

The Regular Meeting of the Bloomsburg Municipal Authority Board was held on Tuesday, March 12, 2024, beginning at 4:00pm in the Conference Room of the Municipal Authority Office, 1000 Market Street, Suite 9, Bloomsburg, PA.

Chair Thomas Evans presided. Those present included Treasurer Michael Upton; Board Members Sylvia Costa and Bill Brobst; Assistant Plant Superintendent Mark Tappe; Maintenance/Collection System Supervisor Josh Young; Special Projects Coordinator Ryan Longenberger; Jeff Slabinski and George Myers, Myers Environmental Services; Solicitor Alvin Luschas, Luschas, Naparsteck & Crane LLP; Steven Siegfried, P.E., Rettew and Secretary/Office Manager Amber Kenney. Absent were Board Member Nick McGaw and Billing and Collections Director Amy Seamans.

The Board adjourned into Executive Session at 4:00pm due to a matter involving potential litigation and reconvened at 4:45pm.

#### **APPROVAL OF FEBRUARY 13, 2024 MINUTES**

On a motion by M. Upton, seconded by S. Costa and voted on unanimously, the Board approved the February 13, 2024 minutes without any additions or corrections.

#### **APPROVAL OF PAYMENT OF MONTHLY OPERATING AND MAINTENANCE BILLS FOR FEBRUARY**

On a motion by B. Brobst, seconded by S. Costa and voted on unanimously, the Board approved payment of the monthly operating and maintenance bills for February in the amount of \$230,901.42.

#### **APPROVAL OF PAYMENT OF MONTHLY SEWER MAINTENANCE BILLS FOR FEBRUARY**

On a motion by S. Costa, seconded by B. Brobst and voted on unanimously, the Board approved payment of the monthly sewer maintenance bills for February in the amount of \$8,607.99.

#### **APPROVAL TO OFFER ESCROW OF SEWER PERMIT FEES FOR PROPERTY OWNED BY BLOOMSBURG INDUSTRIAL VENTURES LOCATED AT 338 W. 6<sup>TH</sup> STREET AND DISCUSSION REGARDING AN AMENDMENT TO DEVELOPER AGREEMENTS SOUGHT BY BLOOMSBURG INDUSTRIAL VENTURES**

Solicitor Luschas informed the Board that on February 27, 2024, he sent a letter to Mr. Zoppetti to remind Mr. Zoppetti that the Authority had not received the current development plans it sought related to the properties included in his proposed Amendment, extending two prior Developer Agreements. {The Developers Agreement dated May 23, 2016 (Sixth Street development) and March 28, 2018 (Fifth Street development)}. The proposed Amendment extends the term of the previous approvals due to the delays caused by litigation between Bloomsburg Industrial Ventures and the Town of Bloomsburg. The Authority was not a party to that litigation. The Solicitor provided a copy of the proposed Amendment to the Board and copies were available to members of the public. The proposed Amendment, however, goes beyond extending the timeframes, stating that that any plans submitted by Bloomsburg Industrial Ventures in the future, "shall not be unreasonably withheld, delayed, or denied by the Town or the Authority and shall not be subject to any changes or amendments to the zoning, subdivision, or other governing ordinances." The Solicitor informed the Board that many of the tax parcels identifying the land included in the proposed amendment no longer exist. He also stated that the Authority has a right to know what properties are subject to the Amendment before accepting it. Attorney Luschas reported that he and the Authority need current development plans to review and reminded the Authority that he met with Mr. Zoppetti back in September and that, at that time, he received a firm commitment from Mr. Zoppetti that Mr. Zoppetti would provide the Authority with current plans for its review. However, to date, no plans have been provided to the Solicitor nor the Authority pursuant to these requests. The Board is aware that Bloomsburg Industrial Ventures has sold or conveyed a substantial portion of the real estate initially covered by the Fifth Street development and Sixth Street development plans.

The Solicitor further reported that he and the Authority just received an email from Mr. Zoppetti which stated that if Mr. Zoppetti did not receive, on or before March 15, 2024, the signed and notarized Extension Agreement and a free sewer connection for eight apartments he intends to construct at 338 W. 6<sup>th</sup> Street, he will sue the Authority seeking punitive damages, legal fees, and that this lawsuit will proceed against the Solicitor, his law firm, and all individual board members.

On a motion by B. Brobst, seconded by M. Upton and voted on unanimously, the Board approved issuing a sewer permit for property located at 338 W. 6<sup>th</sup> Street and owned by Bloomsburg Industrial Ventures, LLC, contingent upon payment of tapping fees totaling \$19,200.00 or upon the sewer permit fees due be placed in an escrow account for a period of 90 days pending commencement of any legal actions by Bloomsburg Industrial Ventures to determine if Bloomsburg Industrial Ventures is exempt from tapping fees. If the escrow is established, the escrowed funds will be released to the Authority if litigation is not started by Bloomsburg Industrial Ventures within 90 days. If litigation is started within 90 days, the disposition of the escrowed funds will be determined by Court decision.

The Board directed the Solicitor to send a letter to Mr. Zoppetti restating that the Authority must have current development plans to review before it can decide whether to approve the amendment he seeks. The communication should inform Mr. Zoppetti that the Authority must know what property his current Development Plans pertain to. The letter should state the Authority does not seek to delay any of Mr. Zoppetti's development plans as long as the rules and regulations of the Authority are followed.

**APPROVAL OF PROPOSAL FROM RETTEW, INC. FOR ENGINEERING SERVICES FOR ROSE AVENUE SEWER REHABILITATION PROJECT**

On a motion by M. Upton, seconded by S. Costa and voted on unanimously, the Board approved a proposal from Rettew, Inc. in the amount of \$23,700.00 for engineering services of the Rose Avenue Rehabilitation Project.

**APPROVAL OF REPURCHASE AGREEMENT TERMINATION AND DISCLOSURE AND PUBLIC DEPOSITS AGREEMENT WITH JOURNEY BANK**

On a motion by B. Brobst, seconded by M. Upton and voted on Three (3) (B. Brobst, M. Upton and S. Costa voting "Yes") to One (1) Abstention (T. Evans "Abstaining"), the Board approved a Repurchase Agreement Termination and Disclosure regarding the Authority's Repurchase (Sweep) account and a Public Deposits Agreement regarding Act 72 with Journey Bank

Being no further business, the meeting adjourned at 5:43pm.

AMBER KENNEY  
Secretary/Office Manager