

The regular meeting of the Oak Grove Multi Municipal Compost Processing Board was held on Monday, December 8, 2014 at 9:00 a.m. at the Schoonover Municipal Building with Mike Dwyer presiding.

Members present: Mike Dwyer, Steve Carey, Annette Atkinson and John Sivick. Also present: Alternates Lee Bower, Stanley Whittaker, Solicitor Donald Petrille via-telephone, Recording Secretary Michele Clewell and Lehman Township's Solicitor Robert Bernathy.

### **Pledge of Allegiance**

### **Approval of Minutes**

Steve Carey made a motion to approve the November 10, 2004 minutes. Annette Atkinson seconded the motion. John Sivick questioned the minutes under the Treasurer's Report whereby Attorney Petrille made a statement that the "Board does not have a borrowing base at this time". Attorney Petrille stated that the minutes accurately reflect what he said during the meeting, although he could be swayed by legal authority. Attorney Bernathy stated that he and Attorney Petrille could discuss further after the meeting. Following lengthy discussion, the minutes were approved unanimously 4-0.

### **Treasurer's Report**

Annette Atkinson stated that the monthly payables are \$59,789.34 and to date Middle Smithfield Township and Smithfield Township have submitted their shares to cover the payables, however Lehman Township has not. Mr. Sivick stated that Lehman Township has not taken any action on their share yet and he has a question on the \$39,000 portion of bills.

### **Old Business**

Compost Board Borrowing – Attorney Bernathy stated that the capital expenses are discussed in the Intermunicipal Agreement and work done at the site falls under capital improvements. A grant from PA DEP was obtained for these improvements. There is no mandate to fund individually by the municipalities. Attorney Bernathy does not believe that the municipalities are under any obligation to fund the capital expenses as there is a grant in place. Attorney Petrille agreed, however, all the municipalities agreed to fund the improvements.

Mike Dwyer also stated that no township was asked to fund the capital improvements but understanding the PA DEP grant, you must pay for the improvements first and then get the reimbursement from PA DEP and everyone knew this months ago. The Board agreed to embark on these expenses and knew it had to be paid. Approval to pursue the vendors and the urgency to get the facility open and knowing that DCED funding would take 90 days at least. Each Board member agreed many months ago that the expenses would be funded through appropriations from each municipality and then reimbursed upon receipt of the grant funds. This was noted in the December, 2013 minutes.

The only way for this Board and the facility to work is by cooperation from everyone from every township involved.

Attorney Bernathy stated that Lehman Township Supervisor Rob Rohner and himself wonder why the bridge loan was not done as Mr. Rohner brought this to the Boards attention earlier in the year. Representatives from Wayne Bank have already stated to Lehman township that they are willing to lend the Board money. Mike Dwyer stated that at the time we did not have an attorney and RFP's had to be sent out twice. John Sivick stated that each municipality has their own attorneys and they could have asked their own attorney to the process could have taken place in June. Mike Dwyer stated that Lehman Township did not want to use individual township Solicitors and it was either Mr. Sivick or Rohner that requested the OGMMCPB to retain a Solicitor first, which, at the time, all agreed to Lehman's request.

Attorney Petrille suggested that the Board table discussion regarding the funding until he and Attorney Bernathy can discuss outside the meeting. Mr. Dwyer asked if Smithfield Township would like their Solicitor to be a part of the discussions. Attorney Petrille stated that if any Board action is required, then individual township Solicitors will be contacted if needed. As of now, two municipalities have transferred money and one that asks if is appropriate to do so.

### **Facility Improvements**

Winter Schedule –Mike Dwyer reported that Christmas trees will be collected at the site.

Mike Dwyer stated that he and Cory Lyon met with John Motts of the Monroe County Conservation District and the E & S plan shows where the grade breaks are and Mr. Motts had stated that he is pleased with the site.

### **New Business**

Bank Account Signature Cards - Annette Atkinson stated that the ESSA bank account signature cards still requires John Sivick signature. Mr. Sivick stated that he has not gone to the bank as of yet.

2015 Meeting Schedule – John Sivick requested that the meetings be started at 10:00am in 2015. Steve Carey made a motion to advertise the 2015 meetings for the OGMMCPB on the 2<sup>nd</sup> Monday of every month with the exception of the October meeting, whereby that meeting will be held on the 3<sup>rd</sup> Monday of October at 10:00 a.m. at the Schoonover Municipal Building. John Sivick seconded the motion. Motion passed 4-0.

2015 Board member Appointments – Mike Dwyer stated that each respective municipality will be appointing their members; Annette Atkinson is up for re-appointment for MST. Steve Carey stated that he will probably not be a regular member next year, but possibly an alternate. John Sivick was unsure whose term expired but Lehman would address at their own meeting.

Monroe County Conservation District – John Sivick stated that Lehman Township had concerns and Supervisor Rob Rohner contacted MCCD as they were led to believe the inspection would be done two months ago. John Sivick asked if the E&S plan was on site, and Mike Dwyer replied that it is. Mr. Sivick stated that they were concerned as the reports speak about fines. Steve

Carey stated that they were not concerned as they deal with the MCCD all the time. Ms. Atkinson stated that we continually go through this report meeting after meeting. John Sivick stated that there is no plan. Ms. Atkinson stated that we have answered the MCCD concerns and they are satisfied.

Attorney Bernathy stated that the site was opened and in violation and without a bridge loan. Mr. Dwyer stated that the report does not say we cannot open and John Motts of the MCCD said nothing from MCCD would stop the facility from opening. In fact, Middle Smithfield Township has been very cooperative in resolving any concerns. Mike Dwyer pointed out that the report is not about the compost site but about the PennDOT site.

Board members discussed if any township that is part of this board would like to opt out.

Attorney Bernathy asked if the grant will be funded. Both MST and ST said yes.

Attorney Petrille asked the Board for a 15 minute recess in order for him and Attorney Bernathy to discuss funding. Steve Carey made a motion to go into a 15 minute recess at 9:58 a.m. Mike Dwyer seconded the motion. Motion passed 4-0.

Mike Dwyer made a motion to reconvene the meeting at 10:45 a.m. Annette Atkinson seconded the motion. Motion passed 4-0.

Attorney Petrille was contacted again via telephone after the recess.

Shawn McGlynn, MST Zoning Officer/BCO was asked to join the meeting in order to explain some of the confusion/concerns about the opening of the facility.

Mr. McGlynn stated that the jurisdiction is MST, so the certificates and zoning permits were issued by MST. PennDOT is the owner of the land and they would be in violation. It is not a reason to not operate. The MCCD has no authority to shut something down. Mr. McGlynn stated that there was and is no permit involved that would be issued from the state or county. The county wants an E & S plan on site, at any time there could be a violation even when it's open.

Mike Dwyer stated that the key aspects of picking this site were because all the necessary E & S approvals were in place, this was a site abandoned by PennDOT, and it is centrally located for each township.

Following lengthy discussion, Mike Dwyer stated that the site is in compliance as of November 21, 2014 and that John Motts will inspect the site again once the grade breaks are completed.

### **Funding Issues**

Attorney Petrille stated that he and Attorney Bernathy discussed a couple of different solutions and do believe that a conference call with all the respective township solicitors will be required

as municipal action will be required. Attorney Bernathy stated that he would like to hold the calls this week, and his office will set up the conference calls.

Mike Dwyer stated that we have vendors that are well over 60 days due and asked how we proceed as we don't meet again until January 2015. Attorney Petrille stated that we have the authority to pay when sufficient funds are available and suggests that any correspondences from the vendors regarding overdue bills be directed to him.

Steve Carey made a motion to approve the payables pending the source of funds being available. Annette Atkinson seconded the motion. Motion passed 4-0.

Mike Dwyer provides copies of the approved 2014 budget for each Representative to give to their township board's solicitors.

Mike Dwyer stated that he will speak for MST and it is MST that has worked with all the vendors and have kept each municipality fully informed to be able to open this year. We have not departed from any of the discussions that have taken place. Annette Atkinson stated again, that if anyone doesn't like the way the Board is operating they are welcome to leave the OGMMCPB.

### **Adjournment**

Steve Carey made a motion to adjourn the meeting at 11:30 a.m. Annette Atkinson seconded the motion. Motion passed 4-0.

Respectfully submitted,

Michele L. Clewell  
Record Secretary for the OGMMCPB