

WELLSBORO MUNICIPAL AUTHORITY

AUGUST 17, 2010

MINUTES

The meeting of the Wellsboro Municipal Authority was called to order by Chairman Robert DeCamp, in the Council Room of the John E Dugan Fire Station/Municipal Building on August 17, 2010. The Pledge of Allegiance was said by all present.

ATTENDANCE: Authority Members: Bob DeCamp, Grant Cavanaugh, Denny Young, Ed Owlett and Tom Reindl. Council Members: Joan Hart, Rudy Scharf, John Sticklin and Terry Bryant. Engineer: Scott Bray, Secretary/Treasurer Susan Keck, Water and Sewer Clerk, Teresa Marshall

VISITORS: Joan Keller & Thomas Coleman

MINUTES: The minutes from July 20, 2010 were approved as written. Ed Owlett made the motion to approve the minutes and Denny Young 2nd. Passed.

SOLICITOR'S REPORT: Bob Cox reported that he sent a response to Sue on a letter that she received from a resident.

SCOTT BRAY: The bids for sand will be opened on Monday August 23, 2010. There was an error in the advertisement stating that the bids were due on September 23 instead of August but he has called all of the bidders and told them the correct date. Sue stated they there has been one bid turned in already from Florida.

There has been some difficulty at the waste treatment plant. In the final clarifiers the settling wasn't what they hoped for. There still were some things floating in the clarifier. We are trying to identify what the issue was. They have been getting some high ammonia and fluoride readings. The use of ferric acid was stopped just so there wasn't any question that it was the ferric, and Osram was contacted. They have ramped up the procedure for adding more ph to the process. This has helped a little bit.

We do have the permit for the Kelsey Creek Project (in back of the Courthouse) and will start probably tomorrow.

Alan Zeigler has a memo asking the there be a meeting with the Pre-treatment Committee and Osram to discuss the effluent limit objectives for Osram's Pre-Treatment Permit. We need to reestablish the line of communication with them. The meeting is set up for ~~August 25, 2010 at 1 PM at Osram. Dan and Scott will also be attending the meeting.~~

We did institute a voluntary water reduction.

There was a SRBC meeting about one month ago. After the meeting, Scott went up to them and asked why they couldn't use sewer effluent for fracking. The response was that as a bureaucracy they didn't know how to deal with it. He suggested submitting a permit so that they would have to react. Both Seneca and East Resources are still interested in using effluent. The letters of intent for both companies have expired and need to be updated.

AL ZEIGLER MEMO: The meeting is scheduled for Aug. 25, 2010. Sue has sent out e-mails to those on the board. Grant will be attending. Tom Reindl asked how he should handle this. He is a member of the board and Osram. He needs to be at this meeting on the behalf of Osram. Bob DeCamp suggested that he still attend the meeting but he would not be able to vote or take part in the discussion.

REQUEST FOR CANYON MOTEL FOR
1200 GALLONS OF SEWER ADDITIONAL

A DAY: The Canyon Motel is asking for an additional 1200 gallons per day of sewer for the new addition that they are putting on. Sue stated that there was a conditional approval by the Council pending approval of the Municipal Authority. Ed Owlett made the motion to accept their application and Grant Cavanaugh 2nd. Passed

PARENTE BEARD AUDIT: They have sent a proposal of \$5,000 to \$6,500.00 to do the Municipal Audit for the year ending on May 31, 2010. We would like to get started with the audit. Sue would also like to negotiate with them the price to see if she could get a reduction as they did for the Borough. Denny Young moved to have Sue go ahead Ed Owlett 2nd.

BILLS: Sue stated that she cashed out the CD at Citizens & Northern Bank for the Timber Sale and deposited it into the Northwest Water checking account. The WMA did pay two of Moody's bills in full and part of the third one earlier in the year. The remainder of the bill is \$17,697.79. Ed asked if that was the final bill. Sue stated that it was. The last one paid was \$58,608.00. We got a new bill for \$4,779.00 with was for the review of the report and the final report.

Water	
Cox, Stokes & Lantz	\$2,715.82
Moody & Associates	\$22,477.29
Sewald Laboratories	<u>\$1,128.00</u>
Total Water	\$26,321.11

Sewer	
William Scott Bray PE	\$ 422.50

~~Ed Owlett made the motion to pay the bills and Tom Reindl 2nd. Passed.~~

JOAN KELLER: She has found out that wells are going in on both sides of her within 2,000 feet. They are the Hudson Well and the Signor Well. The Hudson Well is within

½ mile of the Municipal Authority's well located on the Arnot Road and near Babbs Creek that runs through her property. She found out today that they are taking water downstream from Babbs Creek. She then asked if there was a certain distance that the wells should be tested. The answer was 1,000 feet. The water shed is directly behind her property. The land that the Authority owns runs adjacent to her property. She is on complete chemical restrictions because of the drinking water for the town of Wellsboro. Second of all, she had brought forth her easement contract for the Wellsboro Municipal Authority to review. It is one of the strictest easement contracts in the state of Pa. The terms and conditions and restrictions are very strict in the area of conservation. The terms had been agreed upon by the Tioga County Planning Commission in 1997. She is forever stuck with defending this contract and needs support to do so. She went to the Charleston Township meeting last night and they denied support. They gave that to her in writing from their solicitor. She is asking for the same thing from the Wellsboro Municipal Authority. Tomorrow she will attend the Tioga Co Planning Commission meeting and seek the same.

BOB DECAMP: This easement is with the North Central Pa Conservancy and not with the Borough.

TERRY BRYANT: This easement is 30-40 pages long. It is very thorough.

BOB DECAMP: Conservancy has always been a protector of the environment.

TERRY BRYANT: The remainder of her farm (260 acres) is also in the conservancy.

BOB DECAMP: What action would you like the Authority to take?

JOAN KELLER: Considering that your pipeline is under my barn and roadway and the Authority's land is adjacent to me, there is a right of way that can be used by the Authority. If my land is to be conserved for the community, then I need the support of the community thus the right of way may not be able to be used. If you want to make the commitment to conserve, it needs to be in writing. It also needs to be in writing if you don't decide to support the conservancy.

BOB DECAMP: The Authority is not a party to this agreement that the Rogers made with the North Central Pa. Conservancy that you inherited.

JOAN KELLER: Aren't you a part of the Tioga Co Planning Commission?

BOB DECAMP. Stated the Authority was not a part of the Planning Commission but that he was on the board. Jim Weaver is the head of the Planning Commission.

~~JOAN KELLER: There are some legal questions here and will be splitting of hairs in the future. There was nothing personal. She felt that she was being stolen from if you read the contract and see what East Resources is doing. She is in a situation and needs to know how to defend herself.~~

BOB DECAMP: Asked if she had consulted an attorney.

JOAN KELLER: Yes, but part of it is if the community will support land trust in the community. The whole object is will conservancy be accepted in the community. Where it is chosen or how it is done is not the issue but will you accept it. This will have some bearing on future land trust in the future.

BOB DECAMP: The water is the water of the Commonwealth not our water. We are not a party to the agreement, therefore, we can't enter into the fray if we are not part of the agreement.

JOHN STICKLIN: The right of way is a concern?

JOAN KELLER: Yes. She stated that she had two water wells and all her barns within the fifty foot right of way from the township and they won't come in. She is under strict rules that she has to abide by and will be fined if she doesn't adhere or defend them. It is her job to come here to defend if East Resources seeks a right of way to get to the property behind her because she has the only roadway. Bob asked if East Resources ask any request of them. Joan responded that East has been after them since they moved in. Bob asked if once you told them you were in a Conservancy agreement did they continue? She responded no, however, most of them have been land companies.

BOB DECAMP: The Conservancy easement would protect you and your land. He suggested that Joan tell them to go and see the North Central Pa. Conservatory if they have questions. We as an Authority can not say one way or another because we are not part of the agreement.

JOAN KELLER: If you are not going to support this, she needs it in writing.

BOB DECAMP: We can't say one way or another as we are not part of the agreement. We have no legal right to enter into the fray.

JOAN KELLER: She would like to have in the minutes and given a copy within 30 days. Joan Keller on behalf of Timothy Keller request support or deny of support of the easement contract for her property.

BOB COX; What Mr. DeCamp is saying is that the Authority will do nothing (support or deny request) because we are not a part of the agreement.

JOAN KELLER: You have right-of-way on my property.

~~BOB COX: We will do what is necessary to protect our right of way if we have concerns.~~

JOAN KELLER: Then you are saying that you will not support the terms of the contract.

BOB COX: He wasn't saying that at all. Mr. DeCamp is saying and he agrees with him, that the Authority was never a party of this contact between the Rogers and the Conservatory should not take a position one way or the other.

JOAN KELLER: This leaves her wondering to which Bob Cox responded that she needed to seek legal advice to protect her rights. She stated that one of the items that her lawyers asked if she had community support. This is part of the community. Bob's advice was to Authority is not get involved. She stated that she wanted the records to show that the lawyer said to ignore her request. She will put everyone on the spot until she gets support or denial of support. Denial of support can get her legal justice. Without any support it just depends on the economic conditions today or five years from now. She is under extreme pressure to keep the land conserved. Bob stated that she bought the land. She stated yes but the property was given a land trust.

BOB COX; This is not something that the Authority was a part of. Our obligation is to protect our assets not yours. Joan state then that it would be a denial of support. Bob stated "no". You are asking if we support or deny the conservancy easement. Joan requested that he read the agreement. Cox, Stokes and Lantz denied support from Charleston Twp. Bob stated that it was their decision. Joan stated that she hope they didn't have this tomorrow at the Planning Commission.

BOB DECAMP: He asked if she talked with Jim Weaver. She stated that she did and he understood the whole situation. She understood that hands were tied and that is why she requested part of the record.

THOMAS COLEMAN: He was here on the behalf of East Resources. He was originally assigned to the 340 acres behind the Keller property. When he spoke with Mr. Stokes, he explained issues with water safety, which he got because if the water were messed up it wouldn't affect just one person. He was there to address the other parcels outside the watershed pieces. He wanted to see if the Authority was interested in leasing those. Bob Cox asked if he had met Dirk Anderson. Tom's answer was "yes". Bob continued to say that he has met with those people and have discussed these parcels and asked why he was there. Tom's response was that he was the third wheel in the cog. He works for a firm that deals with land acquisition. Bob then asked if Dirk Anderson has told him that the Authority was to deal with you. Tom's response was "no" not at all. He was assigned to the 340 acres. He stated that he had spoke with Mr. Cox that he had to come to the board to have a motion put forth and then he would look at the leases.

BOB COX; He stated he didn't know which 340 acre property he was referring to. Tom responded the one behind the Keller property.

~~BOB DECAMP: We have basically laid this issue to rest for a while. We have told anyone that has been interested that we will contact them if we are interested.~~

JOHN STICKLIN: Mr. Sticklin asked what was happening with the Keck well. There is a lot of money already invested in it, why aren't we doing anything? What is the next step? How much is it going to cost? Are we going to have to hire another hydro? Scott stated that the next step would be the SRBC.

BOB COX: The Authority needs to decide if we need to hire another hydro. Are they going to do anything further to develop the Keck well and are they going to look at any other alternatives?

SCOTT BRAY: The well is on hold for good reasons. We need to shake out some of the issues. Ultimately it could become part of the over all system. The SRBC may want the Brownlee wells permitted along with the Keck well. Would we gain anything by doing this? We would also need to look at the money issue. We need to look at it in the terms of a comprehensive plan.

BOB DECAMP: He stated that our problem is the system's fragility. As long as the system is fragile we aren't going anywhere.

SCOTT BRAY: He recommended that we don't rush into the Keck well. Even if we were to go to the SRBC it would take six months of SWIP testing. Even if they were to give the go ahead it would take at least another year or more. There are all kinds of things that need to happen to bring it on line.

JOAN KELLER: She asked what the name of the well that was near her. The response was the Banik well and that it was in use.

MEETING WAS ADJOURNED

Minutes were prepared by Teresa Marshall