

MIDDLEBURG MUNICIPAL AUTHORITY

October 10, 2017

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**MEMBERS PRESENT:** Dwayne Hackenberg-Chairman, Doug Hassinger-Vice Chairman, Scott Brouse, Scott Herbster, Scott Reigle, Ray Colestock, Tim Folk

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

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Meeting was called to order at 6:00 P.M.

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

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

Mark Holman-Forester-Dustin Zechman, Borough Foreman informed the Forester that he was to come to tonight's Authority meeting with a service agreement for him to mark trees on the water company land in the Paxtonville area. Dwayne Hackenberg explained that because of the hurricanes, etc., the Authority felt it would be good to move on and be ready for a timber sale should the price of lumber take a spike. Each Authority member was presented a copy of the service agreement to review. Mark is suggesting two sales as the land is approximately three hundred acres. Because of that, the agreement is set up for five years with a target date for the first sale in 2018.

The agreement states that clear access must be available before a project is started. Scott Brouse explained that the Authority is apprehensive because if they must pay for the right of way, they want to know the timber is of value before they go through the expense of a right of way. Solicitor Slivinski stated that Jim Grose had done a preliminary survey for a fifty foot right of way. It is believed that fifty feet is not needed and after the appraiser's figures are known, a final decision will be made on the width of the right of way. There was also discussion on widening the right of way at the curves and decreasing it in the other areas.

The Authority members will review the agreement for the next meeting, make any corrections and then a decision can be made. Tim Folk stated it is time to get the right of way completed as soon as possible because it is needed regardless. Solicitor Slivinski believes things are moving in the right direction and will be resolved in a timely fashion when it comes to finalizing the right of way. He will keep the Authority and Forester informed.

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### LDG REPORT

**Ground level water tank**-Previously, Larson had given a cost opinion for a ground level tank of about 48 feet in diameter, 24 feet in height and 303,000 gallons of capacity. It would have an aluminum dome as opposed to a steel dome. The price quote was around \$442,600 for the tank. There was discussion about pushing the tank west for a higher elevation similar to that of the reservoir. The Authority had also requested a cost to GPS those elevations to determine where the tank would need to be placed to reach the desired elevation. Larson's surveyor estimated the cost to be about \$800. While that work would be done, Dave believes there should be some shots taken at the present reservoir for the future, should the reservoir fail and a tank be put in that area. Dave had not been present at the last meeting and he was informed the Authority had approved having the elevation survey completed. He is going to have the matter addressed.

**Paxtonville pump station**-Dave reported there is not much progress on this project at this time. Dustin and he met with the contractor on site approximately two weeks ago and the contractor had some cost saving ideas. Originally there was a bypass piping arrangement to bypass the pump station. The contractor has in other projects put the bypass in the valve box and has saved money doing that. They wanted to check but thought they could line the manhole at Paxtonville Road versus replacing it. The contractor would pass the savings on to the Authority. Dave is waiting for their opinion. The contractor is busy at this time, so if the project does not get done in the next month or so, it will carry over to spring.

Dustin reported the parts are ordered for the pumps. The contractor does not think it will be take as long for the project as Dustin thought it would. At this point he is not going to worry about the pumps until the manhole is rebuilt. Orchard Pump will then completely rebuild them.

**Heating oil contribution**-Ginny asked if the Authority would contribute \$800 each from the water and sewer accounts for heating oil for the Borough building for the 2018 budget. A budget meeting will be held next week and Tim Folk volunteered to represent the Authority when compiling the 2018 water and sewer budgets. Scott Brouse motioned to approve the contribution of \$800 each from both the water and sewer accounts for heating oil for 2018. Doug Hassinger seconded and MOTION UNANIMOUSLY CARRIED.

**Meter at Len Krautheim's building(former PPL building)**-Dwayne Hackenberg reported that Len Krautheim had talked to him concerning the matter and would not be at tonight's meeting. Dwayne questioned why a bill was sent to Krautheim for about \$700 and no explanation with it. Bev explained that when she had gone in and changed the account to two units, she accidentally hit the Commercial 2 rate rather than Commercial 1. There is a big difference in the base rate from C1 to C2 and that is why the bill was large, plus it was being changed to two units. Bev changed the account back to C1 and faxed the corrected bill to Len. She apologized for the error several times. Len said he understood but he wanted to attend the meeting to find out why after all this time he was being billed for two units rather than one unit. Dwayne asked why we would

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not have known that he had two units until now. Ginny explained that when asked, Len would always say there was a shared bathroom for the office and garage. After the office was empty, Ginny talked to Amanda Aurand and asked her what the layout is like and that is when the Borough found out there are separate bathrooms, making it two units. The one bathroom has a full shower, etc. Len was contacted before the bills were generated and informed there are two units and he would be billed for two units.

Dwayne said he was concerned because he does not want businesses to leave town. It not only hurts the Borough but it hurts the fire company when it comes to the financial assistance they receive. The Authority was also informed that the question really became evident when it was seen that the office was being advertised as a possible apartment. Shawn Sassaman, an engineer, moved into the building without a permit so Ginny called Shawn and that really brought the matter to the forefront. Dwayne asked if Len could be shown the part of the rules and regulations showing how his building is to be correctly billed. Ginny told Len where to go online find that information.

There was discussion on having buildings inspected when these questions or issues come up. Ginny said that can be done but how is the distinction made to take a persons word versus making it sound like we don't believe him or her, if the goal is to work with the customer and not against him or her. When Ginny talked to Len, he told her that he used 13,725 gallons and he wanted an explanation on how that was billed. Ginny did not have the bill in front of her, so she explained how the amount was determined for that usage. Bob Steinberg then called and questioned Ginny about Len's billing. Bob told her that Len only used 1300 plus gallons so how could he get a high bill. Hardly any water is used, so Ginny was given the wrong usage amount. After Bev and Ginny checked into the matter and made the changes, Len was given a correct billing for two units, which is \$300.38.

**Bruce Ulrich delinquency issue**-Solicitor Slivinski filed against Bruce Ulrich for the delinquency owed for his property at 25 North Shuman St (formerly the old tannery building). Bruce filed an answer saying that he was notified in late 2015 that the water service was to be shut off to the property within thirty days if the water and sewer was not paid. He had moved out of the area and had no objections to it. He said that instead of following through with the shutoff, the Borough left the water on and continued to bill the him. Solicitor Slivinski read the part of the regulations that confirm the right to shut off the services but continue to bill for them. The only way to discontinue billing is to physically disconnect the water line from the building, which is not normally done.

Ginny explained that Bruce had come to the office one day asking what the letter was about that he had received from Solicitor Slivinski. Ginny told him that he had not paid his bills. He said that he thought when the water was turned off, he would not get bills. Ginny explained that he had been getting letters telling him that he was being billed and was delinquent. She explained that every property where water service is available continues to be billed a minimum ven if the water service is shut off.

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Bev explained that when he first left the area, all mailings were coming back to the Borough office and it was not known where to send them because Bruce left no forwarding address. She finally got frustrated and called Barry Ulrich, Bruce's father, explained that his mail was being returned and did he have a new address. Barry said to just send it to him so the mailing address was changed to C/O Barry Ulrich with Barry's address. Shutoff notices were also still being posted on the building. It remained as such until one day, Bruce's mother called in and asked why they were getting Bruce's mail. Bev explained to her the situation and Bonnie gave her Bruce's address and told her to send it to him. Even after that the Borough did not hear from Bruce. At that point, he was using a Middleburg address. Nothing was heard from Bruce until he received Solicitor Slivinski's letter.

Ginny explained that Bruce said he was only in Middleburg a week or two at a time and was out of the area most of the other time. Ginny told him that when he was in town and was getting the letters that were being sent, he should have come to the office and tried to get the matter addressed. Bruce smacked the papers down on the counter and left.

Solicitor Slivinski said that the judge has scheduled a 30 minute conference to figure out what the next step will be. Bruce will be given a chance to refute the liens that are on the property. Solicitor Slivinski will inform the Authority of the outcome.

**SOLICITOR'S REPORT**

**Kelly Herman delinquency**-Solicitor Slivinski sent a letter to Kelly Herman advising her that the process of sheriff sale will be started on her property, if she does not bring her delinquency current.

**Appraiser information for right of way**-No further information has been obtained from the appraiser for the right of way to the water company land in the Paxtonville area. Solicitor Slivinski will get information for next month's Authority meeting.

**BOROUGH FOREMAN'S REPORT**

**Leak Detection survey**- Dustin reported the leak detection survey for the Borough with New York Leak Detection Group is scheduled for October 25, 26 and 27.

Motion was made to adjourn at 7:10 P.M. by Doug Hassinger. Ray Colestock seconded and MOTION UNANIMOUSLY CARRIED.

Beverly Inch  
Municipal Secretary