

JACKSON TWP WATER AUTHORITY

October 8, 2009

WALTER DITCHCREEK, CHAIRMAN OPENED THE MEETING WITH THE PLEDGE OF ALLEGIANCE. Others board members in attendance were Robb Piper, Vice Chairman; John Wallet, Secretary; Ray Dodson, Treasurer. CJ Webb, Solicitor; Karl D. Smith, Authority Foreman; and Rich Wray, consulting engineer for the Swigle Mountain Road Water Project also attended.

The Solicitor announced that the Board held an executive session prior to the beginning of the meeting regarding the pending Bodenschatz condemnation and potential litigation.

The Solicitor reminded the Board that because of the fact that he also serves as solicitor for the Jackson Township Zoning Hearing Board, he is ethically precluded from handling any zoning issues related to the Swigle Mountain Road Water Project which may come before the Zoning Hearing Board. The Solicitor informed the Board that he has discussed this with Attorney William Barbin, who also serves as solicitor for Jackson Township, and who is already involved and familiar with this project, and is not precluded from handling any zoning issues related to the Swigle Mountain Road Water Project. MOTION BY ROBB, SECOND BY JOHN AND APPROVED BY ALL TO HIRE ATTORNEY WILLIAM BARBIN AS SPECIAL COUNSEL AT THE RATE OF \$200.00 PER HOUR TO HANDLE ALL MATTERS RELATED TO ANY ZONING ISSUES APPLICABLE TO THE SWIGLE MOUNTAIN ROAD WATER PROJECT.

The Solicitor informed the Board that the commitment letter related to the bank interim financing has been received from First National Bank in the amount of \$1,700,000 at the fixed rate of 2.82%. (See file copy) A Township guarantee is also required by the Bank. The Solicitor presented a Resolution for consideration by the Board. (See file copy) MOTION BY JOHN, SECOND BY RAY AND APPROVED BY ALL TO ADOPT RESOLUTION # 10-2009-01 ACCEPTING AND APPROVING THE COMMITMENT LETTER DATED OCTOBER 1, 2009, RELATING TO THE INTERIM FINANCING WITH FIRST NATIONAL BANK.

The Solicitor informed the Board that a tentative agreement has been negotiated concerning the Bodenschatz condemnation. The Solicitor has received two (2) new deeds granting transferring, and/or conveying fee simple title (tank site) and a permanent right-of-way and easement (access road / pipeline) to the relevant portion of the Bodenschatz real estate to Jackson Township Water Authority, for the consideration of Nine Thousand Nine Hundred and Ninety-nine and 00/100 (\$9,999.00) Dollars, which amount has been authorized by the U.S. Army Corps of Engineers. An Agreement of Settlement/General Release has been drafted and signed by Bodenschatz and is ready for consideration by JTWA. (See file copy) The Township also has to approve this Agreement of Settlement/General Release. The Solicitor presented a Resolution for consideration by the Board. (See file copy) MOTION BY JOHN, SECOND BY WALT AND APPROVED BY ALL TO APPROVE RESOLUTION #10-2009-02 ADOPTING AND APPROVING THE AGREEMENT OF SETTLEMENT/GENERAL RELEASE RELATED TO THE BODENSCHATZ CONDEMNATION.

The Solicitor informed the Board concerning the proposed modified legal services agreements which are necessary as a result of the change in funding sources and the fact that the PennVest loan will now be reduced, while the Army Corps funding, Bureau of Abandoned Mines Grant, and possible long term Bank financing may be applicable. The Solicitor presented a revised fee agreement related to interim financing. (See file copy) MOTION BY RAY, SECOND BY ROBB AND APPROVED BY ALL TO APPROVE THE LEGAL SERVICES AGREEMENT FOR ATTORNEY WEBB FOR THE INTERIM FINANCING IN THE AMOUNTS OF \$15,000 AND CONDEMNATION IN THE MAXIMUM AMOUNT OF \$7,500 @ RATE OF \$200.00 PER HR, PLUS COSTS IN THE AMOUNT OF \$500.00

The Solicitor presented a revised fee agreement related to interim financing. (See file copy) MOTION BY ROBB, SECOND BY JOHN AND APPROVED BY ALL TO APPROVE THE LEGAL SERVICES AGREEMENT FOR ATTORNEY LONG FOR THE INTERIM FINANCING IN THE AMOUNTS OF \$15,000, PLUS COSTS IN THE AMOUNT OF \$2,500.

The Solicitor presented a revised fee agreement related to permanent financing. (See file copy) MOTION BY JOHN, SECOND BY RAY AND APPROVED BY ALL TO APPROVE LEGAL SERVICES AGREEMENT WITH ATTORNEY WEBB RELATED TO PERMANENT FINANCING IN THE AMOUNT OF \$25,000, PLUS COSTS IN THE AMOUNT OF \$500.

The Solicitor presented a revised fee agreement related to permanent financing. (See file copy) MOTION BY ROBB, SECOND BY RAY AND APPROVED BY ALL TO APPROVE LEGAL SERVICES AGREEMENT WITH ATTORNEY LONG RELATED TO PERMANENT FINANCING IN THE AMOUNT OF \$25,000, PLUS COSTS IN THE AMOUNT OF \$2,500.

Rich Wray informed the Board that he received a request from Mark Sossong for various maps/records related to the Swigle Mountain Road water project. Mr. Wray indicated that he has voluntarily produced the records which are now available for Mr. Sossong to pick up at the Water Authority office.

Mr. Wray informed the Board that he anticipates that JTWA will need approximately \$650,000 - \$700,000 under the PennVest loan and that currently approximately \$185,000 will be eligible under the abandoned mine reclamation grant, and the remainder being Army Corps and/or permanent Bank financing. Mr. Wray presented an itemization of the bid quotes from the various bidders, and also indicated that the funding agencies and regulatory agencies are currently reviewing the construction contract bid documents related to the Swigle Mountain Road water project, to ensure compliance with the regulations by the various bidders.

A discussion occurred regarding the new Right to Know law requirements. The Solicitor informed the Board that the Right To Know Law requires the appointment of a Right To Know Officer. MOTION BY ROBB, SECOND BY JOHN AND APPROVED BY ALL TO ADOPT RESOLUTION #10-2009-03 APPROVING AND ADOPTING AN "OPEN RECORDS POLICY" AND "PROCEDURE UNDER RIGHT TO KNOW LAW REQUEST FOR ACCESS TO PUBLIC RECORDS" PURSUANT TO THE RIGHT TO KNOW LAW (Act 3 of 2008; 65 P.S. §67.101 *et seq.*), AND TO APPOINT DEBRA BUKSA, RIGHT TO KNOW / OPEN RECORDS OFFICER.

The Solicitor informed the Board that the Right To Know Law limits the charges that public bodies can impose to reproduce public records. MOTION BY ROBB, SECOND BY WALT AND APPROVED BY ALL TO SET THE REPRODUCTION/COPY COST AT TWENTY-FIVE (.25) CENTS PER PAGE FOR COPIES AND THE ACTUAL COST OF REPRODUCTION FOR SPECIALIZED DOCUMENTS AND OTHER RECORDS OR THE MAXIMUM RATE AS AUTHORIZED AND ESTABLISHED BY THE PENNSYLVANIA OFFICE OF OPEN RECORDS, INCLUDING THE ACTUAL COST OF MAILINGS.

OLD BUSINESS: None

NEW BUSINESS: None

THE MEETING ADJOURNED AT 8:00 A.M