

**NESHANNOCK CREEK WATERSHED JOINT MUNICIPAL AUTHORITY**

**Phone: (724)748-4808 Fax: (724)748-5668**

**369 McClelland Road**

**Mercer, PA 16137**

**MEETING MINUTES**

**September 14, 2011**

**Officers:**

**Chairman:**

Paul Minner

**Vice**

**Chairman:**

Patrick J. Suhrie

**Treasurer:**

Jerry Johnson

**Secretary:**

Brian Beader

**Rec Sec'y:**

Karen Shipton

**Board**

**Members:**

**Mercer**

**County:**

Brian Beader

**Coolspring**

**Twp:**

Paul Minner

**East Lack**

**Twp:**

Robert Gregory

**Findley Twp:**

Patrick J. Suhrie

**Mercer Boro:**

Jerry Johnson

The Authority meets the first month of each quarter on the second Wednesday of the month at 8:15 AM in the County Commissioner's conference room at the Mercer County Courthouse, Mercer, PA.

**THE NEXT MEETING IS SCHEDULED FOR OCTOBER 12, 2011 AT 8:15 AM**

**ATTENDANCE**

Joe Kurtanich (Kurtanich Engineering), Jerry Johnson, Brian Beader, Paul Minner, Patrick Suhrie, Richard Potter, Robert Gregory, Dan Goncz (Gannett Fleming), Karen Shipton.

**PUBLIC COMMENT**

David & Lorraine Hillard of 476 Mercer-New Wilmington Road; Mercer, PA 16137; East Lackawannock Township were present to discuss their on-lot septic system problems. Their property is located on the south side of Brandy Springs Park and abuts the park property where the Boy Scout camp is located. They purchased the property six years ago and were not told of the sewage problem that exists. They are 3 years in a

lawsuit to hold the realtor and the former homeowners accountable. There is a cesspool draining from their property onto Brandy Springs Park. Unbeknownst to them when they purchased their property, the neighbor has a pipe that runs under their property and flows into the park as well. They provided several pictures of the sewage flowing onto the public park property. This also has contaminated their well water. They would like to sell their property, but according to DEP, they are allowed to live there but it is considered "uninhabitable" to anyone else because of the failed system. Mr. Hillard's question is if he advertises his home for sale, can he state in the ad that there are plans or will be plans for future sewer coming his direction? Or, can he state that it is in the talking stages? If he has to pay for it, is there some kind of assistance from state or federal govt. to help cover the expense? A small flow system is estimated at about \$26,000.00 plus approx. \$2,000.00 for engineering expenses. The neighbor would have to put a new system in as well. Dan Goncz stated that Tamisha Schmeeder from DEP had contacted him about a month ago regarding this and she suggested that East Lackawannock Twp. prepare a sewage facility planning module and extend the sewer line to their property. Dan explained to her that E. Lack. was not interested in being in the "sewer business" and that is why they are part of the NCWJMA to take care of the sewer problems within their township.

He stated that Benjamin's Restaurant in Findley Township was in a very similar situation. They both need to connect into a public system but they are in different municipalities. Because of PUC (Public Utilities Commission), neither can be a customer of Mercer Borough's. The Hillard's can be customers of East Lack. Twp. and Benjamin's can be a customer of Findley Twp. but they can't go directly to Mercer Borough. This Authority was formed so the municipalities involved are not directly in the sewage business. Dan stated that Mr. Hillard can say "yes, you can say there's a sewage project in the works, and there's a 537 Plan that's in a draft form which is basically an outline of what that project would be". The Authority is in the process of finding the funding to move forward with that project. Even if we had the funding ready to go, it would still take about 2 years for the Hillard's to tap in. Benjamin's would be included in this discussion as well. Dan referred to page 2 of the Engineer's Report, it shows the Hillard property and the location of the sewer line. There currently are existing agreements between each municipality involved in NCWJMA and Mercer Borough, but when the project does move forward, you would have each municipality having one or two customers and then the Authority having everyone else, that just doesn't make sense. If the sewer line was put in and extended to the Hillard property, same as with Benjamin's, this Authority could take ownership of those lines. 1A on Dan's list is we need the agreement between NCWJMA & Mercer Borough in order to make that happen. You also need it for the 537 Plan, to pursue funding through Rural Development and the County needs it in order to do any sanitary sewage service to the interchange. Ninety percent of the agreement is worked out, but we need the figure payable to Mercer Borough for treatment. Rural Development will not grant any funds, loan or grant until we have that figure. Dan stated that Mr. Hillard can extend the sewer line and tap into it and he would pay this Authority monthly and it in turn would pay Mercer Borough. Dan advised the Hillard's to check with the neighbors around them and see if they too are interested in extending the line and tapping in, thereby sharing the expense of extending the line. Joe Kurtanich (Mercer Borough's Engineer) stated that he and Mercer Borough totally disagree with what Dan says and according to DEP, the problem comes down from the township not having their things in order and that they can mandate that people connect to Mercer Borough's system. He stated that the capacity does exist at the plant and they have edu's (equivalent dwelling unit) available. Dan stated that was fine, but each municipality (according to PUC) must bill and receive the sewer payments. There was question as to who bills and receives the sewer payments to the homes already hooked up in East Lack. Twp. Joe gave a revised timeline for the project to be completed. He will forward that to Karen and she will pass it along to the other members. There was additional discussion regarding this issue. Dan's best solution for the Hillard's or anyone else whose on-lot system is malfunctioning, is fix their on-lot system if they can, or replace their on-lot system or extend the public sewer to their property. In the Hillard's case, they would be a customer of East Lackawannock Twp. and would be billed by East Lack. Twp. for the cost of treatment at the Mercer Borough plant and whatever cost East Lack. Twp. has to add to it to cover their costs. They would also have a tap in fee payable to Mercer Borough (\$500.00) plus the cost to extend the line and in the future, when this Authority does their sewer project and they become customers of the Authority, they've already paid the tap in fee and they are already connected to the line, the sewer cost would just go up to reach the figure that's designated with the Authority's project. The Hillard's need a figure of what this will all cost for their attorney in their lawsuit. Dan suggested they go to a contractor and get that estimate.

### **APPROVAL OF MINUTES 8/8/11 MEETING**

A motion was made by Pat Suhrie and seconded by Brian Beader to approve the minutes of the 8/8/11 meeting as presented. Motion carried.

### **TREASURER'S REPORT**

Jerry reported that our previous balance was \$11,393.14. (2) checks were issued to Gannett Fleming for a total of \$810.00. As of 8/31/11, the balance is \$10,583.14. A motion was made by Pat Suhrie and seconded by Brian Beader to approve the treasurer's report as presented. Motion carried.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

Dan finished his report starting with item #3 (Items 1 & 2 were included in the discussion above). Pre-Application for Project Funding – The application was accepted initially with the comment that there is no funding available at this time (received back in August). A second letter from Rural Development was received on 9/7/11 stating that we are invited to make a formal application and prepare our environmental report for the project. The Board had previously asked Gannett Fleming to prepare the pre-application and application. The pre-application is complete, but Dan does not believe he should start the application or the environmental report until we get the agreement signed between the Authority and Mercer Borough because we can't proceed without it. Those reports are only good for a certain period of time and cost about \$4300.00 to prepare. Regarding Benjamin's, it's about ¼ mile away from the sewer line. Joe compared the edu's to that of the Sidebar in Mercer Borough to about 3 edu's.

### **ROUNDTABLE**

None.

### **ADJOURNMENT**

A motion was made by Brian Beader and seconded by Pat Suhrie to adjourn the meeting. Motion carried. Meeting adjourned at 9:15 AM.

Respectfully Submitted;

Karen B. Shipton/Recording Secretary

