman turned over the Hearing to the Solicitor. The solicitor read the public notice into the record, explained the purpose of the public hearing and briefly summarized the meeting procedures to be followed.

The Chairman then turned the meeting over to the Executive Director who made a power point presentation (attached to these minutes as a matter of public record) explaining the Get Well Plan.

At the end of the presentation the Chairman announced that a question and answer period would follow with the Executive Director serving as primary spokesperson to answer questions with backup from the Chairman, the consulting engineer, and if applicable, the solicitor.

Since a court stenographer recorded the entire proceedings, the entire transcript of the public hearing is attached as a matter of public record.

Upon completion of the public hearing, the Chairman announced there would be a short recess prior to commencement of the special board meeting and that the public was invited to stay if they wish to attend the meeting.

The Chairman called to order the special board meeting of the Authority at 9:15 p.m.

The Chairman presented to the board for their consideration and approval the Get Well Plan as presented at the public hearing. Mr. Cantarera made a motion to approve the plan as presented subject to any changes that may occur due to the review of any regulatory agency and Mr. Scheese seconded the motion. The Chairman asked if there were any questions or discussion related to the Get Well Plan and being none, the Board unanimously voted to approve and adopt the plan as presented.

The Chairman then presented to the Board for their review and approval an Agreement for Construction of Sewage Treatment Plant. The Chairman then requested that the

Executive Director read into the minutes a summary of the terms and conditions contained in the Agreement. That summary is hereby attached to these minutes as a matter of public record. After the presentation of the summary, the Chairman asked for a motion to approve the Agreement. Mr. Reynolds made a motion that the Board approve and accept the Agreement for Construction of Sewage Treatment Plant and Mr. Scheese seconded the motion. The Chairman asked if there were any questions or discussion. Mr. Lobb asked for a clarification of what sections were amended in the agreement to allow for changes to the agreement and the Get Well Plan based upon the review by PADEP. The Solicitor referred to the amended pages 4 and 5 that were included in the Board packets with the wording change to accommodate this occurrence as well as changes to Section 6 of the agreement and Exhibit E. Mr. Lobb then asked the solicitor if changes were required do to the review period of the Act 537 Plan, would this language then allow for that, and the solicitor affirmed that it indeed did. Mr. Lobb then asked if the spray and drip field sizes to be dedicated to the Authority were in conformance with the Authority's recently passed amendment to the Rules and Regulations concerning the requirement for the fields to be sized at 150% of the required size and the Executive Director said that they were not. Both the Executive Director and the Solicitor both pointed out that the amendment only applied to Community Systems that were to be dedicated to the Authority and these must conform to the regulations and that the fields to be dedicate under the terms of the agreement did not fall within this category. Mr. Lobb stated that he still considered this to be a conflict and that the sizes proposed for dedication were not adequate in his view, but that he would not pursue the issue further. Mr. Lobb raised addition concerns he had regarding the application rates for disposal contained within the Get Well Plan; the actual size of the treatment plant and what was meant by the term nominal; what would be the actual daily treatment capacity of the plant on a continual basis; and would the EDU value of 220 gallons per day be considered for change if PADEP changed the value to 262.5 and was consideration given to the effects such a change would have on the proposed new capacity. After much discussion among the Board, the Executive Director, the solicitor, the consulting engineer and parties representing he developers group, the Chairman called for a vote and the Board approved and accepted the Agreement by a unanimous vote.

The Chairman then presented to the Board for their consideration, acceptance and approval, the Special Facilities Agreement for the construction of the Osborne Lagoon. The Chairman requested the Executive Director read into the record a summary prepared describing the terms and conditions contained within the agreement, which is hereby attached to the minutes for public reference and upon completion asked for a motion to accept and approve the Agreement. Mr. Scheese made a motion to accept and approve the Agreement, Mr. Bonam seconded that motion and being no discussion, the Board unanimously approved the Agreement.

The Chairman then presented to the Board a letter of engagement from the law firm of MacElee Harvey and specifically Mary Ann Rossi to serve as special counsel to the Authority to coordinate and obtain all land development and conditional use approvals needed for the Osborne Farm, the Ross property and other matters of this type. The Authority's solicitor recommended that the Authority accept the letter of engagement and

after discussion by the Board concerning any potential conflict of interest issues the Chairman asked for a motion to accept the letter of engagement. Mr. Scheese made a motion to accept and approve the letter of engagement in accordance with the terms contained there in and Mr. Lobb seconded the motion. The Board unanimously voted to engage the firm of MacElee Harvey.

Under other issues to come before the Board, the Executive Director requested approval of Revenue Requisition # 89 in the amount of \$60,000.00; Mr. Scheese made a motion to approve the requisition and Mr. Bonam seconded the motion and the Board approved the requisition. The Executive Director then presented Administrative checks in the amount of \$14,120.72 to the Board for their consideration and approval; Mr. Reynolds made the motion to approve the checks for payment, Mr. Cantarera seconded the motion and the Board approved payment of those checks.

Being no other matters to come before the Board, the Chairman requested a motion to adjourn the meeting, Mr. Scheese made a motion to adjourn, Mr. Lobb seconded the motion and upon approval by the Board, the meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Edward A Lennex  
Assistant Secretary