

Cumberland-Franklin Joint Municipal Authority

(January 10, 2008)

- Chairman Oldt called the 2008 Reorganization Meeting of the Cumberland-Franklin Joint Municipal Authority to order in the office of C.F.J.M.A. at 6:02 p.m. Mr. Oldt called for nominations for the offices currently held. Mr. Kater motioned that “we accept the officers that are presently in tact for the 2008 term.” Mr. Ginnick seconded the motion and it carried. Therefore, the officers will remain as follow:

ChairmanSteven C. Oldt
Vice-ChairmanRandall L. Kendig
SecretaryFred E. Clapsaddle, Jr.
Assistant SecretaryCharles W. Heckman, Sr.
TreasurerLisa E. Suders

- Lisa recommended “we retain the existing engineer, Dennis E. Black, and the solicitor, Turo Law, for 2008.” Mr. Heckman motioned to approve Dennis E. Black Engineering for the engineer. Mr. Kater seconded the motion and it carried. Mr. Ginnick made a motion to “retain the service of Turo Law Office for legal work in 2008”. Mr. Clapsaddle seconded the motion and it carried.
- Mr. Clapsaddle motioned to close the Reorganizational Meeting at 6:07 p.m. Mr. Heckman seconded the motion and it carried.
- The Regular Meeting was opened at 6:08 p.m. by Chairman Oldt. A moment of silent meditation and the pledge to the flag followed.
- Those present were:

Richard Perry	Lisa E. Suders	Jim Robinson
Dwain Koser	Jerome Kater	Fred Clapsaddle, Jr.
Steve Oldt	Charles Heckman	Lance Kegerreis, engineer
Tom Ginnick	Randall L. Kendig	Angelique Rininger
Dale Heberlig, Sentinel	George Bauserman	George J. Ozorowski, Esquire - Shaffer Builders
Phil Bailey, Shaffer Builders	Gene Miller, Shaffer Builders	

- Mr. Oldt began the meeting by welcoming a new board member, George Bauserman, who replaced Michael Cassidy in representing Southampton-Cumberland Township on the CFJMA board.
- The minutes from the December 13, 2007 meeting were motioned for approval by Mr. Kater and seconded by Mr. Clapsaddle. Motion carried.
- There were no public comments.
- Under Correspondence, Mr. Oldt mentioned that we received a letter from the Southampton Township, Cumberland County office informing us of the reappointment of Thomas L. Ginnick to the CFJMA board for another 3-year term and the new appointment of George E. Bauserman, Sr. for a 3-year term, both in December 2010. (see attached) These appointments were made at the township’s December 26, 2007 semi-monthly meeting.

Lisa informed the board that a gentleman had inquired if he could trap animals on the newly purchased, "Witter farm" owned by CFJMA. Our attorney, Jim Robinson, commented that "there are some liability insurance concerns that you want to keep in mind. Since you are the owner of the property, anything that happens while he's trapping on the property, you're going to partly be held responsible for." One of the board members asked if we could get him to sign a waiver. Jim replied; "it wouldn't be very effective, as long as you are the owner of the property and you are allowing it. It's different if he's a trespasser." After some discussion, Mr. Oldt stated that "we're not going to entertain it." There was a unanimous consensus of the board members in agreement with that decision. It was noted that we have "no trespassing" signs posted on the property.

- Motion to approve the Treasurer's Report was given by Mr. Clapsaddle and a second by Mr. Heckman. Motion carried.
- Under the Solicitor's Report, Attorney Robinson informed the board that he was coming up against a brick wall in finding a deed of dedication from Shippensburg Mobile Estates to CFJMA for the sewer trunk line needed to be accessed by Deerfield in the development. He said that the drawings that he obtained from Dennis Black's office clearly state that the reason they were put together was to be an attachment to an easement to CFJMA, dated back to January 12, 1978. There is no easement that was ever recorded to CFJMA. He's been told that an easement was prepared by John McCrae; however, he hasn't been able to confirm that with him. Shippensburg Mobile Estates had an agreement with Brimdon Hills (owner before Deerfield) to upgrade the lines going through the development. That agreement has expired, or is soon to expire. They (Shippensburg Mobile Estates) are saying that they will extend the agreement for "X" amount of money. The attorney for Deerfield, Courtney Graham, has inquired of us as to who has the easement for the line. Jim commented that "it is in our best interests to get this straightened out" and he will continue to work on it. He said that "it will stay on the fast track."

Mr. Robinson reported to the board that, upon arriving at the office for the meeting that night, he was handed a sanitary sewer easement from G & C Associates to CFJMA for the location through G & C's property to the Apex development. It was signed by representatives from G & C Associates, but had no place for a signature of acceptance by CFJMA. He said that, upon the board passing a resolution accepting the right-of-way, he would prepare the written document that does that and then have it signed by the chairman and secretary of CFJMA. It has to be in recordable form, which requires a notary for CFJMA. Lisa Suders is a notary and will notarize the paperwork and then it will become part of the document from G & C Associates and will be recorded at the courthouse. Mr. Oldt called for a motion to approve **Resolution 2008-01**, which accepts the easement discussed. Mr. Clapsaddle stated; "I move to accept **Resolution 2008-01**." Mr. Ginnick seconded the motion and it carried.

Chairman Oldt reported to the board that the Authority is still waiting on a payment plan from the Borough of Shippensburg for our portion due them for the low interest loan they acquired from Penn Vest to accomplish the BNR upgrade to the treatment plant. Attorney Robinson has contacted Attorney Salzmann, but his calls have not been returned. He said that he would contact Melissa Dively at Salzmann and Hughes and see what he can find out about this situation.

- There was nothing to be discussed under Old Business.
- Under New Business, there were three gentlemen present to represent the Apex project, a student housing townhouse development off of Baltimore Road, being constructed by Shaffer Builders. They were; George Ozorowski, Attorney for

Shaffer Builders, Gene Miller, Project Manager and Phil Bailey, On-Site Superintendent. In December Shaffer Builders submitted a check in the amount of \$265,000.00 for sewer permits for 106 edu's (103 units and a clubhouse - 3 edu's) at the 2007 permit rate of \$2,500.00 per edu. As of January 1, 2008, the permit fee increased to \$3,000.00 per edu. Since CFJMA's ruling doesn't allow for any more than 5 permits to be purchased and issued at any one time to any one, specific person or entity, the money was taken and put into escrow and no permits were issued. They requested at the meeting to be able to purchase all 106 edu's at this time and the permits to be issued, with the date of December 28, 2007 on each permit, which is when the check was put into escrow. Attorney Robinson noted that the 5 permit limit wasn't implemented until 2003. "And in the prior rules and in the resolution originals passed, it is stated; 'due to the limited number of connections available, permits will be issued on a first come, first serve basis, with a maximum of five (5) permits issued per person, per application at a time.' It appears that paragraph #3 was there simply as a limiting rule" (see attachment) He brought to their attention that the authority actually has a limiting condition stated in #6, because the permits expire after 6 months, and 9 months if an extension is purchased. The board was instructed by Attorney Robinson that the portion of the rules and regulations of CFJMA involving the 5 permit limitation would have to be amended with a resolution and voted upon by the board to change the current ruling in place. After much discussion, Mr. Kater motioned to change #3 to simply state: "All permits are non-transferable and assigned specifically to a lot/parcel." Mr. Ginnick seconded the motion and it carried. This amendment to the rules and regulations will be made with **Resolution 2008-02**. After discussion on the effective date for the motion, and taking into consideration that we already have the money for 104 permits in escrow, Mr. Kater withdrew his previous motion. Mr. Kater then motioned to delete the first sentence of paragraph three (3), which will in the future read; "All permits are non-transferable and assigned specifically to a lot/parcel" by **Resolution 2007-11**, effective December 1, 2007." Mr. Ginnick seconded the motion and it carried.

- Motion was made to go into executive session at 7:00 p.m. to discuss personnel issues and discuss a replacement for Michael Cassidy's vacated position on the 2010 committee. Mr. Ginnick made the motion and Mr. Heckman seconded it. Motion carried.
- Motion to come out of executive session at 7:33 p.m. was given by Mr. Ginnick and seconded by Mr. Heckman. Motion carried.
- Motion was made by Mr. Kater to appoint Randy Kendig to replace Mike Cassidy in the position he held as a CFJMA representative on the 2010 Committee. Mr. Steve Oldt was appointed as an alternate for Mr. Kendig. Mr. Ginnick seconded the motion and it carried.
- Mr. Ginnick motioned to adjourn the meeting at 7:34 p.m. and Mr. Bauserman seconded the motion. Motion carried.

Respectfully submitted,

Fred Clapsaddle, Jr.
Secretary