

MIDDLEBURG MUNICIPAL AUTHORITY

February 10, 2015

Page 1 of 5

MEMBERS PRESENT: Charles Zechman-Chairman, Dwayne Hackenberg-Vice Chairman, Raymond Colestock, Mike Rhodes, Tim Folk, Doug Hassinger, Scott Brouse

OTHERS PRESENT: Virginia Zeiber-Borough Administrator, Dave Walters-Engineer, Dustin Zechman-Borough Foreman, Robert Slivinski-Solicitor, Judy Varner, Brian Lauver, Heidi Potter (arrived late), Donald Chubb

Meeting was called to order by Chairman Charles Zechman at 6:00 P.M.

Motion was made by Dwayne Hackenberg to approve the agenda. Raymond Colestock seconded and MOTION UNANIMOUSLY CARRIED.

Motion was made by Mike Rhodes to approve the January minutes. Dwayne Hackenberg seconded and MOTION UNANIMOUSLY CARRIED.

Tim Folk was introduced as the new member of the Authority. His term will expire in December of 2019.

Donald Chubb water and sewer issue-Bev reported Donald said that maybe he would attend the Authority meeting if he was in the area but he was not sure. She presented each Authority member with an explanation of what had been discussed one day when he came to the office to make the water and sewer payments for his rentals on Paxtonville Road. He asked why he had a prior balance on his December 2014 billings. Bev explained that the history showed that he had a penalty added to his bills in the third quarter because payment had not been received in time to avoid the penalty, which was even after the due date. Because the payment came in right after the penalty was added, it was carried over to the 4th quarter billing.

Donald told Bev he knows that he had the payments in the night deposit box on time but did not remember exactly when they were deposited. In 2011, there had been an issue where Mr. Chubb called in because he had gotten a penalty charge. It was discovered that the payment had been sticking up in the slot of the night deposit box. His word was taken and because office personnel found it stuck in the box, the penalty was adjusted. Since that time, the box is checked carefully, especially at penalty time.

At this time, Mr. Chubb entered the meeting and was given the floor. He ask what everyone wanted to know. Mr. Chubb stated he put the payment in the box when the office was closed. He then explained that once before he had gotten charged penalty and then the bill was found stuck in the box. He does not know what happened this time. His daughter was with him and he said she knows it was put in on time. Bev explained that Mr. Chubb wanted all Authority members to have a copy of the history on his accounts, which was handed out before the meeting. It does show that he was only late that one time back in 2011 but that penalty was lifted because of the box issue and then the present quarter in question.

MIDDLEBURG MUNICIPAL AUTHORITY

February 10, 2015

Page 2 of 5

Bev again explained that she and Ginny are very careful since the "stuck in the box" issue and all payments in the office or in the box are applied before the penalty is charged. She explained to Mr. Chubb that any overriding of the penalty would have to be the decision of the Municipal Authority. She could not make that decision any longer. It was explained again what had happened involving the box in 2011. Ginny reiterated that we are very careful in checking the box, since that happened. Mr. Chubb said he thought it was three or four days until the payment was found and his wife thought we had been sitting on it. He said they had gotten a call about the penalty of 2011. Bev explained that they would have gotten a letter stating the bill was overdue. Calls are not made about penalties. Mr. Chubb stated he did not remember getting a letter but he could have. He said he did not know what happened, the Authority should figure it out and do the math.

Solicitor Slivinski stated we must have gotten payment at some point and time. Bev had a copy of the information that she had given to the members given to Solicitor Slivinski. Mr. Chubb suggested getting a new box because he likes the box when it works. He also said he goes to auction on Tuesdays and Thursdays so he probably dropped it off one of those days. He does not know what day it was but knows it was after hours when no one was in the office.

Mike Rhodes asked what had been done the few times in the last year or so that customers have asked for forgiveness of the penalty. Ginny explained that those cases had been brought up because of only being a day or two late. It was not a question of when the bills were received. Mr. Chubb thought it sounded like his situation.

Mr. Chubb also said he had issues with the meter readings frequently and being billed for water not being used but stated it has been corrected with the touchpad meters. He also questioned if someone is not in his one rental, if he is going to be paying minimums. Minimums are due for all EDU's. Mike Rhodes felt the same thing must be done for Mr. Chubb that was done for the others who had asked the penalty be lifted. They paid the penalty. Ginny reiterated that some leniency is given in time because Bev wants all the bills that are in, entered on the computer before the penalty is added. Mr. Chubb said he had to go home to his sick wife and the Authority should decide what to do but he felt he is not guilty. He said he goes through this area on Tuesdays, Thursdays and Fridays and it was most likely Thursday or Friday.

Bev stated they had actually found the 2011 bill stuck in the box and automatically forgave the penalty. That was not the case this time. Mr. Chubb said if it happened the other time, it happened again and no one is listening. Bev again explained that she and Ginny are very careful when emptying the box, after what happened in 2011. The bills were due on November 10th and Bev worked on them on November 12th and applied the penalty. Mr. Chubb's payment shows November 13th, the day they were gotten out of the box. Bev also explained that even if she applied all the payments on November 12th and say Mr. Chubb put his in the box later in the day, it was still late because the due date was November the 10th. Mr. Chubb said it did not happen that way. His daughter was at a birthday party and could not be at tonight's meeting but he could get her to testify on his behalf.

MIDDLEBURG MUNICIPAL AUTHORITY

February 10, 2015

Page 3 of 5

It was determined that the office was closed for Veterans Day, November 11th, which would explain why the penalty had not been posted before that. The box would have been cleaned out on November 12th and the penalty added. Mr. Chubb's payment was dated November 13th. Scott Brouse asked if the question is about the timing. Mr. Chubb stated that it could have been stuck up in the box.

Raymond Colestock stated it sounds like Mr. Chubb's payment was not in the box by the due date November 10th. Mr. Chubb said it was in the box. The secretaries were not in the office when he put it in the box at night. When they found it, he does not know. Raymond reiterated that since Mr. Chubb's situation in 2011, the secretaries are careful to check the box. Mike Rhodes stated the Authority must adhere to its rules and regulations and he has even paid penalty a couple of times. Mr. Chubb told Mike that maybe he, Mike, was late but he was not. Mike said that he understood but the Authority must follow the rules. Mr. Chubb said he would bring his daughter next month if that is the way the game is to be played. Raymond did not know if that would even change anything.

Dwayne said at this point, Mr. Chubb would need to pay the penalty. Mr. Chubb said that is what he wanted to know. He then went on to express his concern about the meter reading card informing the customer about penalty and interest. Since he throws the meter reading card away, he thinks the statement about penalty and interest should be on the actual bill part. It was explained to Mr. Chubb there is no room on the bill part. By having it on the meter reading card which is attached to the bill, the customer is being notified as such. After everyone is on an auto read meter, the bills will then have to be changed. Mr. Chubb believes the amount of penalty is \$20.00 plus ten percent. Bev corrected him in that penalty is twenty percent and interest is ten percent. Interest is only charged if the bill is not paid by the next quarter. Mr. Chubb believes the wording concerning penalty and interest should be on the actual bill part and the drop box should be gotten rid of or replaced.

Dwayne Hackenberg told Mr. Chubb that the case is now closed. He owes the penalty and that is that. Mr. Chubb stated he would go see his lawyer if that is the way the Authority wants to play the game. It can go to a court case and he wants to know what happens. He wanted a signed piece of paper as to the decision. Ginny told him it would be in the minutes. He said he could not read the minutes and just wanted a piece of paper stating the decision for his lawyer because the lawyer would not come to read the minutes. It was explained that after the minutes are approved at the March meeting, he could have a copy to take to his lawyer.

Solicitor Slivinski presented his card to Mr. Chubb so that he could give it to his lawyer. Mr. Chubb did not want it. He wanted Dwayne, who made the decision, to write it down on a piece of paper and sign. Solicitor Slivinski informed him that was not happening. Mr. Chubb then asked who was on the Board. He was told that everyone on the Board was sitting at the table. He asked about Bev, who explained that she is the secretary. Mr. Chubb then expressed that when it was said everyone at the table is on the Board, that was not so. Raymond corrected him that all the males at the table are on the Board. Solicitor Slivinski then had Ginny go check to

MIDDLEBURG MUNICIPAL AUTHORITY

February 10, 2015

Page 4 of 5

see if Chief Jordan was available. He came in and asked Mr. Chubb to go out to talk with him, which he complied. Dwayne Hackenberg had motioned to have Mr. Chubb pay the penalty. Mike Rhodes seconded and MOTION UNANIMOUSLY CARRIED.

LDG REPORT

Well Project-A surface water influence protocol and monitoring plan needs to be developed and submitted to DEP. This will start in April and run for six months. Larson has placed a call to DEP but has not gotten the plan finalized as of this date. There is still a chance of getting out of doing this plan but he does not believe it will happen in the time frame that it would need to be started.

A payment request from GeoServices has been received. Dave has not had time to review it so he was not prepared to recommend approval until the March meeting.

Water Allocation Permit-Larson is still waiting on DEP's response to the permit application.

Generator for water plant- The contractor installed the automatic transfer switch and wiring. The generator should be delivered by early March. The contractor did submit a payment request for the transfer switch, which was \$9,999.00. Larson recommends approval for payment. Mike Rhodes motioned to approve payment of \$9,999.00 to Mountainside Electric for the generator project. Raymond Colestock seconded and MOTION UNANIMOUSLY CARRIED.

NPDES permit application- There is nothing further to report.

Changing banks for the sewer account- The account for sewer is presently at Middleburg M & T Bank, which will be closing April 24th. The closest M & T Banks will then be either Selinsgrove or Beaver Springs, which would be much further to run. The water account is presently at Swineford Bank. Ginny has talked representatives from both Swineford and Northumberland National Bank. Raymond asked who was offering the best deal. Ginny felt they were about equal. There were no service charges and they would both pay for the first five hundred checks. It is a matter of where the Authority would want the account moved. Ginny is going to recommend Northumberland National to the Council because she has heard good things about them. Their interest rates are higher, which was determined when the Christmas Clubs were moved there. Dwayne stated he had thought about it and Swineford National is in the Borough. He felt the businesses, which are paying taxes in the Borough, should be given the business. . Raymond agreed with Dwayne. Dwayne Hackenberg motioned to move the sewer account to Swineford National Bank. Raymond Colestock seconded and MOTION UNANIMOUSLY CARRIED.

Wilbur Hain/Judy Conrad property- Solicitor Slivinski informed the Authority the Hain property is coming up for sale on March 20th. Bev is going to lien all that is needed to recover the water and sewer delinquency. Letters have been sent to both the tenant and Mr. Hain but with no response.

MIDDLEBURG MUNICIPAL AUTHORITY

February 10, 2015

Page 5 of 5

Smoke and heat detectors for the plants-Dustin Zechman, Borough Foreman, checked with ICEA Solutions on the smoke and heat detectors. The price for the units is as stated but the labor rate could fluctuate and if it took less time, the bill would be less. The system from ICEA is a system of its own. Dustin thought it tied into the dialer but it is a whole independent system and calls two numbers at one time. He talked to the electrician doing the work at the water plant and he is not interested but gave Dustin the names of two companies. He is too far away to come back and do servicing or work. Dustin called one and they were not interested. The other said they would get back to him. Susquehanna Fire was in to calibrate some meters and they did not respond to Dustin. The person doing the calibrations did not think they did that type of work but said he would check. Dwayne gave Dustin the company name of Selective, which works with the fire company. Dustin will get in touch with them.

Raymond asked who the present insurer is if something happens at the plants. It is Edmiston Insurance here in town. He asked if a claim had been filed for the electrical damage. Dustin said the deductible was more than the repairs.

Security for water supply- Raymond Colestock explained that he read in the last minutes that signs had been posted "No Motorized Vehicles" but then he read that people were talking about complaining to the Game Commission. Dustin explained that he felt they were going to call the Game Commission if they saw vehicles up there, because the Authority had entered the land into the Public Access Program through the Game Commission. The Game Commission will enforce any signs they furnish the Authority. Raymond also suggested signs which stated "No Trespassing After Sunset" if there are people up there with headlights on, walking the land. The watershed needs to be protected and people walking around up there at eleven or twelve at night is a no-no.

Ginny asked if the State Police or someone should be ask to drive around there. There was discussion as to what the advantages are in being in the Public Access Program. It does allow people to hunt on that land. There was question as to whether one could stop coon hunting, etc after dark. Raymond felt it should be restricted because one does not really know what they are doing there. Dustin said the hard part of that is what is happening at the access roads is all that is seen. There are areas further up where people dump stuff and they come in from different areas.

Solicitor Slivinski asked if he should go to Franklin Township and see if they would authorize the Borough Police to enforce that land, if needed. Dustin felt that the State Police would not serve in the capacity needed. Mike Rhodes wondered if the land was taken out of the Public Access Program if the land could be posted. It is not realistic to have fence put around 1600 acres. Some areas have a sign in, sign out type of program on their watershed program. There have been a few incidences in the area of the intakes. Denying vehicular traffic should help a lot and putting up gates was discussed and giving the Fire Company access. Raymond feels that something needs to be done because the Authority is responsible.

Mike Rhodes motioned to adjourn at 7:00 P.M. Dwayne Hackenberg seconded and MOTION UNANIMOUSLY CARRIED.

Beverly Inch, Municipal Secretary

To Authority Members:

On January 14th, I received a call from Donald Chubb who owns the rentals 101 and 119 Paxtonville Road. He asked why he had a prior balance on his billings for the 4th quarter 2014. I looked back in the history and determined the payment for the bills for the third quarter had come in late. I told him that is what the prior balance is that is listed on the billing he just received. Mr. Chubb said he knows he had the payments in the night box on time but did not remember when they were deposited there. In 2011, we found his payment was stuck in the box. We adjusted the penalty but in actuality, we took his word that the payment was in on time. Since that time, we check the box each day and when it is time to do the penalty, we really are careful to get the box cleaned out. That quarters billing was due on the November 10th. I always get an extremely large batch right before penalty time so I make sure everything comes out before penalty is applied. I applied penalty on the November 12th. As you can see, Mr. Chubb's payment stubs are dated the November 13th, which would mean they were late. He says he is not paying the penalty. I told him that it would just continue to be added to the bills. He is coming to the Authority meeting. I told him that he would have the burden of proof. The Authority does not want to set a precedent with these types of matters.

He wanted you to have history that would show he has not been late, except the time when the bill stuck in the box and the penalty was eliminated. That paperwork is included with this note.

BEV