

MIDDLEBURG MUNICIPAL AUTHORITY

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MEMBERS PRESENT: Charles Zechman-Chairman, Raymond Colestock, Tim Folk,
Doug Hassinger, Scott Brouse

OTHERS PRESENT: Dave Walters-Engineer, Robert Slivinski-Solicior,
Dustin Zechman-Borough Foreman, Virginia Zeiber-Administrator,
Robert Holman-Forester, Brian Lauver, Judy Varner

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

Motion was made Doug Hassinger to approve the agenda. Raymond Colestock seconded and
MOTION UNANIMOUSLY CARRIED.

Motion was made by Ray Colestock to approve the August minutes. Scott Brouse seconded and
MOTION UNANIMOUSLY CARRIED.

Possible timber project and road right of ways-Mark Holman, the forester for the Municipal Authority attended this meeting to discuss a possible timber project and road right of ways. Five years ago after a timber project done by the Authority, Mark had looked for other possible timber projects on water company land. Pretty much everything on the east side has been timbered. The timber on top does not have much value. The possibility of doing a project that would come out at Bruner Springs Lane was discussed.

Mark Holman sent out letters to the property owners in that area and ran into a problem with Karl Zimmerman. Solicitor Slivinski and Mark were directed to start working to get the right of ways or whatever would be needed to gain the proper access for the Authority but Solicitor Slivinski and Mark felt the Authority was not taking the initiative so the matter was not addressed. Mark believes it comes down to whether the Authority wants to pursue getting a legal right of way on Bruner Springs Lane.

It would be a lengthy process. The property owners would need to be notified, the land would need to be surveyed and a thirty foot right of way would be requested for forestry work. Tim Folk asked if Karl Zimmerman was the only one who had an issue with the Authority pursuing a right of way. If Mark remembered correctly, Lee Shamory was concerned as to how this would affect entry to his cabin, etc. Richard Ulmer, Gene Bickhart and David Attig were also among those on Mark's list of property owners. There are three individual roads which tie into the main stretch of Bruner Springs Lane so several parties would be involved in the matter.

Solicitor Slivinski informed the Authority that there is a survey map, which shows most of the road going up to water company land. There are several directions that would be a possibility for extending at that point. The Authority has the right to exercise eminent domain, if they want or need to do so.

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Raymond Colestock felt the concern of the Authority is if it is worth the effort to go forth with accessing right of ways and if a timber cutting would be cost effective. Mark presented a map of the area and showed the Authority where the areas would be profitable to do a timber project, if access was obtained.

Tim Folk asked if Mark had any idea what the profit would be from a timber sale in the Bruner Springs Lane area. Mark knows there are big trees there and could not give a definite figure but he believed at least \$100,000. It also depends on the kind of cut the Authority would choose to have done. The last cut done by the Authority was a managed cut and Mark believed it netted over \$100,000.

Mark felt if he owned the ground and timber, he would want to have access to it. He also felt with the business the Authority is in, there may even be a potential at some point in time to use the water in that area. There would need to be some road building but there are three roads the Authority could come off of and gain access easily. Mark said that he would work to gain access to all three access points. If a problem that was insurmountable came up with one, there would still be two other options.

Tim Folk ask if Mark if he was purposing entrance from where Mike Kerstetter's mother had lived. Bev reminded everyone that some of the properties have changed ownership and the list of property owners should be reviewed before the matter is further pursued. Tim felt that access in that area is going to be a problem because there is a hairpin at one point. He wondered if it would be easier to go up by the road next to Lee Shamory's, where the intakes are. That road would come out at the gap. Mark says there would be a tremendous amount of road building that would need to be done in that area, probably \$15,000 to \$20,000 worth, if it would stop at that. It was questioned if going in by Brian Long's would be a possibility. There is a house back at the woods already and another person uses that road as access to his land. Dustin did not think that location would be a good access point because of the steepness of the Authority land. Mark thinks that every avenue should be explored for access and then a decision made. Tim also suggested a road that exists on the top of the area. It used to be drivable and is owned by the state, however it is questionable about bringing equipment in from that point.

Mark estimated it may take two years to get the right of ways matter settled. Solicitor Slivinski did not agree because the Authority could file eminent domain, gain access and then the haggling over the property value could take a year or so.

Ginny reported that the February 2009 Authority minutes state that Mark Holman will investigate the right of way to water company land in mid April. He has been tied up with gypsy moth work but will get back to the Authority at a later date. Mark believed that he had because in 2013, the Authority had approved his contract but at that time, there seemed to be no interest in

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moving on so Solicitor Slivinski advised that until the Authority initiated things not to proceed. Ginny felt it was confusing considering the Authority had motioned to go ahead with the matter.

Ginny continued reading from the minutes. Mark Holman had submitted a proposal to the Authority, which if accepted, will allow him to work for the Authority with the Solicitor to acquire access to Bruner Springs Lane. The proposal he presented had been tabled due to the lack of meeting time and to give the Authority a chance to look it over. Mark ask if there were any questions or discussions on the proposal. Solicitor Slivinski said there was a motion to proceed with the easement matter at a prior meeting. He started the process by getting a description in the form of a survey map done by Bickhart. The Solicitor needs to get the description of the road down on paper. The secretary informed the Authority at that time that approval had been given to the Solicitor to go ahead with the map but nothing had been done with Mark Holman's proposal to work with the Solicitor when needed. Dwayne Hackenberg then motioned to accept Holman's proposal to work with the Solicitor in acquiring an easement to Bruner Springs Lane. This was in July of 2010. The motion was seconded and carried but nothing happened.

The discussion then went back to coming off the top through state land. Mark Holman does not think permission from the State would be easy, if even possible. Coming in with heavy equipment may also be very difficult. There are too many unknowns at this point. After discussion, it was decided to have Dustin, Mark and several of the Authority members go on a field trip to check out property markers by GIS and also the timber. Mark will arrange the field trip with Dustin and whomever after deer season. He will not charge for the investigative work. After that, the Solicitor will take over with the paperwork, with Mark advising as necessary.

Ginny read from the August 2011 minutes. The Solicitor was going to get right of ways. He stated he had to get descriptions down on paper along with the adjoining landowners. In October 2011, the Solicitor along with the help of the Forester was still working on getting the correct right of ways.

Damon Hassinger water and sewer penalty concern-Damon Hassinger, a Kissimmee customer, had expressed an interest in coming to tonight's meeting to discuss his concern over the 20% penalty for late water and sewer bills. He did not attend the meeting.

Authority representation for 2016 water and sewer budget-Bev Inch informed the Authority that the Budget Committee is requesting Authority representation, when working on the 2016 water and sewer budget. Tim Folk volunteered to represent the Authority if the meetings could be made no earlier than 3:30 and not on Wednesdays.

Dave Walters reminded those working on the water budget that there will be capital expenses involving the Water Allocation permit, flow meters, etc. during 2016.

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LDG REPORT

CDBG Well Project-The testing for the well project is going along well. There was concern this morning when Del Ritter called Dustin to tell him that the Ritter home did not have water. The plumber had been there and told them the well was dry. When the well driller came, he determined they had a broken pipe from the well to the residence, so it had nothing to do with the Authority's well project.

There was an attempt to have DEP allow the Public Water Supply Permit application to be submitted prior to the completion of the SWIP monitoring. They will not permit this but the water quality is so good on this well, it was hoped they would allow it maybe a month before the testing is complete. Dave would like to have Senator Gordner's and Representative Keller's support to help push DEP to get through the permit review process.

Nutrient credits-It does not appear that any phosphorus credits will need to be purchased this year. Nitrogen is too close to call at this time and the amount needing to be purchased will be determined once the August and September sampling results are known.

Dollar General sewer review- Larson has reviewed the revisions to their plan for the new store at the former BJ Burnley property. They recommended that the "Will Serve" letter be issued by Solicitor Slivinski. Solicitor Slivinski was asked if he had issued the letter. He said that he thought the email served as the letter but he will address the matter. Bev stated the last time she got an email from Dollar General, they wanted to get things completed so they could get the project moving, possibly this fall. Tim Folk ask Dustin if he was informed and was in favor of the revisions, to which Dustin commented he is.

Easement for water line at well site-Solicitor Slivinski questioned if Dave was asking him to prepare an easement for the water line for the well project. Solicitor Slivinski is going to contact Roy Lauder Milch, in order to get that easement.

Ventrac mower accessories-Dustin Zechman, Borough Foreman, reported that he would like to purchase accessories, a power broom, and a snow blower for the Ventrac mower. It includes a cab, mirrors, a heater, work and strobe lights, and actuators to operate the attachments. The total price for everything is \$14,940 through CoStars. To divide the cost between water, sewer and general funds, the cost for each fund would be \$4980. The school has purchased this type of equipment and they have saved money using this equipment, especially in the winter.

The only problem may be that the cab may not be available until the company gets several orders because the new tractors have a different shape. At present, they need three more orders. Charles Zechman is familiar with this type of equipment and there was discussion whether he would be able to get a cab from a different company to fit the Ventrac. Dustin does not think

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there would be a cab that would fit this machine because it is a uniquely shaped and made to fit. It was suggested that he and Charles may want to confer as this process moves along. At the last meeting, the Borough Council agreed to pay 1/3 of the cost from the Borough funds. The thought is that water and sewer funds would then each pay 1/3 of the total cost.

Tim Folk questioned why the cost is not divided in half. It was explained that the costs of equipment and vehicles are normally divided in thirds between water, sewer and general funds. It makes it easier for record keeping and then repairs, etc are generally done in thirds also. Dustin did agree the blower will mostly be used for the Borough. Tim said his problem is the Borough is only agreeing to pay 1/3 of the cost and the Authority is asked to pay 2/3 of it. Why not divide it in half between the Borough and the Authority? That Borough would pay \$7500 and the Authority would pay \$7500, which would be divided between water and sewer.

Scott Brouse ask Dustin if the matter was put off for another month, if it would be an issue for him. Dustin said getting the equipment may take a while according to the sales person but it is unknown if the cab will be available. If a cab is not available from that company, Dustin will get in contact with Charles Zechman to see if there would be one available elsewhere.

Tim Folk motioned to approve the purchase of the Ventrac equipment, contingent upon the Authority paying \$7500 and the Borough paying \$7500. Doug Hassinger seconded and MOTION UNANIMOUSLY CARRIED. Ginny will present the information to the Borough Council at their meeting this evening.

Wells at reservoir- Tim Folk questioned if any water had been pumped out of two wells at the reservoir. It has not been done but Dave wants to come up with a plan to address that issue for 2016. Tim wondered why water could not be pumped out of them and into the field. Dave dug out a report which was done when Larson became involved with the Borough and at that time there was concern about carbon dioxide in the well, along with iron and manganese. When the well water was run into the flocculation tanks, it almost effervesced and disturbed the settlement in the tanks. Larson checked into putting in a strip aeration tower to remove the carbon before it went into the tank. That would also potentially eliminate some of the iron and manganese. If there is no carbon, the iron and manganese could possibly be eliminated by use of filters. An iron and manganese testing must be done, along with a pH, temperature, alkalinity and one other test. Dustin could do the pH and temperature reading but the other two would involve lab testing. Tim felt water should be run off so that any changes could be noted. The water is run off monthly but not to the extent to do testings. If 100 gpm could be gotten out of each well, it would put the Authority in a good place. Dustin is going to work toward getting the property ready to do the runoff needed to begin exploring the use of the wells.

Motion was made by Raymond Colestock to adjourn at 7:20 P.M. Tim Folk seconded and MOTION UNANIMOUSLY CARRIED.

Beverly Inch-Secretary