

MINUTES OF THE GETTYSBURG MUNICIPAL AUTHORITY BOARD OF DIRECTORS MEETING

MARCH 21, 2011

The duly advertised Meeting of the Board of Directors of the Gettysburg Municipal Authority ("GMA") was called to order at 6:00 p.m. at the GMA office, 601 E. Middle Street, Gettysburg, PA 17325, by Chairman Melvin D. Crouse. Present were Mr. Melvin Crouse, GMA Chairman; Dr. Tim Good, Vice Chairman; Mr. Bill Monahan, Treasurer; Mr. Ted Streeter, Secretary; Ms. Dorothy Puhl, Assistant Secretary/Treasurer; Mr. John R. White, Authority Solicitor; Mr. Mark Guise, Utilities Manager; Mr. Paul Gross, P.E., of Bucharthorn, Inc., Authority Engineer; Ms. Ramona Overton, Financial Director; and Ms. Jesse Mains, Recording Secretary.

Water Agenda:

Public Comment:

Mr. Crouse called for Public Comment and none was given.

Minutes:

Mr. Monahan moved, seconded by Dr. Good, to approve the Minutes of the Board's February 24, 2011 meeting upon the revision of the Executive Session portion of the Minutes to note that action was taken after the public meeting was reconvened. The motion passed unanimously.

Approval of Invoices:

Ms. Puhl moved, seconded by Dr. Good, that all invoices for the month be paid. The motion passed unanimously.

St. Francis Xavier:

Mr. White stated that the St. Francis Xavier Church (actually the Harrisburg Catholic Archdiocese) had provided GMA with a signed Water Main Easement Agreement for the new water main extension along Table Rock Road, north of Shealer Road, in connection with the new Church and new Church School project. This Agreement included two (2) purported water main easements, one (1) related to the water main extension crossing the St. Francis Xavier property and one (1) relating to the adjoining Harvest Investment Group, LLC property. Mr. Guise had previously determined and advised St. Francis' project engineer that the easement over the Harvest Investment Group, LLC property was not needed, because no GMA water main is planned to be installed in such location. Therefore, Mr. White prepared and forwarded to St. Francis' local attorney an Amendment to the Water Main Easement Agreement, negating the easement from Harvest Investment Group, LLC. Mr. White also presented an Easement Agreement with Columbia Gas, granting unto GMA an easement across a portion of the Columbia Gas property for an additional water main extension along Shealer Road. **Dr. Good moved, seconded by Mr. Monahan, to approve and accept the Water Main Easement Agreement, the Amendment thereto with Harvest Investment Group, LLC, and the Easement Agreement with Columbia Gas. The motion passed unanimously.**

West Middle Street

Mr. Guise stated that Pioneer Construction has completed the installation of the mains and laterals in the first block of W. Middle Street. Mr. Gross noted that Pioneer submitted a request for a Change Order due to the amount of time spent in concrete removal; Bucharthorn denied the request. Pioneer submitted a schedule with a proposed August, 2011 completion date, to which Bucharthorn objected, with the suggestion that Pioneer add another crew to ensure that the project is completed by the original contract date. Mr. Gross also submitted Pioneer's Application for Payment No. 1, in the amount of \$129,288.08. **Mr. Monahan moved, seconded by Mr. Streeter, to approve such Application. The motion carried unanimously.** Mr. White, however, advised the Board and Bucharthorn, and Mr. Gross concurred, that GMA should not release such payment until receipt of Pioneer's written reassurance of its willingness and ability to complete the project by the original contract date.

Mr. Guise informed the Board that PennDot was on-site to prepare for their upcoming West Middle Street project and questioned GMA's temporary restoration paving depth. The current approved permit states and requires a 2" temporary paving depth as being sufficient; however, PennDot is alleging a "misunderstanding" and is requesting 8" of paving in some areas. Mr. Guise and Buchart Horn are currently communicating with PennDot regarding this matter.

S&A Hauser/Davis Well Update:

Mr. White reported that he has updated the language of the current draft of the proposed GMA – S&A/FLI First (1st) Amendment to Developer's Agreement, to indicate the following: a full two (2) year time period for GMA to evaluate the Well #10's performance after its connection into the GMA public water system, which will potentially affect the number of EDU's of reserved water capacity allotted to S&A/FLI. Mr. White and Mr. Guise also reported that Cumberland Township will be widening the public right-of-way of Old Mill Road by 13.5 feet on both the north and south sides of the existing right-of-way, which will directly affect where GMA installs the new water main extension on the south side of the roadway. Such additional 13.5 feet of easement area will need to be granted by the Hausers (S&A's/FLI's mortgagees) and S&A/FLI.

Steinwehr Ave. Update:

Mr. Guise stated that PennDot has informed him that GMA's 50% cost reimbursement request for the Revitalization Project cannot and will not be approved or funded by PennDOT. Therefore, Mr. Guise has spoken to Borough Manager, Ms. Florence Ford, regarding the possibility of GMA's costs being included in the Grant which is funding the project. Ms. Ford stated that utilities were not included in the Grant Agreement. Mr. Guise is going to have follow-up meetings in hopes of having the Grant re-evaluated to include GMA's costs.

Sewer Agenda:

Plant Upgrade/537 Study:

Mr. Gross submitted Application for Payment No. 3 to Conewago Enterprises, Inc. in the amount of \$102,825.00, in connection with the GMA Rock Creek WWTP Upgrade/Expansion Project. **Mr. Monahan moved, seconded by Dr. Good, to approve AFP No. 3 to Conewago Enterprises. The motion carried unanimously.** Mr. Gross also stated that three (3) pumps are being replaced and a Change Order will be received next month. A groundbreaking ceremony is currently being planned.

GMA/Borough of Gettysburg Service Agreement:

Mr. Guise stated Mr. White has compiled a draft Service Agreement between GMA and the Borough of Gettysburg, regarding financial arrangements, sharing of services and other related matters. Mr. Guise and Ms. Ford have reviewed this Agreement and Mr. Guise is currently waiting on Ms. Ford's comments.

Rt. 30 Extension/Lien Status:

Mr. White had no update to report.

Correspondence:

- Penn Forestry Sawtimber Sale Update Letters
- Mark Gettysburg Associates Capacity Confirmation

Executive Session:

The Board entered into Executive Session at 7:09 p.m. for real estate acquisition discussion and legal matters.

The regular meeting reconvened from Executive Session at 7:40 p.m. at which time **Mr. Monahan moved, seconded by Mr. Streeter, to authorize and direct Solicitor White to institute eminent domain proceedings against the Luther Family Trust, relative to the Trust's Sachs Road property, to acquire an access easement across the Luther Family Trust property for the Andrew Well on the adjoining Andrew property; Mr. Monahan also included in his motion a direction to Solicitor White to afford the Luther Family Trust a reasonable opportunity, at Solicitor White's discretion as to timing, to negotiate the**

Trust's grant of the access easement on mutually acceptable terms. The motion carried unanimously.

Adjournment:

With no other business to come before the Board, **Mr. Monahan moved, seconded by Mr. Streeter, to adjourn the meeting at 7:46 p.m. The motion carried unanimously.**

The next regular GMA Board of Directors meeting will be held on Monday, April 18, 2011, commencing at 6:00 p.m. at the GMA Office.

Respectfully Submitted,



Jesse Mains
Recording Secretary