

The regular meeting of the Oak Grove Multi Municipal Compost Processing Board was held on Monday, November 10, 2014 at 9:14 a.m. at the Schoonover Municipal Building with Mike Dwyer presiding.

Members present: Mike Dwyer, Steve Carey, Annette Atkinson and Brian Barrett via telephone. Also present: Alternate Cory Lyon, Consultant Patrick Calpin, Solicitor Donald Petrille, Lehman Township Supervisor John Sivick and Recording Secretary Michele L. Clewell.

### **Approval of Minutes**

Steve Carey made a motion to approve the October 20, 2014 minutes. Annette Atkinson seconded the motion. Motion passed 4-0.

### **Resignation of Robert Rohner, Lehman Township**

Steve Carey made a motion to accept Robert Rohner's resignation. Annette Atkinson seconded the motion. Motion passed 4-0.

### **Appointment of John Sivick, Lehman Township**

Steve Carey made a motion to ratify the appointment of John Sivick for the seat set to expire December 31, 2015. Annette Atkinson seconded the motion. Motion passed 4-0.

*Editor's Note: Brian Barrett concluded his participation in the meeting due to a scheduling conflict.*

### **Treasurer's Report**

Annette Atkinson stated that the Middle Smithfield Township ("MST") Solicitor sent the Oak Grove Multi-Municipal Compost Processing Board ("Board") a letter proposing that "MST" loan the funds to the "Board" and once the PA DEP grant monies are received then the "Board" would reimburse "MST".

Attorney Petrille stated that this would be a loan from "MST" to the "Board." The individual municipalities guarantying the loan would probably be necessary, due to the "Board not having a borrowing base at this time. In order for this to be done legally, the loan can be characterized as "MST" loaning the money and request reimbursement and the other two municipalities guarantying the repayment. The other two municipalities will have to guaranty their proportionate share of the repayment and the debt. The other two municipalities will have to determine whether or not additional monies borrowed will exceed their township's debt limits. If it does not exceed their debt limits under Section 8109, then a resolution is all that is required.

John Sivick stated that Lehman already voted to borrow the money from "MST", and to pay them back. Mike Dwyer stated that is contrary to what Lehman Township wrote in their letter dated October 21, 2014. Mr. Sivick stated that had to do with borrowing from banks. Ms. Atkinson stated that for now the simplest thing would be is to loan money to the "Board". Mr. Sivick stated that we are all responsible to fund the "Board" as each municipality has a

responsibility. Mr. Dwyer stated that he would be hesitant to move forward with the letter from Lehman.

Attorney Petrille stated that the way he reads the letter from Lehman, it is consistent with the Chairman's thoughts.

Mr. Sivick stated that there was action by all three townships; therefore the "Board" is responsible. Mr. Dwyer stated that if PA DEP reduces the amount due, for whatever reason, the "Board" is responsible for the remaining costs.

Attorney Petrille stated that by the language Lehman Township used, they will not guarantee the loan from "MST" and it might be appropriate if that is not what the intent is, for Lehman to revise their letter. Although he believes that Lehman wants to move forward in good faith, that's not what the letter said.

Mr. Sivick asked what needs to be done. Mr. Dwyer stated that Lehman Townships Board of Supervisors should send the "Board" a new letter. Ms. Atkinson suggested that Attorney Petrille draft a letter, whereby he agreed. Attorney Petrille suggested that each member go back to their township boards and if they want to move forward, to get their legal advice and if they can be with the 8109 it will be a quick process, by creating a resolution, otherwise DCED approval will be required. Attorney Petrille stated that he will email everyone the letter before leaving today.

#### Payables

Annette Atkinson made a motion to pay the unpaid bills in the amount of \$103,933.70. Steve Carey seconded the motion. Motion passed 4-0. John Sivick questioned the bills that were previously sent over as there was a \$1000.00 discrepancy. Cory Lyon stated that there was a credit due to not installing the barbed wire.

#### **Facility Improvements**

Mr. Lyon reported that the facility is up and running and due to "MST" leaf pickup, 335 yards of leaves have been brought to the facility to date. Windrows are being turned, the building is in place, log books are in the building, and signs are up and additional signage will be added. Currently we are waiting for the electric.

Annette Atkinson stated that the entrance signs are visible from the road and suggested that signage be added to the existing backs of the signs. Cory Lyon stated that the estimated costs would be \$1,000.00. The "Board" agreed to install signage to the existing entrance signs. Mr. Lyon stated that directional signs will be added from Routes 209 and 402 and a sign will be placed on the gate indicating the hours of operation. Pat Calpin stated that the invoices need to be kept as the signs are reimbursable.

Cory Lyon stated that PennDOT will be contracted with regard to the directional signs and that they can be added to the current signs.

Steve Carey made a motion authorizing Cory Lyon to order the directional and the backs of the existing signs. John Sivick seconded the motion. Motion passed 4-0.

The commercial permit stickers and pricing was discussed. John Sivick asked about smaller trucks and Pat Calpin stated that the prices are listed. Small commercial drivers would be charged by the load and they would not have to pay the \$500.00 permit fee.

Mr. Lyon asked about the attendant at the facility accepting cash/checks. Everyone stated that the three part receipt should be used for everyone. Mr. Sivick asked about private communities maintenance crews bringing in material. Mr. Dwyer stated that we should not charge for it, but watches the private communities that hire commercial haulers as they would be charged. Pat Calpin stated that if a private community has any questions, to let him know as he would make himself available to respond.

Mr. Dwyer asked John Sivick, that whatever Lehman sends in reference to the letter to indicate that the letter supersedes the current letter the "Board" has. Attorney Petrille stated that he will be asking "MST" for a note and will correspond with the "MST" solicitor on that as well.

### **New Business**

ESSA Account Signature Cards – Everyone was told that due to the resignation of Mr. Rohner and the ratification of Mr. Sivick that everyone will need to go to the bank and sign new cards again.

Facility Grand Opening – There was discussion to postpone the grand opening until the spring of 2015 as all the signs and landscaping will be completed by then. The date is to be determined.

John Sivick asked if the "Board" should be looking for a grant to apply for. Pat Calpin stated that would be for December/January. Mike Dwyer stated that the "Board" received a grant in 2014 and is not eligible until next year. Pat Calpin stated that contacting your State Representative doesn't hurt either.

2015 Meetings – John Sivick suggested moving the monthly meetings to 10:00 a.m. next year. Once the townships' annual organization meeting takes place then the "Board" can advertised. Steve Carey stated that he would like Smithfield Township's other two supervisors to be on the "Board" as he is away a lot during the year and next year will be his last year.

Attorney at the Meetings Mike Dwyer stated that Attorney Petrille does not need to be at the meetings every month although everyone appreciates him attending. If it is required that he attend a meeting he will be contacted. Attorney Petrille stated that the borrowing issues have been complex and would like to be at the organizational meeting in January.

**Adjournment**

Steve Cary made a motion to adjourn the meeting at 10:09 a.m. John Sivick seconded the motion. Motion passed 4-0.

Respectfully submitted, Michele L. Clewell Recording Secretary