

The re-scheduled meeting of the Oak Grove Multi-Municipal compost processing board was held on Monday, October 20, 2014 at 9:00 a.m. at the Schoonover Municipal Building with Mike Dwyer presiding.

Members present: Mike Dwyer, Steve Carey, Annette Atkinson and Brian Barrett. (Dick Vollmer and Rob Rohner were absent). Also present: Alternates Cory Lyon, Stanley Whittaker and Lee Bower, consultant Patrick Calpin, Professional Engineer Michael Gable, Solicitor Donald Petrille,, Tom Panzer, Esq., and Recording Secretary Michele L. Clewell.

*Editor's Note: Due to Rob Rohner's absence and notification of such, Stanley Whittaker will vote in place of Mr. Rohner, therefore the number of board members at the meeting is (5).*

As this was the first meeting that the engineer and solicitor were in attendance, Mike Dwyer asked everyone to introduce themselves for the record.

### **Approval of Minutes**

Steve Carey made a motion to approve the September 8, 2014. Annette Atkinson seconded the motion. Brian Barrett stated that he was not at the last meeting therefore did not cast a vote. Motion passed 4-0.

### **Solicitor Report**

Mike Dwyer stated that two emails with regard to e-mail accounts for the "Board" and alternate members of board were received from Attorney Petrille that requires review and discussion by the board members.

Annette Atkinson stated that an introductory orientation telephone call was placed to bring the solicitor up to date on OGMMCPB business and provide him with anything he needed.

Email Accounts; Attorney Petrille stated that separate email accounts should be created when conducting OGMMCPB business. The "Board" will need to consider in determining how this will be accomplished:

- a. Who will host the email?
- b. Who will administer the email?
- c. If a municipality coordinates this effort, is that municipality entitled to reimbursement from the Board?
- d. What capabilities do the individual Members have to manage multiple email accounts?

Mike Dwyer stated that Middle Smithfield Township does have the capacity to create separate email accounts. Stan Whittaker stated that Lehman should be able to create separate accounts.

Annette Atkinson stated that separate email accounts should be set up through the OGMMCPB website domain, not through township domains; as an example, Steve Carey would have an email of stevecarey@ogmmcpb.com. Each individual's email could also be placed on the Oak Grove website for easy access by the public as well.

There was discussion that Middle Smithfield Township staff would create the new email accounts through the Oak Grove domain and put them on the OGMMCPB website with the cost of the staff member's time being shared by all townships equally. There is no cost for the email addresses themselves; they come with the Oak Grove domain.

Steve Carey made a motion to approve the hourly rate of using Steven Natiello; Middle Smithfield Township employee to create email accounts through the OGMMCPB website for the Board and Alternate members and follow the memo established from Attorney Petrille as presented. Brian Barrett seconded the motion. Motion passed 5-0.

Point of Contact; Brian Barrett asked if each member will be the spokesman for the Board? Mike Dwyer stated that with regard to the email, use your discretion but if a Board decision is needed, then it should be brought back to the group for discussion and a vote. Mr. Dwyer suggested that as far as contacting the professionals (engineer or solicitor) or vendors, that it go through the Chairman, as ultimately the Chairman answers to the Board. We do not want to send the professionals in five different directions. Steve Carey and Brian Barrett both agreed that this is how Smithfield Township handles their point of contact. It was suggested that the Oak Grove Chairperson be the spokesman and press and vendor/contracted professionals contact for the OGMMCPB.

Steve Carey made a motion to have the Chairman as the point of contact for the Board for the press, the contracted professionals, and vendors. Stanley Whittaker stated that it should work both ways; that the Board should also be copied on everything the Chairman receives from contracted professionals, vendors and he press as well. Mike agreed with Stanley and said that this has been the procedure thus far. Mike Dwyer also added that the Vice-Chairman should be the second point of contact for the Board. Brian Barrett seconded the motion. Motion passed 5-0.

Alternate Members of Board; Mike Dwyer stated that the Board is: Mike Dwyer, Annette Atkinson, Rob Rohner, Dick Vollmer, Steve Carey and Brian Barrett.

Attorney Petrille stated that they reviewed the Intermunicipal Agreement language with regard to what type of notice needs to be given from a Board member that will be absent from a meeting. The agreement clearly states that the alternate can participate, but only in the event the Board member cannot attend.

There was general discussion regarding how formal the Board wanted to be with regard to notice of a member being absent.

Attorney Petrille stated that members of the Board need to be present for a quorum. Mike Dwyer asked if an alternate who sits in on the meeting on behalf of a Board member, does he/she sit in for the definition of a quorum. Attorney Petrille said yes. Mr. Dwyer also asked if that gives the alternate voting rights for actions of the Board. Attorney Petrille stated that the alternate can act on behalf of the regular board member and yes, you would imply the voting rights for that Board member at that meeting.

Steve Carey stated that a phone call anytime would be acceptable as notice. Brian Barrett stated that an email would be alright as well. The consensus of the Board is that if a member is unable to attend a meeting, they must contact the Chairman the Thursday before the meeting. All agreed to this procedure and timeframe.

### **Correspondence**

Michael Gable, P.E. stated that he does not have an engineer report but he did review the Monroe County Conservation District letter and followed up with John Motts. Mr. Gable stated that John Motts had no concerns, he was just being proactive. Some of the things that the Conservation District wants the Board to look at; drainage that is originally from the PennDOT plan due to the trucks driving up and down the area, the rutting in the road that is causing damage to the vegetation, making sure the E&S facilities are down slope. Cory Lyon stated that a filter berm was done and millings are also complete. Mr. Gable stated that there is a lot of standing water in the basins and recommends taking a sample of the standing water in the basins and then take samples once every 2-3 months for first year to have the baseline.

Michael Gable stated that instead of using water from the well, once installed, to first use the water from the ponds, as this will help turn over the nitrogen, this is one of the things to meet the Best Management Practices that the Conservation District is looking for.

Mike Dwyer stated that some of what Mr. Gable has suggested has already been done. After speaking with the Conservation District, regarding the letter from the Conservation that was precipitated by a complaint, Mr. Dwyer stated that they do not want something as formal as an engineering plan and Mr. Gable agreed. Mike Dwyer stated that the plan can be done in house by Middle Smithfield Township. Cory Lyon stated that the inspection was brought on by the PennDOT Permit.

Pat Calpin suggested that we sit down with the author of the letter and ask them what they want.

Steve Carey made a motion authorizing Cory Lyon to prepare the E & S plan for the OGMMCPB site. Brian Barrett seconded the motion. Motion passed 5-0.

## **Treasurers Report**

Annette Atkinson stated that the Board does not have adequate funds in the checking account to pay the bills. Middle Smithfield Township can loan the funds to the Board until the PA DEP grant money is received. Everyone should still submit their match but the account is still short funds. Mike Dwyer stated that these are reimbursement grants. The fence and bunkers are done and the bills are due. The grant reimbursement can take anywhere from 60-90 days to receive. Pat Calpin suggested that the reimbursement requests be prepared as soon as the bills come in and he will follow up with PA DEP. Steve Carey asked if there is a match. Mike Dwyer stated that the land did not offset all of it.

Steve Carey asked what it will take for Middle Smithfield Township to loan OGMMCPB money, legally. Attorney Petrille stated they will need to work with Middle Smithfield Township solicitor and will probably need a resolution on the townships level. It will be easier for the Middle Smithfield Township solicitor to provide the document and provide to him to review. Mike Dwyer stated that if we have concurrence from this Board can we just pay the bills. Attorney Petrille stated that there could possibly be a problem with any of the board members, due to the fact that no one from the OGMMCPB can bind their own municipality with whatever vote they take here with regard to reimbursement if Middle Smithfield Township pays the bills. Middle Smithfield Township could be holding the responsibility for the money.

Attorney Petrille stated that a resolution to request Middle Smithfield Township to loan OGMMCPB and behind that resolution, Smithfield and Lehman Townships be willing to put up their shares, if the grant money does not come in soon.

Pat Calpin stated that the quicker you get you pay the bills, the quicker you get your reimbursement. The ultimate payment must be done by the OGMMCPB bank account.

Attorney Petrille asked that a copy of the grant agreement be forwarded to him.

Steve Carey made a motion to pay the listed bills with the exception of Keystone Concrete Products and Keystone Fence Northeast, Inc. for a total of \$13,938.62. Annette Atkinson seconded the motion. Motion passed 5-0.

Mike Dwyer asked that the respective Board members go back to their township board of supervisors and see how they wish to proceed with the two alternatives of paying the outstanding bills; Alt. #1 - Middle Smithfield Township pays the entire bill and will be reimbursed from Smithfield and Lehman Township once the OGMMCPB grant money is received, or Alt. #2 each township puts up their share and then would be reimbursed by the grant monies OGMMCPB receives.

Steve Carey asked Mike for a dollar amount to take back to their township. Mike Dwyer stated that Middle Smithfield share would be \$50,000, Smithfield share is \$25,000 and Lehman share is \$35,000.

### **Compost Board Borrowing**

Attorney Petrille stated they contacted numerous lending institutions and M & T Bank in Wilkes-Barre (government department) is very interested and provided the necessary documents required to begin the loan process. Mike Dwyer asked if DCED approval is required, and it was stated that as long as the Board stays below the threshold, DCED approval is not needed. Steve Carey asked about ESSA Bank & Trust borrowing, and Attorney Petrille stated that this will apply to any bank that the Board applies to.

Attorney Petrille also stated that since the municipality is guaranteeing the debt, it will probably go against their own debt limits and each municipality may need an opinion letter from their respective township solicitor that the DCED requirements are not needed.

### **Facility Improvements**

Mike Dwyer thanked Smithfield Township for their help. Cory Lyon stated that the chain link fence, sign posts, jersey barriers and bunker have been installed. The well driller will be out this week. Eight hundred tons of millings were placed and compacted. The facility will be ready to open on November 1, 2014. The building will be moved this week. Met-Ed has stated that the electric at the top of the site will be okay however the bottom portion of the site may cost more due to the current configuration of the electrical lines adjacent to the site at an estimated cost of \$4,000. Pat Calpin stated that any overages can be included in the next grant for reimbursement. Cory Lyon stated that Berit Case of PA DEP will be visiting the site in order to conduct an audit of the equipment that has been obtained through grants.

Annette Atkinson stated that Middle Smithfield Township has been receiving calls from residents who live directly adjacent to the site with regard to additional landscaping. Ms. Atkinson asked the Board to consider reserving expenditure for landscaping; possibly fence slats for additional cover. Pat Calpin suggested that a garden club or citizens be contacted and that a hydro seed flowers be added, this could be a demonstration area.

### **Old Business**

Insurance Endorsement Modifies Coverage – Michele Clewell explained that Sheeley Insurance has included the coverage for Treasurer and any authorized check signing member of the board under to Employee Theft Insuring Agreement.

### **New Business**

Hours of Operation – Mike Dwyer provided a proposed 2014-2015 hours of operation schedule for discussion.

Keys for the facility are available. Cory Lyon stated that a key has been provided to Ed Cramer of Smithfield Township and Stanley Whittaker will receive a key today.

Fee Schedule – Mike Dwyer provided a proposed fee schedule that mimics Stroud Township. There will be no charge for residents. Fees for various size trucks are listed and commercial vehicles would be required to have a permit; no permit, no service.

Steve Carey made a motion to adopt the fee schedule as presented. Brian Barrett seconded the motion. Motion passed 5-0.

Steve Carey made a motion to adopt the commercial permit fees as presented. Brian Barrett seconded the motion. Motion passed 5-0.

Pat Calpin suggested only opening (2) days a week for now. Mike Dwyer suggested that keeping the facility open the (3) days a week for now just in case it is warranted, and if the hours need to be changed it can be done at a later date.

Steve Carey made a motion to adopt the hours of operation as presented. Stanley Whittaker seconded the motion. Motion passed 5-0.

Mike Dwyer stated that the Board Members and Alternates received the State Ethics forms, and asked why the alternates would have to fill them out. Attorney Petrille stated that he will look at the State Ethics Law but since they are serving and possibly voting on exponders, he would recommend them to complete the form as well.

Stanley Whittaker questioned the \$4,000 grant match for Lehman Township. Pat Calpin reviewed the document and stated there is no match as the land value has offset the match. Mr. Whittaker was told that Lehman Township did not owe the \$4,000.

### **Adjournment**

Brian Barrett made a motion to adjourn the meeting at 10:39 a.m. Steve Carey seconded the motion. Motion passed 5-0.

Respectfully Submitted,

Michele L. Clewell  
Recording Secretary  
OGMMCPB  
October 20, 2014