

**BETHEL TOWNSHIP, DELAWARE COUNTY
SEWER AUTHORITY**

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**PROVISIONAL RECORD OF MINUTES
(Subject To Revision and Approval At Next Regular Board Meeting)**

Minutes of the regular meeting of the **BETHEL TOWNSHIP DELAWARE COUNTY
SEWER AUTHORITY MARCH 3, 2011.**

The regular meeting was called to order by Felicia Kendus, Chairman at 7:00 p.m.. Those present were Donna Vance, Board Member, Donna Vickers, Board Member, Patricia Petrosky, Secretary-Treasurer, Laurence L. Smith, Solicitor. There being a quorum present, the Chairman declared that the meeting was ready to proceed with business. Pledge of Allegiance given at this time.

The Chairman announced the meeting is being recorded for the purpose of taking minutes.

An Executive Session was held prior to our meeting tonight to discuss matters of potential litigation.

MONTHLY ACTIVITY REPORTS

Motion by Donna Vance to approve minutes of regular meeting held February 3, 2011. Seconded by Donna Vickers. Unanimous.

Motion by Donna Vickers to approve Financial Statement for February 2011. Seconded by Donna Vance. Unanimous.

ADMINISTRATION COMMITTEE

Chairman - Vice Chairman - Secretary/Treasurer

Paul Ware read our Financial Report for February 2011- **Receipts** - Sewer Rents & Other - \$95,442 Month to Date - \$397,322 - Year to Date - Tapping Fees - \$-0- Month to Date - \$-0- Year to Date - Interest \$ 584 Month to Date - \$1,068 Year to Date - **Total Receipts** - \$96,026 Month to Date - \$ 398,390 - Year to Date - **Disbursements** - (\$294,396) Month to Date - (\$353,578) Year to Date **Net Cash Receipts (Disbursements)** (\$198,370) Month to Date - \$ 44,812 Year to Date - **Cash at Beginning of Month** \$793,705 Month to Date - \$ 550,523 Year to Date - **Cash at End of Month** - \$595,335 Month to Date - \$595,335 Year to Date - **Sewer Rents Receivable as of 2/28/2011** - \$100,233 - **Accounts Payable** \$47,949 **Operating Cash Account** \$283,357 - **Cash CD Account** \$311,978 - **Total** \$595,335

MAINTENANCE /CONSTRUCTION COMMITTEE
Rob Sykes & Donna Vance

No Report.

SOLICITOR'S REPORT

Foxfield - The developer has indicated that it intends to move forward with dedication of sanitary sewer improvements and rights of way. Provisional Deeds of Dedication are being drafted. These Deeds will take into account the ownership of the roads by the Homeowners Association(s) and provide for easements, rights of way and bills of sale for access to, and ownership of, the sanitary sewer facilities by the Authority. However, the Developer will have to provide as-built drawings for engineering and legal purposes and the installed facilities will have to undergo final inspection before the process can move forward.

Delinquent Sewer Rents - Collection efforts including water shut off notices and small claims suits continue. To date, approximately \$7,000 has been paid to satisfy liens on eleven properties filed in 2010 (out of approximately 45-50 properties). In conjunction with Larry's analysis of the receivables issue, as to delinquent sewer rent, our Accountant, Justin Nepo, has also reviewed this situation and recommended the efforts such as collections, claims and water shut-off notices be used on a larger range of accounts receivables. The law permits the Authority to assess and collect any and all collection costs & attorney's fees relating to the collection of the accounts. In 2008 a Resolution was enacted after the Township has passed Ordinance #181 allowing for the assessment of these costs. In the packet is an updated Resolution #2011-02, a Resolution of the Bethel township, Delaware County Sewer Authority adopting a schedule of attorney fees and collection costs for delinquent amounts to be assessed to accounts and collected by the Bethel Township, Delaware County Sewer Authority. Exhibit A to the Resolution refers to the schedule of collections and fees. At the very back is the notice that is sent out when the certified mail is sent, in preparation of liening process. There is also information from the courts as to some of the court costs both at the County and District Justice level as well as Ordinance #181 that the Township adopted in 2008. Motion by Donna Vance to adopt Resolution #2011-02. Seconded by Donna Vickers. Unanimous.

Insurance - The Authority is in the process of obtaining bids as to various insurance policies that the Authority should maintain. That will be addressed at the next Authority meeting.

Claim Concerning Concord Road Sanitary Sewer Overflow - A letter has been sent to the Chester Water Authority asking them whether they performed this work, their contractor performed the work or maybe some other third party known to them but responsible to the owner of the property performed the work. Awaiting a response from the Chester Water Authority and will follow-up accordingly.

Claim Concerning Garnet Hills Damage - At this time, Larry, reading our Engineer's report, because Walt is out of town, combined Larry's report on this with Walt's report. At 3143 William Road Walt and Aqua responded to an emergency call at this address. The cleanout was

damaged during the Verizon Fios installation and was blocked. There is a more comprehensive report in Walt's report in the packet, as well as Larry's letter to Verizon and its' claims agent, Sedgwick CMS. Larry did hear back from Sedgwick. They believe that Verizon most certainly used a contractor that would have been required to insure Verizon for damages incurred. We will follow up and get that information and get in contact with that contractor's insurance company.

ENGINEER'S REPORT

3143 William Road - Responded to an emergency call at this address. The cleanout was damaged during the Verizon Fios installation and was blocked. Report of details in packet. This was combined with Larry's report.

Garnet Hills Subdivision - Report in packet concerning price to televise all laterals in that Subdivision. The concern is that if the installation of the fibre optics damaged the one property, that this blockage and crushing of laterals and facilities, might have happened in the whole area. It is approximately a \$27,000 cost to do this. Walt is asking the Board to be aware this is a cost that is going to have to be faced and also our effort to resolve the claim with Verizon or its' contractor. We will make the claim for this inspection. This will be brought back to the Board at its next meeting for consideration.

Chapter 94 Report - DEP has issued a letter stating that Planning Modules for Bethel Township cannot be approved because BTSA has not filed yearly wasteload reports (Chapter 94 Report). BTSA only filed these reports in the past to SDCA and DELCORA when they were requested. DEP is stating (and they are correct) that Chapter 94 Reports must be filed yearly. We are working with them on the procedure for filing the report on the system that flows to NCCDSS and SDCA. Unfortunately, this will require a good amount of engineering time and money to prepare this report. The estimate is between \$7500 and \$9500. Under new business, it is suggested the Board consider a motion to modify the budget and authorize the Engineer to prepare these reports. Motion by Donna Vickers to modify the budget to reflect the costs for the Chapter 94 Report and authorize the Engineer to prepare the reports. Seconded by Donna Vance. Unanimous.

PennDot - Walt met with PennDot concerning the sanitary sewer conflict on Naamans Creek Road. They reported that the sanitary sewer system would need to be moved. Their contractor gave them a price of \$48,000 to do the work. Walt feels this is high. He has asked for a report from the PennDot engineer concerning the reasons why the line needs to be moved. It will be forwarded to the Authority once it is received. Most likely BTSA will need to move this sewer system. Larry believes Walt feels it could be bid out and done for much less than \$48,000. Ultimately, whatever the costs is, Larry thought PennDot would pay half.

BOARD MEMBERS REPORT
NEW BUSINESS/UNFINISHED BUSINESS

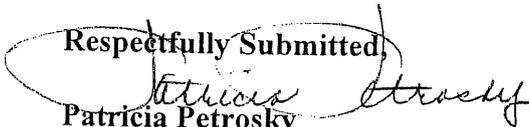
For the reasons discussed in the Solicitor's and Engineer's report earlier in the meeting, a motion is necessary to adopt an Amended 2011 Operating Budget and approve modifications to proposals for professional services for the remainder of 2011. Motion by Donna Vickers to approve adoption of Amended 2011 Operating Budget and approval of modifications to Professional Proposals. Seconded by Donna Vance. Unanimous.

Due to Board members' conflicts for the Authority's April meeting, a motion is necessary to change the date of April's 2011 Board meeting to April 6, 2011, to be held in the Authority's office, and to advertise the change of date. Motion by Donna Vickers to change the April Board meeting to April 6, 2011, in the Authority's office and to advertise the same. Seconded by Donna Vance. Unanimous. Felicia noted, she has called the Daily Times.

Al Groer, 1412 Trimble Road - Questioned whether Verizon dug a ditch or tunneled to install Fios. The Board was not sure. Larry gave Al photos of the damaged area. A brief discussion followed.

There being no further business, the meeting was adjourned at 7:30 p.m. p.m. on a motion by Felicia Kendus. Seconded by Donna Vickers. Unanimous.

Respectfully Submitted,


Patricia Petrosky

Secretary/Treasurer