

September 6, 2016

A Special Meeting of the Mahoning Township Supervisors was held this evening at the Mahoning Township Municipal Building at 5:00 PM.

Members of the Board present:

Ken Woodruff, Chairperson

Bill Lynn, Vice Chairman

T. S. Scott, Supervisor

Solicitor Ryan Tira

Secretary Joe Oberdorf

Also attending were:

Joe Sylvester, Danville News

Kristin Bayer, Press Enterprise

Those signed in were as follows:

Marlene Gunther Robert Snyder

Molly Shultz Jeffrey Shultz Ed Draugelis Joe Diehl

Jean Hagenbuch Charles Gatski Al Neuner Charles Dietterick

Jackie Woodruff Jim Nemeth Sherry and Glen Wintersteen Peggie Warntz

Ken Holdren Pam Stettler John Metzger Shannon Berkey

Charles Dietterick Linda Forney Mary Ann & Tom Landi Ryan Troup

Betsy Hack Henry Eyer Rose and Bill Pursel

Roger & Bonnie Shutt Sue Kauwell Gary Steinman Gary Fritz

Keith and Brenda Gibson Robert Booth Bill & Cindy Elder Pat O'Connell

Richard Jordan Ruth Ann Crowley Judy Botella Glen Cromley

Ed & Jackie Staibley Richard & Emma Jordan Bill & Holly Greenly

Chairperson Ken Woodruff opened the meeting stating the purpose of the meeting is to consider the continuation or dissolution of the township municipal authority.

Supervisor T. S. Scott made a motion to dissolve the township water and sewer authority effective January 16, 2017. Vice Chairman Bill Lynn then seconded the motion.

At this time Chairman Woodruff asked if there any questions concerning the motions before the voting takes place.

Mr. Jeffrey Shultz (a former authority member) asked why this action is taking place.

Chairperson Woodruff noted that Mahoning Township does not have a water facility and the waste is sent to Danville for processing.

Mr. Shultz believes the action may be just a problem with a sewer and water authority member. Mr. Shultz further stated the supervisors would be making a "grave mistake" just because some people having issues with particular authority members. He believes the authority is a well-run and there is no debt, and there is a capital reserve. He also wanted to know who would take control of the tasks such as maintenance of the pumping stations, miles of water lines and sewer system as well as the billing. Supervisor Scott noted to clarify the authority would become the water and sewer department and the same employees would run the day-to-day operations. It would not be a five-member board and three attorneys as that is an excess.

Emma Jean Jordan asked why residents couldn't vote on whether to dissolve the authority? Solicitor Ryan Tira reported the supervisors were acting on behalf of residents.

Another resident Jean Hagenbuch was concerned about the excessive rates and would they be increased in the future? Supervisor Scott stated the daily operations will continue through the year. Mrs. Hagenbuch also asked if the rates would change in January 2017. Supervisor Scott also said the rates shouldn't change but rates can go up however rates can also go down.

Attorney Patrick O'Connell, who represents several townships residents believes the board should vote for to disband the authority. He further stated a past case involving Randy May and the problems and over charges Mr. May had to endure regarding equivalent dwelling units (EDUs) and a water invoice of \$2,007.00. He further stated that Mr. Mertz was belligerent and antagonistic. He also reported a case involving a water line repair of two residents in attendance who have filed a lawsuit against the authority for an invoice for a water line repair over 150 feet from their property.

Resident Pam Stettler then reported the sewer and water invoicing problems dealing with her property which is at the corner of Bloom Street and Kingsley Avenue. Particular upsetting her was the charges for a second tapping fee of \$3,100.00 in 2009.

After there were no further questions Chairperson Woodruff then asked for a vote on resolution of the sewer and water authority. The vote was unanimous with all voting for dissolving the authority.

Supervisor Scott then moved to adjourn the meeting and this motion was seconded by Vice Chairperson Bill Lynn.

This meeting is recorded on tape.

Joe Oberdorf, Secretary

RESOLUTION NO. 9-6 - 2016

TOWNSHIP OF MAHONING
MONTOUR COUNTY, PENNSYLVANIA

WHEREAS, the Township of Mahoning (the "Township") previously created and reauthorized the Mahoning Township Municipal Authority for the purposes of operating public sanitary sewer and water systems in the Township (the "Sanitary Sewer and Water Projects"); and

WHEREAS, 53 Pa. C.S. 5622 provides that "If a project established under this chapter by a board appointed by a municipality is of a character which the municipality has power to establish, maintain or operate and the municipality desires to acquire the project, it may by appropriate resolution or ordinance adopted by the proper authorities signify its desire to do so, and the authorities shall convey by appropriate instrument the project to the municipality upon the assumption by the municipality of all the obligations incurred by the authorities with respect to that project."; and

WHEREAS, the Township is a Second Class Township and governed by the Second Class Township Code (53 P.S. 65101 et. seq.); and

WHEREAS, pursuant to section 53 P.S. 67501 of the Second Class Township Code, the Township has the authority to construct or purchase and maintain a sanitary sewer system; and

WHEREAS, pursuant to section 53 P.S. 67601 of the Second Class Township Code, the Township has the authority to construct or purchase and maintain a water system; and

WHEREAS, the Township has the power to operate both sanitary sewer and water projects and the power to take over such projects from a municipal authority pursuant to 53 Pa. C. S. 5622; and

WHEREAS, the Board of Supervisors of the Township ("Board of Supervisors") desires to dissolve the Authority and acquire and takeover the Sanitary Sewer and Water Projects and all of the related real estate, facilities and assets, including, but not limited to pumping stations, collection lines, sewer and water mains, accounts, contracts and agreements of or operated by the Authority; and

WHEREAS, in furtherance of taking over the Sanitary Sewer and Water Projects the Board of Supervisors hereby directs the Authority to satisfy all outstanding debts to the extent possible and to the extent debts remain to transfer said obligations to the Township on January 16, 2017; and

WHEREAS, the Board of Supervisors agrees to assume any remaining obligations of the Authority; and

WHEREAS, the Board of Supervisors hereby directs the Authority to take all necessary steps to dissolve Authority; and

WHEREAS, the Board of Supervisors upon the passing of this Resolution hereby directs the Authority to incur no further debt obligations, to cease from any further capital improvements or purchases, to make no purchases or sales of real estate, to maintain all accounts and to limit activity to the minimum necessary to carry out the day to day operations of the Authority; and

WHEREAS, upon the passing of this Resolution, the Authority shall no longer have the power, authority or right to engage in any capital project, to take on debt or expend monies beyond those necessary to run the day to day operations of the Authority and to transfer the Sanitary Sewer and Water Projects to the Township; and

WHEREAS, the Board of Supervisors desires to direct the Authority to take all steps necessary to implement all provisions of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, this 6th day of September, 2016 as follows:

The Mahoning Township Board of Supervisors hereby directs the Mahoning Township Municipal Authority to transfer the Sanitary Sewer and Water Projects and all of its assets to Mahoning Township effective January 16, 2017. Further, Mahoning Township directs the Mahoning Township Municipal Authority to take all steps necessary to maintain the Sanitary Sewer and Water Projects in their current status and to refrain from any and all capital expenditures and the incurrence of debt and the purchase or sale of real estate. Further, Mahoning Township directs the Mahoning Township Municipal Authority to satisfy all of its outstanding debts. To the extent that any debts cannot be satisfied by the Mahoning Township Municipal Authority, Mahoning Township agrees to assume all remaining obligations. Further, the Mahoning Township Board of Supervisors directs the Mahoning Township Municipal Authority to dissolve. Furthermore, the Mahoning Township Board of Supervisors hereby directs the Mahoning Township Municipal Authority to take all necessary steps to consummate all of these directives and to cooperate in the transition of the Sanitary Sewer and Water Projects to Mahoning Township.

ADOPTED as a resolution of the Board of Supervisors of the Township of Mahoning, Montour County, Pennsylvania, this 6th day of September, 2016.

ATTEST:

TOWNSHIP OF MAHONING

By: Joseph Oberdorf
Joseph Oberdorf, Township Secretary

By: Kenneth Woodruff
Kenneth Woodruff, Chairman Board of Supervisors

[TOWNSHIP SEAL]