

ATHENS TOWNSHIP SUPERVISORS

November 10, 2010 12 noon

Chairman Ronald Reagan called the meeting to order at 12:08 PM. Supervisors Jack Walter, Maurice Fay and Robin Smith were also present, as was Attorney John Thompson. Cheryl Wood-Walter was absent. Scheduled officials from PENNDOT in attendance were Virginia Feigles-Kaar, Tom Hall, Shawn Fetzer and Lenny Confer. Others present were Mark Smith, Bob Blauvelt and Patrick Musto.

Ron had everyone introduce themselves and started by saying this meeting was to get the Supervisors and PENNDOT on the same page in regards to right-of-way (ROW) acquisition for the Road C project. We were surprised to learn that PENNDOT has already been acquiring ROW and we have not given any approval for this. Ron said he became concerned when he learned Mr. Hall had already settled with the Darrows. We found out about that when Mr. Hall came in and asked us to file a deed and cut a check to the Darrows. We, as a Board, wanted to have this meeting so we know what is going on.

Ron said Dave Lubin is planning to donate his property to the project. We have that in writing. We were hoping that others would work with us to either donate their property or negotiate a lesser price. Mr. Hall said he has spoken with Mr. Lubin and he has stated he will donate his property.

Lenny Confer said when the final plan is signed by the local agency, PENNDOT, and any other approving entities, that is usually all the approval they need. He apologizes as this is not the case with a municipality. We will be writing the checks for these acquisitions and he knows this will take an action of the Board by Resolution. He suggests we do one resolution to cover all 13 acquisitions.

In order to keep on schedule, we need to have all 13 bought and paid for by January 18, 2011. He has instructed Tom to move quickly. We will have one condemnation (Rosh) and Tom has advised our solicitor of that. Lenny will provide sample documents for the condemnation proceedings. We will see if there are any other properties that will need to be condemned and then do them all at once.

Lenny said as far as a donation from Athens Township Authority (ATA) of their piece of property, PENNDOT can't negotiate lower than the appraised value. He also stated it's not appropriate for them to negotiate it lower. WE would be able to negotiate an agreement with ATA and then PENNDOT could do what we say. He added that it has been established that the Raven Holding property will be donated.

Ron questioned the let date of 2013. Virginia said that was not correct – it is March of 2011. They have a let schedule in their office. She said we need to have Tony actively searching for the money we are short for the project – everything needs to be bought and paid for by January to meet the “let-ready” date.

Page Two
Athens Township Supervisors
November 10, 2010

Ron said he thought we could have worked something out with Athens Township Authority (ATA) since they are a fellow agency and arm of the township. They had an appraisal done on the property which showed an appraised value of \$20,000 and PENNDOT offered them \$45,000, which they took. Jack Walter said he wears both hats and ATA has been mandated to upgrade the sewer plant. They don't have that kind of money and this extra would be a windfall. ATA was expecting \$20,000 and when they got this offer, they went out in orbit.

Lenny said one of the reasons that happened is because PENNDOT can't negotiate. Their appraisals are done by state certified appraisers. Any appraisal is an opinion of value.

Dr. Musto asked if he could explain ATA's thought process on this. We both represent the township. Property taxes are what the township expends. ATA can only use the rate payers. Along those lines, it cost more to keep the Queen Esther plant running and the other rate payers were subsidizing them. This way the rate payers get their money back. They weren't trying to pull one over on the township.

Robin said we have a road project hanging here on the wall for which we are \$2.5 million short, and that extra could have been used to offset some of that additional expense WE are facing. That's where WE'RE coming from. Bob Blauvelt said ATA will still have costs for utility relocation and Robin advised him again that there is money in our grant funds for utility relocation and it will not be an ATA expense.

Lenny Confer said he can give us the appraised amounts for all 13 claims if we would like them. Ron said he prefers not to know until we have them all settled so we can't slip up and let the amounts out. Tom Hall said he has contacted Rosh three times and has received no response. That is all he is required to do before starting the condemnation process. Lenny said at this point we should wait on the Rosh condemnation – just in case we have to do any more condemnations, and then we could do them all at once. John Thompson said Melissa Keeffe is in charge of Mary T. Sullivan's estate and they want to be compensated. Tom Hall said he has also spoken to Melissa's secretary.

Tom also said he has started the title searches on anything over \$25,000. He will do one on Rosh as well. Jack said it would be good to know whether or not Rosh owns that. They haven't paid taxes on it. Lenny said Larson Design Group has plotted Rosh as the owner. Rosh could hold this process up. Lenny said when it is held up, they usually request an expedited hearing, and that usually happens. There are only a few reasons that will be accepted by the courts in the preliminary objections. Lenny said it's been his experience that the people who have the authority to condemn rarely lose.

Page Three
Athens Township Supervisors
November 10, 2010

Tom Hall said he wants us all to keep on track so we meet the deadlines and don't lose our funding. Lenny said he doesn't allow local municipalities to do the acquisitions because if they're not done properly, we could lose all Federal funding. Virginia said PENNDOT doesn't charge against our project funds. Ron said they have a line item in the project budget. Virginia said that is for the construction phase – auditing costs, inspections, etc.

Tom Hall said he will need a copy of the checks when they're cut (for the right-of-way acquisitions) – they don't need to be the cancelled checks, just the front of the check. Robin and Ruth will both sign the checks. He also needs a copy of the recorded deeds. The township will cut the check. PENNDOT will provide the deeds. John Thompson will record the deeds. Tom Hall will supply the signed agreements of sale / settlement statements. Lenny also needs copies so he can clear the project to be advertised.

Lenny also said there may be additional payments above the fair market value that is offered – could be possibly up to \$4000 more – to cover appraisal costs, engineering costs, attorney costs, etc. The township would be liable for these costs. Robin asked if they would be reimbursable costs and Lenny said they would. Lenny said the Darrow settlement was for \$1000 more.

Ron thanked PENNDOT for coming and getting us all on the same page. Lenny apologized for not having this meeting sooner.

Virginia asked if we have all our funding in place yet. Jack said Tony can't get the additional funding until we have a final cost amount. Robin said we have that amount. Virginia said we need to have this money identified.

Jack asked Lenny and Tom to do whatever they can do to make Dave Hafer happy. Tom said he has already spoken with him. They want water testing done prior to the start of construction, at the end of construction, and 1 year after the end of construction. Tom said a commitment can be made, but if there is a problem, it has to be proven that it is because of the design or construction of the project.

Ron asked Virginia if she thought we needed another meeting and she said no. Virginia reiterated that we are on the hook for all the Federal money that we've used.

There being no further business, on motion of Ron, second by Maurice, it was unanimous to adjourn the meeting at 1:11 PM.

Respectfully submitted,

Robin L. Smith, Secretary