

HORSHAM LAND REDEVELOPMENT AUTHORITY

MEETING MINUTES

WEDNESDAY • JANUARY 15, 2020 • 3:30 PM

In Attendance:

Authority Board

W. William Whiteside, III, Chair

Joanna M. Furia Esq., Vice Chair

Mark McCouch

Joseph Wade

Absent:

Dr. Curtis Griffin

HLRA Staff

Michael J. McGee

Larry Burns

William Gildea-Walker

Mary Eberle, Esquire

Tom Ames

Chairman Whiteside called the meeting to order at 3:30 p.m. in the Horsham Township Building at 1025 Horsham Road, Horsham PA 19044 and led those in attendance in the Pledge of Allegiance to the flag.

Mr. Whiteside asked if there were any questions or comments from the public, there were none.

Mr. Whiteside asked for the will of the Board regarding the Election of Officers for 2019. It was moved by Mr. McCouch, seconded by Mr. Wade to nominate W. Winston Whiteside as Chair, Joanna Furia for Vice-Chair and William Gildea-Walker as Secretary/Treasurer for 2020. All voted in favor, motion passed unanimously.

Mr. Whiteside asked for the will of the Board regarding minutes of the HLRA meeting on October 16, 2019. It was moved by Ms. Furia, second by Mr. McCouch to approve the minutes for the October 16, 2019 HLRA meeting. All voted in favor, motion passed unanimously.

Mr. Whiteside asked Mr. McGee for the Executive Director's Report. Mr. McGee confirmed that the Navy and the EPA remain at odds regarding the "Clear Zone" property and future liability related to asbestos, lead paint and pesticides. The EPA has chosen not to withdraw its last review letter which affirmed a position that the Navy could not escape future liability by agreement or deed when they transfer of the property. The opposing positions of the EPA and the Navy on this liability has significantly delayed the process for more than a year. The "Clear Zone" property by far should be the easiest property to transfer as no military operation has ever occurred on the parcel.

Mr. McGee talked with Greg Preston yesterday but he had no updated information to provide and suggested a follow-up call be made in a few weeks. Mr. McGee was aware of an Army transfer of property that occurred subject to the asbestos, lead paint and pesticides liability remaining intact and questioned why the Navy was steadfast over this issue. Greg Preston confirmed that without the limiting language prevailing from the FOST document, that the liability for clean-up leaves the Navy open to a variety of lawsuits in the future. EPA has chosen now to take a stand on the issue, when in past years it allowed properties to transfer with the liability limiting language. Obviously, the HLRA has no say in the matter and we are hopeful that the situation may resolve itself. We will continue to push for a decision.

Mr. McGee confirmed that the pilot program for the treatment of ground water has been installed near the fence line between the Navy and Air Guard properties and is working, though the pilot system output to only 20 gallons per minute. Mr. Whiteside inquired if it was just one well. Mr. McGee confirmed that this was the first pilot system and that we did expect another pilot in the near future, potentially near the fire training area.

Mr. McGee noted that we have been waiting for the Navy to schedule a public meeting on the feasibility studies related to sites 3 and 12. At the HLRA October 16, 2019 meeting, the board authorized staff to author a letter to the Navy seeking the full removal of the contents of the sites 3 and 12 landfills. The final draft report from the Navy states that EPA and DEP accepted the Navy's position that capping the landfills was an adequate and sufficient remedy. The public meeting has been discussed for some time, but has not yet been scheduled and postponed for months. The public meeting may ultimately be held in the township's community center.

Mr. McGee also confirmed that the Governor's Action Team has issued a report and confirms their intentions of developing standards for surface water, ground water and soils. If that is the case, DOD has previously stated that they would comply with state wide standards that did not discriminate against the DOD.

Mr. McGee noted that Tom Ames, Deputy Director was not in attendance today as he was in Texas with his daughter and new grandchild.

Mr. Whiteside asked Ms. Eberle for the Solicitor's Report. Ms. Eberle confirmed she had 2 matters to update the board on. First, the Aldie federal lawsuit was going through the process and a disposition may be in the future as the presiding judge has made comment that their claims are not

timely, as the Shenandoah Woods property has not transferred from the Navy and therefore, no harm or damage has yet occurred. Mr. McCouch asked if the suit was dismissed, could Aldi refile at some time in the future? Ms. Eberle confirmed that a dismissal at this point would not preclude Aldie from refiling in the future.

Ms. Eberle confirmed the second matter for discussion was the pending formation of a new authority by the township, being the Military Installation Remediation and Infrastructure Authority. She commended Representative Todd Stephens for shepherding through a bill which was signed by Governor Wolf in late November. PA 2019 Act 101 provides a mechanism for the new authority to compile a parcel list of properties adversely affected by the former NAS-JRB Willow Grove installation, and allow for a diversion of PA State taxes to the authority for reimbursement of the cost of PFAS remediation efforts, to be available to make connections to the public water systems, for paying for the cost of operation of the new authority, and ultimately to fund future local infrastructure projects. Statute provides the new authority to have a 7-member board, with 2 appointments by the PA House, 2 appointments by the PA Senate, an appointment by the Township, and appointment by the school district, and an appointment by the HLRA. Ms. Furia questioned who was appointed by the township, and Ms. Eberle confirmed it was Greg Nesbitt. Other appointees at this date include Representative Todd Stephens, Mr. Scott DeRosa of Warminster Township, Theresa Harmon a Horsham resident, Mr. Thomas Panzer of Warminster, and the school district appointed Ms. Tara Conner-Hallston. Mr. Whiteside inquired if the new authority would be created by the beginning of February? Ms. Eberle confirmed there were proof of publication requirements that would probably allow formation by February 15th. She confirmed that Horsham Township Council would have a public meeting and voting on the new authority of January 27th. Mr. McCouch inquired about the new authority's mission over time? Ms. Eberle confirmed that funds diverted to the authority would first be used for the cost of the authority operation, then to reimburse the Horsham Water & Sewer Authority or other municipal water providers and their customers for costs and the surcharge that resulted from PFC's, then to remedial system maintenance costs and connection costs to the public water system, and after all that, funds would be available for infrastructure and redevelopment.

Mr. Whiteside inquired whether Mr. McGee or Mr. Burns had any additional comments regarding the new authority. Mr. McGee complimented the efforts of Representative Stephens in moving the bill to law and for devising this funding source to reimburse residents and the water & sewer

authority for costs related to PFC contamination and to potentially provide funding for redevelopment over time. The law requires the township have a local contribution for projects, but leverages local dollars 5 to 1 for funding. Mr. Burns confirmed he had no comment at this time.

Mr. Whiteside asked for the will of the Board regarding the list of checks. It was moved by Mr. McCouch, seconded by Ms. Furia, to approve the list of checks in the amount of \$46,996.95 covering the period from October 17, 2019 to December 31, 2019 and the list of check for \$22,086.62 for the period from January 1, 2020 to January 15, 2020. All voted in favor, motion passed unanimously.

Mr. Whiteside indicated the next item on the agenda was the approval of the quarterly meeting schedule for 2020, a copy of which is attached. Ms. Furia moved to approve the HLRA quarterly meeting schedule as presented, providing for meetings at 3:30pm on the 3rd Wednesday in the months of April, July and October, 2020 and for January, 2021. The move was seconded by Mr. McCouch. All voted in favor, motion passed unanimously.

Mr. Whiteside stated the next item on the agenda was the approval of HLRA's annual budget for 2020. Mr. McGee commented that the HLRA budget is highly reliant on OEA grants. He reminded the board that we are one of the last LRA's receiving funding from OEA. They have been very supportive and we feel confident that our grant for 2020-2021 will be approved. Several years back our auditing accounting firm commented that an annual budget should be prepared and voted on by the board, and the HLRA in recent years has elected to prepare a budget and have a budget resolution adopted annually. This budget has some additional consultant costs and assumes there may be increased activity in case negotiations may restart with both the Navy and Catellus. Obviously, that would be dependent on a DOD and EPA resolving their issues. Mr. McCouch moved to approve HLRA Budget Resolution #2020-01 setting forth the proposed budget for 2020. The motion was seconded by Ms. Furia. All voted in favor, motion passed unanimously.

Mr. Whiteside confirmed that the next item on the agenda involved approving a policy detailing retention and disposition of records. Mr. McGee stated that the HLRA annually approves a resolution on our record retention policy which is consistent with procedures established by the Commonwealth of Pennsylvania and followed by many municipalities. Ms. Furia moved to approve the HLRA Disposition of Records Resolution #2020-2 which adopts the procedures for

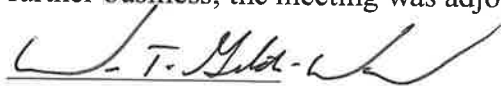
the disposition of records as set for in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on December 16, 2008 and further approves the disposition of appropriate HLRA records that may be disposed of at this time, in accordance with those procedures. The motion was seconded by Mr. McCouch. All voted in favor, motion passed unanimously

Mr. Whiteside confirm the next agenda item was for the reappointment of the HLRA solicitor. Mr. McGee confirmed that Ms. Eberle had provided a letter requesting reappointment and setting an hourly rate \$160.00. Mr. McGee indicated that the staff recommendation was that Ms. Eberle be reappointed and confirmed that he considered her fee to be modest. Mr. McCouch moved to approve the reappointment of Ms. Eberle and the law firm of Grim, Biehn & Thatcher as Solicitor of the HLRA for fiscal year 2020. The motion was seconded by Ms. Furia. All in favor, motion passed unanimously.

The proposal for auditing services for the year end December 31, 2019 was next discussed. Mr. McGee confirmed that many accounting firms have declined providing a proposal on audits if the perceived fee is less than \$10,000.00. We have however, consistently solicited at least 3 bids for our audit. The only accounting firm to provide a formal bid was Maillie, LLP with a bid for the audit of \$6,000. It was moved by Mr. McCouch, seconded by Ms. Furia, to retain and engage Maillie to provide audit services for the HLRA for the year ended December 31, 2019. All voted in favor, motion passed unanimously.

Mr. Whiteside stated the next item on the agenda was to consider the HLRA's appointment of a board member for the township's new authority in formation, the Military Installation Remediation and Infrastructure Authority. Mr. McCouch moved to appoint William Whiteside as the HLRA's appointee to the new Military Installation Remediation and Infrastructure Authority. Ms. Furia seconded the motion. All in favor, motion passed unanimously.

Mr. Whiteside announced that the next Horsham Land Redevelopment Authority meeting would be on April 15, 2020 at 3:30 p.m. in the Horsham Township Municipal Building. There being no further business, the meeting was adjourned at 4:01pm.



William T. Gildea-Walker
HLRA Secretary