

04-225-CD
HUSTON TOWNSHIP SEWER AUTHORITY VS. MARK MAINES

2004-225-CD
Huston Twp. Sewer Auth. vs. Mark Maines

District Justice Appeal

Date	Judge
02/17/2004	<input checked="" type="checkbox"/> Filing: District Justice Appeals Paid by: Gearhart, R. Denning (attorney for Maines, Mark) Receipt number: 1873846 Dated: 02/17/2004 Amount: \$85.00 (Check) Copies to Atty. Gearhart.
02/20/2004	<input checked="" type="checkbox"/> Proof of Service, of Notice of Appeal and Rule to File Complaint. filed. no cc
02/23/2004	<input checked="" type="checkbox"/> Transcript From Justice Ford. filed.
04/01/2004	<input checked="" type="checkbox"/> Complaint. filed by, s/Jeffrey S. DuBois, Esquire Verification s/Jeffrey S. DuBois, Esquire Certificate of Service 3 cc to Atty
08/20/2004	<input checked="" type="checkbox"/> Certificate of Service, Answer to Complaint and New Matter, upon Jeffrey S. DuBois, Esq., Filed by s/R. Denning Gearhart, Esq., No cc
	<input checked="" type="checkbox"/> Answer to Complaint and New Matter, Filed by s/R. Denning Gearhartt., 3 cc Atty Gearhart
09/01/2004	<input checked="" type="checkbox"/> Reply to New Matter, on behalf of Plaintiff, filed by s/Jeffrey S. DuBois, Esquire. 3 CC Atty DuBois. Certificate of Service, upon R. Denning Gearhart, Esquire.
04/11/2005	<input checked="" type="checkbox"/> Filing: Praeclipe/List For Arbitration Paid by: DuBois, Jeffrey Receipt number: 1899201 Dated: 04/11/2005 Amount: \$20.00 (Cash) 2 Cert. to Atty. DuBois atty for Plaintiff.
05/24/2005	<input checked="" type="checkbox"/> Order, NOW, this 23rd day of May, 2005, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Tuesday, July 19, 2005 at 1:00 p.m. in Hearing Room No. 3. The following have been appointed as Arbitrators: David P. King, Esquire, Chairman Kim C. Kesner, Esquire Blaise Ferraraccio, Esquire. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 5CC C/A
06/01/2005	<input checked="" type="checkbox"/> Motion For Summary Judgment, filed by s/ R. Denning Gearhart, Esquire. 2CC Atty. Gearhart
06/06/2005	<input checked="" type="checkbox"/> Order, NOW, this 3rd day of June, 2005, upon consideration of motion for Summary Judgment, a hearing is scheduled for the 7th day of July, 2005 at 2:30 p.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty Gearhart
06/07/2005	<input checked="" type="checkbox"/> Certificate of Service, Copy of Order scheduling hearing on the Motion for Summary Judgment served upon Jeffrey S. DuBois, Esq. Filed By R. Denning Gearhart, Atty. No CC.
07/07/2005	<input checked="" type="checkbox"/> Plaintiff's Response to Defendant's Motion for Summary Judgment, filed by s/Jeffrey S. DuBois, Esq. Three CC Attorney DuBois
	<input checked="" type="checkbox"/> Certificate of Service, served a true and correct copy of the Brief in Support of Defendant's Motion for Summary Judgment filed in the above-captioned matter on Plaintiff, Huston Township Sewer Authority on July 7, 2005 filed by s/ R. Denning Gearhart Esquire. 2CC Atty Gearhart.
07/08/2005	<input checked="" type="checkbox"/> Order, this 8th day of July, 2005, Def.'s Motion for Summary Judgment is dismissed as being filed within such a time period as may unreasonably delay the arbitration hearing scheduled for July 19, 2005. By The Court, Fredric J. Ammerman, Pres. Judge. CC to Gearhart, DuBois

Date: 01/27/2006

Time: 03:35 PM

Page 2 of 2

Clearfield County Court of Common Pleas

ROA Report

Case: 2004-00225-CD

Current Judge: Paul E. Cherry

Huston Township Sewer Authority vs. Mark Maines

User: LBENDER

District Justice Appeal

Date	Judge	
07/11/2005	<input checked="" type="checkbox"/> Certificate of Service, served a true and correct copy of the Brief in Support of Defendant's Motion for Summary Judgment to David P King Esquire; Kim C. Kesner Esquire and Blaise J. Ferraracio Esquire filed on July 11, 2005 filed by s/ R. Denning Gearhart Esquire. 1 CC Atty.	Fredric Joseph Ammerman
	<input checked="" type="checkbox"/> Certificate of Service, served a true and correct copy of the Defendant's Pretrial Statement filed in the above-captioned matter on Plaintiff, Huston Township Sewer Authority, Jeffrey S. DuBois Esquire, Kim C. Kesner Esquire, David P. King Esquire and Blaise J. Ferraracio Esquire filed by s/ R. Denning Gearhart Esquire. 1CC Atty.	Fredric Joseph Ammerman
07/19/2005	<input checked="" type="checkbox"/> Oath or Affirmation of Arbitrators: s/David P. King s/Kim C. Kesner s/Blaise Ferraracio Award of Arbitrators: Judgment in favor of the Plaintiff and against the Defendant for damages in the amount of \$2,950.00 plus costs--no interest prior to date of judgment. s/David P. King s/Kim C. Kesner s/Blaise Ferraracio Notices to Attys: Gearhart, DuBois Entry of Award, July 19, 2005, William A. Shaw, Prothonotary	Fredric Joseph Ammerman
08/12/2005	<input checked="" type="checkbox"/> Filing: Arbitration Appeal Paid by: Maines, Mark (defendant) Receipt number: 1906502 Dated: 08/12/2005 Amount: \$400.00 (Cash) 1 Cert. to Mark Maines. copy to C/A	Fredric Joseph Ammerman
01/03/2006	<input checked="" type="checkbox"/> Praecipe To Withdraw as Attorney, filed by s/ R. Denning Gearhart, Esquire. 3CC Atty. Gearhart, copy to C/A	Fredric Joseph Ammerman
01/19/2006	<input checked="" type="checkbox"/> Order, NOW, this 19th day of Jan., 2006, following Pre-Trial Conference, Ordered: Jury Selection is scheduled for Feb. 2, 2006 beginning at 9:00 a.m. in Courtroom No. 2. Trial is scheduled for March 1, 2006 beginning at 9:00 a.m. in Courtroom No. 2. (see original). By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. DuBois, 2CC Def.	Paul E. Cherry
01/23/2006	<input checked="" type="checkbox"/> Plaintiff's Motion For Judgment on The Pleadings, filed by s/Jeffrey S. DuBois, Esquire. 3CC Atty. DuBois	Paul E. Cherry
01/24/2006	<input checked="" type="checkbox"/> Rule Returnable, NOW, this 24th day of Jan., 2006, after review of the Plaintiff's Motion for Judgment on the Pleadings, a hearing on said Motion is scheduled for the 2nd day of Feb., 2006 at 9:00 a.m. in Courtroom No. 2. By The Court, /s/ Paul E. Cherry, Judge. 3CC to Atty.	Paul E. Cherry

1-27-06 Outstanding discovery

1-27-06 Answer to plaintiff's motion for Judgment

1-27-06 Cert of Service

2-10-06 Order, 27-06

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 04-225-CJ

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT MARK MAINES		MAG. DIST. NO. OR NAME OF D.J. 46-3-01	
ADDRESS OF APPELLANT 283 Woodward Avenue		CITY Penfield	STATE PA ZIP CODE 15849
DATE OF JUDGMENT 1/13/2004	IN THE CASE OF (Plaintiff) HUSTON TOWNSHIP SEWER AUTHORITY	(Defendant) vs. MARK MAINES	
CLAIM NO. CV LT	0000512-03	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT	

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

Signature of Prothonotary or Deputy

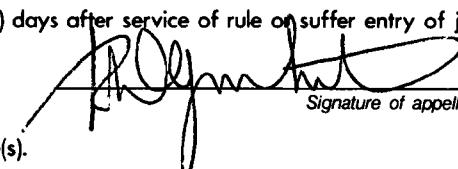
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Huston Township Sewer Authority, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 04-225-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.


Signature of appellant or his attorney or agent

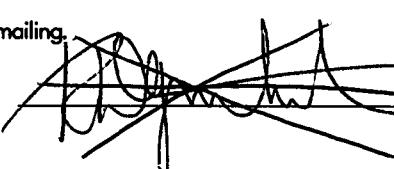
RULE: To Huston Township Sewer Authority, appellee(s).
(Name of appellee(s))

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: February 17, 2004


Signature of Prothonotary or Deputy

FILED

FEB 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____ ; SS

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, by personal service by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) _____, on _____
 by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom
the Rule was addressed on _____, by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Case No:

48-3-01

Defendant:

PATRICK N. GORD
309 MAPLE AVENUE
P.O. BOX 453
DUBOIS, PA
(412) 372-5321 15801

MARY MAINESE
283 WOODWARD RD
PENFIELD, PA 15849

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

Plaintiff:

BUTTON TOWNSHIP SEWER AUTHORITY
PO BOX 121
PENFIELD, PA 15849

Defendant:

MARYSE, MARY
283 WOODWARD RD
PENFIELD, PA 15849

Plaintiff: CV-000513-63
Date Filed: 11/24/03

THIS IS TO NOTIFY YOU THAT:

Judgment: DEFAULT JUDGMENT PLATE Judgment was entered for: (Name) MARYSE, MARYSE, MARY Judgment was entered against: (Name) MARYSE, MARYIn the amount of \$ 1,845.50 on: (Date of Judgment) 1/13/04 Defendants are jointly and severally liable.

(Date & Time)

 Damages will be assessed on: This case dismissed without prejudice. Amount of Judgment Subject to
Attachment/42 Pa.C.S. § 8127 § Portion of Judgment for physical
damages arising out of residential
waste \$

Amount of Judgment	\$ 1,775.00
Judgment Costs	\$ 71.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,845.50

Post Judgment Credits

Post Judgment Costs

Certified Judgment Total \$

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

1/13/04 Date

Patrick N. Gord - eff District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date

District Justice

My commission expires first Monday of January, 2006.

SEAL

AOPC 616-03

DATE PRINTED: 1/13/04 10:02:10 AM

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA
JUDICIAL DISTRICT46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 04-325-CJ

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
MARK MAINES		46-3-01		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
283 Woodward Avenue		Pentfield	PA	15848
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)	(Defendant)		
1/13/2004	HUSTON TOWNSHIP SEWER AUTHORITY	vs. MARK MAINES		
CLAIM NO.		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV	3000512-03			
LT				

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Huston Township Sewer Authority, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 04-325-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To Huston Township Sewer Authority, appellee(s).
(Name of appellee(s))

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: February 17, 2004.

Signature of Prothonotary or Deputy

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD ; ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 04-225-CD, upon the District Justice designated therein on
(date of service) 2/19/2004. by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Huston Township Sewer Auth., on
2/19/2004. by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom
the Rule was addressed on 2/19/2004. by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

Return receipt cards attached as Exhibit "A".

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 20 DAY OF February

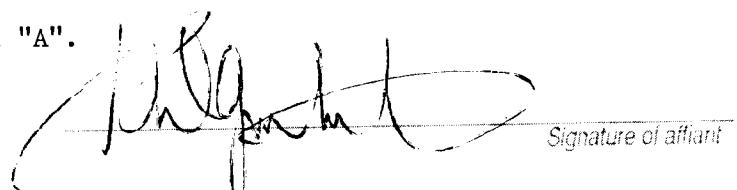
Kathleen A. Ricotta

Signature of official before whom affidavit was made

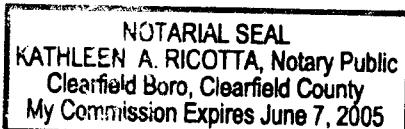
Notary Public

Title of official

My commission expires on June 1, 2005



Signature of affiant



FILED

FEB 20 2004

*William A. Shaw
Prothonotary*

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Patrick N. Ford
District Justice
309 Maple Avenue
P.O. Box 452
DeBris, PA 15801

2. Article Number*(Transfer from service label)*

7002 2030 0000 6873 1603

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY**A. Signature***Patrick N. Ford* Agent Addressee**B. Received by (Printed Name)***Patrick N. Ford***C. Date of Delivery**

2-19-04

D. Is delivery address different from item 1? Yes*If YES, enter delivery address below:* No**3. Service Type** Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.**4. Restricted Delivery? (Extra Fee) Yes****SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Huston Township Sewer
Auth.
P.O. Box 121
Penfield, PA 15849

2. Article Number*(Transfer from service label)*

7002 2030 0000 6873 1597

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY**A. Signature***Amy Mahaffy* Agent Addressee**B. Received by (Printed Name)***Amy Mahaffy***C. Date of Delivery**

2-19-04

D. Is delivery address different from item 1? Yes*If YES, enter delivery address below:* No**3. Service Type** Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.**4. Restricted Delivery? (Extra Fee) Yes**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
	Plaintiff	Type of Pleading:
	:	
Vs.	:	COMPLAINT
	:	
MARK MAINES,	:	Filed on Behalf of:
	Defendant	PLAINTIFF
	:	
	:	Counsel of Record for This Party:
	:	
	:	Jeffrey S. DuBois, Esquire
	:	Supreme Court No. 62074
	:	190 West Park Avenue, Suite #5
	:	DuBois, PA 15801
	:	(814) 375-5598

FILED

APR 01 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
	Plaintiff	:
		:
Vs.	:	
		:
MARK MAINES,	:	
	Defendant	:

COMPLAINT

AND NOW, comes the Plaintiff, HUSTON TOWNSHIP SEWER AUTHORITY, by and through their attorney, Jeffrey S. DuBois, Esquire, who files this Complaint and in support thereof avers the following:

1. The Plaintiff, Huston Township Sewer Authority, is an Authority, incorporated by Huston Township under the Pennsylvania Municipality Authorities Act, 53 Pa.C.S.A. sec. 5601, et seq., with its business office at Penfield, Huston Township, Clearfield County, Pennsylvania.
2. Plaintiff was created by Huston Township for the purposes, *inter alia*, of financing, construction, operating and monitoring a sewage collection and treatment system in the Township (Sewer System).
3. The Defendant, Mark Maines, is an adult individual residing in Penfield, Huston Township, Clearfield County, Pennsylvania.
4. Defendant owns two (2) improved properties within the service area of the sewer system.

5. Jurisdiction is proper before this Honorable Court, as this is an appeal by Defendant from a judgment against Defendant and in favor of Plaintiff from District Justice Patrick Ford, No. 46-3-01.

6. On or about June of 2000, Plaintiff completed construction plans of its sewer system.

7. On July 10, 2000, the Huston Township Supervisors enacted Ordinance 2000, which by authority of Section 1501.1 of the Second Class Township Code, mandated all owners of improved property within one hundred fifty (150) feet to connect to the sewer system (Mandatory Connection Ordinance).

8. On November 21, 2000, in accordance with Section 2 of the Mandatory Connection Ordinance, Plaintiff notified Defendant of his obligation to connect to the sewer system.

9. At the time, Defendant was notified to connect, the tapping fee established by Plaintiff and in effect, was One Thousand Nine Hundred Seventy Five and 00/100 (\$1,975.00) Dollars. However, a one time discount of Nine Hundred Seventy Five and 00/100 (\$975.00) Dollars was granted for tapping fees paid by February 28, 2001.

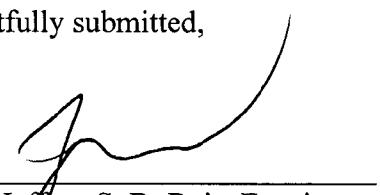
10. Plaintiff did not pay a tapping fee for either of his properties prior to February 28, 2001.

11. On or about June 12, 2003, Plaintiff rendered payment of one (1) tapping fee at the rate of One Thousand and 00/100 (\$1,000.00) Dollars which was no longer in effect, thus leaving a balance owed of Nine Hundred Fifty and 00/100 (\$950.00) Dollars. For the other property owned by Defendant, to date, Defendant has failed or refused to pay any of the applicable tapping fee.

12. Despite repeated requests, Defendant has failed or refused to pay the amount due of Two Thousand Nine Hundred Fifty and 00/100 (\$2,950.00) Dollars.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgment in its favor and against Defendant in the amount of Two Thousand Nine Hundred Fifty and 00/100 (\$2,950.00) Dollars, plus costs, interest, and any other relief this Court deems just and proper.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

VERIFICATION

I, JEFFREY S. DUBOIS, Esquire, verify that the statements in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. The undersigned is in possession of this information based on conversations with and representation of Plaintiff. Plaintiff is currently unavailable and a signed verification by Plaintiff will be submitted as soon as Plaintiff is in contact with the undersigned.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Jeffrey S. DuBois, Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
	Plaintiff	:
		:
Vs.	:	
		:
MARK MAINES,	:	
	Defendant	:

CERTIFICATE OF SERVICE

I do hereby certify that on the 31st day of March, 2004, I served a true and correct copy of the within Complaint by first class mail, postage prepaid, on the following:

R. Denning Gearhart
215 E. Locust Street
Clearfield, PA 16830



Jeffrey S. DuBois

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER
AUTHORITY, :
Plaintiff :
vs. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

CASE NUMBER: No. 04-225-CD
TYPE OF CASE: Civil
TYPE OF PLEADING: CERTIFICATE OF SERVICE
FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I. D. #26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED NO
08/10/2004
AUG 20 2004
SAC
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

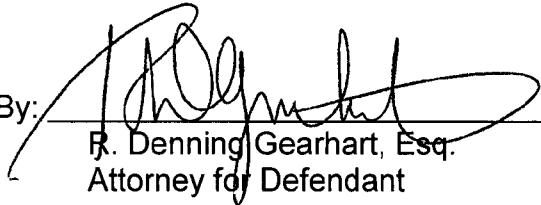
HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
vs. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Answer to Complaint and New Matter filed in the above captioned matter on the Plaintiff through Plaintiff's attorney by depositing such documents in the United States Mail postage pre-paid and addressed as follows:

Jeffrey S. DuBois, Esq.
190 West Park Avenue
Suite #5
DuBois, PA 15801

By:


R. Denning Gearhart, Esq.
Attorney for Defendant

Dated: August 20, 2004

**IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION**

**HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
vs. : No. 04-225-CD
MARK MAINES, :
Defendant :**

CASE NUMBER: 04-225-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: ANSWER TO COMPLAINT and NEW MATTER

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED 3cc
09/17/04 AUG 20 2004 4th Gearhart
E:103
William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION**

HUSTON TOWNSHIP SEWER	:
AUTHORITY,	:
Plaintiff	:
	:
vs.	: No. 04-225-CD
	:
	:
MARK MAINES,	:
Defendant	:

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator's Office
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
vs. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

A N S W E R

AND NOW, comes Mark Maines, Defendant, by and through his attorney, R. Denning Gearhart, who avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Calls for a conclusion of law and no answer required.
8. The notification is admitted.
9. The notification is admitted.
10. Admitted that the Defendant did not pay the tapping fees (Complaint erroneously refers to Defendant as Plaintiff.)
11. Admitted that the Defendant made one payment per tapping fee for One Thousand (\$1,000.00) Dollars. Denied that there is a balance owed. Denied for reasons contained in New Matter that there is a

balance owed. Admitted that the Defendant had not paid any other tapping fees. (Again, the Complaint erroneously refers to the Defendant as the Plaintiff.)

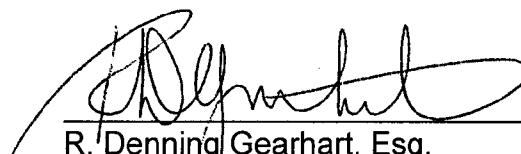
12. Admitted.

NEW MATTER

13. Paragraphs 1 through 12 of the Complaint and Answer to Complaint are incorporated herein by reference as though set forth in full.
14. The additional fees charged to the Defendant and to customers similarly situated mounts to a penalty for not paying the complete amount on time.
15. On the other hand, the Plaintiff has not assessed this additional amount to other customers similarly situated.
16. That this failure to treat its customers in the same manner is a violation of the Defendant's right to equal protection under the law.

WHEREFORE, Defendant prays your Honorable Court to enter Judgment in his favor and against the Plaintiff.

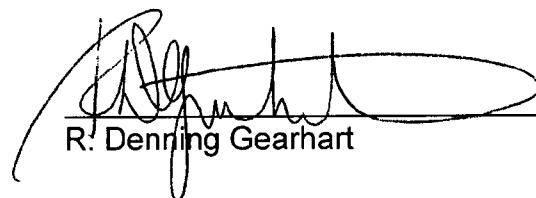
Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Defendant

A F F I D A V I T

R. DENNING GEARHART, being duly sworn according to law, deposes and says that he is the agent of the Defendant, MARK MAINES, that said Defendant cannot make the verification to the foregoing Answer & New Matter because he was not present on the day and date this Answer & New Matter was filed, and further, that the Defendant would not be available until after the day of the filing of this Answer & New Matter, and that the facts set forth in the foregoing Answer & New Matter are based on information provided to Counsel by the Defendant and based partially upon personal knowledge of the Defendant's Attorney. However, the Defendant verified this information to R. DENNING GEARHART, his counsel, fully aware of the penalties of false statements under 18 Pa. C.S.A., section 4904, relating to unsworn falsification to authorities.



R. Denning Gearhart

Sworn to and subscribed
before me this 19 day
of August, 2004.

Kathleen A. Ricotta

Notary Public

NOTARIAL SEAL
KATHLEEN A. RICOTTA, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires June 7, 2005

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION No. 04-225-CD

HUSTON TOWNSHIP SEWER
AUTHORITY, Plaintiff

vs.

MARK MAINES, Defendant

ANSWER TO COMPLAINT and NEW
MATTER

FILED

AUG 20 2004

William A. Shaw
Prothonotary/Clerk of Courts

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER AUTHORITY,	:	No. 04-225-CD
	Plaintiff	Type of Pleading:
Vs.		REPLY TO NEW MATTER
MARK MAINES,	:	Filed on Behalf of:
	Defendant	PLAINTIFF
		Counsel of Record for This Party:
	:	Jeffrey S. DuBois, Esquire
	:	Supreme Court No. 62074
	:	190 West Park Avenue, Suite #5
	:	DuBois, PA 15801
	:	(814) 375-5598

FILED
01/11/2004
SEP 01 2004
EGK
3cc
Atty DuBois
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER : No. 04-225-CD

AUTHORITY, :

Plaintiff :

Vs. :

MARK MAINES, :

Defendant :

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff, HUSTON TOWNSHIP SEWER AUTHORITY, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Reply to New Matter and in support thereof avers the following:

13. No responsive pleading is required.

14. Denied. It is denied said amounts are a penalty, but on the contrary, said fees charged by Plaintiff to Defendant represent the amount listed as the charge to customers and properly notified by Plaintiff to Defendant, and further are representative of the costs involved to Plaintiff in providing sewer service to its customers.

15. Plaintiff is unaware of what "other" customers Defendant is referring to, and as a consequence cannot adequately respond to said allegations. By way of further answer, said complaint only deals with Defendant and any other person or persons would be irrelevant.

16. Denied. It is denied that Plaintiff has treated any persons which would be a violation of equal protection of the law, and by way of further answer, Defendant fails to

cite specifically what protections and what laws he is entitled to and protected by and what laws have been violated.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgment in its favor as set forth in its Complaint and award Plaintiff the relief requested therein.

Respectfully submitted,

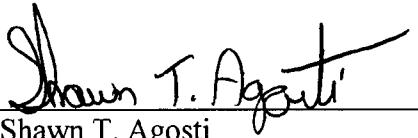


Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

VERIFICATION

I, SHAWN T. AGOSTI, Chairman of the Huston Township Sewer Authority, verify that the statements in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Shawn T. Agosti

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
	Plaintiff	:
		:
Vs.	:	
		:
MARK MAINES,	:	
	Defendant	:

CERTIFICATE OF SERVICE

I do hereby certify that on the 30th day of August, 2004, I served a true and correct copy of the within Reply to New Matter by first class mail, postage prepaid, on the following:

R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830



Jeffrey S. DuBois, Esquire
Attorney for Plaintiff
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY
William Shaw

04-225-CD

CASE NUMBER TYPE TRIAL REQUESTED DATE PRESENTED 04-11-05
ESTIMATED TRIAL TIME

Date Complaint Jury Non-Jury
Filed: Arbitration

1/2 Days

PLAINTIFF(S)

Huston Township Sewer Authority
DEFENDANT(S)

Mark Maines

ADDITIONAL DEFENDANT(S)

Check Block if
a Minor is a
Party to the
Case

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

FILED

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION

APR 12 2005

more than

\$

yes no

6/11:55 AM

William A. Shaw

Prothonotary/Clerk of Courts

1 CLE to ATT

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST. *copy to C/A*
I certify that all discovery in the case has been completed;
all necessary parties and witnesses are available; serious
settlement negotiations have been conducted; the case is ready in
all respects for trial, and a copy of this Certificate has been
served upon all counsel of record and upon all parties of record who
are not represented by counsel.

J.S. DuBois

Jeffrey S. DuBois, Esquire
FOR THE PLAINTIFF

(814) 375-5598

TELEPHONE NUMBER

R. Denning Gearhart, Esquire
FOR THE DEFENDANT

(814) 765-1581

TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP :
SEWER AUTHORITY :
vs. : No. 04-225-CD
MARK MAINES :
:

O R D E R

NOW, this 23rd day of May, 2005, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Tuesday, July 19, 2005 at 1:00 P.M. in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

David P. King, Esquire, Chairman

Kim C. Kesner, Esquire

Blaise Ferraraccio, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

FILED ^{5CC}
0193561 CIA
MAY 24 2005

William A. Shaw
Prothonotary Clerk of Courts

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
v. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

CASE NUMBER: 04-225-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: MOTION FOR SUMMARY JUDGMENT

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQ.
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED
010456X 2cc
JUN 01 2005 Amy Gearhart
William A. Shaw
Prothonotary/Clerk of Courts
⑥

(A)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER	:	
AUTHORITY,	:	
Plaintiff	:	
	:	
v.	:	No. 04-225-CD
	:	
MARK MAINES,	:	
Defendant	:	

MOTION FOR SUMMARY JUDGMENT

Defendant, MARK MAINES, by his attorney, R. Denning Gearhart, Esquire, respectfully moves this Court to enter Summary Judgment pursuant to Pa.R.C.P. 1035.1 et. seq., in favor of Defendant, on all counts of Plaintiff's Complaint and in support thereof avers as follows:

1. Plaintiff instituted this action against Defendant by Complaint filed on April 1, 2004 in The Court of Common Pleas, Clearfield, Pennsylvania, No. 04-225-CD. A true and correct copy of Plaintiff's Complaint is attached as Exhibit "A."

2. Defendant answered Plaintiff's complaint by admitting its material allegations and asserting New Matter. A true and correct copy of Defendant's Answer and New Matter is attached hereto as Exhibit "B."

Plaintiff answered New Matter by denying its material allegations. A true and correct copy of Plaintiff's Answer to New Matter is attached hereto as Exhibit "C."

3. This suit arises from charges assessed to Defendant for sewer tapping fees.

4. In Plaintiff's Complaint, Plaintiff avers a cause of action against Defendant for failure to pay to connect his two properties, located in Huston Township, to the sewer system.

5. Defendant was notified on November 21, 2000, that the cost per connection was \$975.00.

6. When Defendant tendered \$1000.00 for the tapping fee for one of his properties on June 12, 2003, Plaintiff informed Defendant that the cost of the tapping fee was \$1975.00.

7. Plaintiff asserts that Defendant owes a balance of \$950.00 for tapping fees on one of the properties, and a \$1,975.00 tapping fee on the other.

8. Defendant avers in New Matter that the rates listed above are not uniform to the rates assessed to other similarly situated property owners.

9. The Municipal Authorities Act provides that charges must be reasonable, uniform and without discrimination against particular property owners. 53 Pa.C.S. §5607 (d)(9).

10. The Act further provides that the rates are to be determined exclusively for the purpose of providing for the payment of actual expenses listed therein. 53 Pa.C.S. §5607 (d)(9).

11. The Court of Common Pleas of the county where the principal office of the project is located shall have exclusive jurisdiction to determine questions involving rates or service. 53 Pa.C.S. §5607 (d)(9).

12. It is the duty of the Court to determine the uniformity and reasonableness of the rate. South Union Township Sewage Authority v. Kozares, 13 Pa. Commw. 325; 320 A.2d 381 (1974).

13. Defendant submits that the fee of \$1975.00 is 49% more than the previous rate and that such an increase is unreasonable and not rationally related to the actual cost of tapping into the system.

14. Plaintiff has not produced evidence throughout the discovery period that would support the reasonableness of the increased amount for the tapping fee. Nor has plaintiff produced any evidence to justify the lack of uniformity of its tapping fee assessments in charging more than 50% less to other customers similarly situated.

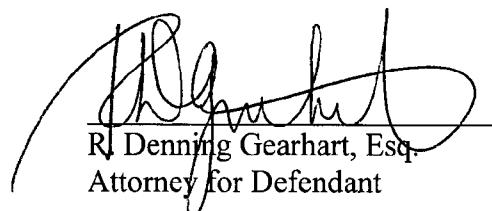
15. A Court of Common Pleas may review rates established by a municipal authority "where there has been manifest and flagrant abuse of discretion or arbitrary establishment of the rate system." Patton-Ferguson Joint Authority v. Hawbaker, 14 Pa. Commw. 402; 322 A.2d 783 (1974).

16. There is no dispute of any material fact.

17. A motion for summary judgment is properly granted when the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Godlewski v. Pars, 408 Pa. Super. 425, 597 A.2d 106 (1991).

18. Where Plaintiff has not produced any evidence to support a rational relationship to the 49% increase in its tapping fees, there is no genuine issue of material fact and Defendant is entitled to judgment as a matter of law.

WHEREFORE, Defendant respectfully requests that this Court enter Summary Judgment in its favor and against Plaintiff on all counts of the Complaint.



R. Denning Gearhart, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER : No. 04-225-CD
AUTHORITY, :
Plaintiff : Type of Pleading:
Vs. : **COMPLAINT**
: Filed on Behalf of:
MARK MAINES, : PLAINTIFF
Defendant :
: Counsel of Record for This Party:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 01 2004

Attest.

William L. Chan
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER : No. 04-225-CD
AUTHORITY, :
Plaintiff :
Vs. :
MARK MAINES, :
Defendant :
.

COMPLAINT

AND NOW, comes the Plaintiff, HUSTON TOWNSHIP SEWER AUTHORITY, by and through their attorney, Jeffrey S. DuBois, Esquire, who files this Complaint and in support thereof avers the following:

1. The Plaintiff, Huston Township Sewer Authority, is an Authority, incorporated by Huston Township under the Pennsylvania Municipality Authorities Act, 53 Pa.C.S.A. sec. 5601, et seq., with its business office at Penfield, Huston Township, Clearfield County, Pennsylvania.
2. Plaintiff was created by Huston Township for the purposes, inter alia, of financing, construction, operating and monitoring a sewage collection and treatment system in the Township (Sewer System).
3. The Defendant, Mark Maines, is an adult individual residing in Penfield, Huston Township, Clearfield County, Pennsylvania.
4. Defendant owns two (2) improved properties within the service area of the sewer system.

5. Jurisdiction is proper before this Honorable Court, as this is an appeal by Defendant from a judgment against Defendant and in favor of Plaintiff from District Justice Patrick Ford, No. 46-3-01.

6. On or about June of 2000, Plaintiff completed construction plans of its sewer system.

7. On July 10, 2000, the Huston Township Supervisors enacted Ordinance 2000, which by authority of Section 1501.1 of the Second Class Township Code, mandated all owners of improved property within one hundred fifty (150) feet to connect to the sewer system (Mandatory Connection Ordinance).

8. On November 21, 2000, in accordance with Section 2 of the Mandatory Connection Ordinance, Plaintiff notified Defendant of his obligation to connect to the sewer system.

9. At the time, Defendant was notified to connect, the tapping fee established by Plaintiff and in effect, was One Thousand Nine Hundred Seventy Five and 00/100 (\$1,975.00) Dollars. However, a one time discount of Nine Hundred Seventy Five and 00/100 (\$975.00) Dollars was granted for tapping fees paid by February 28, 2001.

10. Plaintiff did not pay a tapping fee for either of his properties prior to February 28, 2001.

11. On or about June 12, 2003, Plaintiff rendered payment of one (1) tapping fee at the rate of One Thousand and 00/100 (\$1,000.00) Dollars which was no longer in effect, thus leaving a balance owed of Nine Hundred Fifty and 00/100 (\$950.00) Dollars. For the other property owned by Defendant, to date, Defendant has failed or refused to pay any of the applicable tapping fee.

12. Despite repeated requests, Defendant has failed or refused to pay the amount due of Two Thousand Nine Hundred Fifty and 00/100 (\$2,950.00) Dollars.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgment in its favor and against Defendant in the amount of Two Thousand Nine Hundred Fifty and 00/100 (\$2,950.00) Dollars, plus costs, interest, and any other relief this Court deems just and proper.

Respectfully submitted,

Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

VERIFICATION

I, JEFFREY S. DUBOIS, Esquire, verify that the statements in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. The undersigned is in possession of this information based on conversations with and representation of Plaintiff. Plaintiff is currently unavailable and a signed verification by Plaintiff will be submitted as soon as Plaintiff is in contact with the undersigned.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Jeffrey S. DuBois, Esquire

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
vs. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

CASE NUMBER: 04-225-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: ANSWER TO COMPLAINT and NEW MATTER

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

AUG 20 2004

Attest,

William L. Brown
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
vs. : No. 04-225-CD
: :
: :
MARK MAINES, :
Defendant :
:

NOTICE TO DEFEND

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Court Administrator's Office
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
vs. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

A N S W E R

AND NOW, comes Mark Maines, Defendant, by and through his attorney, R. Denning Gearhart, who avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
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8. The notification is admitted.
9. The notification is admitted.

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11. Admitted that the Defendant made one payment per tapping fee for One Thousand (\$1,000.00) Dollars. Denied that there is a balance owed. Denied for reasons contained in New Matter that there is a

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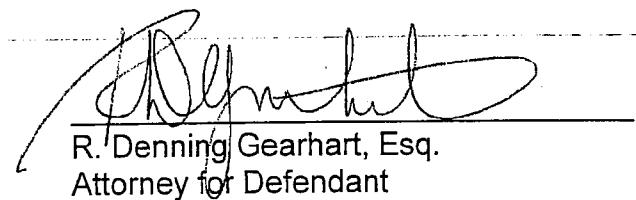
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NEW MATTER

13. Paragraphs 1 through 12 of the Complaint and Answer to Complaint are incorporated herein by reference as though set forth in full.
14. The additional fees charged to the Defendant and to customers similarly situated mounts to a penalty for not paying the complete amount on time.
15. On the other hand, the Plaintiff has not assessed this additional amount to other customers similarly situated.
16. That this failure to treat its customers in the same manner is a violation of the Defendant's right to equal protection under the law.

WHEREFORE, Defendant prays your Honorable Court to enter Judgment in his favor and against the Plaintiff.

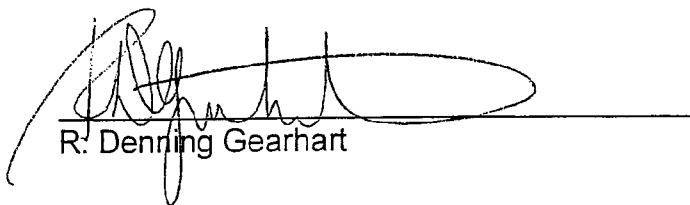
Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Defendant

AFFIDAVIT

R. DENNING GEARHART, being duly sworn according to law, deposes and says that he is the agent of the Defendant, MARK MAINES, that said Defendant cannot make the verification to the foregoing Answer & New Matter because he was not present on the day and date this Answer & New Matter was filed, and further, that the Defendant would not be available until after the day of the filing of this Answer & New Matter, and that the facts set forth in the foregoing Answer & New Matter are based on information provided to Counsel by the Defendant and based partially upon personal knowledge of the Defendant's Attorney. However, the Defendant verified this information to R. DENNING GEARHART, his counsel, fully aware of the penalties of false statements under 18 Pa. C.S.A., section 4904, relating to unsworn falsification to authorities.



R. Denning Gearhart

Sworn to and subscribed

before me this 19 day

of August, 2004.

Kathleen A. Ricotta

Notary Public

NOTARIAL SEAL
KATHLEEN A. RICOTTA, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires June 7, 2005

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER : No. 04-225-CD
AUTHORITY, :
Plaintiff : Type of Pleading:
Vs. : **REPLY TO NEW MATTER**
: :
MARK MAINES, : Filed on Behalf of:
Defendant : PLAINTIFF
: :
: Counsel of Record for This Party:
: :
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

I hereby certify this to be a true
and accurate copy of the original
statement filed in this case.

SEP 01 2004

Attest.

John L. Maines
Prothonotary/
Clerk of Courts

EXHIBIT "C"

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER : No. 04-225-CD
AUTHORITY, :
Plaintiff :
Vs. :
: :
MARK MAINES, :
Defendant :
:

REPLY TO NEW MATTER

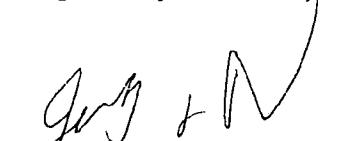
AND NOW, comes the Plaintiff, HUSTON TOWNSHIP SEWER AUTHORITY, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Reply to New Matter and in support thereof avers the following:

13. No responsive pleading is required.
14. Denied. It is denied said amounts are a penalty, but on the contrary, said fees charged by Plaintiff to Defendant represent the amount listed as the charge to customers and properly notified by Plaintiff to Defendant, and further are representative of the costs involved to Plaintiff in providing sewer service to its customers.
15. Plaintiff is unaware of what "other" customers Defendant is referring to, and as a consequence cannot adequately respond to said allegations. By way of further answer, said complaint only deals with Defendant and any other person or persons would be irrelevant.
16. Denied. It is denied that Plaintiff has treated any persons which would be a violation of equal protection of the law, and by way of further answer, Defendant fails to

cite specifically what protections and what laws he is entitled to and protected by and what laws have been violated.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter judgment in its favor as set forth in its Complaint and award Plaintiff the relief requested therein.

Respectfully submitted,

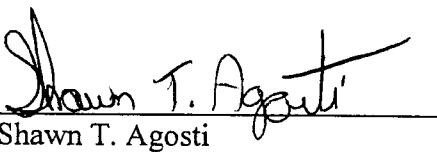


Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

VERIFICATION

I, SHAWN T. AGOSTI, Chairman of the Huston Township Sewer Authority, verify that the statements in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Shawn T. Agosti

Shawn T. Agosti

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
MARK MAINES,	:	
Defendant	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 30th day of August, 2004, I served a true and correct copy of the within Reply to New Matter by first class mail, postage prepaid, on the following:

R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830



Jeffrey S. DuBois, Esquire
Attorney for Plaintiff
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

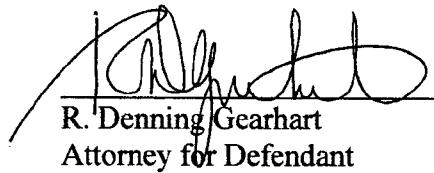
CIVIL DIVISION

HUSTON TOWNSHIP SEWER	:	
AUTHORITY,	:	
Plaintiff	:	
	:	
v.	:	No. 04-225-CD
	:	
MARK MAINES,	:	
Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Motion for Summary Judgment filed in the above-captioned matter on the Plaintiff, Huston Township Sewer Authority, by depositing such documents in the United States Mail, postage pre-paid and addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue, Suite 5
DuBois, PA 15801



R. Denning Gearhart
Attorney for Defendant

Date: **June 1, 2005**

A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
v. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

ORDER

NOW, this 3rd day of June, 2005, upon consideration of the foregoing Motion for Summary Judgment, a hearing is scheduled for the 7th day of July, 2005, at 1:30 P m, in Courtroom number 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

By the Court,



Judge J. Kumerow

Judge

11:05 AM 2005
JUN 06 2005
Atty Geashaw
W. A. Show
Prothonotary Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER	:	
AUTHORITY,	:	
Plaintiff	:	
	:	
v.	:	No. 04-225-CD
	:	
MARK MAINES,	:	
Defendant	:	

CASE NUMBER: 04-225-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQ.
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED *no*
01/10/45 *621* C.C.
JUN 07 2005

William A. Show
Prothonotary Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

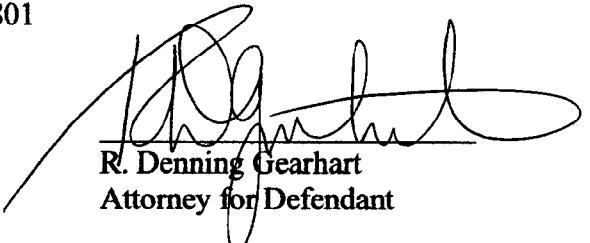
CIVIL DIVISION

HUSTON TOWNSHIP SEWER	:	
AUTHORITY,	:	
Plaintiff	:	
	:	
v.	:	No. 04-225-CD
	:	
MARK MAINES,	:	
Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a certified copy of the Order scheduling hearing on the Motion for Summary Judgment filed in the above-captioned matter on the Plaintiff, Huston Township Sewer Authority, by depositing such documents in the United States Mail, postage pre-paid and addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue, Suite 5
DuBois, PA 15801


R. Denning Gearhart
Attorney for Defendant

Date: June 7, 2005

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER : No. 04-225-CD
AUTHORITY, :
Plaintiff : Type of Pleading:
Vs. :
: **PLAINTIFFS RESPONSE TO**
MARK MAINES, : **DEFENDANTS MOTION FOR**
Defendant : **SUMMARY JUDGMENT**
: Filed on Behalf of:
: PLAINTIFF
: Counsel of Record for This Party:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

b6 FILED 3CC
07/07/2005 Atty DuBois
JUL 07 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
	Plaintiff	:
	:	
Vs.	:	
	:	
MARK MAINES,	:	
	Defendant	:

PLAINTIFFS RESPONSE TO DEFENDANTS
MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the Plaintiff, HUSTON TOWNSHIP SEWER AUTHORITY, by and through their attorney, Jeffrey S. DuBois, Esquire, who files this Response to Defendants Motion for Summary Judgment, and in support thereof avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Plaintiffs Complaint speaks for itself.
5. Defendant, along with all other residents of Huston Township who were, or who were about to be connected to the sewer system, were notified in 2000 of the cost per connection.
6. Plaintiff is without information to believe the truth or falsity of Defendants paragraph six (6) as to the date of June 12, 2003, and strict proof thereof is demanded at Trial.
7. Admitted. By way of further answer, Plaintiffs Complaint speaks for itself.

8. The averments set forth in Defendants paragraph eight (8) are those of Defendant and not within the purview of the Plaintiff.

9. Said statute speaks for itself.

10. Said statute speaks for itself.

11. Said statute speaks for itself.

12. Admitted.

13. It is denied that the rate set forth by the Authority is unreasonable and not rationally related, and on the contrary, said amount set forth by the Authority was reasonable, rationally related to the costs incurred by the Authority, and more than sufficient notice was given to all the residents/customers of Huston Township.

14. During the "Discovery" period, Defendant did not request any information from Plaintiff and therefore, Plaintiff was not obligated to submit anything to Defendant. Moreover, Defendant had served as a member of the Sewer Authority Board for several years and had access to any and all information in which he needed.

15. It is denied that there was any manifest or flagrant abuse of discretion or arbitrary establishment in this case.

16. Denied. There is a dispute of fact in this particular case as Defendant disputes that the rates charged by the Authority were fair and reasonable. This would be a factual question for the Trier of fact to determine in this particular case.

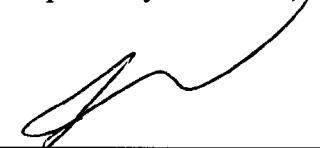
17. It is denied that a Motion for Summary Judgment is proper in this particular case, as it is Hornbook Law that a Motion for Summary Judgment must be filed at a time that it would not unduly prejudice the parties or delay the proceedings. In the instant case, Plaintiff, several months ago, filed for this case to go before Arbitration, because of

the dollar amount involved, and a Hearing is set for July 19, 2005. Because of the fact the Hearing has already been set, and it has been set for some time, this Motion for Summary Judgment should be dismissed, not only on its merits, but also because of the timing of the filing of said motion.

18. Plaintiff has not produced any evidence at this point because of the fact Plaintiff has not been requested to produce any evidence and because of the fact the time for the hearing has not yet occurred, and will occur on July 19, 2005. The issue in this particular case is a factual one, and therefore is not one which is proper for Summary Judgment.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to dismiss Defendants Motion for Summary Judgment.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
	Plaintiff	:
	:	
Vs.	:	
	:	
MARK MAINES,	:	
	Defendant	:

CERTIFICATE OF SERVICE

I do hereby certify that on the 7th day of July, 2005, I served a true and correct copy of the within Plaintiffs Response to Defendants Motion for Summary Judgment by first class mail, postage prepaid, on the following:

R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830



Jeffrey S. DuBois, Esquire
Attorney for Plaintiffs
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER	:	
AUTHORITY,	:	
Plaintiff	:	
	:	
v.	:	No. 04-225-CD
	:	
MARK MAINES,	:	
Defendant	:	

CASE NUMBER: 04-225-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQ.
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED 2cc
010:50 AM JUL 07 2005
Atty Gearhart

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

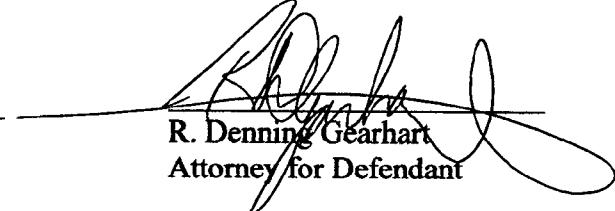
HUSTON TOWNSHIP SEWER	:	
AUTHORITY,	:	
Plaintiff	:	
	:	
v.	:	No. 04-225-CD
	:	
MARK MAINES,	:	
Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a true and correct copy of the Brief in Support of Defendant's Motion for Summary Judgment filed in the above-captioned matter on the Plaintiff, Huston Township Sewer Authority, by depositing such documents in the United States Mail, postage pre-paid and addressed as follows:

and faxed

Jeffrey S. DuBois, Esquire
190 West Park Avenue, Suite 5
DuBois, PA 15801


R. Denning Gearhart
Attorney for Defendant

Date: **July 7, 2005**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER AUTHORITY :
Plaintiff :
vs. : NO. 04-225-CD
MARK MAINES, :
Defendant :
:

ORDER

NOW, this 8th day of July, 2005, it is the Order of this Court that the Defendant's Motion for Summary Judgment be and is hereby dismissed as being filed within such a time period as may unreasonably delay the arbitration hearing scheduled for July 19, 2005.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

JUL 08 2005
074101
William A. S.
Prothonotary/Clerk
sent to Gearhart
&
DuBois

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
v. : No. 04-225-CD
: :
MARK MAINES, :
Defendant :
:

CASE NUMBER: 04-225-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQ.
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED 1cc
07/13/2005 Atty
JUL 11 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
v. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

CERTIFICATE OF SERVICE

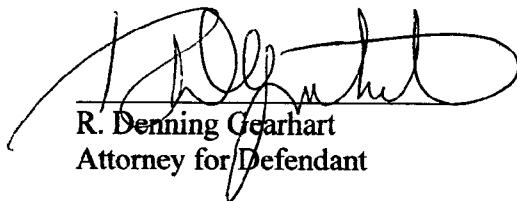
This is to certify that the undersigned has on this date served a true and correct copy of the Brief in Support of Defendant's Motion for Summary Judgment filed in the above-captioned matter, by depositing such documents in the United States Mail, postage pre-paid and addressed as follows:

David P. King, Esquire
23 Beaver Drive
PO Box 1016
DuBois, PA 15801

Kim C. Kesner, Esquire
23 North Second Street
Clearfield, PA 16830

Blaise J. Ferraracio, Esquire
301 East Pine Street
Clearfield, PA 16830

Date: **July 11, 2005**



R. Denning Gearhart
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER	:	
AUTHORITY,	:	
Plaintiff	:	
	:	
v.	:	No. 04-225-CD
	:	
MARK MAINES,	:	
Defendant	:	

CASE NUMBER: 04-225-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: CERTIFICATE OF SERVICE

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQ.
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

FILED
07/31/2005
JUL 11 2005
cc
Amy
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER	:	
AUTHORITY,	:	
Plaintiff	:	
	:	
v.	:	No. 04-225-CD
	:	
MARK MAINES,	:	
Defendant	:	

CERTIFICATE OF SERVICE

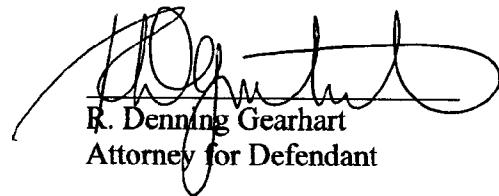
This is to certify that the undersigned has on this date served a true and correct copy of the Defendant's Pretrial Statement filed in the above-captioned matter on the Plaintiff, Huston Township Sewer Authority, by depositing such documents in the United States Mail, postage pre-paid and addressed as follows:

Jeffrey S. DuBois, Esquire
190 West Park Avenue, Suite 5
DuBois, PA 15801

David P. King, Esquire
23 Beaver Drive
PO Box 1016
DuBois, PA 15801

Kim C. Kesner, Esquire
23 North Second Street
Clearfield, PA 16830

Blaise J. Ferraracio, Esquire
301 East Pine Street
Clearfield, PA 16830



R. Denning Gearhart
Attorney for Defendant

Date: **July 11, 2005**

FILED
07/19/2005
JUL 19 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

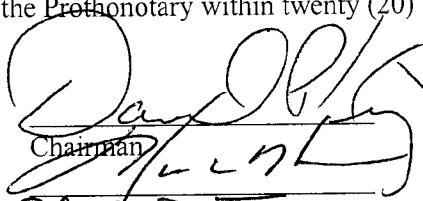
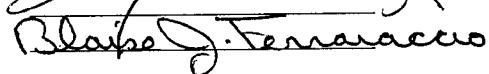
Huston Township Sewer Authority
vs.
Mark Maines

William A. Shaw
Prothonotary, Clerk of Courts
Notices to Atty's: Gearhart
No. 2004-00225-CD DuBois

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 19th day of July, 2005, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

David P. King, Esq.


Chairman


Kim C. Kesner, Esq.

Blaise Ferraraccio, Esq.

Sworn to and subscribed before me this

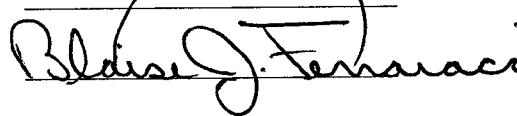
July 19, 2005


Prothonotary

AWARD OF ARBITRATORS

Now, this 19 day of July, 2005, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

*Judgment in favor of the Plaintiff and
against the Defendant for damages in the
amount of \$2950 plus costs - no interest prior to
date of judgment.*


Chairman


(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 19th day of July, 2005, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT


Prothonotary

By _____

Huston Township Sewer Authority

Vs.

Mark Maines

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2004-00225-CD
:

 COPY

NOTICE OF AWARD

TO: R. DENNING GEARHART

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on July 19, 2005 and have awarded:

Judgment in favor of the Plaintiff and against the Defendant for damages in the amount of \$2,950.00 plus costs--no interest prior to date of judgment.

William A. Shaw

Prothonotary

By _____

July 19, 2005

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Huston Township Sewer Authority

Vs.

Mark Maines

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2004-00225-CD

:

 COPY

NOTICE OF AWARD

TO: JEFFREY S. DUBOIS

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on July 19, 2005 and have awarded:

Judgment in favor of the Plaintiff and against the Defendant for damages in the amount of \$2,950.00 plus costs--no interest prior to date of judgment.

William A. Shaw
Prothonotary
By _____

July 19, 2005

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARK A. MAINES SR.

APPELLANT

NO 04-225-CD

VS

HUSTON TOWNSHIP SEWER

AUTHORITY

APPELLEE

CASE NUMBER 04-225-CD

TYPE OF CASE CIVIL

TYPE OF PLEADING APPEAL OF AWARD OF ARBITRATORS AWARD

FILED ON BEHALF OF: APPELLANT

Mark A. Maines
283 Woodward Road
Penfield, Pa. 15849

Home 814-637-5696

Cell 814-~~590~~-5282

FILED *Final*

AUG 12 2005 10^{400.00} CASH
0/12:15 (✓)

William A. Shaw
Prothonotary/Clerk of Courts

1 cent to *M. Maines*
H. Maines

COPY TO C/A

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARK A. MAINES SR.

APPELLANT

NO.225-CD - 04

VS

HUSTON TOWNSHIP SEWER
AUTHORITY
APPELLEE

CASE NUMBER 04-225-CD

TYPE OF CASE CIVIL

TYPE OF PLEADING APPEAL OF AWARD OF ARBITRATORS AWARD
FILED ON BEHALF OF: APPELLANT

NOTICE OF APPEAL
FROM THE AWARD OF BOARD OF ARBITRATORS

TO THE PROTHONOTARY:

Notice is given that MARK A. MAINES SR. Appeals from the award of
arbitrators entered in this case on July 19th, 2005

A jury trial is demanded [x]

I hereby certify that

1. the compensation of the arbitrators has been paid,
2. ~~application has been made for permission to proceed in forma pauperis.~~

Mark A. Maines Jr.

Appellant or Attorney for Appellant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
vs. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

CASE NUMBER: No. 04-225-CD
TYPE OF CASE: Civil
TYPE OF PLEADING: PRAECIPE TO WITHDRAW AS ATTORNEY
FILED ON BEHALF OF: R. Denning Gearhart, Esq.

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQ.
Supreme Court I. D. #26540
215 E. Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED 3CC
01/11/2006 Atty Gearhart
JAN 03 2006
Copy to CJA
William A. Shaw
Prothonotary/Clerk of Courts
GTC

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER
AUTHORITY,

Plaintiff

vs.

: No. 04-225-CD

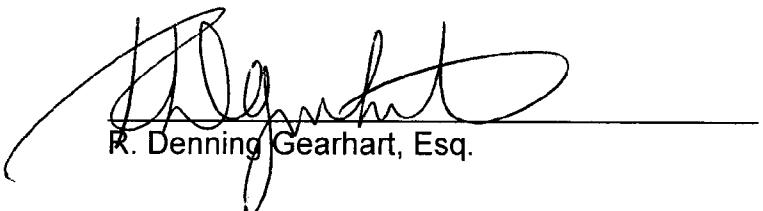
MARK MAINES,

Defendant

PRAECIPE TO WITHDRAW AS ATTORNEY

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please withdraw my appearance as attorney for the above captioned
Defendant, Mark Maines.

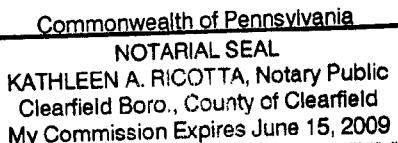


R. Denning Gearhart, Esq.

Sworn to and subscribed before

me this 3 day of January,
2006.

Kathleen A. Ricotta
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
vs. : No. 04-225-CD
MARK MAINES, :
Defendant :
:

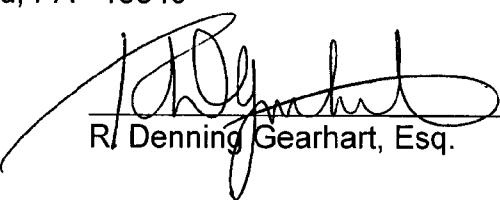
CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a true and correct copy of the Praecept to Withdraw as Attorney filed in the above captioned matter on the following, by depositing such documents in the United States Mail, postage pre-paid and addressed as follows:

Hon. Paul E. Cherry
Judge's Chambers
Court House
Clearfield, PA 16830

Jeffrey S. DuBois, Esq.
190 West Park Avenue, Suite 5
DuBois, PA 15801

Mark A. Maines, Sr.
R. R. 1, Box 14
Penfield, PA 15849


R. Denning Gearhart, Esq.

Date: January 3, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

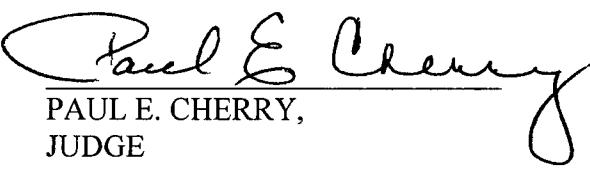
HUSTON TOWNSHIP SEWER : NO. 04-225-CD
AUTHORITY :
V. :
MARK A. MAINES, SR. :
:

ORDER

AND NOW, this 19th day of January, 2006, following Pre-Trial Conference, it is
the ORDER of this Court as follows:

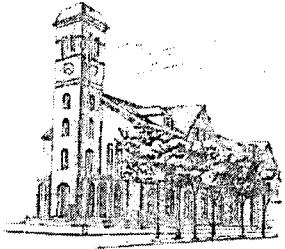
1. Jury Selection in this matter is scheduled for February 2, 2006, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for March 1, 2006, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
4. Counsel for the Plaintiff and the Defendant, pro-se, if they so desire, may submit a Trial Brief to the Court no more than seven (7) days prior to the commencement of trial.
5. The deadline for submitting any and all Motions shall be by and no later than thirty (30) days from this date.
6. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED
013-3484
JAN 19 2006
2ccDef.

William A. Shaw
Prothonotary/Clerk of Courts
283 Woodward Rd.
Penfield, PA 15849



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William Chan

William A. Shaw
Prothonotary

DATE: 11/19/06

You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

CA

HUSTON TOWNSHIP SEWER : No. 04-225-CD
AUTHORITY, :
Plaintiff : Type of Pleading:
Vs. :
: **PLAINTIFF'S MOTION FOR
JUDGMENT ON THE
PLEADINGS**
: :
MARK MAINES, : Filed on Behalf of:
Defendant : PLAINTIFF
: :
: Counsel of Record for This Party:
: :
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

3CC
Atty DuBois
01/23/06
JAN 23 2006
(60)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER AUTHORITY,	:	No. 04-225-CD
	:	
	:	
Plaintiff	:	
	:	
	:	
Vs.	:	
	:	
	:	
MARK MAINES,	:	
	:	
	:	
Defendant	:	
	:	
	:	

ORDER

AND NOW, this _____ day of _____, 2006, upon consideration of Plaintiff's Motion for Judgment on the Pleadings, it is hereby ordered that judgment is entered in favor of Plaintiff.

BY THE COURT:

Judge

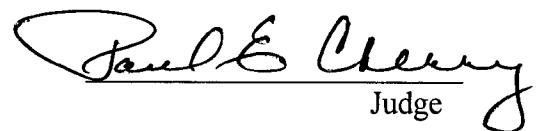
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER : No. 04-225-CD
AUTHORITY, :
Plaintiff :
: Vs. :
: :
MARK MAINES, :
Defendant :
:

RULE RETURNABLE

AND NOW, this 24th day of January, 2006, after review of the Plaintiff's Motion for Judgment on the Pleadings, a hearing on said Motion is scheduled for the 2nd day of February, 2006, at 9:00 o'clock A.M., in Courtroom No. 2, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


Paul E. Cheung
Judge

FILED

JAN 24 2006

o/ 11-001w
William A. Shaw
Prothonotary/Clerk of Courts

3 Cents to Mail

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
	Plaintiff	:
	:	
Vs.	:	
	:	
MARK MAINES,	:	
	Defendant	:

PLAINTIFFS MOTION FOR JUDGMENT ON THE PLEADINGS

AND NOW, comes the Plaintiff, HUSTON TOWNSHIP SEWER AUTHORITY, by and through their attorney, Jeffrey S. DuBois, Esquire, who files this Motion for Judgment on the Pleadings, and in support thereof avers the following:

1. The present action relates to non-payment by Defendant of a tap fee for a sewer system hook-up by Plaintiff to two (2) properties owned by Defendant.
2. Plaintiff, Huston Township Sewer Authority, is an Authority, incorporated by Huston Township under the Pennsylvania Municipal Authorities Act of 53.Pa.C.S.A. 5601, and sequential.
3. The Sewer Authority was created by Huston Township for the purposes of, among other things, for financing, construction, operation, and monitoring of a sewage collection and treatment system which would be located within Huston Township.
4. On or about the year 2000, the Sewer Authority began receiving bids from various companies for the construction of the sewer system.

5. In conjunction with this, and for the payment of the sewer system, which would run in the millions of dollars, the Sewer Authority would charge its residents/customers a "tap fee" to hook up to the sewer system, and thereafter, once operational, monthly charges for services rendered.

6. In a letter dated November 21, 2000, the Sewer Authority sent said letter out to all residents and persons who were going to be hooked up to the tap fee that the tap fee which would be charged for all customers would be One Thousand Nine Hundred Seventy Five and 00/100 (\$1,975.00) Dollars.

7. In an effort to get residents to pay for said tap fee early, and before the sewage system was actually operational, in the same letter, it informed residents that if they paid by February 28, 2001, their tap fee would be reduced to One Thousand and 00/100 (\$1,000.00) Dollars.

8. Defendant, Mark Maines, is the owner of two (2) properties within Huston Township, and said Defendant would have received said letter in November of 2000.

9. Consequently, Defendant would then owe for two (2) tap fees at a cost of Three Thousand Nine Hundred Fifty and 00/100 (\$3,950.00) Dollars if not paid by February 28, 2001.

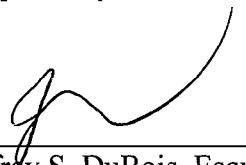
10. As admitted by Defendant in his Pleadings, Defendant failed to pay any monies for either tap fee prior to February 28, 2001.

11. Moreover, Defendant never submitted any monies for the payment of tap fees until July 7, 2004, and then only paid One Thousand and 00/100 (\$1,000.00) Dollars.

12. As a matter of law, Plaintiff is entitled to a judgment based on the Pleadings.

WHEREFORE, Plaintiff prays for the entry of an Order granting Judgment on its behalf.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
	Plaintiff	:
	:	
Vs.	:	
	:	
MARK MAINES,	:	
	Defendant	:

CERTIFICATE OF SERVICE

I do hereby certify that on the 23rd day of January, 2006, I served a true and correct copy of the within Plaintiffs Motion for Judgment on the Pleadings by first class mail, postage prepaid, on the following:

Mark Maines
283 Woodward Road
Penfield, PA 15849



Jeffrey S. DuBois, Esquire
Attorney for Plaintiffs
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER AUTHORITY
PLAINTIFF

NO. 04-225-CD

VS.

MARK A. MAINES SR.
DEFENDANT

CASE NUMBER 04-255-CD
TYPE OF CASE CIVIL
TYPE OF PLEADING OUTSTANDING DISCOVERY
FILED ON BEHALF OF : DEFENDANT

COUNSEL OF RECORD FOR THIS PARTY:

Mark Maines

MARK A. MAINES SR. PRO SE
283 WOODWARD ROAD
PENFIELD, PA 15849
(814)637-5696

FILED

JAN 27 2006

0/2/06/6

William A. Shaw

Prothonotary/Clerk of Courts

1 CENT TO DEFT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER
AUTHORITY,

PLAINTIFF

NO.04-225-CD

VS.

MARK MAINES,

DEFENDANT

OUTSTANDING DISCOVERY

AND NOW, comes the defendant, MARK MAINES by himself through pro-se,
Who files this outstanding discovery.

BRIEF FACTS OF THE CASE

This case results from the appeal by the defendant from an arbitration award.
On or about Nov 2000 Huston township Sewer Authority sent letters
to residents advising them they owed One Thousand Dollars ,(\$1000.00) for a sewer tap
to be installed at a latter date, if this money was not paid before the 28th of Feb 2001 then
they would be assed a finance charge of Ninety Seven Dollars And Fifty Cents per month
for each month the monies were not paid up to 10 months then it stopped.

The defendant has paid Two Thousand Dollars towards tap fees in which the
Plaintiff has failed to recognize.

Defendant objected to the testimony of the plaintiffs witnesses for falsely testifying at the
arbitration hearing concerning these payments.

Plaintiff has received judgment on numerous levels of the courts and continues to inflate
the cost of judgments rendered on their behalf.

list of exhibits

- A. correspondence from plaintiff to defendant
- B. correspondence from defendant to plaintiff
- C. pa municipalities act 53 section 5601,et seq.
- D. minutes of meetings of Huston township sewer authority and Huston T
Township Supervisors.

E. letters from the sewer authority chairperson explaining what the people were entitled to receive, and what was supposed to be provided by the authority..

F. Resolutions plaintiff interprets as the tapping fee (actually the interim bank loan)

G. copy of lock box account the sewer authority set up to collect fees.

H. receipt of defendants payments including check number 1743 tendered on the 12th of June 2003 which plaintiff acknowledges in the original complaint of April 1st 2004 in item number 11 now denies defendant ever made a payment.

Defendant reserves the right to add exhibits with proper notice to the court and opposing counsel.

Witnesses

a. George Hixon --Former chairperson of the Huston Township Sewer Authority.

①

Huston Township Sewer Authority

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2004-00225-CD

Mark Maines

1400.00

NOTICE OF AWARD

TO: R. DENNING GEARHART

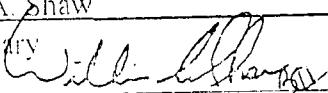
You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on July 19, 2005 and have awarded:

Judgment in favor of the Plaintiff and against the Defendant for damages in the amount of \$2,950.00 plus costs--no interest prior to date of judgment.

William A. Shaw

Prothonotary

By



July 19, 2005

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

forth in this paragraph with regard to that which is required for installation of the improvements, except that it shall not exceed 15% of the actual cost of installation of the improvements. Any inconsistent ordinance, resolution or statute is null and void.

(2)

(24) To charge enumerated fees to property owners who desire to or are required to connect to the authority's sewer or water system. Fees shall be based upon the duly adopted fee schedule which is in effect at the time of payment and shall be payable at the time of application for connection or at a time to which the property owner and the authority agree. In the case of projects to serve existing development, fees shall be payable at a time to be determined by the authority. An authority may require that no capacity be guaranteed for a property owner until the tapping fees have been paid or secured by other financial security. The fees shall be in addition to any charges assessed against the property in the construction of a sewer or water main by the authority under paragraphs (21) and (22) as well as any other user charges imposed by the authority under paragraph (9) but shall not include costs included in the calculation of such fees.

(i) The fees may include any of the following fee components if they are separately set forth in a resolution adopted by the authority to establish these fees:

(A) Connection fee. It may not exceed an amount based upon the actual cost of the connection of the property extending from the authority's main to the property line or curb stop of the property connected. The authority may also base the connection fee upon an average cost for previously installed connections of similar type and size. In lieu of payment of the fees, an authority may require the construction and dedication of those facilities by the property owner who requested the connection.

(B) Customer facilities fee. It may not exceed an amount based upon the actual cost of facilities serving the connected property from the property line or curb stop to the proposed dwelling or building to be served. The fee shall be chargeable only if the authority installs the customer facilities. In lieu of payment of the customer facilities fee, an authority may require the construction of those facilities by the property owner who requests customer facilities. In the case of water service, the fee may include the cost of a water meter and installation if the authority provides or installs the water meter. If the property connected or to be connected with the sewer system of the authority is not equipped with a water meter, the authority may install a meter at its own cost and expense. If the property is supplied with water from the facilities of a public water supply agency, the authority shall not install a meter without the consent and approval of the public water supply agency.

(C) Tapping fee. It may not exceed an amount based upon some or all of the following fee components if they are separately set forth in the

resolution adopted by the authority to establish these fees. In lieu of payment of this fee, an authority may require the construction and dedication of only such capacity, distribution-collection or special purpose facilities necessary to supply service to the property owner or owners.

2A

(I) Capacity part. The fee may not exceed an amount that is based upon the cost of capacity-related facilities, including, but not limited to, source of supply, treatment, pumping, transmission, trunk, interceptor and outfall mains, storage, sludge treatment or disposal, interconnection or other general system facilities. Facilities may include those that provide existing service or will provide future service. The cost of existing facilities, excluding facilities contributed to the authority by any person, government or agency, shall be based upon their replacement cost or upon historical cost trended to current cost using published cost indexes or upon the historical cost plus interest and other financing fees paid on bonds financing such facilities. In the case of existing facilities, outstanding debt related to the facilities shall be subtracted from the cost, but debt may not be subtracted which is attributable to facilities exclusively serving new customers. Under all cost approaches, the cost of capacity-related facilities shall be reduced by the amount of grants or capital contributions which have financed them. The capacity part of the tapping fee per unit of capacity required by the new customer may not exceed the cost of the facilities divided by the design capacity. An authority may allocate its capacity-related facilities to different sections or districts of its system and may impose additional capacity-related tapping fees on specific groups of existing customers such as commercial and industrial customers in conjunction with additional capacity requirements of those customers. In the case of facilities to be constructed or acquired, the cost shall not exceed their reasonable estimated cost set forth in a duly adopted annual budget or a five-year capital improvement plan, and the authority in furtherance of the facilities must take any action as follows:

- (a) obtain financing for the facilities;
- (b) enter into a contract obligating the authority to construct or pay for the cost of construction of the facilities or its portion thereof in the event that multiple parties are constructing the facilities;
- (c) obtain a permit for the facilities;
- (d) spend substantial sums or resources in furtherance of the facilities;
- (e) enter into a contract obligating the authority to purchase or acquire facilities

R. Denning Gearhart

3

Attorney & Counselor At Law

207 East Market Street
Clearfield, PA 16830

814-765-1581
fax-814-765-8142

w.dgearhartpalaw.com
dgearhart@dgearhartpalaw.com

August 10, 2005

Mark A. Maines, Sr.
283 Woodward Avenue
Penfield, PA 15849

Re: Huston Twp. Vs. Maines - #04-2³5-CD

Dear Mark:

I sent to Attorney DuBois evidence of your \$1,000.00 payment. He should reduce your Judgment by \$1,000.00.

Even with that reduction, I understand that you want to Appeal the Arbitrator's Decision. Note that I am advising you that in my opinion your chances of reducing the Judgment any further through an Appeal are not good. I am not interested in pursuing such an Appeal.

If you want to Appeal, you will have to do so by August 18, 2005. You will have to do so by filing an Appeal with the Prothonotary. That will require a fee of \$300.00 payable to Clearfield County. You will also need to hire other counsel as I do not care or have the time to pursue such a Quixote venture. I do not know what new counsel will charge you but my guess is that he or she will ask for a retainer in excess of \$3,000.00.

Since we are talking about money, I enclose a copy of the bill I retain for you. I ask that you pay this balance immediately so that I do not need to start another legal case against you for collections.

Again, I am sorry we did not have a better result.

Sincerely,



R. Denning Gearhart

RDG:kar
Enclosure

R. DENNING GEARHART

ATTORNEY & COUNSELOR AT LAW

3A

207 East Market Street
Clearfield, PA 16830

814-765-1581
fax 814-765-8142

www.dgearharpalaw.com

dgearhart@dgearharpalaw.com

August 5, 2005

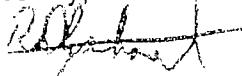
Jeffrey S. DuBois, Esquire
190 West Park Avenue, Suite 5
DuBois, PA 15801

Re: Huston Twp. v. Maines 04-225-CD

Dear Jeff:

Enclosed please find a copy of check dated June 12, 2003, from Mark Maines. This check was for \$1,000. It is believed that it is an addition to payment testified to at the arbitration hearing. Please acknowledge immediately that the judgment will be adjusted accordingly.

Sincerely,



R. Denning Gearhart

✓ RDG:srw
cc: Mark A. Maines, Sr.

Enclosure

4

MARK A. MAINES, SR.
PENFIELD, PA 15849

PAY TO THE ORDER OF *H T S A*

one thousand

WEEDVILLE OR FILE 35
WEEDVILLE PA 15898
U.S. COMM. FOR RELIEF IN
EMERGENCIES

DEPOSIT BANK

Temp Pd off to 7-19 1943

MEMO *Temp Pd off to 7-19 1943*

10433058261 0520.000 243 1743 00003.000000

02-321423
52-20240

1743

DATE *6-12-43*

\$ 1,000

ROLLARS

4 A

DEPOSITED TO THE CIRCULATION
THE VILLAGE LIBRARY
COUNCILMAN'S CLOSET
FRONT ST. MARY, PA 17032
DRAZEL

4B

CUSTOMER'S RECEIPTDO NOT SEND THIS RECEIPT FOR PAYMENT
KEEP IT FOR YOUR RECORDS

92140914026 040706 158410 1000*00

SERIAL NUMBER	YEAR, MONTH DAY	POST OFFICE	U.S. DOLLARS AND CENTS
PAY TO <i>Houston Twp Sewer AVE</i>			
ADDRESS <i>P.O. Box 121</i>			
<i>Pensfield, Pg 15849</i>			
COD NO. OR USED FOR <i>Hollywood Acc/HI-000101</i>	<i>Tarfee</i>		
CHECK WRITER IMPRINT AREA		MASK MAINE	
FROM		<i>283 Woodward Road</i>	
ADDRESS			

This is to certify your guarantee for a refund of your money order if it is lost or stolen. Print fully in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment. If your money order is lost or stolen, present this receipt and file a claim for refund at your Post Office.

An inquiry or W-54 Form may be filed at any time to register a replacement. If the issuer of the U.S. money order is not the same as the purveyor, file a claim for a refund at the U.S. Post Office.

Pmt for Tar in Hollywood

4C

1767

MARK A. MAINES, SR. 60-682/433
RR 1 BOX 14 0520000243
PENFIELD, PA 15849

PAY TO THE ORDER OF Huston Twp Sewer AUTH \$200.00
two hundred DOLLARS  Security Features
Included. Details on Back.

WEEDVILLE OFFICE 35
db DEPOSIT BANK
WEEDVILLE, PA 15868
a division of  FIRST COMMONWEALTH BANK Member FDIC

MEMO Inspection Fees Mark Maines MP

104330682610 0520 00024311 1767 000000 200000

FILED
0130161
JUL 19 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Huston Township Sewer Authority
vs.
Mark Maines

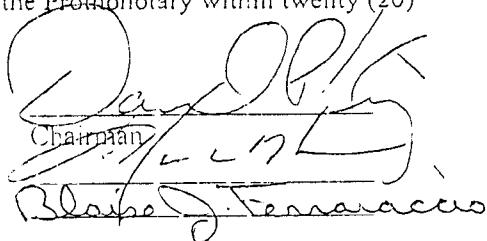
Promulgated Pursuant to
Notices to Atty's General
No. 2004-00225-CD D.B.C.

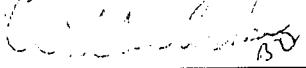
OATH OR AFFIRMATION OF ARBITRATORS

Now, this 19th day of July, 2005, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

David P. King, Esq.

Kim C. Kesner, Esq.
Blaise Ferraraccio, Esq.

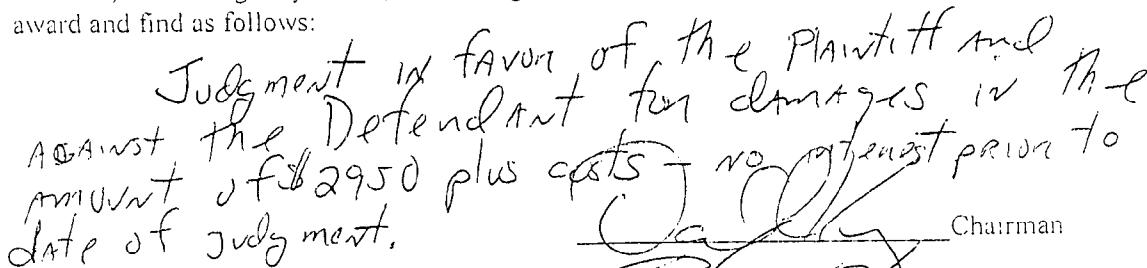

Chairman
July 19, 2005
Blaise J. Ferraraccio

Sworn to and subscribed before me this
July 19, 2005


Prothonotary

AWARD OF ARBITRATORS

Now, this 19 day of July, 2005, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:


Chairman
July 19, 2005
Blaise J. Ferraraccio

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 19th day of July, 2005, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT


Prothonotary
By _____

HUSTON TOWNSHIP SEWER AUTHORITY
P.O. BOX 121
PENFIELD, PA. 15849

6

THE REGULAR MEETING OF THE HUSTON TOWNSHIP SEWER AUTHORITY WAS HELD ON JULY 13, 1999 at 6:30 PM IN THE SCHOOL CAFETERIA.

PRESENT WERE ROB CHIAPPELLI
KATHLEEN BONANNO
LAMAR HUDSICK
CEDRIC BOYER HTS
CHUCK MEIER EADS
BRIAN SEKULA EADS
WILLIAM CHALLINGSWORTH, JR, CARNEY CATALDO, LES MUNN,
DAN SCANISH, DONALD LINGENFELTER, MARK MAINES, MIKE SEGALLA.

THE MEETING WAS OPENED BY ROB WHO STATED THAT RICHARD COCCIMIGLIO HAD RESIGNED AS OF JULY 1, 1999. ROB MADE A FORMAL REQUEST TO CEDRIC BOYER ASKING IF A REPLACEMENT HAD BEEN APPOINTED. THE TREASURERS REPORT SHOWS A BALANCE OF \$2617.83.

ROB SPOKE OF THE MEETING ON JUNE 28 WITH RUS THAT WAS HELD IN CLEARFIELD. THE PAPERS WERE SIGNED SHOWING A PROJECT TOTAL OF \$3,052,000.00. THE USER FEE SHOULD BE AROUND \$38.00 PER MONTH. WE ARE ALL THROUGH WITH THE ENVIRONMENTAL PHASE OF OUR PROJECT, THE NEXT STEP IS DESIGN & PERMITS. BRIAN SEKULA SPOKE ON ALL THE STEPS NEEDED TO BE DONE & HOW THEY WILL BE DONE. PLANS SHOULD BE READY TO VIEW IN A FEW MONTHS.

DEP WAS HERE ON MONDAY 7-12-99 TO LOOK AT THE PLANT SITE & PUMP STATION SITE.

BRIAN WAS ASKED WHAT TYPE OF PLANT WERE ARE HAVING AND DEP INFORMED US THAT DRYING BEDS ARE NOT FEASIBLE FOR PENFIELD.

MIKE SEGALLA QUESTIONED HOW HIS TRAILER PARK WILL HAVE TO PAY TO GET ON THE SEWER LINE. LES MUNN TOLD ABOUT SELLING HIS PROPERTY IN HOLLYWOOD AND EXTENDING THE SEWAGE LINE TO JAY TOWNSHIP HIMSELF.

A MOTION WAS MADE AND ACCEPTED TO ACCEPT THE RESIGNATION OF RICHARD A TO PROCEED WITH THE "LETTER OF INTENT TO MEET CONDITIONS" FOR RUS.

THE MEETING WAS ADJOURNED AT 7:45 PM.

HUSTON TOWNSHIP SEWER AUTHORITY

Meeting of October 12, 1999

Meeting was called to order by the Chairman, George Hixon at 6:30 PM with the following authority members in attendance: George Hixon, Kathleen Bonanno; Bob Scanish; and Jack Wallace.

A large contingent of spectators were in attendance and included representatives from Township Supervisors, EADS Group, DEP; RUS, and other concerned citizens and groups.

The minutes of the meeting of September 14, 1999 were approved as read.

Mr. Francis Cataldi was appointed to the board by the Township Supervisors and his appointment was ratified unanimously.

The treasurer's report reflecting a cash balance of \$2,638.86 was approved as submitted.

Mr. Bob Whelpley, Chairman of the Township Supervisors informed the authority that he had written the EADS group questioning the additional charges to the feasibility study. No response had been received to date.

A lengthy discussion took place between Mr. George Hixon and Mr. Gary Metzger of DEP relative to the difference between the two 537 proposals. It was determined that the difference is merely one of available funding levels between two dates of the proposals.

Mr. Michael Segalla, representing the Segalla Trailer Court, asked that his trailer court be excluded from the system under consideration and/or he receive a reduced tap-in fee and a reduced user fee for his court. There was no resolution to his request.

Mr. Metzger recommended that the trailer court remain a component of the system as currently designed. The issues of permit violations are not within the purview of the authority. It was further indicated by Mr. Metzger that the existing permit for the trailer court is conditioned upon tapping into a municipal system when it became available. The existing permit would expire when the proposed municipal system was operative.

The question of favorable rates for the trailer court was discussed with Lambert Rosenbaum of RUS and it was determined that since government funds would be involved, discretionary rate adjustments would be impossible.

The representative of DEP encouraged the board to take action immediately to approve the plan as submitted for funding or the funding would be jeopardized.

Minimum discussion occurred with the representatives of the Jay Twp Authority.

The Invoices for the courier express for advertising and for legal fees by the authority council were approved for payment as submitted.

Meeting adjourned at 8:30 PM

Kathleen Bonanno, Secretary.

HUSTON TOWNSHIP SEWER AUTHORITY

8
P O BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

A SPECIAL MEETING OF THE HUSTON TOWNSHIP SWER AUTHORITY WAS HELD ON FEBRUARY 21, 2000 IN THE PENFIELD SCHOOL LIBARY. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN HIXON AT 6:10 PM.

THE PURPOSE OF THIS MEETING WAS TO CHOOSE AND ENGINEERING FIRM FOR THE AUTHORITY. WE RECEIVED PROPOSALS FROM THE FOLLOWING:

SWEETLAND ENGINEERING AND ASSOCIATES
GWIN DOBSON AND FORMAN, INC
ALLEGHENY MOUNTAIN
STIFFLER & MCGRAW ASSOCIATES
HESS AND FISHER ENGINEERS, INC.

PRESENT WERE CHAIRMAN HIXON, BOB SCANISH, JOHN WALLACE, FRANCIS CATALDI, KATHLEEN BONANNO. ALSO PRESENT WERE BOB WHELPY AND CEDRIC BOYER.

AFTER A DISCUSSION OF THE HISTORICAL COMMISSION, THE FLOOD PLAIN AND ALTERNATE PLANS FOR THE BEST COST A MOTION WAS MADE BY BOB SCANISH AND SECONDED BY FRANCIS CATALDI TO HAVE HESS & FISHER ENGINEERS, INC FROM CLEARFIELD FOR OUR NEW ENGINEERING FIRM. ALL IN FAVOR.

KATHLEEN WILL WRITE THE LETTERS TO THE OTHER FIRMS TELLING THEM OUR DECISION AND TO THANK THEM FOR THEIR PROPOSALS.

A MOTION WAS MADE BY JOHN WALLACE AND SECONDED BY BOB SCANISH TO ADJOURN AT 8 PM. ALL IN FAVOR.

HUSTON TOWNSHIP SEWER AUTHORITY

P. O. BOX 121

PENFIELD, PENNA.

15849

THE REGULAR MONTHLY MEETING OF THE HUSTON TOWNSHIP SEWER AUTHORITY WAS HELD ON MARCH 14, 2000 at 6:30PM IN THE PENFIELD SCHOOL CAFETERIA.

CHAIRMAN HIXON CALLED THE MEETING TO ORDER AT 6:35PM.

THE MINUTES OF THE REGULAR MONTHLY MEETING WERE APPROVED AS READ.

THE MINUTES OF THE SPECIAL MEETING WHICH WAS HELD ON FEBRUARY 21 AT WHICH HESS & FISHER ENGINEERS WERE CHOOSEN AS OUR ENGINEERING FIRM WERE APPROVED AS READ.

THE TREASURERS REPORT WAS APPROVED AS READ.

A MOTION WAS MADE BY FRANCIS CATALDI AND SECONDED BY BOB SCANISH TO PAY THE COURIER EXPRESS \$14.40 for advertising.

CHAIRMAN HIXON STATED THAT WE SHOULD BE UNDER CONSTRUCTION BEFORE THE FIRST OF THE YEAR SO THAT WE CAN BE ELLIGIBLE FOR THE ACT 339 SUBSIDY OF \$8000000. OUR TOTAL PROJECT COST WILL BE \$3,213,209.00 WHICH INCLUDES PENFIELD, MILL RUN, HOLLYWOOD AND TYLER.

WE HAVE RECEIVED CORRESPONDENCE FROM THE PA HISTORICAL & MUSEUM COMMISSION REQUESTING THAT WE LIMIT THE COLLECTION LINES TO THE ROADS RIGHT OF WAYS. A MOTION WAS MADE BY JOHN WALLACE AND SECONDED BY FRANCIS CATALDI TO SEND A LETTER OF REPLY. ALL IN FAVOR.

OUR ENGINEERS HAVE SUBMITTED MAPPING & COSTING TO RUS AND JOHN WILLIAMS. THE NEXT STEP IS TO HAVE GARY METZGERSOF DEP APPROVAL.

DONALD RICKETTS OF STAHLER WASTEWATER TECHNOLOGY SPOKE OF THE TWO TYPES OF SYSTEMS AVAILABLE AND STATED THAT DELIVERY IS USUALLY 8-12 weeks.

THE SUPERVISORS PRESENT WERE ASKED WHERE OUR FUNDING IS. A MOTION WAS MADE BY FRANCIS CATALDI AND SECONDED BY BOB SCANISH TO BORROW \$50,000.00 FROM THE TOWNSHIP TO BE REPAYED WHEN THE AUTHORITY IS FUNCTIONING AT ~~0%~~ INTEREST, WITH A LOAN AGREEMENT TO BE SIGNED BY CHAIRMAN HIXON. ALL IN FAVOR.

A MOTION WAS MADE BY JOHN WALLACE AND SECONDED BY FRANCIS CATALDI TO ADJOURN AT 8:05 PM. ALL IN FAVOR.

KIM C. KESNER

10

23 NORTH SECOND STREET, CLEARFIELD, PA 16830

ATTORNEY AT LAW

(814) 765-1706
FAX (814) 765-7006

March 17, 2000

Connie Mason, Secretary
Huston Township Supervisors
P.O. Box 38
Rt. 255
Penfield, PA 15849

RE: Lending to Huston Township Sewer Authority

Dear Connie:

Enclosed is a Resolution which I have drafted authorizing the \$50,000.00 loan to the Sewer Authority as well as an original Promissory Note. The Resolution is for enactment at a Township meeting and the Promissory Note is to be executed by the Sewer Authority and returned to the Supervisors before any money is disbursed. Please review both critically and report to me any concerns. I am not sure what Bob meant by preserving "a line item veto". If he meant that the Sewer Authority would have to submit any and all intended expenditures to the Supervisors before they could be paid from the loan funds, I have made no such provisions in these documents. I can do so but such will be very unwillingly. Technically, each and every expenditure would have to be authorized by action of the Board of the Authority and then submitted for approval by the Board of Supervisors at a public meeting.

Part of my delay in getting these documents to you earlier was that I wanted to discuss with you what his purpose and intents were. My question put to you was whether the Supervisors wanted to limit the use or purpose of the loan funds. A "line item veto" is where legislation (usually appropriation legislation) is presented to the executive (president or governor) who has the ability to reject certain provisions or items. I am not sure how that could apply here.

Please contact me with any questions, concerns, or requested revisions.

Respectfully yours,


Kim C. Kesner

KCK/ldm
Enclosures

Copy
Signed
June 26, 2000

HUSTON TOWNSHIP SEWER AUTHORITY

P. O. BOX 121
PENFIELD, PA 15849
PHONE: (814) 637-5811
FAX: (814) 637-5760

Re: SUMMARY OF PLANNED HUSTON TOWNSHIP
PUBLIC SEWER SYSTEM
SOON TO BE CONSTRUCTED

Dear Residents of Huston Township:

We the Huston Township Sewer Authority have been working diligently in recent months to bring about a much-needed infrastructure addition to our fair valley. That addition is a public collection and treatment sewerage system. The collection system will incorporate all of Penfield, almost to the end of Woodward Road to the south, west along Wilson Run to near Mount Pleasant Road, eastward along Route 153 to just outside of Penfield Village and north along Route 255 to include the Villages of Mill Run, Hollywood and Tyler. The sewage treat plant is planned for the abandoned Hollywood acid-mine drainage research station, which the Commonwealth of Pennsylvania has preliminarily agreed to dedicate to the Sewer Authority for this important community purpose.

The collection system will be a pressurized pipeline system, which will preclude water infiltration into the system - a major concern in our valley. To accomplish this, each home will have a grinder pump, which will consist of a fiberglass tank and a two (2) horsepower grinder pump that resides in the tank, along with the electrical controls. The tank will be excavated and installed by the Authority below grade in your yard with the top flush with ground level. The Authority will also install the service line from the grinder pump to the main collection line, which will be built within the public road right-of-way.

It will be your obligation to interconnect your gravity sewer line, which presently goes to your septic tank, to this grinder pump, which will be no closer than ten (10) feet from your home. Additionally, you will be responsible via your electrical contractor to provide certified electrical service to the grinder pump from your home.

11A

Copy Signed
June 24, 2000

- 2 -

The sewage treat plant will be housed inside the large building at the abandoned mine drainage experiment facility at Hollywood. Wastewater treatment will use a patented German-designed process, which incorporates elements of several different treat methods. The result is an inexpensive operation and relatively low construction cost.

At this point in time we are working with our engineers, Hess & Fisher Engineers, Inc., to assist with their data collection efforts and their design work. They will soon be submitting their materials to the PA Department of Protection for the appropriate permits. Please assist them to the best of your ability so that they can do their job efficiently and rapidly.

Our funding agency, the U. S. Department of Agriculture, Rural Utilities Services Section, has mandated that we begin construction this year. The financing package that they have approved for the Authority includes a 50% construction grant, which is a very generous contribution to our community needs. Estimated total cost of the collection and treatment system is \$3,783,000.00.

Given the funding agency's tight time frame, we anticipate construction starting as early as September, but no later than October of this calendar year. The projected completion date will be August 2001.

Estimated costs to you, the user, are expected to be:

\$1000 to \$1250 tap fee;

\$38 to \$40/month operating and debt service fee;

\$300-\$400 plumbing and electrical connections to the grinder pump.

\$300-\$350 for elimination of your septic tank by pumping and either removing it or filling it with acceptable inert materials, such as sand, shale or stone.

Please contact us for financial assistance information, if you're eligible.

All fees must be paid to the authority in advance of the system start-up. The Authority will provide you with notice of start-up as we get closer.

11 B

Copy signed
June 26, 2000

- 3 -

We meet the second Tuesday of each month at 6:30 pm at the Penfield Elementary School - stop by, if you have questions.

Your cooperation and assistance with this important public health and safety infrastructure development will be appreciated by us, the members of your Authority, as well as your neighbors.

Sincerely yours,

HUSTON TOWNSHIP SEWER AUTHORITY

George Hixon Chairman

GEORGE HIXON, CHAIRMAN

HUSTON TOWNSHIP SEWER AUTHORITY

12
P O BOX 121
PENFIELD, PA 15849

Phone 814-637-5811
Fax 814-637-5760

September 10, 2000

THE REGULAR MONTHLY MEETING OF THE HUSTON TOWNSHIP SEWER AUTHORITY WAS HELD ON AUGUST 8, 2000 AT 6:30 PM IN THE PENFIELD SCHOOL LIBRARY. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN HIXON FOLLOWED BY THE PLEDGE OF ALIGENCE. ALL BOARD MEMBERS WERE PRESENT ALONG WITH WILSON FISHER, PAUL HIXON AND JOE DESALVE.

A MOTION WAS MADE BY FRANCIS AND SECONDED BY BOB TO APPROVE THE REGULAR MONTHLY MEETING MINUTES. ALL IN FAVOR.

A MOTION WAS MADE BY FRANCIS AND SECONDED BY JOHN TO APPROVE ALL THE SPECIAL

A MOTION WAS MADE BY FRANCIS AND SECONDED BY JOHN TO APPROVE THE TREASURERS REPORT. ALL IN FAVOR.

WILSON FISHER SPOKE REGARDING THE PUBLIC NOTICE PUBLISHED ON AUGUST 6, 2000 REGARDING THE FINAL ADOPTION OF THE ACT 537. HE ALSO SPOKE TO ALAN WALKER REGARDING THE BOY SCOUT CAMP GETTING ON OUR SEWER PROJECT AND THAT CDBG FUNDING IS AVAILABLE FOR THEM.

WE ALSO RECEIVED A REQUEST FOR A PROJECT COST ESTIMATE FROM LYNCH AND LYNCH. THIS WILL BE USED TO GET A LINE A CREDIT FOR THE PROJECT.

DEP HAS 5 MILLION DOLLARS TO SPEND IN THE GROWING GREENER FUNDING. A MOTION WAS MADE BY JOHN AND SECONDED BY FRANCIS TO HAVE CHAIRMAN HIXON SIGN AN APPLICATION FOR GROWING GREENER FUNDING.

AS OF AUGUST 8, 2000, WE STILL HAVE NOT RECEIVED AN AGREEMENT OF SALE FOR THE STP SITE AT MEETS OUR REQUIREMENTS. COST COMPARISONS REGARDING REMODELING EXISTING STRUCTURE VERSUS BUILDING NEW ARE BEING DISCUSSED.

A MOTION WAS MADE BY JOHN AND SECONDED BY FRANCIS TO AUTHORIZE OUR ENGINEERS TO DO PRELIMINARY WORK REGARDING A PHASE 2 PLAN FOR THE ACT 537 THAT WILL INCLUDE WINTERBURN. ALL IN FAVOR.

PAUL HIXON STATED THAT MOST OF THE DOOR TO DOOR WORK IS DONE AND THE MAPS ARE BEING MADE. HE IS NOW A NOTARY AND WILL NOTARIZE THE USERS AGREEMENTS BETWEEN THE PROPERTY OWNER AND THE SEWER AUTHORITY ALONG WITH THE RIGHT OF WAY.

THERE WAS A SHORT DISCUSSION REGARDING GRINDER PUMPS AND THE DIFFERENT PHASES.

A MOTION WAS MADE BY JOHN AND SECONDED BY BOB TO ADJOURN AT 7:55 PM.
ALL IN FAVOR

HUSTON TOWNSHIP SEWER AUTHORITY

13

P O BOX 121
PENFIELD, PA 15849
GARRETT

Phone 814-637-5811
Fax 814-637-5760

September 10, 2000

A SPECIAL MEETING OF THE HUSTON TOWNSHIP SEWER AUTHORITY WAS HELD ON AUGUST 9, 2000 AT 6PM IN THE PENFIELD SCHOOL LIBRARY.

PRESENT WERE, BOB SCANISH, JOHN WALLACE, FRANCIS CATALDI, KATHEEN BONANNO. CHAIRMAN HIXON WAS ABSENT. ALSO PRESENT WERE PAUL HIXON AND WILSON FISHER.

A DISCUSSION WAS HELD ON THE BUILDING AT THE STP SITE THAT NEEDS REMODELED PER TOPO GEO SPECS OR BUILDING ONE OF OUR OWN. IT MAY NOT BE POSSIBLE BECAUSE CERTAIN THINGS HAVE ALREADY BEEN PUT INTO MOTION.

THERE WAS ALSO A DISCUSSION ON THE SEWER TREATMENT PLANT CAPACITY CALCULATIONS, THE SEWER TAPS AND THE GROWING GREENER APPLICATION.

A MOTION WAS MADE BY FRANCIS AND SECONDED BY JOHN TO ADJOURN AT 7 PM. ALL IN FAVOR

HUSTON TOWNSHIP SEWER AUTHORITY

14

P O BOX 121
PENFIELD, PA 15849
General

Phone 814-637-5811
Fax 814-637-5760

~~September 11, 2000~~

A SPECIAL MEETING OF THE HUSTON TOWNSHIP SEWER AUTHORITY WAS HELD ON SEPTEMBER 6, 2000 IN THE PENFIELD SCHOOL LIBRARY. PRESENT WERE GEORGE HIXON, BOB SCANISH, FRANCIS CATALDI, JOHN WALLACE AND KATHLEEN BONANNO. ALSO PRESENT WAS WILSON FISHER.

A MOTION WAS MADE BY FRANCIS AND SECONDED BY JOHN TO ACCEPT THE PROPOSAL FROM CLEARFIELD BANK AND TRUST CO FOR 5.12% INTEREST FOR INTERIM FINANCING. ALL IN FAVOR.

A MOTION WAS MADE BY FRANCIS AND SECONDED BY BOB TO ACCEPT THE CONDITIONS OF THE LOCK BOX NEEDED TO COLLECT TAP FEES FROM DEPOSIT BANK. A BUSINESS SAVINGS ACCOUNT WILL BE OPENED.

A MOTION WAS MADE BY BOB AND SECONED BY JACK TO DEPOST \$1000.00 TO OPEN THE LOCK BOX ACCOUNT. ANY INTEREST MADE WILL BE TRANSFERED BACK TO THE REGULAR CHECKING ACCOUNT. ALL IN FAVOR.

A MOTION WAS MADE BY JOHN AND SECONDED BY FRANCIS TO HAVE ROBERT SCANISH THE THIRD SIGNER ON THE LOCKBOX ACCOUNT AS REQUIRED BY DEPOSIT BANK. ALL IN FAVOR.

GEORGE SPOKE OF THE CONSTRUCTION OF THE ROOF AT THE STP SITE.

WILSON IS WORKING ON PHASE 2 OF THE ACT 537. WE DISCUSSED INCLUDING WINTERBURN, MT. PLEASANT, MT RUN ROAD TO THE BOTTOM OF BERKEY HILL, *4.7 miles + 0.1 miles* *plus* *plus*.

A MOTION WAS MADE BY JACK AND SECONDED BY FRANCIS TO START PHASE 2. ALL IN FAVOR.

WILSON FISHER MENTIONED THAT HE WAS TYING UP LOOSE ENDS WITH KOGE SUTO IN REFERENCE TO THE EPA GRANT.

AFTER A DISCUSSION ON THE WAGE FOR THE PLANT OPERATOR, A MOTION WAS MADE BY JACK AND SECONDED BY FRANCIS TO HAVE THE STARTING RATE AT \$9.25 CHANGING TO \$9.75 AFTER 60 DAYS AND CHANGING TO \$10.50 AFTER CERTIFICATION FOR WHICH WE WILL COVER THE EXPENSES OF TIME AND TRAVEL.

ALL IN FAVOR.

A MOTION WAS MADE BY BOB AND SECONDED BY JOHN TO CONTACT JAMES COUSINS TO HIRE HIM AS OUR PLANT OPERATOR. ALL IN FAVOR.

A MOTION WAS MADE BY JACK AND SECONDED BY FRANCIS TO ADJOURN AT 7:40 PM. ALL IN FAVOR.

HUSTON TOWNSHIP SEWER AUTHORITY

15

P O BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

October 08, 2000

THE REGULAR MONTHLY MEETING OF THE HTSA WAS HELD ON SEPTEMBER 12, 2000 AT 6:30 PM IN THE PENFIELD SCHOOL CAFETERIA. ALL BOARD MEMBERS WERE PRESENT. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN HIXON.

WILSON FISHER SPOKE TO DAVE BACHER OF THE DEPARTMENT OF GENERAL SERVICES REGARDING THE SALES AGREEMENT FOR THE STP SITE. IT STILL NEEDS TWO SIGNATURES, ALSO THAT THE DRAFT LEGISLATION HAS GONE ON THE CHRIS McNAMARA WHO IS THE GENERAL COUNCIL FOR GSA. THEY ARE DOING LEGISLATIVE BILL ANALYSIS TO CHECK FOR SIMULATARIES AND THAT HAS BEEN COMPLETE/SATISFACTORLY.

RICH ADAMS WHO IS THE HEAD OF WASTE WATER REVIEW HAS BEEN ASKED IF WE CAN HAVE THE STP PERMIT FIRST, BEFORE THE COLLECTION SYSTEM.

ROB YOUNG OF BUD SHUSTERS OFFICE HAS BEEN CONTRACTED TO FIND OUT IF SPECIAL GRANTS ARE AVAILABE FOR THE BOY SCOUT CAMP.

KOGE SUTO WHO IS THE EPA MANAGER HAS BEEN CALLED REGARDING THE EPA GRANT PAPERWORK. SHOULD BE FINISHED SHORTLY.

A DISCUSSION WAS HELD ON THE NEED FOR THE ORIGINAL RESOLUTION FROM THE TOWNSHIP SUPERVISORS.

HESS AND FISHER ENGINEERS HAVE ALMOST COMPLETED THE MAP DEVELOPMENT TO GET THE LICENSE AND PERMITS AND THE PHASE 2 DOOR TO DOOR REVIEWS ARE ALMOST COMPLETED.

THE DISCUSSION WAS TABLED ON USING THE OLD RAILROAD GRADE TO PUT IN THE COLLECTION LINES. GEORGE SUGGESTED THAT WE HAVE THE RAILROAD GRADE CONDEMNED BECAUSE IT IS NOT IN THE WETLANDS.

A MOTION WAS MADE BY FRANCIS AND SECONDED BY JACK TO APPROVE THE SPECIAL MEETINGS MINUTES. ALL IN FAVOR.

A MOTION WAS MADE BY JACK AND SECONDED BY FRANCIS TO APPROVE THE REGULAR MONTHLY MEETING MINUTES AND THE TREASURERS REPORT. ALL IN FAVOR.

GEORGE REPORTED ON THE OPENING OF THE LOCKBOX AT DEPOSIT BANK AND THAT JIM COUSINS HAS ACCEPTED THE JOB OF TREATMENT PLANT OPERATOR.

GEORGE ALSO REPORTED THAT WE HAVE ACCEPTED THE INTERIM FINANCING FROM CLEARFIELD BANK AND TRUST FOR 5.12% INTEREST. OUR ATTORNEY WILL BE CONTACTED.

A MOTION WAS MADE BY JACK AND SECONDED BY FRANCIS TO ADJOURN AT 7:45 PM.

HUSTON TOWNSHIP SEWER AUTHORITY

16

P O BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

November 06, 2000

THE HUSTON TOWNSHIP SEWER AUTHORITY HELD A WORK SESSION ON OCTOBER 11, 2000 AT 6PM IN THE PENFIELD SCHOOL CAFETERIA. ALL BOARD MEMBERS WERE PRESENT. ALSO WILSON FISHER AND JIM COUSINS AND A FEW VISITORS.

A MOTION WAS MADE BY JOHN WALLACE AND SECONDED BY BOB SCANISH TO PAY \$24.00 TO THE COURIER EXPRESS FOR ADVERTISING.

A MOTION WAS MADE BY JOHN WALLACE AND SECONDED BY BOB SCANISH TO PAY THE POST OFFICE BOX RENT AND THE CERTIFIED MAIL COSTS FOR THE EPA GRANT FORMS.

A MOTION WAS MADE BY FRANIS CATALDI AND SECONDED BY BOB SCANISH TO ADOPT THE RESOLUTION #2-2000 REGARDING INTERIM FINANCING.

A DISCUSSION WAS HELD ON THE WAY WE ARE GOING TO NOTIFY THE RESIDENTS OF THE TAP FEE.

ALSO A DISCUSSION WAS HELD ON THE TAP FEES AND WHO PAYS.

WILSON SPOKE OF HIS CONVERSATION WITH DAVE BACHER REGARDING THE BUILDINGS AT THE STP SITE. CAN WE REDUCE THE COSTS TO THE SEWER AUTHORITY AND WILL THEY BE RESPONSIBLE FOR THE DEMOLITION SHOULD THE BUILDING FALL DOWN. A CONTACT SHOULD BE MADE TO DRAFT A SALES AGREEMENT LONG BEFORE THE 7TH OF NOVEMBER.

WE REVIEWED THE LETTER WILSON RECEIVED FROM GARY METZGER OF DEP REGARDING PHASE 2 FUTURE SERVICE AREAS.

A DISCUSSION WAS HELD ON THE THE RULES AND REGULATIONS NEEDED FOR OUR SEWER SYSTEM. ALSO WE DISCUSSED THE HOOK UP NEEDED COMING FROM THE HOUSE.

A MOTION WAS MADE BY BOB SCANISH AND SECONDED BY JOHN WALLACE TO ADJOURN AT 8PM. ALL IN FAVOR.

HUSTON TOWNSHIP SEWER AUTHORITY

P O BOX 121
PENFIELD, PA 15849

Phone 814-637-5811
Fax 814-637-5760

57

November 13, 2000

THE HUSTON TOWNSHIP SEWER AUTHORITY HELD A WORK SESSION ON OCTOBER 18, 2000 AT 6PM IN THE PENFIELD SCHOOL CAFETERIA. ALL BOARD MEMBERS WERE PRESENT.

A DISCUSSION WAS HELD ON THE LETTER RECEIVED FROM THE CLEARFIELD BANK AND TRUST CO. IT WILL BE SENT TO RICHARD MULGRUB FOR APPROVAL BECAUSE OF THE 3 CONDITIONS THAT WERE ADDED.

WILSON DISCUSSED THE LETTER RECEIVED FROM DON RICKETTS CONCERNING THE PRICE THE STP.

WILSON ALSO SPOKE TO JOHN WILLIAMS REGARDING THE ENGINEERING AGREEMENT.

WILSON ALSO SPOKE TO DAVE BACHER AT DGS REGARDING THE SALES AGREEMENT FOR THE STP. IT SHOULD BE REDONE AND RESENT. WE SHOULD HAVE IT BY NEXT WEDNESDAY.

WILSON RECEIVED CORRESPONDANCE FROM LYNCH AND LYNCH THAT IS A FORMAL ENGINEERING REPORT THAT HE IS REQUIRED TO REPLY TO.

HE ALSO SPOKE TO GARY METZGER REGARDING THE APPROVED ACT 537. WILSON WILL NEXT MEET WITH JODI MCCLUSKY.

HE ALSO SPOKE WITH LAMBERT ROSENBAUM REGARDING THE FUNDING AND THE TIME FRAME. THEY ALSO DISCUSSED THE RECENT MEETING WITH LINDA DELONG AND SUGGESTED THAT THE AUTHORITY MANAGE THE MAINTENANCE OF THE GRINDER PUMPS THROUGH THE WARRANTY PERIOD.

A DISCUSSION WAS HELD ON THE ORDANCE THAT THE SUPERVISORS DRAFTED FOR THE SEWER SYSTEM. INTERIM FINANCING MUST BE AN ORDANCE. BOB WHEPLEY STATED THAT THE PRIOR RESOLUTION WAS APPROVED. HE ALSO STATED THAT TWO OF THE SUPERVISORS BELIEVE THAT THE SEWER AUTHORITY IS A WASTE OF TIME.

A MOTION WAS MADE BY BOB SCANISH AND SECONDED BY FRANCIS CATALDI TO AJOURN AT 8PM. ALL IN FAVOR.

HUSTON TOWNSHIP SEWER AUTHORITY

P O BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

18

November 08, 2000

THE HUSTON TOWNSHIP SEWER AUTHORITY HELD A WORK SESSION ON OCTOBER 25, 2000 AT 6PM IN THE PENFIELD SCHOOL CAFETERIA. ALL BOARD MEMBERS WERE PRESENT.

GEORGE HIXON REPORTED THAT ALL THE RAILROAD GRADES IN HUSTON TOWNSHIP ARE OWNED BY CCX.

THERE WAS A DISCUSSION ON CHANGING THE SIZE OF THE STP TO 120,000 GALLONS PER DAY.

A MOTION WAS MADE BY JACK AND SECONDED BY FRANCIS TO MAIL CHECK TO THE CLEAN WATER FUND FOR \$250.00. ALL IN FAVOR.

A MOTION WAS MADE BY JACK AND SECONDED BY BOB TO MAIL A CHECK TO THE COMMONWEALTH OF PENNA FOR \$500.00 FOR THE PART 2 PERMIT FEE. ALL IN FAVOR.

A MOTION WAS MADE BY JACK AND SECONDED BY BOB TO SIGN A CHECK FOR POSTAGE STAMPS TO MAIL OUT SEWER TAP NOTICES. ALL IN FAVOR.

WILSON FISHER SPOKE TO JOHN WILLIAMS REGARDING REDUCING THE STP TO 120,000 GPD FROM 150,000 GPD.

WILSON MET WITH JODI MCCLUSKY OF THE CLEARFIELD COUNTY PLANNING COMMISSION. THEY SUPPORT OUR PROJECT.

WILSON ALSO SPOKE TO RICH ADAMS REGARDING THE ACT 339. THE PERMITS MUST BE IN BY DECEMBER 31ST. WE HAVE COMPLIED WITH THE OTHER PROVISIONS.

WE NEED TO COMPLETE THE SEWER AUTHORITY RULES AND REGULATIONS.

A MOTION WAS MADE BY JACK AND SECONDED BY BOB TO CHANGE THE WEEKLY WORK SESSIONS TO TWICE A MONTH INSTEAD OF FOUR TIMES. ALL IN FAVOR.

WILSON IS CHECKING ON TRAINING SESSIONS FOR JIM COUSINS.

A MOTION WAS MADE BY JACK AND SECONDED BY BOB TO HAVE WILSON APPROACH THE GSA REGARDING THE SPLITTING OF THE PROPERTY FOR THE STP TO OUR CONFIGURATIONS AND TO START SURVEY. ALL IN FAVOR.

WILSON HAS THE FINAL COLLECTION SYSTEM MAPS TO BE EDITED.

A MOTION WAS MADE BY BOB AND SECONDED BY JACK TO INVESTIGATE AND MAP THE MISSING HOMES FROM THE PROPERTY MAPS.

A MOTION WAS MADE BY JACK AND SECONDED BY FRANCIS TO ADJOURN AT 8PM. ALL IN FAVOR.

HUSTON TOWNSHIP SEWER AUTHORITY

19
P O BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

November 06, 2000

THE HUSTON TOWNSHIP SEWER AUTHORITY HELD A WORK SESSION ON NOVEMBER 1, 2000 IN THE PENFIELD SCHOOL CAFETERIA. ALL BOARD MEMBERS WERE PRESENT.

WE RECEIVED RESOLUTION #2-2000 FROM RICHARD MILGRUB AND LYNCH AND LYNCH.

A MOTION WAS MADE BY KATHLEEN AND SECONDED BY FRANCIS TO PAY AREA ABSTRACTING \$293.00. ALL IN FAVOR.

A MOTION WAS MADE BY JACK AND SECONDED BY BOB TO APPROVED RESOLUTION #2-2000 WHICH AUTHORIZES EVERYTHING NECESSARY FOR THE BANK LOAN AND RELATED PAPERWORK.

WILSON SPOKE TO DAVE BACHER REGARDING THE DIVISION OF THE STP SITE PROPERTY. HE WILL SEND A SKETCH OUTLINING OUR REQUEST.

A DISCUSSION WAS HELD ON THE EDU'S TO CHARGE FOR OUR BUSINESS CUSTOMERS.

A SUGGESTION WAS MADE TO NOTIFY THE OWNERS OF THE ABANDONED HOUSES IN THE TOWNSHIP OF THE SEWER PROJECT.

A MOTION WAS MADE BY FRANCIS AND SECONDED BY KATHLEEN TO ADJOURN AT 8PM. ALL IN FAVOR.

(3-2000)

HUSTON TOWNSHIP SEWER AUTHORITY

20

P O BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

December 10, 2000

THE HUSTON TOWNSHIP SEWER AUTHORITY HELD THE REGULAR MONTHLY MEETING ON NOVEMBER 14, 2000 IN THE PENFIELD SCHOOL CAFETERIA.

ALL BOARD MEMBERS WERE PRESENT.

THE MEETING WAS CALLED TO ORDER BY CHAIRMAN HIXON AND THEN THE PLEDGE OF ALLEGANCE WAS SAID BY ALL.

A MOTION WAS MADE BY JOHN AND SECONDED BY BOB TO APPROVE LAST MONTHS REGULAR MONTHLY MEETING MINUTES. ALL IN FAVOR.

A MOTION WAS MADE BY JOHN AND SECONDED BY BOB TO APPROVE ALL THE WORK SESSION MINUTES. ALL IN FAVOR.

A MOTION WAS MADE BY BOB AND SECONDED BY JOHN TO APPROVE THE TREASURERS REPORTS AS READ.

KATHLEEN REPORTED THAT THE SEWER AUTHORITY RECEIVED A DONATION FROM NORTH STAR AGGREGATES FOR GRAVEL FOR THE ROAD A THE STP IN THE AMOUNT OF \$595.12. THERE WAS ALSO A REPORT ON THE LETTER RECEIVED FROM HESS AND FISHER. DEP HAD RETURNED OUR CHECK AND PERMIT FOR REAPPLICATION.

WILSON FISHER HAS RECEIVED CORRESPONDANCE FROM TOM LYNCH REGARDING THE INTERIM FINANCING. HE WILL CLARIFY POINTS AND RESPOND.

DAVE BACHER OF GSA REQUESTED A SUBDIVISION DRAWING OF THE STP. WILSON WILL HANDLE.

HESS AND FISHER IS ALSO WORKING ON THE COLLECTION SYSTEM DETAIL. WITH APPROVED SERVICE AREAS.

CHAIRMAN HIXON REPORTED THAT HE HAD SPOKEN TO GARY METZER OF DEP AND THE THE ACT 537 REVISION HAD BEEN APPROVED AND A PERMIT SHOULD BE FORTH COMING SOON.

CHAIRMAN HIXON SPOKE OF THE CONCERNS OF THE PEOPLE REGARDING THE \$1000.00 TAP FEE THAT IS DUE DECEMBER 31, 2000. LAMBERT ROSENBAUM OF RUS STATED THAT THE TAP FEE IS TO BE USED FOR THE ACTUAL CONSTRUCTION OF THE TREATMENT FACILITY AND SERVICE LINES. THERE WAS A QUESTION FROM MANY WHETHER THE TAP FEE IS LEGAL. RUS STATED THAT THE TAP FEE IS THE LOCAL CASH CONTRIBUTION RUS REQUIRES FROM THE COMMUNITY IN ORDER TO EXTEND THE LOAN AGREEMENTS TO THE AUTHORITY. THE AUTHORITY FIRST MUST DRAW FROM THE CASH CONTRIBUTIONS FOR THE CONSTRUCTION COSTS. THEN THE AUTHORITY CAN USE THE LOAN FUNDS SECOND AND THE GRANTS THIRD. SINCE THE AUTHORITY CANNOT FORCE PAYMENT OF THE THE TAP FEE. RUS PROPOSED THAT THE AUTHORITY OFFER AN INCENTIVE OF PAYING A REDUCED FEE OF \$1000.00 BY DECEMBER 31.

20 X

IF THE PROPERTY OWNERS DECIDE NOT TO PAY BY DECEMBER 31, 2000 A FEE OF 9.75% PER MONTH WILL BE ADDED. THE AUTHORITY CAN CHARGE A MAXIMUM OF \$1975.00 FOR A TAP ON FEE. THIS DOES NOT INCLUDE ANY APPLICANTS OF THE USDA GRANTS.

A MOTION WAS MADE BY JOHN AND SECONDED BY BOB TO ACCEPT THE RESOLUTION STATING THAT A 9.75% FEE PER MONTH WILL BE ADDED. IT IS HUSTON TOWNSHIP SEWER AUTHORITY RESOLUTION #3-2000. ALL IN FAVOR.

A DISCUSSION WAS HELD ON THE APPLICANTS OF THE USDA LOAN.

THE MEETING WAS THEN OPENED FOR PUBLIC QUESTIONS. EVERYONE HAD THE OPPORTUNITY TO SPEAK AND ASK QUESTIONS. THERE WERE MANY QUESTIONS, ADVISE TO SEEK COUNCIL FROM AN ATTORNEY, NASTY THREATS, ACCUSATIONS, NASTY COMMENTS, QUESTIONS ANSWERED, AND NASTY QUESTIONS. BECAUSE OF THE NASTY THREATS, COMMENTS AND ANSWERS, FRANCIS CATALDI AND JOHN WALLACE RESIGNED FROM THE BOARD ON THE SPOT.

THE MEETING WAS ADJOUNDED AT 10: 00 PM.



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

November 14, 2000

Northcentral Regional Office

Fax 570-327-3565

21

Huston Township Board of Supervisors
P.O. Box 38
Penfield, PA 15849

Re: Act 537 Update
Huston Township, Clearfield County

Gentlemen:

This Department has completed review of a document entitled "Act 537 Plan Revision/Huston Township, Clearfield County/August 3, 2000," together with supplemental materials submitted by Hess and Fisher Engineers, Inc. through October 24, 2000. These materials are hereby approved by this Department as an update revision to the Act 537 Official Sewage Facilities Plan of Huston Township. As provided by the Pennsylvania Sewage Facilities Act and Chapter 71, Administration of Sewage Facilities Planning Program, this Department will hold Huston Township and its Sewer Authority responsible for the complete and timely implementation of this plan.

The plan herein approved modifies the Huston Township sewage facilities plan which was approved in 1995, in terms of the service area, the type of collection/conveyance system and the effluent discharge point. This plan calls for construction of a low pressure collection system to serve the Villages of Penfield, Tyler and Hollywood. The mobile home park located to the southwest of Penfield is not part of the service area for the approved system, although capacity is provided in the project for the mobile home park.

The capacity of the new wastewater treatment facility will be 150,000 gallons per day. The facility will be constructed so that initial flows from the initial service area, which may be only half of the design flow, can be efficiently and effectively treated. Discharge of the treated effluent will be to a mine discharge channel just above its confluence with Tyler Run.

The project will be funded through the U. S. Department of Agriculture, Rural Utilities Service which has already obligated monies. Some county and federal legislative grant funds have also been committed to the project.

Based on documentation provided in the update, some stream and wetland encroachments will be necessary in the construction of the project. Our Water Management Program's Soils and Waterways Section should be contacted at 570-327-0529 for permit applications and guidance.

HUSTON TOWNSHIP BOARD OF SUPERVISORS

P.O. BOX 38, RT. 255
PENFIELD, PA 15849

Phone 814-637-5771
Fax 814-637-5773
Email hustwp@penn.com

22

TO: Kim Kesner

FROM: Connie Mason, Huston Township

DATE: November 20, 2000

RE: Sewer Authority

Bob wanted me to ask you if it is legal for the Sewer Authority to change the cost of the tap fee after it was stated at a public meeting and some letters sent out to some of the residents. Originally they were asking for \$1,000 due at the end of December, (they didn't start mailing out the letters until the end of October). The residents stated they were not going to pay it because of too short of a notice. So the Authority stated they will give them until the end of March, and if it is not paid by then they will be charged \$97.50 each month until \$1,950 is paid. The residents are calling this **Blackmail**. Can they do this?

Also on the invoice the Board received from Wilson Fisher on the remaining work that was done on the Act 537. Is the Board responsible for the final bill or is the Sewer Authority? This was the question we had from our previous fax.

You guys have a Happy Thanksgiving, and don't eat too much.

Waiting your response,

Connie

HUSTON TOWNSHIP SEWER AUTHORITY

P O BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

November 21, 2000

23

DEAR RESIDENTS OF HUSTON TOWNSHIP,

THE HUSTON TOWNSHIP SEWER AUTHORITY HAS REVISED RESOLUTION #3-2000. THE ORIGINAL RESOLUTION WAS PASSED AT THE REGULAR MEETING ON NOVEMBER 14, 2000. IT STATED THAT THE \$1000.00 TAP FEE MUST BE PAID BEFORE DECEMBER 31, 2000 AND AFTER THAT DATE AN ADDITIONAL \$97.50 FEE WILL BE ADDED PER MONTH THEREAFTER IF NOT PAID BY THE DUE DATE.

THE HUSTON TOWNSHIP SEWER AUTHORITY HAS VOTED TO EXTEND THE DECEMBER 31, 2000 DUE DATE BY SIXTY DAYS TO FEBRUARY 28, 2001.

WE HAVE BEEN ADVISED BY RUS TO REQUEST A \$1975.00 TAP FEE. HOWEVER, THE TAP FEE WILL BE REDUCED TO \$1000.00 IF PAID BY THE FEBRUARY 28, 2001 DUE DATE.

ANY PAYMENT OF \$250.00 OR GREATER WILL BE ACCEPTED AT THE FOLLOWING ADDRESS PAYABLE TO:

HUSTON TOWNSHIP SEWER AUTHORITY
P.O. BOX 700
INDIANA, PA. 15701

THE ABOVE ADDRESS IS A LOCK BOX AT THE FIRST COMMONWEALTH BANK WHICH OWNS DEPOSIT BANK. YOUR CANCELLED CHECK IS YOUR RECEIPT.

THANK YOU,
HUSTON TOWNSHIP SEWER AUTHORITY

George Hixon
GEORGE HIXON, CHAIRMAN

KIM C. KESNER

ATTORNEY AT LAW

attykesner@skybiz.com

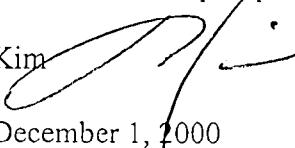
23 NORTH SECOND STREET, CLEARFIELD, PA 16830

(814) 765-1706

FAX (814) 765-7006

24

TO: Huston Township Supervisors

FROM: Kim 

DATE: December 1, 2000

RE: Sewer Authority Issues

Connie faxed me a number of questions on November 20 and 21, 2000. When I consulted with her on them, she asked me to provide you a memorandum of my responses. The issues were:

1. Was it appropriate for the Township to endorse the Clearfield Bank & Trust Company interim financing commitment letter dated October 13, 2000?
2. Is it legal and appropriate for the Authority to modify the amount of it's tap fees after it was announced at a public meeting and corresponded to residents in letters?
3. Can the Authority demand payment of tap fees on short notice?
4. Can the Authority collect tap fees before the system is constructed?
5. Is the Township liable for a billing presented by Hess & Fisher Engineers for work on the Township's Act 537 Plan Revision?

1. Was it appropriate for the Township to endorse the Clearfield Bank & Trust Company interim financing commitment letter dated October 13, 2000?

I have no difficulty with execution of the interim financing commitment letter by Bob & Connie on November 22, 2000, if their signing was authorized by the Board. While the letter states that the commitment letter is "accepted", this doesn't mean that the Township is bound. In fact, the Township is not committed until it complies with the Local Government Unit Debt Act. The commitment is merely the first step in that process.

Certainly, so much of this has to be confusing to the Board. Please do not hesitate to advise me of developments as well as your questions or concerns. The authorities bond counsel, Lynch & Lynch, has agreed to do much of the work necessary for any financing(s) for both the Authority and the Township (as guarantor) at the Authorities expense. However, I reserve the right to review everything they do and to advise the Township accordingly. Suffice it to say, given the history of this matter, we have known that the Township would have to back Authority borrowings. It stands to reason that the Authority should bear the expense of the Township's part in this. However, we can and should critically review all transactions upon which the Township is directly or indirectly liable.

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2. Is it legal and appropriate for the Authority to modify the amount of it's tap fees after it was announced at a public meeting and corresponded to residents in letters?

First the Law and then some policy considerations. The Municipalities Authorities Act gives very broad power to an Authority to set and collect fees and charges. However, in 1990, the Pennsylvania Legislature enacted certain amendment's governing and limiting fees that can be charged. The Act is known as Act 203 of 1990 and was pushed by the Pennsylvania Builder's Association. The Amendments enumerated and defined the three (3) types of permitted fees: tapping fees, connection fees and customer facilities fees. Without going deeply into the particulars, the Act provides a formula for calculation of tapping fees. Municipal authorities and municipalities which charge tapping fees must follow this formula.

Moreover, tapping fees must be set in a written fee resolution enacted by the authority. Also, the detailed calculations upon which the fee is based (prepared by the authority's engineer) must be available at the meeting at which the written resolution is enacted.

With regard to your specific question, the Authority can set (and modify) its tapping fees at any time, as long as it follows these requirements. The Authority isn't bound to a tapping fee merely because it announced it or used it in written correspondence. This is a public relations issue. Authorities often times don't know the exact tapping fee until they set it. However, they must give some estimate from time to time.

Now the policy considerations. What should be the Township's position if the Authority didn't comply with the 1990 Amendments? This might be an issue where you cut of your nose to spite your face. The tapping fees are necessary for this project to proceed. I'm not sure it furthers the Township's interest if the Authority is unable to collect it's fees. However, if the Authority has unwisely enacted tapping fees without compliance with Act 203, it may not be able to collect them until it does, or even worse, it may discover that its fees are excessive. I doubt very much that the latter is the case.

3. Can the Authority demand payment of tap fees on short notice?

There are no rigid requirements for the amount of time which an authority must give its customers to pay tapping fees. This is a matter of discretion for the authority board. Again, it is more an issue of public relations and practicality than law. Giving people too short of a notice is not an effective way to encourage voluntary compliance. It has been my experience that RUS sponsors deductions for early payment of tapping fees. One man's inducement is another man's blackmail.

4. Can the Authority collect tap fees before the system is constructed?

I am less certain of the answer to this question as I've never faced it. However, I believe that the Authority can legally collect a tapping fee prior to the time that the system is constructed. However, the Township's mandatory connection ordinance cannot be enforced until connections are physically possible. You can't fine someone for failing to connect unless they physically can connect.

24 B

However, if the Authority has lawfully set tapping fees, I believe that it can sue to collect them even though the system has not yet been built. Because this appears to fly in the face of "common sense", it again becomes a public relations issue. You want to induce people to voluntarily comply. As a practical matter, it costs money to sue and the Authority would be losing revenue to seek revenue.

5. Is the Township liable for a billing presented by Hess & Fisher Engineers for work on the Township's Act 537 Plan Revision?

As a general proposition, the Township is not bound to pay unless it has a written contract with Hess & Fisher Engineers. However, ethically speaking, the Township should have recognized that Hess & Fisher, in preparing an Act 537 Revision, was doing this for the benefit of the Township. It is the Township and not the Authority that has responsibilities under the Sewage Facilities Act. On the other hand, given the history of this matter, Hess & Fisher should have been careful not to provide services billable to the Township unless it had a clear and concrete written agreement with the Township. Be aware, however, that even if Hess & Fisher does not have an enforceable contract against the Township, it could sue under a theory of "quasi-contract". This is a legal fiction that permits one to collect against another with whom there is no contract where there is a benefit bestowed. However the recovery is limited to the fair value of the benefit and not the price normally charged.

However, legalities aside, this again may be an issue where you are cutting off your nose to spite your face. It is the Township and not the Authority that is responsible if it is violating the Sewage Facilities Act. DEP and RUS have been suspicious that the Township will ever address its sewage needs. The Township has been onboard with the plan put forth by Hess & Fisher.

However, as bond counsel's cost will be covered by the financings, certainly, the Township's engineering costs on the Act 537 Revisions could be covered or reimbursed by the Authority. This is a fiscal issue. Certainly, it is not unreasonable to have the Township make some capital commitment to the project. The more that is financed and the more that is covered by the future revenues of the authority, the greater the tapping fees and monthly charges must be. I'm not sure that it is in the Township's long term interest to be overly critical or demanding in this regard.

I stand ready to provide any further information that may assist you in your relations with the Authority. I was encouraged when it appeared that the Township and Authority were acting in concert. It now appears that the Authority (or perhaps its Chairman) are acting in ways that make a compatible relationship very difficult. At the same time, I don't doubt that the Authority may have it's back against the wall with regard to the need for revenues and voluntary action by its customers.

HUSTON TOWNSHIP SEWER AUTHORITY

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PO BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

January 08, 2001

THE REGULAR MONTHLY MEETING OF THE HUSTON TOWNSHIP SEWER AUTHORITY WAS HELD ON DECEMBER 12, 2000 AT 6:30PM IN THE PENFIELD SCHOOL CAFETERIA. BOARD MEMBERS PRESENT WERE GEORGE HIXON, BOB SCANISH AND KATHLEEN BONANNO.

A MOTION WAS MADE BY BOB AND SECONDED BY KATHLEEN TO APPROVE THE MINUTES AND THE TREASURERS REPORTS AS READ.

A MOTION WAS MADE BY BOB AND SECONDED BY KATHLEEN TO PAY THE COURIER EXPRESS \$7.20 FOR ADVERTISING.

WILSON FISHER SPOKE REGARDING THE ENGINEERS AGREEMENT. HE IS STILL WAITING FOR JOHN WILLIAMS FOR APPROVAL.

GEORGE HIXON AND WILSON FISHER WILL ATTEND A MEETING WITH PENNVEST AT THE CLEARFIELD BEST WESTERN ON DECEMBER 13, 2000.

GEORGE SPOKE OF OUR APPLYING FOR A CDBG GRANT OF \$75,000.00 TO HELP WITH THE CONNECTION FEES. WE MUST SHOW MATCHING FUNDS BY THE TOWNSHIP SO THERE SHOULD BE NO NEW EXPENDITURES BY THE TOWNSHIP. ALSO GEORGE SPOKE OF THE NEED TO THANK THE CLEARFIELD COUNTY COMMISSIONERS FOR THE \$150,000.00 GRANT THAT WAS ADMINISTERED FOR US BY MR TOM STOJEK. HE WANTS IT NOTED THAT WE ARE VERY GRATEFUL FOR THE GRANT.

WE RECEIVED A LIST OF 19 ITEMS FROM LYNCH AND LYNCH THAT ARE REQUIRED FOR THE INTERIM LOAN OF \$1,235,000.00 AT 5.12% FROM THE CLEARFIELD BANK AND TRUST CO.

A MOTION WAS MADE BY BOB TO ENTER INTO INTERIM FINANCING FROM CLEARFIELD BANK AND TRUST AND SECOND BY KATHLEEN. ALL IN FAVOR.

A MOTION WAS MADE BY BCB TO EXTEND BY SIX WEEKS THE TAP FEE TO ANYONE NOT YET NOTIFIED AND IT WAS SECONDED BY KATHLEEN. ALL IN FAVOR.

A MOTION WAS MADE BY BOB TO PAY AREA ABSTRACTING \$60.00 AND SECONDED BY KATHLEEN. ALL IN FAVOR.

BOB WHEPLEY REQUESTED THAT WE MAKE AVAILABLE AT THE TOWNSHIP OFFICE A FACT SHEET SHOWING THE COST DIFFERENCES BETWEEN THE GRAVITY FLOW SYSTEMS AND THE GRINDER PUMP SYSTEM. GEORGE WILL HANDLE.

GEORGE ALSO ASKED IF THE SUPERVISORS COULD CHECK ON AN AUDITOR FOR US. BOB SAID THAT HE WOULD.

THE MEETING WAS THEN OPENED TO THE PUBLIC FOR A QUESTION AND ANSWER SESSION.

A MOTION WAS MADE BY BOB AND SECONDED BY KATHLEEN TO ADJOURN AT 8:10 PM.

HUSTON TOWNSHIP SEWER AUTHORITY

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PO BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

January 07, 2001

A WORK SESSION MEETING OF THE HUSTON TOWNSHIP SEWER AUTHORITY WAS HELD ON JANUARY 3, 2001 IN THE PENFIELD SCHOOL CAFETERIA AT 6PM.

ALL BOARD MEMBERS WERE PRESENT.

A MOTION WAS MADE BY BOB SCANISH AND SECONDED BY KATHLEEN BONANNO TO ACCEPT OUR NEW BOARD MEMBERS APPOINTED BY THE TOWNSHIP. THEY ARE NELLIE BUNDY AND ROSE HAND.

WILSON PRESENTED US WITH THE INVOICE FROM LYNCH AND LYNCH FOR SERVICES INVOLVING THE INTERIM FINANCING FOR \$14,714.24 AND ALSO AN INVOICE FROM RICHARD MILGRUB FOR LEGAL SERVICES FOR \$14,075.25.

WE ALSO RECEIVED AN INVOICE FROM JACK WEST REALTY FOR \$250.00 FOR A NEW APPRAISAL OF THE HOLLYWOOD STP SITE. IF THE DEPARTMENT OF GENERAL SERVICES AGREES TO THE NEW APPRAISAL WE CAN REDO THE SALES AGREEMENT.

WILSON ALSO SPOKE OF THE ADMINISTRATIVE COMPLETENESS REVIEW THAT WAS RECEIVED FROM DEP ON 12-29-2000.

ALSO THAT THE PART 2 PERMIT REVIEW SHOULD BE DONE BY THE END OF JANUARY.

A MOTION WAS MADE BY BOB SCANISH AND SECONDED BY KATHLEEN TO PAY JACK WEST REALTY \$250.00 FOR THE APPRAISAL. ALL IN FAVOR.

WE THEN REVIEWED A LIST OF DEFINITIONS FOR TAP FEES, CONNECTION FEES, EPU'S, MULTIPLE TAPS ETC.

A MOTION WAS MADE BY BOB AND SECONDED BY KATHLEEN TO ADJOURN AT 8 PM.

HUSTON TOWNSHIP SEWER AUTHORITY

FEBRUARY 13, 2001

THE HUSTON TOWNSHIP SEWER AUTHORITY HELD IS REGULAR MONTHLY MEETING ON JANUARY 9, 2001 AT 6:30 PM IN THE PENFIELD SCHOOL CAFETERIA.

ALL BOARD MEMBERS WERE PRESENT, ALONG WITH ATTORNEY RICHARD MILGRUB AND WILSON FISHER.

AFTER THE PLEDGE TO THE FLAG, SUPERVISOR BOB WHELPY WELCOMED OUR NEW BOARD MEMBERS, ROSE HAND AND NELLIE BUNDY.

CHAIRMAN HIXON WAS TOLD BY BOB WHELPY THAT WE CANNOT USE THE TOWNSHIPS AUDITORS SO WE MUST FIND OUR OWN.

KATHLEEN READ THE MINUTES OF THE LAST MONTHS MEETING AND A MOTION WAS MADE BY BOB AND SECONDED BY ROSE TO APPROVE. ALL IN FAVOR.

KATHLEEN THEN READ THE TREASURERS REPORTS AND A MOTION WAS MADE BY BOB AND SECONDED BY ROSE TO APPROVE. ALL IN FAVOR.

A MOTION WAS MADE BY BOB SCANISH TO ACCEPT THE BOARD AND THE BOARD MEMBERS AS SEATED. IT WAS SECONDED BY ROSE. ALL IN FAVOR.

WILSON REPORTED THAT WE HAVE BEEN BUMPED FROM THE CDBG PROGRAM FOR THIS FUNDING TERM. WE HAVE BEEN INVITED TO REAPPLY FOR THE NEXT TERM.

GEORGE REPORTED THAT ON NOVEMBER 19TH, THE GENERAL SERVICES HAVE ACCEPTED OUR APPRAISAL FOR THE SEWER TREATMENT PLANT SITE. DEP HAS ISSUED A RECLAMATION TO HAVE THE COAL REFUSE PILES CLEANED UP.

GEORGE REPORTED THAT THE INTERIM FINANCING CLOSING WILL BE DONE JANUARY 11, 2001 AT RICHARD MILGRUB'S OFFICE IN CLEARFIELD.

WILSON PRESENTED A RESOLUTION THAT THE CLEARFIELD BANK AND TRUST NEEDS FOR THE CONSTRUCTION ACCOUNT.

A MOTION WAS MADE BY BOB AND SECONDED BY ROSE TO SEND A LETTER AND POSSIBLY A CHECK TO THE SECRETARY OF THE DEPT OF GENERAL SERVICES REGARDING THE STP SITE PROPERTY.

A MOTION WAS MADE BY KATHLEEN TO HAVE RICHARD MULGRUB PROCEED WITH OBTAINING THE RIGHT OF WAY FOR CCX AND THE CURRENT PROPERTY OWNERS. IT WAS SECONDED BY BOB. ALL IN FAVOR.

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GEORGE REPORTED THAT HE HAS SPOKEN WITH MIKE BUEHLER REGARDING THE PLACEMENT OF THE COLLECTION LINES THROUGH HIS PROPERTY AND HE IS VERY AGREABLE.

GEORGE THEN SPOKE OF THE TAP FEE ALWAYS BEING \$1000.00 AND THE LAST INTERCONNECTION FEE OF \$1000.00 THAT CANNOT BE FORCED ON THE PROPERTY OWNER. THE ONLY INTERCONNECTION THAT WE CAN ACCEPT WILL BE ONE THAT THE BOARD HAS HIRED AND THAT IS APPROVED AND BONDED.

THE FLOOR WAS OPENED TO THE PUBLIC AT 7:20 PM. THERE WAS A QUESTION AND ANSWER PERIOD THAT ENDED WITH A MOTION BEING MADE BY BOB AND SECONDED BY ROSE TO BAR RICHARD COCCIMIGLIO FROM SPEAKING OUT OF TURN AT OUR MEETING. ALL IN FAVOR.

A MOTION WAS MADE BY BOB AND SECONDED BY ROSE TO ADJOURN AT 8:10 PM. ALL IN FAVOR

62456-6
C# 5663
Jan 3 - 2001

HUSTON TOWNSHIP SEWER AUTHORITY

28

PO BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

March 04, 2001

THE HUSTON TOWNSHIP SEWER AUTHORITY HELD A WORK SESSION MEETING ON JANUARY 17, 2001 AT 6PM IN THE PENFIELD SCHOOL CAFETERIA. PRESENT WERE GEORGE HIXON, NELLIE BUNDY, BOB SCANISH AND KATHLEEN BONANNO. ALSO PRESENT WERE WILSON FISHER, PAUL HIXON, JIM COUSINS AND FRAN CATALDI. ABSENT WAS ROSE HAND.

NOTIFICATION WAS RECEIVED FROM DAN SURRA THAT \$34,000.00 HAS BEEN ACCEPTED FOR THE PURCHASE OF THE STP SITE.

A DISCUSSION WAS HELD ON THE NEED FOR AUDITORS. WE ARE LOOKING FOR THREE HUSTON TOWNSHIP RESIDENTS. WE WILL PAY \$10.00 PER HOUR.

WE HAVE BEEN ADVISED THAT OUR GROWING GREENER APPLICATION WAS TURNED DOWN AND FORWARDED TO PENNVEST. WE WILL APPLY TO PENNVEST FOR THE PHASE 2 FUNDING.

WE SHOULD BE ABLE TO ADVERTISE NEXT MONTH FOR THE CONSTRUCTION ON THE TREATMENT PLANT AND THEN TO TO BID FOR THE PIPELINE IN ANOTHER 120 DAYS.

ALSO THERE WAS A DISCUSSION ON THE ENGINEERING CONTRACT, SANDY TOWNSHIP. AND WE REVIEWED THE TAP FEE AND EDU LEVELS.

A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO ADOPT THE REGULATIONS NEEDED BY THE AUTHORITY. ALL IN FAVOR.

A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO ADJOURN AT 8:25 PM.
ALL IN FAVOR.

HUSTON TOWNSHIP SEWER AUTHORITY

— 29

P O BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

March 04, 2001

THE HUSTON TOWNSHIP SEWER AUTHORITY HELD A WORK SESSION ON FEBRUARY 7, 2001 AT 6PM IN THE PENFIELD SCHOOL CAFETERIA. PRESENT WERE GEORGE HIXON, NELLIE BUNDY, BOB SCANISH AND KATHLEEN BONANNO. ALSO PRESENT WERE WILSON FISHER, JIM COUSINS AND PAUL HIXON.

AFTER SOME DISCUSSION A MOTION WAS MADE BY BOB TO PAY JIM COUSINS \$73.00 FOR THE MATERIAL NEEDED FOR THE TREATMENT PLANT CERTIFICATE, ALSO TO PAY HESS & FISHER ENGINEERS \$44,940.00 AND TO RETURN THE \$1000.00 START UP MONEY FOR THE LOCK BOX TO THE REGULAR CHECKING ACCOUNT. THIS WILL BE PAID FROM THE LOCK BOX ACCOUNT. IT WAS SECONDED BY NELLIE. ALL IN FAVOR.

A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO PAY THE CLEARFIELD BANK AND TRUST CO \$118.00 FOR TRANSFER FEES AND \$21.60 TO THE COURIER EXPRESS FOR ADVERTISING. THESE WILL BE PAID FROM THE REGULAR CHECKING. ALL IN FAVOR.

WILSON BROUGHT THE THREE COPIES OF THE AGREEMENT OF SALE FROM THE DEPARTMENT OF GENERAL SERVICES. WE ARE GOING TO FORWARD A COPY TO RICHARD MULGRUB FOR HIS APPROVAL BEFORE WE SIGN.

A DISCUSSION WAS HELD ON THE PHASE 2 TOTAL CONSTRUCTION COSTS.

AFTER SOME DISCUSSION, A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO ELIMINATE THE INTERCONNECTION FEE FROM OUR RESOLUTION. ALL IN FAVOR.

A MOTION WAS MADE BY NELLIE AND SECONDED BY BOB TO HAVE THE SEWER AUTHORITY NO LONGER HANDLE THE INTERCONNECTION, BUT HAVE THE PROPERTY OWNER DO THEIR OWN.

A MOTION WAS MADE BY NELLIE AND SECONDED BY BOB THAT THE AUTHORITY WILL HAVE A \$100.00 INSPECTION FEE FOR EVERY INTERCONNECTION AND AN ADDITIONAL \$30.00 EACH PER CALL BACK UNTIL ALL DEFICIENCIES ARE CORRECT AND ACCEPTED BY THE AUTHORITY. ALL IN FAVOR.

A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO ADJOURN AT 8 PM. ALL IN FAVOR.

HUSTON TOWNSHIP SEWER AUTHORITY

30
PO BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

MARCH 13, 2001

THE REGULAR MONTHLY MEETING OF THE HUSTON TOWNSHIP SEWER AUTHORITY WAS HELD ON FEBRUARY 13, 2001 IN THE PENFIELD SCHOOL CAFETERIA AT 6PM.

PRESENT WERE GEORGE HIXON, BOB SCANISH, NELLIE BUNDY & KATHLEEN BONANNO. ABSENT WAS ROSE HAND. WILSON FISHER WAS ALSO PRESENT.

THE MEETING WAS STARTED AT 6PM BECAUSE THE COURIER PUBLISHED THE WRONG TIME IN SUNDAY'S PAPER. THAT WILL BE CORRECTED.

THE MINUTES OF LASTS MONTHS MEETING WERE READ. A MOTION WAS MADE BY BOB SCANISH TO APPROVE. IT WAS SECONDED BY NELLIE BUNDY. ALL IN FAVOR.

THE TREASURERS REPORTS FOR THE TWO BANKS ACCOUNTS WERE READ. A MOTION WAS MADE BY BOB SCANISH TO APPROVE. IT WAS SECONDED BY NELLIS BUNDY. ALL IN FAVOR

KATHLEEN THEN READ THE MINUTES OF THE WORK SESSION HELD ON FEBRUARY 7, 2001.

THERE WAS A SHORT QUESTIONS AND ANSWER PERIOD HELD BEFORE WILSON FISHER CAME.

WILSON ANSWERED A FEW QUESTIONS. WE WERE TOLD WE SHOULD BE GOING TO BID IN APRIL AND EVERY ONE SHOULD BE ON LINE BY THE END OF THE YEAR. HE IS STILL WAITING FOR THE SPECS FOR THE DISENFECTION SYSTEM FOR THE PLANT PERMIT.

WILSON ALSO HAD THE SALES AGREEMENT FOR THE STP SITE. IT WAS PASSED AROUND FOR THE BOARD TO REVIEW. AFTER SOME DISCUSSION IT WAS DECIDED THAT A TITLE SEARCH WOULD NOT BE NEEDED FOR THIS PROPERTY. DAN SURRA HELPED US WITH THE FINAL REQUIREMENTS FOR THE STP SITE. THE DEPARTMENT OF GENERAL SERVICES AGREED ON \$34,000.00 FOR THE SITE.

A MOTION WAS MADE BY NELLIE BUNDY NOT TO HAVE A TITLE SEARCH DONE ON THE PROPERTY FOR THE STP SITE. IT WAS SECONDED BY BOB SCANISH. ALL IN FAVOR

A MOTION WAS MADE BY BOB SCANISH AND SECONDED BY NELLIE BUNDY TO ACCEPT THE SALES AGREEMENT FROM THE DEPARTMENT OF GENERAL SERVICES. ALL IN FAVOR

A MOTION WAS MADE BY BOB SCANISH AND SECONDED BY NELLIE BUNDY TO SIGN A CHECK FOR PAYMENT TO THE GENERAL SERVICES FOR \$34,000.00. ALL IN FAVOR

A MOTION WAS MADE BY BOB SCANISH TO PAY RICHARD MILGRUB \$14,075.25 FOR SERVICES REQUIRED. IT WAS SECONDED BY NELLIE BUNDY. ALL IN FAVOR.

WILSON SPOKE OF THE MEETING THAT HE HAD WITH MIKE BUEHLER TO SHOW HIM WHERE THE LINES WILL GO THROUGH HIS PROPERTY. HE APPROVED THE LOCATION SO THEY CAN NOW FINISH THE LINE MAPS.

THE MEETING WAS OPENED TO THE FLOOR FOR QUESTIONS AND ANSWERS AT 7:10PM.

A MOTION WAS MADE BY BOB SCANISH TO WRITE A LETTER TO ROSE HAND ASKING FOR HER RESIGNATION BECAUSE OF HER NEW WORK SCHEDULE. IT WAS SECONDED BY NELLIE BUNDY ALL IN FAVOR.

GEORGE HIXON THEN REVIEWED THE SEWER AUTHORITY REGULATIONS FOR THE CITIZENS AT THE MEETING.

A MOTION WAS MADE BY NELLIE BUNDY TO ADJOURN AT 8:10PM. IT WAS SECONDED BY BOB SCANISH. ALL IN FAVOR.

30A

, HUSTON TOWNSHIP SEWER AUTHORITY

P O BOX 121
PENFIELD, PA 15849
Country

Phone 814-637-5811
Fax 814-637-5760

31

March 04, 2001

THE HUSTON TOWNSHIP SEWER AUTHORITY HELD A WORK SESSION MEETING ON FEBRUARY 21, 2001 AT 6PM IN THE PENFIELD SCHOOL CAFETERIA. PRESENT WERE GEORGE HIXON, NELLIE BUNDY, BOB SCANISH AND KATHLEEN BONANNO. ALSO PRESENT, WERE WILSON FISHER AND JIM COUSINS.

AFTER A BRIEF DISCUSSION, A MOTION WAS MADE BY NELLIE AND SECONDED BY BOB TO ADVERTISE AND HIRE A PART TIME SECRETARY.

THE AUTHORITY'S TWO BANK ACCOUNTS HAVE BEEN AUDITED BY ANGIE RUCHINSKI, SUSAN BAUER AND FRANK OGERSHOK. A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO PAY OUR 3 AUDITORS TWO HOURS EACH AT \$10.00 PER HOUR. ALL IN FAVOR.

A MOTION WAS MADE BY BOB AND SECONDED BY NELLIS TO REQUIRE EVERY FOOD SERVICE CONNECTION MADE TO THE SEWER LINE HAVE A GREASE TRAP AT THE MAIN CONNECTION. ALL IN FAVOR.

AFTER A DISCUSSION ON MULTIPLE TAP FEES (2 OR MORE) A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO EXTEND AN EXTRA MONTH PER TAP FOR ANY ONE WITH MULTIPLE TAP FEES DUE. ALL IN FAVOR.

PAUL HIXON BROUGHT THE MAPS THAT ARE UP TO DATE FOR US TO LOOK AT. ALSO THE SEWAGE TREATMENT PLANT PERMIT IS SOON TO BE ISSUED.

A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO CHANGE THE WORK SESSION MEETINGS TO THE THIRD AND FOURTH WEDNESDAY OF THE MONTH STARTING IN MARCH. KATHLEEN WILL ADVERTISE IN THE COURIER EXPRESS.

WILSON SPOKE OF THE MEETING WITH THE HUSTON TOWNSHIP WATER AUTHORITY REGARDING THE PLACEMENT OF THE LINES. LARRY KNISLEY GETTING LOCATIONS.

A BILL WAS RECEIVED FROM RICHARD MILGRUB FOR \$575.00 REGARDING NORTH STAR AGGREGATES. A MOTION WAS MADE BY NELLIE AND SECONDED BY BOB TO PAY.

DAN SURRA WANTS TO SCHEDULE A MAY GROUND BREAKING CEREMONY AT THE STP.

✓

MIKE SEGALLA SPOKE TO THE BOARD REGARDING THE TRAILER PARK AND THE NEGOTIATIONS FOR THE SEWAGE TREATMENT PLANT THERE AT A COST OF \$45, 000.00.

A MOTION WAS MADE BY NELLIE AND SECONDED BY BOB TO ADJOURN AT 8:05 PM. ALL IN FAVOR.

HUSTON TOWNSHIP SEWER AUTHORITY

P. O. BOX 121

PENFIELD, PA 15849

PHONE: (814) 637-5811

FAX: (814) 637-5760

DECEMBER 4, 2000

31A

DEAR RESIDENTS OF HUSTON TOWNSHIP,

THE HUSTON TOWNSHIP SEWER AUTHORITY ALONG WITH THE HUSTON TOWNSHIP SUPERVISORS ARE APPLYING FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG). IN ORDER FOR OUR APPLICATION TO BE COMPLETE, WE ARE ASKING THAT EVERYONE TAKE THE TIME TO FILL OUT AND RETURN THE CONFIDENTIAL SURVEY FORM. THE PROPOSE OF THIS FROM IS TO DETERMINE ELIGIBILITY FOR OUR PROPOSED SEWER PROJECT TO RECEIVE FUNDING FROM THIS YEARS CDBG AVAILABLE FUNDS.

ALSO, THE HUSTON TOWNSHIP SEWER AUTHORITY HAS EXTENDED THE TAP FEE DUE DATE TO FEBRUARY 28, 2001.

ANY PAYMENT OF \$250.00 OR GREATER WILL BE ACCEPTED AT THE FOLLOWING ADDRESS PAYABLE TO:

HUSTON TOWNSHIP SEWER AUTHORITY
P.O. BOX 700
INDIANA, PA. 15701

THE ABOVE ADDRESS IS A LOCK BOX AT THE FIRST COMMONWEALTH BANK WHICH OWNS DEPOSIT BANKS. YOUR CANCELLED CHECK IS YOUR RECEIPT.

THANK YOU,
HUSTON TOWNSHIP SEWER AUTHORITY

George Hixon

GEORGE HIXON, CHAIRMAN

HUSTON TOWNSHIP SEWER AUTHORITY
P. O. BOX 121
PENFIELD, PA 15849
PHONE: (814) 637-5811
FAX: (814) 637-5760

32

The Huston TOWNSHIP SEWER AUTHORITY HELD ITS REGULAR MONTHLY MEETING ON MARCH 13, 2001 at 6:30 PM IN THE PENFIELD SCHOOL CAFETERIA.

AFTER THE PLEDGE OF ALLEGIANCE, THE MINUTES OF THE LAST MONTHS MEETING WERE READ. A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO APPROVE. ALL IN FAVOR.

THE TREASURERS REPORT WAS THEN READ. A MOTION WAS MADE BY BOB AND SECONDED BY NELLIE TO APPROVE. ALL IN FAVOR.

A MOTION WAS MADE BY NELLIE AND SECONDED BY BOB TO ACCEPT ROSE HANDS RESIGNATION.

WILSON SPOKE OF THE PIPELINE APPLICATION THAT WAS SENT TO DEP. WE NOW HAVE A MAY START DATE. WE HAVE NOT YET RECEIVED THE SALES AGREEMENT FOR THE STP SITE PROPERTY. WILSON ALSO HAD THE AUTHORITY'S WASTEWATER MANUAL FOR JIM COUSINS.

A MOTION WAS MADE BY BOB TO PAY THE COURIER EXPRESS \$30.36, the COMMONWEALTH OF PA \$500.00, RICHARD MILGRUB \$575.00 and LYNCH AND LYNCH \$14,714.25. It was seconded by NELLIE BUNDY.

GEORGE THEN READ THE AUTHORITY'S ADDENDUM TO THE RULES AND REGULATIONS. A MOTION WAS THEN MADE BY BOB TO ADOPT THE ADDENDUM TO THE HUSTON TOWNSHIP SEWER AUTHORITY RULES AND REGULATIONS. IT WAS SECONDED BY NELLIE. THE RULES WERE THEN PASSED OUT FOR EVERY ONE TO LOOK AT AND THEY WILL ALSO BE AT THE TOWNSHIP OFFICE TO VIEW.

WE ARE SCHEDULING THE GROUND BREAKING AT THE STP SITE FOR FRIDAY MAY 11 with DAN SURRA AND OTHER INVITED OFFICIALS.

THE MEETING WAS OPEN TO THE PUBLIC FOR QUESTIONS AT 7:10 PM.

A DISCUSSION WAS HELD ON THE DUAL PIPING WITH THE WATER AUTHORITY TO RUN ALONG WITH THE SEWER LINE.

THE MEETING WAS ADJOURNED AT 7:40 PM, with a motion by BOB and seconded by Nellie.

33

March 21, 2001

From: Richard An Coccimiglio
RD #1 Box 209
Penfield , Pa. 15849

Re: Sewer Tap in Fee

To who it may concern,

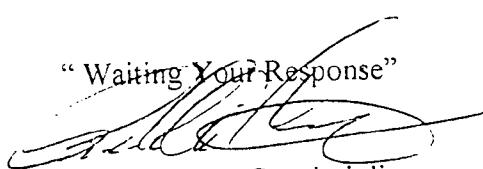
Please be advised that this is the third time that I have requested an official notice of where, when and how I am to pay my fair share being the \$1000.00 Tap in Fee for the sewer Project that is to be implemented in Huston Township.

When the initial letters went out to the residents of Huston Township I had called the secretary of the Sewer Authority and notified her that I had not received any such letter. The second time was at a Sewer Authority Meeting in December of 2000 and now by this letter. I have called, personnel notified and now have written to the Sewer Authority as per the Tap in Fee.

The Authority Chairman stated at the January 2001 Sewer Authority meeting, those who have not received a letter from the authority as per the Tap in Fee would be getting one shortly. As of yet I have not received any official notice, where by the surrounding neighborhood residents have.

Please advise me of where and how I am to pay this \$1000.00 Tap in Fee.

“Waiting Your Response”


Richard An Coccimiglio

CC: Richard H. Milgrub

HUSTON TOWNSHIP SEWER AUTHORITY

33A

P.O. BOX 121
PENFIELD, PA 15849

Phone 814-637-5811
Fax 814-637-5760

March 27, 2001

Mr. Coccimiglio
3/27/01

Mr. Richard Coccimiglio
R. D. #1 Box 209
Penfield, PA 15849

Re: Tap in Fee

Dear Mr. Coccimiglio,

Thank you for your recent letter concerning your sewage tap fee. I am enclosing a copy of the November 21, 2000 letter from the chairman of the Sewer Authority that was mailed all to township residents with public water service. If you have public water service to your home, you will already have received this letter, but may have misplaced it. You will note that payments of \$250.00 or more are to be mailed to the lock box at the Commonwealth Bank in Indiana, PA. Please make your check payable to Huston Township Sewer Authority and mail it to: Huston Township Sewer Authority

P. O. Box 700

Indiana, PA 15701

Please be sure to include your account number on your check. That number appears on the enclosed portion of the sewage map that shows your property with the proposed public sewer lines. Your account number is G2-456-10.

If you have any questions, please contact me anytime.

Sincerely,

HUSTON TOWNSHIP SEWER AUTHORITY

Cynthia R. Smith
Secretary

Encl: 2

RICHARD H. MILGRUB
Attorney & Counselor at Law

34

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
TELEPHONE (814) 765-1717

FAX (814) 765-4410

109 NORTH BRADY STREET
DUBOIS, PENNSYLVANIA 15801
TELEPHONE (814) 371-7080

April 18, 2001

Nellie Bundy
Huston Township Sewer Authority
Box 121
Penfield, PA 15849

Dear Ms. Bundy:

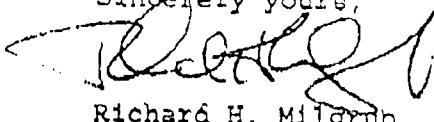
Please be advised that as solicitor for the Huston Township Sewer Authority, I have been instructed to send you a letter.

It has been brought to my attention that at the most recent Huston Township Sewer Authority meetings, that you have been making certain allegations and accusing certain individuals of lying. This letter is to inform you that you are opening up both yourself and Huston Township Sewer Authority to liability. Liability could include money damages.

As a member of the Board, you are representing the Township, and I would hope that you can conduct yourself in a professional manner. You may express your opinions but again, personal attacks on any individuals should be made very carefully because of the possible legal implications.

If you would like to discuss this any further, please give me a call.

Sincerely yours,



Richard H. Milgrub

RHM:nlc

HUSTON TOWNSHIP SEWER AUTHORITY

P. O. Box 121
Penfield, PA 15849

35

June 12, 2001
Penfield Elementary School

PH: 814-637-5771
FX: 814-637-5773

The regular monthly meeting of the Huston Township Sewer Authority was held on June 12, 2001 at the Penfield Elementary School. George Hixon, Chairman, called the meeting to order at 6:30 PM with a salute to the flag. Board members attending were Vice Chairman Bob Scanish, Board member Nellie Bundy, Treasurer Kathleen Bonanno and Secretary Cynthia Smith.

The minutes for the last regular meeting of May 8, 2001 were read. Bob Scanish motioned to approve. Nellie Bundy second. Aye: All.

The minutes for the work session of May 16, 2001 were read. Bob Scanish motioned to approve. Nellie Bundy second. Aye: All.

The minutes for the work session of May 23, 2001 were read. Nellie Bundy motioned to approve. Kathleen Bonanno second. Aye: All.

Kathleen Bonanno read the Treasurers report. Cyndi Smith motioned to approve the Treasurers Report. Bob Scanish second. Aye: All

The board received the pipeline permit from DEP.

Hess & Fisher Engineers submitted details of invoices previously submitted as requested by Lambert Rosenbaum of RUS. Bob Scanish motioned to pay these invoices totaling \$24,347.92. Kathleen Bonanno second. Aye: All

Hess & Fisher copied to the Authority a letter sent to Lee Supply with pipe and pump specifications for their proposal.

There was comment on the Huston Township Board of Supervisors tabling the resolution to enact the current Act 537 (2001) revision.

The question of easement agreements and maps arose. Without the current availability of a Notary Public, specifically Paul Hixon, to having these signed and notarized won't be possible until sometime in July, 2001.

Secretary Smith submitted a list of residents who have over paid their tap fees. A motion to return these over payments to the residents was made by Bob Scanish. Nellie Bundy second. Aye: All

There was discussion of the \$97.50 per month finance charge incurred after the deadline of February 28, 2001. A motion to invoice these finance charges was made by Kathleen Bonanno. Nellie Bundy second. Aye: All

Secretary Smith submitted a list of seventeen (17) residents now included in the service area by the board passing resolution 2001-4. Eleven of these seventeen have paid the tap fee. A motion to invoice the remaining six residents for the tap fee and allow them the ninety (90) day grace period to pay that was extended to the original customers was made by Secretary Smith. Bob Scanish second. Aye: All

A motion was made by Bob Scanish to reimburse Chairman Hixon \$251.00 for personal funds he advanced to have a representative of the EADS group attend a "must attend" meeting. Kathleen Bonanno second. Aye: All

HUSTON TOWNSHIP SEWER AUTHORITY

P. O. Box 121
Penfield, PA 15849

PH: 814-637-5771

FX: 814-637-5773

June 12, 2001

35A

Chairman Hixon requested that this money be deposited in his name in the lockbox account towards his tap fee.

There was discussion on multiple tap fees with Secretary Smith asking for clarification on certain structures. The board received a written appeal from Leo Nedza regarding the EDU count for the Ralph M. Geer Funeral Home and upstairs apartment. The authority members determined that there will be one EDU assessed for the Funeral Home and one EDU assessed for the upstairs apartment.

The DuBois Area School District contacted Secretary Smith regarding School usage for August 14, 2001 regular meeting and August 15, 2001 work session. The school will be unavailable for meetings on those dates. Secretary Smith was directed to contact the Penfield Firemen to arrange to use the Grange Hall for those meetings and to make a note to advertise them.

Nellie Bundy motioned to approve and pay bills. Bob Scanish second.

Aye: All

Bob Scanish motioned to adjourn. Nellie Bundy second. Aye: All

With all business before the board addressed, the meeting adjourned at 7:45 PM.

NOTICE OF INTENT TO AWARD

To: Earthmovers Unlimited, Inc., ATTN: Mr. John P. Niebauer, President
(Contractor)

P.O. Box 187, Kylertown, PA 16847

(Address)

Gentlemen:

It appears that you are the low bidder on Contract HTSA - 1 & 2 for the construction of CONSTRUCTION OF SMALL DIAMETER SEWAGE COLLECTION SYSTEM, CONTRACT # HTSA - 1: VILLAGE OF PENFIELD, HUSTON TOWNSHIP, PHASE HTSA-2- CONSTRUCTION OF SMALL DIAMETER SEWAGE I SERVICE AREA. COLLECTION SYSTEM, CONTRACT HTSA-2: VILLAGES OF MILL RUN, HOLLYWOOD AND TYLER, HUSTON TOWNSHIP, PHASE I SERVICE AREA. Pursuant to the Specification under which your Proposal was submitted you are hereby notified that the OWNER represented by the undersigned intends to award a Contract to you for the aforesaid work. The Contract Price is computed to be \$ 1,293,000.00, on the basis of the acceptance of your Proposal. Enclosed herewith are copies of the required Performance BOND and Payment BOND to be executed by the Contracting Party and by an approved corporate surety, as required by the Specifications. These bonds may bear any date on or after your receipt of this notice, and must be accompanied by proper powers of attorney from the corporate surety, bearing the same date as the BONDS. The BONDS shall be executed in (number) 4 counterparts, each of which shall be deemed an original, each with an original power of attorney, and returned to the undersigned within ten (10) days after receipt of this letter. The BONDS must be supplied before an award of the Contract can be made to you. If you fail to execute and deliver the BONDS within the time specified, you shall forfeit to the OWNER, as liquidated damages for such failure or refusal, the security deposited with your Proposal.

Dated this 21st day of November, 2001.

John P. Niebauer
OWNER Huston Township Sewer Authority

By _____

ACCEPTANCE OF NOTICE

Receipt of the above Intent Title _____ of Award is

hereby acknowledged this the _____ day of _____.

Title _____

36A
NOTICE OF AWARDTO: Earthmovers Unlimited, Inc.P.O. Box 187Kylertown, PA 16847Attn: John P. Niebauer, Jr., President

PROJECT Description: CONSTRUCTION OF SMALL DIAMETER SEWAGE COLLECTION SYSTEM, CONTRACTs# HTSA - 1: VILLAGE OF PENFIELD, HUSTON TOWNSHIP, PHASE - I SERVICE AREA. and HTSA-2: Villages of Mill Run, Hollywood & Tyler. The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated September 28, 2001, and Information for Bidders. You are hereby notified that your BID has been accepted for items in the amount of \$ 1,293,000.00. You are required by the Information for Bidders to execute the Agreement and furnish the required certificates of insurance within ten (10) calendar days from the date of this Notice to you. If you fail to execute said Agreement within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER's acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law. You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 25th day of February, 2002.Huston Township Sewer Authority

Owner

By Larry KnouseyTitle Vice-Chairman

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

by Earthmovers Unlimited, Inc. thisthe 25 day of February, 2002.By John P. NiebauerTitle President

HUSTON TOWNSHIP SEWER AUTHORITY

P. O. BOX 121
PENFIELD, PA 15849

PH: 814-637-5771
FX: 814-637-5773
e-mail:hustwp@penn.com

37

The Reorganization and the regular Monthly meeting of the Huston Township Sewer Authority was held on January 8, 2002 at the Penfield Elementary School. Nellie Bundy called the meeting to order at 6:35 P.M. with a salute to the flag. Board members present were Larry Knisely, Carl Sandy and Mark Maines. Also in attendance were Township Supervisor Francis Cataldi and Township Supervisor Tammie McClintick.

Larry Knisely motioned to appoint Nellie Bundy temporary chairman. Carl Sandy second. Aye: all.

Larry Knisely motioned to appoint Cyndi Smith temporary Secretary. Mark Maines second. Aye:all.

Larry Knisely motioned to appoint Nellie Bundy Chairman. Carl Sandy second. Aye: all

Carl Sandy motioned to appoint Larry Knisely Vice Chairman. Mark Maines second. Aye: All.

Larry Knisely motioned to appoint Mark Maines Secretary. Carl Sandy second. Aye:All

Minutes from the last regular meeting of December 11, 2001 were read. Carl Sandy motioned to Approve. Larry Knisely second. Aye: All.

Minutes from the 1st work session meeting of December 19, 2001 were read.

Larry Knisely motioned to approve. Carl Sandy second. Aye: All

Minutes from the 2nd work session meeting of December 26, 2001 were read.

Larry Knisely motioned to approve. Carl Sandy second. Aye: All

There was no Treasurers report.

With no other business, Larry Knisely motioned to adjourn. Mark Maines second.

Aye: All. Meeting adjourned at approximately 6:55 P.M.

Wilson Fisher Engineer entered after it had adjourned and Mark Maines made a motion to reopen the meeting. Larry Knisely second. Aye: All

Meeting reconvened at approximately 7:00 P.M.

Wilson Fisher took the floor and explained where the project was and that it was at a crucial point to be accepted because of the time elements and that the system planned was the best possible system for the Penfield Area. After a lengthy dialogue, Mark Maines made a motion to apply for the additional funding and move on with the project. There was no second. Carl Sandy and Larry Knisely said they wanted more time to go over information and bring the issue to a vote at the next work session on January 16, 2002.

Larry Knisely motioned to adjourn. Mark Maines second. Aye: All

Meeting adjourned at 8:35 P.M.

HUSTON TOWNSHIP SEWAGE AUTHORITY
WORK SESSION
JANUARY 16,2002
Penfield elementary school

Meeting called to order by chairperson Nellie Bundy at 6:10 p.m.

Members present were Nellie Bundy Carl sandy, Larry knisely, and mark maines
Citizens present were Francis cataldi, George hixon, Gregg Moore,

Wilson fisher started the meeting stating that the pennDot permits are all ok
They are good for 1 year and are renewable; there is a year to year payment
obligation for the two-bridge occupancy permits where there are to be pipes hung
on the side.

All other permits are environmental permits and are good for 5 years

Nellie Bundy asked that if we changed the scope of the project do we have to pay the
engineer more money Wilson stated he did not have that information with him and
he would have to look at them.

Nellie stated that if we borrowed the 600,000 for 40 years then, we would be paying
back approx. 4 million, and if we borrowed it for 20 years then it would cost us
approx. 2 million Nellie felt that the scope of the project should be cut.

Mark maines made a comment that the sewage authority was now responsible for
the project because they had already voted and passed on the 26th of Dec 2001 to
accept the funding

In addition, the intent to award the bids to the lowest responsive bidders was
already sent.

Nellie stated it was not passed because she resigned after the vote was taken and no
one signed the papers

Nellie questioned mark maines if he had his sewage tap paid yet and mark maines
stated that he did not.

Nellie Bundy also questioned Larry knisely about why the water authority did not
extend the water lines in Hoover town Larry stated that they did not have the
money, and did not want the hassle of dealing with pennDot permits.

Nellie asked why they did not borrow the money and Larry stated that they were
going to talk to the engineers and possible run the lines when the sewage went in,
Nellie stated this was voted on before and voted down, Larry stated that she was not
at the last meeting and did not know what was discussed

Larry knisely asked Nellie Bundy if they let this go to re-bid could she guarantee
that the bids would not come in higher.

38A

Nellie said she could not guarantee anything.

Larry knisely made a motion to accept the bids they way they were.
Mark maines asked if this was also for the additional funding and Larry stated yes

Mark maines second the motion

Carl sandy asked if the 6" lines were going to be big enough for the 350 EDU's anticipated, Wilson stated that it would be, carl sandy also asked about the 1/14 lines and Wilson stated again absolute that they will be large enough.

Carl sandy asked who was guaranteeing it and Wilson stated that he was guaranteeing it

Carl sandy asked to have this in writing and Wilson said it already was.
Nellie Bundy asked if Wilson had the paper stating that rus would hold the loan money till the grant money was used and Wilson said he did not have it, Lambert had not gotten back with him.

Carl sandy asked if these tanks would be like a holding tank with a grinder pump inside

Wilson stated it would have a cover with a gasket on it and is at ground level.

Nellie Bundy asked who would pay for it, if the lines were not big enough and do not work, Wilson fisher stated again that he would guarantee it, Nellie asked if he would put up the money to fix it and Wilson stated "sure".

Nellie Bundy stated she thought we should have another engineer look at the project before borrowing the extra 600,000 and

Wilson said that was fine if the authority was willing to pay for it

Wilson sated that the guarantee the pump manufacture had also stood behind it which Wilson felt had more at stake than he did because this is part of what they bid it at and the fact that they had to certify and warranty that it would work-this meant the entire system.

George hixon spoke of 2 other safeguards, the fact that dep. had looked at the system and had signed off on it.

Also, there was a federal engineer named john Williams from rus said it would work and signed off on it.

George felt that rus would not have considered the funding if it would not work.

Nellie Bundy stated that Morris Township had to go back and change the lift stations because they did not work

Larry knisely stated that gravity pumps and lift stations are two different things

38B

George hixon said there were 4 different contracts for this project

Hess and fisher engineering

Pump supplier

Greenland construction (building)

Earthmovers unlimited

Earth movers has agreed to extend another 60 days from the 28th of Dec to allow everyone to get through their paperwork and do what they had to do at no additional cost

George stated that there was no extension given neither by the pump supplier, Greenland construction, nor by Hess and fisher engineering.

George also stated that if there were not a notice to proceed by February 21st 2002 then earthmovers would be suing and would be filing for damages for loss of income for failure to proceed.

George stated that there was a notice to proceed given and that they had 120 days until the 21st of February after 60 calendar days they have a right to pull their bid except for earth movers which put it in writing until the 21st of February

Wilson stated that it does get critical after the 21st.

George stated the authority was liable with the notice of intent to award and the request that were approved by the board for the amount of monies extended toward the insurance, bonding, additional equipment and or standby with his best estimate being 500-600,00 That the authority would be responsible for if it bailed out now.

Nellie stated that it was her understanding that the authority had 120 days to make up their minds and get the papers signed

George hixon stated that they had 120 days to award the bid

Wilson stated that if the board had any question to the legality of anything that the board should contact their solicitor, he also stated that the 120 days to award the contract was the extreme limit and in which most authorities do not go.

And at that point if nothing is resolved there are obligations that have been incurred already by virtue of the bidding process, and a notice of intent to award to the responsible low bidder,

If that does not happen then there are potential liabilities that he could not advise us on but an attorney could.

Nellie stated that she had spoken with an attorney that he told her to send it back to bids

In addition, did not say anything about being responsible for the bonds or anything, you could send them back within 120 days.

Wilson recommended confirming that with the authority attorney who would be familiar with the contractual obligations at this point.

Mark maines asked carl sandy for his vote and he voted yes to approve, Larry knisely made the motion, mark maines second aye; all Nellie Bundy voted no.

Nellie Bundy and Carl sandy stated we should get it all in writing Wilson fisher reminded them that 2 other engineers at the minimum had already scrutinized the project, and at the dep., they team it.

Wilson said when they solicited the bids for the grinder pumps they asked that a professional engineer in the state of penna certifies and accompanies a warranty that

What they were proposing by way of pumps were consistent with the system as designed.

He stated that there were 4 overseers, dep., us-funding agency, Wilson fisher engineering, and the pump manufacturer.

Larry knisely pointed out that that the difference between the first and second bidder had a lot to play with if it was rebid and felt you could wind up paying more. Nellie Bundy asked if Wilson would get it in writing that George would not raise his bid higher than the 1.3 million.

George reminded Nellie that it was not his bid.

George stated that earthmovers has it in writing and that it cannot change unless there is a change order put in and agreed to by all parties involved Wilson stated there is a change order process and all have to agree.

Nellie asked if everyone was aware that the grinder pumps could cost 40,000 to fix per year after the 5 yr. warranty was up, she stated that they would run about 5 years and be about \$600.00 x70 to repair.

Larry knisely stated that he talked to a company that was not on any of the bids and the most problems they had for 20 yrs they had the pumps was a gasket on the bottom of the pump, unless there had been something thrown into the pump and caused the problem.

George hixon stated that he used to be on the authority and that he looked at the different systems and a lot of different concepts.

He also stated that a year and a half a go he mentioned that if anyone was having trouble getting their money for the tap fee that he would see that it is paid somehow by the time the need was to tie into the system.

He also stated that when he first met Wilson fisher he made the offer to pay for the study out of his own pocket because they could not put a treatment plant in penfield

38D

George also felt that by being 407,000 lower than the next bid he had basically paid everyone's tap fee in penfield

Nellie stated that George could do a good job but wanted to know how much more the bid was going to be raised

Wilson stated that he was comfortable with the numbers and the guarantee
Nellie stated that she was not

Nellie Bundy told Wilson that he got his three votes,

Wilson fisher stated that what Lambert would like to see is her signature-

Nellie stated no-that she had just resigned as chairman (6:35) p.m.

The meeting was passed to Larry

Larry asked if he could sign the bids

Wilson stated that as soon as the papers were executed and given to Lambert rosenbaum he would forward them to Harrisburg he also stated that Harrisburg already allocated the money needed to meet the authorities needs and Harrisburg would do their best to get it started, 2 weeks min for paperwork to be returned back from Harrisburg

At that time, a pre-construction meeting would take place, which is the next step, to get together with the contractors, permitting agencies, and penndot.

At or around that time permission will be given to the contractors to proceed.
Mark maines asked the board about getting the same rate of pay as the previous secretary, but tabled the idea until the next regular meeting in February.

Wilson felt that there was no reason to meet next week and the board agreed, *→ no reason*
Larry knisely stated that he works days and that we were a member short and *→ Carl C. Knisely* should wait till the regular meeting to change officers around. Wilson suggested that all members be on the signature cards.

With no other business mark maines made a motion to adjourn, Carl sandy second
aye: all. Meeting adjourned at 6: 45 PM

MINUTES

HUSTON TWP. SEWER AUTHORITY

The regular work meeting of the Huston Twp. Sewage Authority was held on April 24, 2002, at 6:00 p.m. at the Penfield Grange. The following board members were in attendance: Larry Knisely, Nellie Bundy, and Kay DeSalve. Carl Sandy and Mark Maines were absent. There were no visitors.

The cost of Mary Rhoads' tap was discussed. The sewer authority originally made a mistake and told her that she would not be getting sewage. Now she is. Since it was the sewer authority's mistake, Larry moved, Nellie seconded, and all were in favor that she be allowed to just pay the original amount of \$1,000.00 for her tap fee.

The board went over the rough draft of the Rules & Regulations. When the board has finished making changes there will have to be a vote to approve the final draft.

Some questions arose that need to be directed to Wilson Fisher at the next meeting. The board needs to know how far the line is going in Tyler towards Parker Dam. Also, after looking at the maps, Larry made a list of properties that are not shown as having taps on the map. The map also shows 3 properties together on one tap.

With no further business, Nellie moved, Kay seconded, and all were in favor that the meeting be adjourned at 7:10 p.m.

Respectfully submitted,



Kay DeSalve
Secretary

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HUSTON TOWNSHIP SEWER AUTHORITY
P. O. BOX 121
PENFIELD, PA 15849
Phone: (814) 637-5771

May 14, 2002

Mr. Koge Suto, Jr.
EPA, Region 3
Water Management Division (3WP21)
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Huston Township Sewer Authority
Request for EPA Construction
Grant Extension
Project #C-429984-01

Dear Mr. Suto:

In response to your recent notification to us that the EPA grant is close to its expiration, we the Board of the Huston Township Sewer Authority hereby formally request a time extension of twelve months. This time frame will allow the completion of the project currently scheduled for approximately January 6, 2003. However, certain reclamation and restoration activities may be deferred to the conclusion of winter and thereby not be completed until spring, 2003. Hence, the basis for requesting a one year time extension.

The new project schedule is:

Design completion and permits in hand:	August, 2001
Initiate construction (Notice to Proceed):	April 11, 2002
Complete construction:	January 6, 2003
Submit final payment request:	May, 2003

We hope that this information is sufficient for your needs.

Sincerely yours,

HUSTON TOWNSHIP SEWER AUTHORITY

Larry Knisely
Vice-Chairman

Hustontwpwv@ptc.com

HUSTON TOWNSHIP SEWER AUTHORITY

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Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

The regular monthly meeting for the Huston Township Sewer Authority was held on Tuesday November 12, 2002, at the Penfield Elementary School. In attendance were board members, Nellie Bundy, Mark Maines, Brian Knapp, and Amy Maholtz. Engineer Wilson Fisher and Jeff DuBois from the Law firm, Hanak, Guido and Taladay.

Meeting was brought to order with the salute to the flag by Nellie Bundy who was filling in for absent co-chair Larry Knisely.

Brian made a motion to approve minutes from previous meeting Amy second AYE: all.

Mark made a motion to approve treasure report Brian second AYE: all.

Nellie called for an executive session at this time to discuss items with the attorney.

Meeting re-adjourned after a 10 minute session with attorney.

Read DEP letter concerning maintenance fees but since the plant is not operational at this time there will be no fees, Wilson will take care of this. We also received a letter from the Bureau of Laboratories Wilson will fill this out and send to the proper place for the authority.

Read and discussed letter from Clearfield Bank and Trust concerning loan for \$186,000.00 to cover the EPA Grant.

National Fuel letter about encroachment, Wilson will research and take care of this.

Read letters from Earthmovers, and Bucktail Council, Wilson spoke to Bucktail Council and he reiterated that the BSA is still interested in meeting with the authority.

The authority discussed the passing of the Rules and regulations Amy will make correct changes and board will sign at work session.

Brian made a motion to change the rules and regulations on the call back – 1st call back will be at no charge , Mark second AYE: all.

4/14

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

Mark made a motion to accept Rules and Regulations Brian second AYE: all.

Our attorney explained the bond resolution to the authority and the residents in attendance, Brian made a motion to accept bond resolution Mark second AYE: all. Nellie abstained.

Wilson explained time extensions for Greenland Construction and Earthmovers Inc. Mark made a motion to accept extensions for Greenland, Brian second AYE: all.

Mark made a motion to accept extension for Earthmovers, Brian second AYE: all. Nellie abstained.

Tabled decision to purchase a line detector for now Pete Uberti the Plant Operator will get more information and let the authority know of his findings.

Wilson went over easements for Mill Run the authority wanted the line moved but the residents said they will sign easements so the line can stay where it is so they do not have to have their yards dug up again.

Wilson brought up a bill about the tracer tape which (George Hixon stated at many meetings that Earthmovers was not going to charge the authority for this), the authority tabled this for now.

Pay requisition was tabled at this time due to the fact that the authority is still waiting for RUS and USDA loan and grant to close.

Brian made a motion to approve requisition 6a Mark second, AYE: all.

Brian made a motion to approve and pay bills, Mark second, AYE: all.

Brian made a motion to adjourn meeting at 8:45 Mark second, AYE: all.

42

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36 NORTH SECOND STREET
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RECEIVED FEB 18 2003

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February 13, 2003

Huston Township Sewer Authority
P. O. Box 121
Penfield, PA 15849

Re: HTSA-3
Wastewater Treatment Plant

Dear Authority Board:

We've talked about the following items and they've been discussed in the job conferences (minutes of which you've received), but they bear reinforcing:

1. The Authority should, if you haven't already, cover the wastewater treatment plant with insurance.
2. The company providing the treatment equipment plant, Wastewater Technology, Inc., has additional training time to provide to the Authority. Once a date for operational start-up is established, Pete Uberti, the operator from Weeville, members of the Authority and/or others anticipated to function in some operations' capacity, should attend a training session.
3. Substantial completion has been provided to Greenland Construction as of January 22, 2003. Effective that date, the Authority takes over electric, phone and water service to the plant. These utilities and heat will become the obligations of the Authority, effective that date.
4. Approximately 50 EDU's are essential to satisfactory operational start-up of the Wastewater Treatment Plant. The treatment plant facility will not function properly without that level of wasteload. Operational start-up is anticipated for Tyler, Hollywood and Mill Run at or about the same time so as to be able to meet this level of wastewater load as close in time as possible. I will advise you as to when your inspectors and/or Amy can inform the property owners in those areas as to when they can complete the grinder pump final connections. Please note that this date will be soon, a very short time frame from this letter, i.e. approximately 2-4 weeks.

Y2A

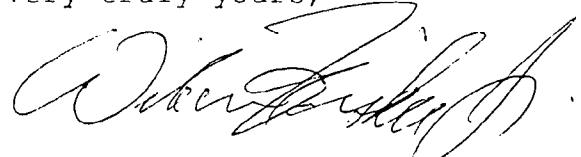
5. The grinder pump at the wastewater treatment plant needs to go through formal start-up per the pump manufacturer's requirements by the Authority's inspection. Written notice of acceptance needs to be provided to Greenland Construction, Inc. and a copy to Wilson by way of verification that it's acceptable.

Whereas, this is not specific to the wastewater treatment plant, it is a reminder to join the PA One Call System. If the wastewater collection lines are broken in any way by anyone, and the Authority is not a member, you will have no legal protection against liability for such an occurrence.

Also, please note that it is extremely important that the Authority provide notice and stress the need for the individual grinder pumps to be installed by the property owners and/or their contractors, as soon as possible. Installation must be consistent with the warranty requirements set by Barnes Pumps. Significant portions of the collection line system will be substantially complete shortly and available for operational start-up and use of the system. Your attention to this matter is extremely important. I recommend that you select an installation deadline, if you haven't done so, that the property owners cannot exceed. Full monthly fee payment should be required beyond the deadline.

If you have any questions, please call.

Very truly yours,



Wilson Fisher, Jr., P.E.

WF:Tlc

Cc: Lambert Rosenbaum, RUS
Tim McDermott, RPR
Mark Maines, RPR
Greenland Construction, Inc.
Don Ricketts, Wastewater
Technology
File
Huston/Hustontwp.ltrs.p4

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

43

The regular monthly meeting for Huston Township Sewer Authority was held on May 13, 2003. The meeting was brought to order by Chairman Larry Knisely with the pledge to the flag. Also present were board members Mark Maines; Nellie Bundy, Brian Knapp and Amy Maholtz. Solicitor Jeff DuBois and engineer Wilson Fisher were also present.

Motion was made by Mark Maines to amend minutes from March 12, 2003. The amendment is as follows Brian Knapp made the motion to take letter he wrote to Mr. Niebauer to discuss extension, Larry second – Mark, Amy and Nellie opposed.

Nellie made a motion to approve minutes Mark 2nd AYE: all.
Mark made a motion to approve treasurer's report AYE: all

Nellie made a motion to leave the rate as is in the minutes for now Mark second, Larry, Amy, Brian opposed.

The water authority sent a letter to the sewer authority requesting \$.50 per water reading. Brian made a motion to table the water authority's request until the sewer authority can further discuss this issue, Mark second AYE: all.

Amy made a motion to send Dr. Johe a letter accepting the 5 taps for his property at \$1,000.00 each, Mark second, AYE: all.

Brian made a motion to pay Hess and Fisher for mapping, Amy second, AYE: all.

Mark made a motion to have our solicitor send a letter to Mrs. Baughman in regards to her sending the rest of her tap fee money, she only sent \$1,000.00 in and she owed \$1,975.00 but she received her tank, Amy second AYE: all.

Amy made a motion to send a request for the EPA Grant, Mark second, AYE: all
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Complaints of discrimination should be sent to: USDA, Office of Civil Rights,
Washington, DC 20250-9410

43A

Amy made a motion to pay requisition #13, Mark second, AYE: all.

Nellie made a motion to purchase the gas monitor from Premier Safety, Larry second, AYE: all.

Russel and Connie Mason requested that the sewer line be run to their property in Tyler; Brian made a motion to extend to the Mason's property at no extra charge to the Authority Mark second, AYE: all.

Nellie made a motion to purchase a cell phone or a track phone for plant operator Pete Uberti, Amy second AYE: all.

Nellie made a motion to purchase census meters Amy second AYE: all.

Amy made a motion to put letter to contractors in rules and regulations, Larry second AYE: all.

Mark made a motion that starting June 15th the secretary will be working 9-3, Brian second AYE: all.

Mike Segalla had his presentation concerning the Trailer Park he had hoped some other business members would be present but no one was able to attend.

Nellie made a motion concerning the trailer park, since the park is more than 150' away from the line, the authority is not going to force him onto the system only because he is 150' away, Larry second Amy Aye, Mark and Brian opposed.

Nellie made a motion to pay requisition #13 and bills Brian second AYE: all.

Nellie made a motion to adjourn at 8:30 p.m. Amy second, AYE: all.

Respectfully submitted,

Amy Maholtz

Joyce
Baughman

43B

RECEIVED APR 22 2003

Enclosed is my \$1000.00
for the sewage. I feel I
shouldn't have to pay a fee
for something we were
suppose to have 4 years
ago.

I'm laid off and we've lost
a lot of things.

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

April 14, 2003

YH

Dear Contractors:

This letter is to inform all contractors of a few installation requirements.

#1. The contractor may hook the resident up to the tap only do not hook into the septic system until further notice.

#2. When the contractor has installed a unit please notify the office at 637-5060 we have to keep track of how many are installed.

#3. The contractor must use 27- 80 lb. bags of sakrete when installing tank.

#4. Please have schedule 40 pipe at the hook up at wall of home.

If you have any questions please call Amy at 814-637-5070

INSPECTORS:

Pete Uberti 637-5984
Karl Marchiori 637-5420
Larry Knisely 637-5565

Thank you,

HTSA

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

45

P.O. Box 121
Penfield, PA 15849

Amendments for May 13, 2003 Meeting

Mark made a motion to approve treasurer's report, Amy second AYE: all.

Amy made a motion to send Dr. Johe a letter accepting the 5 taps for his property at \$1,000.00 each, with the understanding that he would send us an easement for his property.

Changed and Submitted by,

Amy Maholtz
Secretary/Treasure

761 Johnsonburg Road, Suite 210
St. Marys, PA 15857
June 2, 2003

46

RECEIVED JUN - 4 2003

Mr. Larry Knisely
C/O Huston Township Sewer Authority
PO Box 121
Penfield, PA 15849

Dear Mr. Knisely:

Please thank the Huston Township Sewer Authority for their recent letter dated May 14 stating acceptance of my initial payment of \$5000.00 for five sewer taps.

According to the Rules & Regulations a monthly fee of \$23.00 per tap will be assessed which would be a total of \$115.00 a month for five taps.

At this time I am requesting a reduction in monthly fees to a minimum charge of \$23.00 "owner can request a reduction in monthly fees if an apartment or rental has been vacant over 90 consecutive days". Since this land is undeveloped these taps will not be used at the present time. I am requesting this reduction for 2 years or until development of the property, whichever comes first.

Would you please submit this request on my behalf to the Board of the Huston Township Sewer Authority at their regular monthly meeting on Tuesday, June 10, 2003?

Thank you for your consideration of this matter and I look forward to hearing from you in the very near future.

Sincerely,

 , MD

David H. Johe

DHJ/sh

Not Dated

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

47

Dear Resident:

As a community, we are entering our final stage of construction for the Huston Township Sewer Project. Therefore all residents should be in the process of installing their grinder pumps and tanks or should have notified a contractor to do the work by this time. Residents should pick up their tanks or have their contractor pick up their tank as soon as possible. Residents can only pick up their tank if they HAVE PAID THEIR TAP FEE.

Barnes Pumps will be coming to Penfield the week of July 7th, 2003 to begin inspecting tanks and grinder pumps. All residents who are hooked into the system will be able to go on line after your pump installation has passed its final inspection, providing our engineer has accepted the collection lines.

Our goal is to have all residents on line by the end of July. The billing process will begin the first of August. All residents or equivalent dwelling units will be billed monthly; at a flat rate of \$40.00 and \$5.00 per thousand gallons or fraction thereof over 4,000 gallons of metered water used per month.

The authority urges residents to be patient in the beginning of the billing process until we can work out any glitches that may occur.

If you have any questions please feel free to call the office. Thank you,

Huston Township Sewer Authority

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

July 17, 2003

48

Dear Resident:

This letter is being sent to all residents who did not pay their tap fee on or before March 31, 2001. It is stated in the Rules and Regulations of the Huston Township Sewer Authority that any resident who did not pay their tap fee on or before the above mentioned date will be responsible for an inspection fee of \$100.00.

You will have until August 1, 2003 to pay the \$100.00 inspection fee. All delinquent accounts will be forwarded to the Authority's solicitor on August 2, 2003 for collection.

We appreciate your immediate attention in this most important matter.

Thank you,

Huston Township Sewer Authority

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

49

ATTENTION RESIDENTS

THIS IS YOUR FINAL NOTICE. ALL SEWAGE CUSTOMERS MUST HAVE TANKS INSTALLED. BILLING WILL BEGIN THE FIRST WEEK OF AUGUST, 2003, IF PUBLIC SERVICE LINES ARE TO YOUR PROPERTY.

WE APPRECIATE YOUR IMMEDIATE COOPERATION IN THIS MATTER.

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

50

The Huston Township Sewer Authority held their regular monthly meeting on August 12, 2003 at the Penfield Grange. Nellie Bundy brought the meeting to order at 6:30 with the pledge to the flag, (she was filling in for Larry Knisely because he was late). Members in attendance were Larry Knisely, Mark Maines, Brian Knapp and Amy Maholtz, also in attendance was solicitor Jeff DuBois and Engineer Wilson Fisher.

Nellie asked for public comments on agenda items only, there were no comments.

Mark made a motion to accept the minutes from the two previous meetings and the one discussion meeting, Brian second AYE: all.

Mark made a motion to accept treasurer's report Nellie second, AYE: all.

Secretary discussed correspondence it was as follows, two bids came in for trucks one from Murray's one from Osborn's, Nellie made a motion to accept Osborn's bid at \$30,461.53 for a truck for the plant operator if RUS agrees to it Amy second AYE: all.

Our solicitor spoke on the school issue, the board feels the school should have to pay at least for four taps @ \$2,000 per tap; the school has escrowed \$4,000 to our attorney at this time. The school wants to only have to pay for 2 taps, the board will have our solicitor go back and tell the school we will accept 4 taps @ \$2,000 per tap, Larry made a motion to accept school at 4 taps plus another \$1,000 per tap Mark second AYE: all.

Larry made a motion to allow the school to put the tank in the ground but not give them their pump at this time, Brian second AYE: all.

Mark made a motion to also make the school aware that they need a (50) gallon grease trap, Larry second AYE: all, Brian opposed.

Wilson spoke on the Boy Scout Camp and that he was sending final drawings for the project on August 13, 2003 to DEP, he also gave the board requisition #16 to review.

HUSTON TOWNSHIP SEWER AUTHORITY

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P.O. Box 121
Penfield, PA 15849

SOA

Amy made a motion to accept requisition #16, Mark second AYE: all.

Earthmovers spoke and said they should be finished up next month.

Amy made a motion to accept Greenland's substantial completion, Mark second AYE: all.

C^o T^{at} 2 Larry made a motion to accept substantial completion for Earthmovers, *T^{at} 14
29th* Mark second AYE: all.

There was a request from Mr. Mowrey who has a lot on Horseshoe Drive, he wanted to move his tap, that is not possible, Larry made a motion to have Mowrey keep tap where it is, Nellie second AYE: all, Mark abstained.

Amy made a motion to accept proposal from water authority, Mark second AYE: all. Larry abstained because he sits on both boards.

A resident requested from the board if they could sell a tap to another resident, Larry made a motion to deny this request, Brian second AYE: all.

Installation of meters on wells- deferred until next meeting.

Larry made a motion to send out mass mailing in reference to gray water and grease traps, Mark second AYE: all.

Larry made a motion to put Mark on payroll for \$10.00 per hour with legal clarification to follow, Amy second AYE: all.

Larry made a motion to pay bills, Amy second AYE: all.

Mark made a motion to adjourn at 8:30 p.m. Nellie second AYE: all.

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

August 13, 2003

51

TO: ALL RESIDENTS OF HUSTON TOWNSHIP

~~J~~ Please be advised that the wastewater treat plant for Huston Township is now operational with a vast number of homes already hooked up to the system and additional homes being hooked up each day.

As a reminder to the Rules and Regulations set forth by the Huston Township Sewer Authority, the Authority wishes to highlight certain aspects of the Rules and Regulations as follows:

1. For business owners, all businesses are required to purchase and install at least a fifty (50) gallon grease trap with proper cleanout and inspection porthole between the building and grinder pump tank.
2. All homeowners are required to have all lines discharging "gray water" into their current septic systems or elsewhere to connect these lines to the new grinder pump sewer system. This is not only required under the Authorities Rules and Regulations, but is also mandated by State and Federal environmental regulations.

If you should have any questions, please feel free to contact the Authority office during normal business hours. Additionally, copies of the revised Rules and Regulations of the Huston Township Sewer Authority may be picked up at the Authority office during normal business hours.

Sincerely,

Huston Township Sewer Authority

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

52

The Huston Township Sewer Authority held their monthly meeting on June 10, 2003 at the Penfield Elementary School. Chairman Larry Knisely brought the meeting to order at 6:30 p.m. Members present included, Nellie Bundy, Mark Maines and Amy Maholtz, and solicitor Jeff DuBois was present. Board member Brian Knapp and Engineer Wilson Fisher were not present.

Nellie made a motion to accept the May minutes with one amendment, it is as follows: The board gave Dr. Johe a letter stating we would accept his tap fee payment of \$5,000.00 per he would send us an easement for his property. Mark second AYE: all

Larry made a motion to accept treasure's report. Mark second, AYE: all

Mark made a motion to have our solicitor Jeff DuBois write a letter to Dr. Johe addressing his concerns about billing his property even though he has not yet constructed his business, as it states in the Rules and Regulations anyone with a tap will be billed, Nellie second AYE: all.

Mark made a motion to reject the additional terrorism coverage offered by our insurance carrier, Amy second AYE: all.

Larry made a motion to adjust the sewage rates to \$40.00 per month and \$5.00 per thousand, Nellie second AYE: all

Mark made a motion to not have inspectors on site for restoration Nellie second, AYE: all.

Mark made a motion to give the secretary, (which is considered full-time,) and the plant operator the same holiday and vacation pay as the township employees, Larry second AYE: all.

Mark made a motion to have the secretary construct and send out letter to all residents giving them more information on hooking onto the system, Nellie second AYE: all.

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Washington, DC 20250-9410*

HUSTON TOWNSHIP SEWER AUTHORITY

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P.O. Box 121
Penfield, PA 15849

SZA

Amy made a motion to pay requisition #14 and to pay bills Nellie second,
AYE: all.

Nellie made a motion to adjourn around 7:40 p.m. Amy second AYE: all.

HUSTON TOWNSHIP SEWER AUTHORITY

P. O. BOX 121
PENFIELD, PA 15849

PH 814-637-5070
FX 814-637-5773

53

Dear Resident:

This will be your last notice, your sewage tap fee is due in full immediately. The authority board will not accept partial payments, you must pay in full. If we do not collect all payments - the Sewer Authority will be forced to borrow more money from the bank to pay RUS (Rural Utility Services) which will in turn raise EDU's . Once sewage is up and operating and you have not paid, your water service will be disconnected until you have paid.

Unfortunatealy, we have no other choice the matter, DEP has demanded we put sewage in our township. If you have any questions you can call the sewer office or you may attend a sewage meeting, they are held the second Tuesday of each month.

Thanking you in advance for your cooperation.

Sincerely,

Huston Township Sewer Authority

1/1- H1-000-35 - \$1,975.00
H1-000-101 - \$1,975.00

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
Fx 814-637-5773
E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

June 7, 2004

SM

On June 6, 2004 Mark Maines came into the Sewer Office and wanted to give the secretary a money order for \$1,000.00 for his tap fee, the secretary said "no" and he insisted and proceeded to take a pick up slip for his tank without the secretary's signature or approval. The secretary has not deposited his money order or accepted it until after the board meeting on July 13, 2004.

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
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E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

June 7, 2004

54A

Per phone conversation with attorney he told the secretary to accept the payment from Mark Maines as a partial payment and send out a new invoice for the remaining \$975.00 which the secretary did.

HUSTON TOWNSHIP SEWER AUTHORITY

Ph 814-637-5070
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E-Mail Hustontsa@earthlink.net

P.O. Box 121
Penfield, PA 15849

55

List of Residents not hooked up to system as of 7/12/2004

Albert, David	Penfield Meat Market
Alltel	Mason's (2)
Butler, Sam	Olewnick (2)
Deroia, Don	Hixon, George
Forster, John	Romanic
Georgino, Beth	
Gray, Nicholas (PA housing)	
Heller, Cletus (Ripple renter)	
Hudsick, Lamar	
Johe, David	
Johnston, Dottie	
Klingensmith, Bill	
Latessa, Joe	
Levenduski, Tom	
Longo, David	
Maines-Reigle	✓ vco
Maddinger, Jeff	—
Marzarella, Frank	
Mineweaser, Milly	—
Mottern Garage	
Mottern, Mary	
Myers, Doug(Star Property)	
Potempa, John	
Rhoads, Mary	
Roudybush, Joan	
Seduski, Tom	—
Smith, Gladine	
Smith, Lloyd	
Smith, Ray& Dawn	
Toth, John	
Wooodward, Norman	—



Municipal Authorities

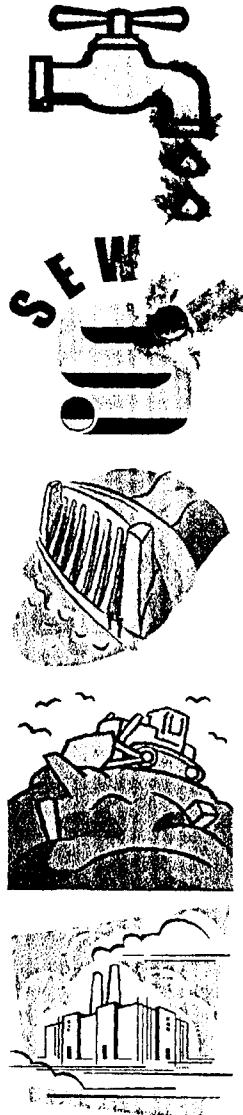
Pennsylvania General Assembly
Local Government Commission

56

Generally

There is often confusion resulting from the erroneous impression that a municipal authority is merely the child or instrumentality of the municipality incorporating it. Municipalities create authorities pursuant to various statutes, perhaps the most common of which is the Municipality Authorities Act, 53 Pa.C.S. § 5601 et seq. In accordance with the Municipality Authorities Act, one or more municipalities must act to form a municipal authority. Also, municipal authority board members are to be appointed by municipal governing bodies. Nevertheless, for reasons of public policy and convenience, *a municipal authority is NOT the creature, agent, or representative of the municipality or municipalities organizing it*; but rather, it is a separate and distinct entity. A municipal authority is an independent agency of the Commonwealth, a part of the Commonwealth's sovereignty. Defined as "[a] body politic and corporate," a municipal authority may be said to be an independent corporate agent of the Commonwealth, exercising governmental, as well as private corporate power, in assisting the Commonwealth in meeting the needs of its citizens. Many authorities exercise certain powers and perform certain functions both within and outside the municipal limits of the incorporating municipality, within constitutional and statutory limitations. The Municipality Authorities Act dictates a broad grant of power so that municipal authorities may accomplish the purposes intended under the Act in an efficient and economical manner and for the benefit and health of all the people of this Commonwealth.

Like municipalities, the power of municipal authorities to act depends upon statutory delegation. By statute, municipal authorities are permitted to undertake a wide range of different projects. It is true that the municipality or municipalities that organize the authority, by either an initial or subsequent ordinance or resolution, may limit or specify the project or projects to be undertaken by the authority.¹ If this is done, then no other projects are to be undertaken by the authority, except those specified; but if this power to limit or specify authority projects is not used, then the au-



¹Under specific circumstances, authorities may be forced to dissolve and/or have their projects overtaken by the municipalities that created them. See *Township of Forks v. Forks Tp. Mun. Sewer Authority*, 759 A.2d 47 (Pa. Cmwlth. 2000).

(Continued on page 28)

thority is deemed to have all the powers permitted it under law. Among the many projects in which an authority may engage, pursuant to 53 Pa.C.S. § 5607, are those involving the following:

...[the] acquiring, holding, constructing, financing, improving, maintaining and operating, owning or leasing [of]....

- (1) Equipment to be leased by an authority to the municipality or municipalities that organized it or to any municipality or school district located wholly or partially within the boundaries of the municipality or municipalities that organized it.
- (2) Buildings to be devoted wholly or partially for public uses, including public school buildings, and facilities for the conduct of judicial proceedings and for revenue-producing purposes.
- (3) Transportation, marketing, shopping, terminals, bridges, tunnels, flood control projects, highways, parkways, traffic distribution centers, parking spaces, airports and all facilities necessary or incident thereto.
- (4) Parks, recreation grounds and facilities.
- (5) Sewers, sewer systems or parts thereof.
- (6) Sewage treatment works, including works for treating and disposing of industrial waste.
- (7) Facilities and equipment for the collection, removal or disposal of ashes, garbage, rubbish and other refuse materials by incineration, landfill or other methods.
- (8) Steam heating plants and distribution systems.
- (9) Incinerator plants.
- (10) Waterworks, water supply works, water distribution systems.
- (11) [Certain] Facilities to produce steam
- (12) [Certain] Facilities for generating surplus electric power which are related to incinerator plants, dams, water supply works, water distribution systems or sewage treatment plants...
- (13) Swimming pools, playgrounds, lakes and low-head dams.
- (14) Hospitals and health centers.
- (15) [Certain] Buildings and facilities for private, nonprofit, nonsectarian secondary schools, colleges and universities, State-related universities and community colleges....
- (16) Motor buses for public use...and subways.
- (17) Industrial development projects....

53 Pa.C.S. § 5607, as amended by 2001 Pa. Legis. Serv. Act 2001-101 (S.B. 1215)(Purdons).

Disputing the "Rates" for Services Charged by a Municipal Authority

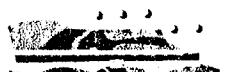
A common constituent question involves the method by which a customer within a municipal authority's service area who feels aggrieved by the rates imposed by the authority

(Continued on page 29)

for its services can seek redress. The municipal authority may insist that its rates are justified. What recourse does the customer have? What agency or forum would resolve the dispute? What difficulties should the customer expect to encounter in substantiating the challenge to the authority's rates? What basic principles will be applied in resolving the dispute? Under what circumstances will the disgruntled customer be entitled to relief?

The language of 53 Pa.C.S. § 5607(d)(9) speaks of fixing reasonable and uniform rates "in the area served by [a municipality authority's] facilities." Under this section, the municipal authority is granted the exclusive authority to set rates for its services. The recipient of these services does not negotiate the amount that he or she is to be charged. These ratepayers, therefore, are intended to be protected by the provision requiring the rates to be reasonable and uniform. These rates are subject only to judicial review, not to the review of the incorporating municipality.

In construing a municipal authority's ratemaking powers, Pennsylvania courts have repeatedly emphasized and relied upon two controlling legal principles: (1) that a municipal authority has been granted the exclusive power to fix the rates to be charged its customers (ratepayers), and (2) that an authority may exercise, but not abuse, its discretion in fixing rates, which are reasonable and uniform in the area serviced by its facilities. *See, e.g., Smith v. Athens Tp. Authority*, 685 A.2d 651 (Pa. Cmwlth. 1996); *West v. Hampton Tp. Sanitary Authority*, 661 A.2d 459 (Pa. Cmwlth. 1995). Similarly, in disputes between a ratepayer and a municipal authority concerning an authority's possible abuse of discretion in fixing rates, the Legislature has designated the court of common pleas as having *exclusive jurisdiction* to resolve all such questions. Moreover, in exercising its jurisdiction to resolve questions concerning rates set by a municipal authority, a common pleas court may not appropriate the rate-fixing power of the municipal authority by substituting its discretion for that of the authority. The court's function is to determine whether the ratepayer has met the burden of proof regarding the municipal authority's alleged abuse of discretion in establishing a rate system that violates the statutory standards of reasonableness or uniformity.



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**CERTIFIED COPY OF RESOLUTIONS OF
HUSTON TOWNSHIP SEWER AUTHORITY**

The undersigned does hereby certify as follows:

(1) The undersigned is the duly elected, qualified and acting Secretary of Huston Township Sewer Authority, and, as such, the minute books and records of said Authority are in the possession and custody of the undersigned;

(2) The following is a true and correct copy of Resolutions duly and regularly adopted by the Board of the Authority at a meeting duly called and held only business day October 11, 2000, which meeting was at all times open to the public, due notice of which was given as required by law, and at which a quorum of said Board was present and participating:

P. J. B. 2000

RESOLUTION NO. 3 2000

WHEREAS, the Huston Township Sewer Authority (the "Authority") is authorized by law, among other things, to acquire, hold, construct, improve, maintain, own and lease sewage collection, transportation and treatment facilities and all necessary equipment related or incidental thereto; and

WHEREAS, previously, the Authority secured a commitment for permanent financing required for its proposed RUS Sewer Construction Project ("Project") through a loan with the United States Department of Agriculture's - Rural Utility Service ("USDA/RUS") (formerly the Farmers Home Administration) and the Authority will issue as evidence a Guaranteed Sewer Revenue Bond and will provide for repayment of the loan made by USDA as evidenced by Guaranteed Sewer Revenue Bond, or in lieu thereof any Guaranteed Sewer Revenue Note, in the amount of \$1,235,000;

WHEREAS, in conjunction with the loan, a grant in the maximum amount of \$1,237,000 will be provided to the Authority by USDA/RUS in order to complete the permanent financing along with the Authority's contribution of \$244,000 ("Equity Contribution"); and

WHEREAS, permanent financing has been procured in the form of the RUS Loan in the amount of \$1,235,000 and RUS Grant in the amount of \$1,237,000, in order to augment the construction phase of the Project interim financing will be utilized to finance some of the costs associated with the

57A

construction phase of the Project through a commercial bank loan with Clearfield Bank and Trust of Clearfield, Pennsylvania ("Lending Bank"); and

WHEREAS, the Authority will interim finance the construction phase of the Project, through the acceptance of a \$1,235,000 loan from the Lending Bank, at a fixed interest rate of ~~5.12%~~ evidenced by a Guaranteed Sewer Revenue Note issued to the Lending Bank for purposes of providing a portion of the cost associated with the acquisition and construction of the Project; and

WHEREAS, the Authority has taken construction bids for the Project and is desirous of obtaining and securing interim financing for the construction phase of the Project; and

WHEREAS, the Authority has determined to interim finance the construction phase of the Project, through the acceptance of a \$1,235,000 loan from the Lending Bank at a fixed interest rate of ~~5.12%~~ to be evidenced by a Guaranteed Sewer Revenue Note issued to, the Lending Bank, and to be guaranteed by the Township of Huston, and

WHEREAS, in order to carry out the terms and provisions relating to such borrowing or borrowings including the guaranty thereof, it is necessary for the Board of this Authority to authorize and direct certain actions to be taken by and on behalf of this Authority.

NOW, THEREFORE, BE AND IT HEREBY IS,

RESOLVED, that Huston Township Sewer Authority shall enter into a bank loan agreement with the Lending Bank, namely, Clearfield Bank and Trust, located in Clearfield, Pennsylvania, as the Lending Bank, substantially in the form of the Bank Loan Agreement, dated as of October 1, 2000, for reference purposes only, as presented in draft format at this meeting, said debt incurred thereunder to be evidenced by the issuance of Guaranteed Sewer Revenue Note, which is hereby made a part hereof by reference only; and

RESOLVED, that the Chairman or Vice Chairman of this Authority is hereby directed to execute and deliver to the other parties thereto on behalf of this Authority said agreements substantially in the form of said Bank Loan Agreement as presented which Bank Loan Agreement and related 2000 Bank Loan Agreement when consummated shall be attested to by the Secretary or Assistant Secretary of this Authority and said officers are authorized to execute and deliver the related Guaranteed Sewer Revenue Note of the Authority to the Lending bank providing interim financing for the Project; and

RESOLVED, that the chairman or Vice chairman of this authority is hereby directed to execute the Bank Loan Guaranty Agreement dated October 1, 2000 "Guaranty Agreement," for reference purposes only, with the Township of

57 B

Huston, as the other party to said Guaranty Agreement, for purposes of providing additional security to the Lending Bank regarding the Guaranteed Sewer Revenue Note;

RESOLVED, that the indebtedness of this Authority be, and the same hereby is, authorized to be increased by an amount not to exceed \$1,235,000, to be represented by the Guaranteed Sewer Revenue Note, of this Authority issued pursuant to the terms of said Bank Loan Agreement, and as further secured by said Guaranty Agreement; and

RESOLVED, that this Authority hereby designates said Guaranteed Sewer Revenue Note as a "qualified tax-exempt obligation" for purposes of and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, which deals with interest on debt purchased or carried by financial institutions, and this Authority reasonably anticipates that it, together with any subordinate entities, will not issue more than \$10,000,000 of tax-exempt obligations during the calendar year 2000; and

RESOLVED, that the proper officers of this Authority be, and they hereby are, authorized and empowered in the name and on behalf of this Authority to make the borrowings authorized under said Bank Loan Agreement for the aforementioned purposes, and that the Chairman or Vice Chairman and the Secretary or Assistant Secretary of this Authority be, and they hereby are, authorized, empowered and directed to execute and deliver to the Lending Bank said Note of this Authority, dated the date of said borrowing, and in the form provided in said Bank Loan Agreement, to evidence said borrowings under said Bank Loan Agreement in the total amount not to exceed \$1,235,000; and

RESOLVED, that the proceeds or any portions thereof derived from Note, shall be immediately deposited to the Authority's Sewer Construction Account to be established under the terms and conditions outlined under the RUS Letter of Conditions, dated June 28, 1999 for project funds and all amounts deposited shall be applied toward the Project; and

RESOLVED, that the proper officers of this Authority are hereby authorized and directed to pay the closing costs for this loan, including legal fees and commitment fees for said loan and the appropriate invoices approved by this Authority from time to time by checks drawn upon said Sewer Construction Account and that fees as approved are in accordance with past submissions and are not to exceed fees acceptable and approved by RUS; and

RESOLVED, that the officers of this Authority be, and they hereby are, authorized and directed to execute and deliver any and all certificates, documents and other instruments and to perform all other acts and do all other

57C

things necessary or proper to carry out the terms and provisions of said Bank Loan Agreement and said Note to be issued thereunder; and

RESOLVED, that the Consulting Engineering firm of Hess & Fisher Engineers, Inc., be appointed as Consulting Engineers, and are hereby authorized to prepare any and all reports for purposes of qualify the debt represented by said Guaranteed Sewer Revenue note and the related Guaranty Agreement entered into, as Self-liquidating Debt under the Local Government Unit Debt Act; and

RESOLVED, that Richard H. Milgrub, Esquire, of Clearfield, Pennsylvania, be, and hereby is, appointed as this Authority's counsel to furnish any and all opinions of counsel required by said Bank Loan Agreement; and

RESOLVED, that Lynch and Lynch, Esquires, be, and they hereby are, appointed as Note Counsel ("Note Counsel") to furnish any and all documentation and tax-free opinions of counsel required by said Bank Loan Agreement and related Note.

(3) Said Resolutions have not been amended, modified or rescinded and are still in full force and effect.

IN WITNESS WHEREOF, I hereunto set my hand and the seal of Huston Township Sewer Authority this October 11, 2000.

(AUTHORITY SEAL)

HUSTON TOWNSHIP SEWER
AUTHORITY

By Micheal Bokaner
Secretary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER
AUTHORITY,

no.04-225-cd

Plaintiff

Vs.

MARK MAINES

Defendant

CASE NUMBER : 04-225-cd

TYPE OF CASE : CIVIL

TYPE OF PLEADING : ANSWER TO PLAINTIFFS MOTION FOR
JUDGEMENT ON THE PLEADINGS AND OUTSTANDING
DISCOVERY AND NEW MATTER

FILED ON BEHALF OF : DEFENDANT

COUNSEL OF RECORD FOR THIS PARTY : MARK MAINES PRO-SE
283 WOODWARD ROAD
PENFIELD, PA 15849

FILED

JAN 27 2006
01210/W (6K)

William A. Shaw

Prothonotary/Clerk of Courts

1 CERT. TO DEPT.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER
AUTHORITY,

no.04-225-cd

Plaintiff

Vs.

MARK MAINES

Defendant

ANSWER

AND NOW comes the defendant mark maines pro-se who stipulates as follows:

1. DENIED
2. ADMITTED
3. ADMITTED
- 4 ADMITTED
5. DENIED
6. ADMITTED
7. CALLS FOR THE CONCLUSION OF LAW AND NO ANSWER REQUIRED
- 8 NOTIFICATION ADMITTED
9. DENIED
10. ADMITTED

11. DENIED) Defendant gave check number 1743 in the amount of One thousand dollars (1,000.00) to Amy Maholtz on the 12th day of June 2003 which she took and memo states the payment was in full and the authority received payment in full by depositing the check for Hollywood property Denies that a balance is owed.

12.DENIED

NEW MATTER

13. Paragraphs 1 through 12 of the complaint and answers to complaint are incorporated herein by reference as though set forth in full.

14. Additional fees charged by the defendant and to customers similarly situated mounts to a penalty for not paying the complete amount on time

15. The plaintiff has not assed this additional amount to other customers similarly situated.

16 this failure to treat its customers in the same manner is a violation of the defendants right to equal protection under the law.

WHEREFORE,Defendant prays your honorable court to enter judgement in his favor and against the plaintiff.

Respectfully submitted



Mark Maines
Mark Maines pro-se

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER
AUTHORITY,

no.04-225-cd

Plaintiff

Vs.

MARK MAINES

Defendant

CERTIFICATE OF SERVICE

I do hereby certify that on the ~~27~~²⁷ day of January, 2006 I served a true and correct copy of the plaintiffs motion for Judgment on the pleadings on the plaintiff by hand delivery. at the following address.

Jeff Dubois ,esquire
190 west park avenue suite #5
Dubois, pa 15801

Mark Maines

Mark maines
283 Woodward Road
Penfield, pa 15849

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER
AUTHORITY,

no.04-225-cd

Plaintiff

Vs.

MARK MAINES

Defendant

CERTIFICATE OF SERVICE

27/74

I do hereby certify that on the ~~23rd~~ day of January, 2006 I served a true and correct copy of the defendants outstanding discovery on the plaintiff by hand delivery. at the following address.

Jeff Dubois, esquire
190 west park avenue suite #5
Dubois, pa 15801

Mark Maines Prose

Mark maines
283 Woodward Road
Penfield, pa 15849

Mark Maines

FILED

JAN 27 2006
01/27/06
William A. Shaw
Prothonotary/Clerk of Courts
1 CENT TO DEFT.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER
AUTHORITY

-vs-

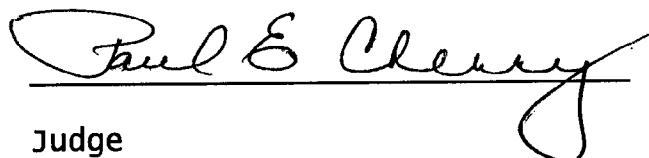
No. 04-225-CD

MARK MAINES

O R D E R

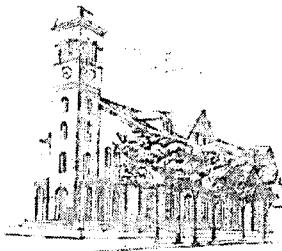
NOW, this 7th day of February, 2006, following argument on Plaintiff's Motion for Judgment on the Pleadings, and upon consideration of same, it is the ORDER of this Court that said Motion shall be and is hereby denied.

BY THE COURT,


Judge

FILED 2/9/2006 2CC Atty DuBois
FEB 10 2006 2CC Def. 283 Woodward,
PA 15849

William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 2/10/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

COURT OF COMMON PLEAS, CLEARFIELD COUNTY
PENNSYLVANIA

CASE NO. 04-225-CD

Date of Jury Selection: February 2, 2006

Presiding Judge: Paul E. Cherry

Huston Township Sewer Authority

Court Reporter: Tom Ayder

VS

Date of Trial: March 1, 2006

Mark Maines

Date Trial Ended: _____

MEMBERS OF THE JURY

1. Lisa Lengen
2. Sharon Hutton
3. Amy Vail
4. Carrie Blake
5. Walter Fedder
6. Sidney Hansen
- ALT #1 Eunice Herbert

7. Carolyn Smeal
8. Julie Hunsinger
9. Margaret Pelka
10. Tara Yingling
11. Richard Olson
12. Ruby Stiver
- ALT #2 Ronald Burkes

FILED NO
of 12:30 AM
MAR 01 2006
GR
William A. Shaw
Prothonotary/Clerk of Courts

PLAINTIFF'S WITNESSES:

1. Frances Cataldi
2. Nellie Bandy
3. Amy Maloley
4. _____
5. _____
6. _____

DEFENDANT'S WITNESSES:

1. George Nixon
2. _____
3. _____
4. _____
5. _____
6. _____

PLAINTIFF'S ATTY: Jeffrey S. DuBois Esq.

DEFENDANT'S ATTY: Pro Se.

ADDRESS TO JURY: 11:05

ADDRESS TO JURY: 11:03 am

JUDGE'S ADDRESS TO JURY: 11:15

JURY OUT: 11:30 am JURY IN: 11:47 am

VERDICT: in favor of Plaintiff - \$1950.00

FOREPERSON: _____

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER : NO. 04-225-CD
AUTHORITY, :
Plaintiff :
V. :
: :
MARK MAINES, :
Defendant :
:

FILED
01/23/06 NO CC
MAR 01 2006 CR

William A. Shaw
Prothonotary/Clerk of Courts

VERDICT

A. Do you find in favor of Huston Township Sewer Authority?

Yes ✓ No _____

B. If the answer to the above question is yes, in what dollar amount do you
find in favor of Huston Township Sewer Authority?

\$ 1950.00

Date: March 1, 2006

Richard G. Orr Jr.
Jury Foreperson

INSTRUCTIONS:

Return to Courtroom

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

HUSTON TOWNSHIP SEWER AUTHORITY,
Plaintiff

Vs.

MARK MAINES,
Defendant

: No. 04-225 CD

: Type of Pleading:

: **PRAECIPE FOR
ENTRY OF
JUDGMENT**

: Filed on behalf of :
Plaintiff

: Counsel of Record for
this Party:

: Jeffrey S. DuBois,
Supreme Court No.62074
190 West Park Avenue,
Suite #5
DuBois, PA 15801
(814) 375-5598

FILED *cc Def. w/ notice*
02/4/06 *MAY 04 2006* *Statement to*
Atty
Atty
William A. Shaw
Prothonotary/Clerk of Courts *Atty pd. 20.00*

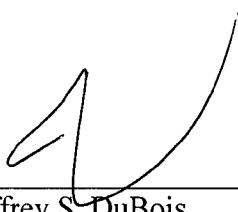
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

HUSTON TOWNSHIP SEWER AUTHORITY, : No. 04-225-CD
Plaintiff :
: Vs. :
: :
MARK MAINES, :
Defendant :
: :
: :
: :

PRAECIPE FOR ENTRY OF JUDGMENT

To the Prothonotary:

Please enter judgment in favor of the plaintiff and against the defendant on the
jury verdict entered in the amount of One Thousand Nine Hundred Fifty and 00/100
(\$1,950) Dollars, plus interest.



Jeffrey S. DuBois

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

HUSTON TOWNSHIP SEWER AUTHORITY, : No. 04-225-CD
Plaintiff :
Vs. :
: :
MARK MAINES, :
Defendant :
: :
: :

To: Mark Maines
283 Woodward Road
Penfield, PA 15849

NOTICE

Pursuant to Rule 236, you are hereby notified that judgment has been entered against you in the referred amount on the jury verdict in the above-entitled proceeding.

Dated: May 4, 2006



Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HUSTON TOWNSHIP SEWER
AUTHORITY,
Plaintiff

NO. 04-225-CD

V.
MARK MAINES,
Defendant

FILED
04/01/2006 NO C
MAR 01 2006 (CR)

William A. Shaw
Prothonotary/Clerk of Courts

VERDICT

A. Do you find in favor of Huston Township Sewer Authority?

Yes ✓ No _____

B. If the answer to the above question is yes, in what dollar amount do you
find in favor of Huston Township Sewer Authority?

\$ 1950.00

Date: March 1, 2006

Richard H. Allen Jr.
Jury Foreperson

INSTRUCTIONS:

Return to Courtroom

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAY 04 2006

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Huston Township Sewer Authority
Plaintiff(s)

No.: 2004-00225-CD

Real Debt: \$1,950.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Mark Maines
Defendant(s)

Entry: \$20.00

Instrument: Judgment on Verdict

Date of Entry: May 4, 2006

Expires: May 4, 2011

Certified from the record this 4th day of May, 2006.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** **15801**

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

HUSTON TOWNSHIP SEWER AUTHORITY
PO BOX 121
PENFIELD, PA 15849

NAME and ADDRESS

DEFENDANT:

MAINES, MARK
283 WOODWARD RD
PENFIELD, PA 15849

NAME and ADDRESS

Docket No.: **CV-0000512-03**
Date Filed: **11/24/03**



04-225-CJ

THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for: (Name) **HUSTON TOWNSHIP SEWER AUTHORITY**

Judgment was entered against: (Name) **MAINES, MARK**

in the amount of \$ **1,846.50** on: (Date of Judgment) **1/13/04**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. *EPL mb: 10/11* FEB 23 2004

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____

Portion of Judgment for physical damages arising out of residential lease \$ _____

Willam A. Shaw
Prothonotary/Clerk of Courts

Amount of Judgment	\$ 1,775.00
Judgment Costs	\$ 71.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,846.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

1-13-04 Date *Patrick N. Ford - PNF*, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

My commission expires first Monday of January, 2006 .

SEAL

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO. 04-225-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT

MARK MAINES

MAG. DIST. NO. OR NAME OF D.J.

46-3-01

ADDRESS OF APPELLANT

283 Woodward Avenue

CITY

Penfield

STATE

PA

ZIP CODE

15849

DATE OF JUDGMENT

1/13/2004

IN THE CASE OF (Plaintiff)

HUSTON TOWNSHIP SEWER AUTHORITY

(Defendant)

AIM NO.

CV

0000512-03

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

LT

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

COPY TO BE SERVED ON DISTRICT JUSTICE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

CIVIL COMPLAINT

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801**

Telephone: **(814) 371-5321**

PLAINTIFF:

NAME and ADDRESS

**HUSTON TOWNSHIP SEWER AUTHORITY
P.O. BOX 121
PENFIELD, PA 15849**

VS.

DEFENDANT:

NAME and ADDRESS

**MARK MAINES
R.R. #1 - BOX 135-1A
PENFIELD, PA 15849**

Docket No.: **CV-513-03**
Date Filed: **11-24-03**

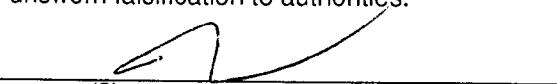


	AMOUNT	DATE PAID
FILING COSTS	\$ <u>71.50</u>	/ /
POSTAGE	\$ _____	/ /
SERVICE COSTS	\$ _____	/ /
CONSTABLE ED.	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1,775.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Monies owed by Defendant to Plaintiff for cost of sewer tap installed on Defendant's property.

I, Jeffrey S. DuBois verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.


(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: Jeffrey S. DuBois Address: 190 West Park Avenue, Suite #5
Telephone: (814) 375-5598 DuBois, PA 15801

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD SO NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** **15801**

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

CIVIL ACTION HEARING NOTICE

PLAINTIFF:

HUSTON TOWNSHIP SEWER AUTHORITY
NAME and ADDRESS
PO BOX 121
PENFIELD, PA 15849

VS.

DEFENDANT:

MAINES, MARK
NAME and ADDRESS
RR 1 BOX 135-1A
PENFIELD, PA 15849

Docket No.: **CV-0000512-03**
Date Filed: **11/24/03**



A civil complaint has been filed against you in the above captioned case. A hearing has been set in this matter for:

Date:	1/13/04	Place:	DISTRICT COURT 46-3-01
Time:	9:45 AM		309 MAPLE AVENUE
			P.O. BOX 452
			DUBOIS, PA 15801

NOTICE TO DEFENDANT

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to P.A.R.C.P.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

NOTICE TO PLAINTIFF

If the defendant enters a Notice of Intent to Defend, you will be notified of the date and time of the scheduled hearing and must appear.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

RECEIPT OF PAYMENT

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA
Telephone: (814) 371-5321

15801

PLAINTIFF:

HUSTON TOWNSHIP SEWER AUTHORITY
PO BOX 121
PENFIELD, PA 15849

NAME and ADDRESS

DEFENDANT:

MAINES, MARK
RR 1 BOX 135-1A
PENFIELD, PA 15849

NAME and ADDRESS

REMITTER :

JEFF DUBOIS
190 WEST PARK AVE APT/STE 5
DUBOIS, PA 15801

Docket No.: **CV-0000512-03**
Date Filed: **11/24/03**



RECEIPT NO:	096117	DATE:	11/24/03	PAGE:	1
SOURCE:	PAID AT WINDOW			AMOUNT RECEIVED:	\$ 71.50
METHOD:	PAID BY CHECK			AMOUNT APPLIED:	\$ 71.50
CHECK#:	01101			COLLATERAL APPLIED:	\$.00
MANUAL RECEIPT#:				CHANGE:	\$.00
CITATION#:				NEXT PAYMENT AMOUNT:	
COSTS INCLUDED ON:				NEXT PAYMENT DATE:	
				NEXT PMT TYPE:	

PAYMENT DESCRIPTION	BALANCE FWD	AMT APPLIED	CURRENT BAL
JUDICIAL COMPUTER PROJECT	8.50	8.50-	.00
ACCESS TO JUSTICE	1.50	1.50-	.00
POSTAGE	10.00	10.00-	.00
COMMONWEALTH COST- HB627	12.87	12.87-	.00
FILING FEES COMM-COST	12.87	12.87-	.00
FILING FEES 17-CTY	25.76	25.76-	.00
=====	=====	=====	=====
TOTAL	71.50	71.50-	.00

CURRENT BALANCE DUE .00

— RECV'D FROM DUBOIS, JEFF
SH THANK YOU!

DATE PRINTED: 11/24/03 10:14:52AM

*** REPRINT ***

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mark Maines
CV-512-03

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

Mark Maines Agent
 Addressee

B. Received by (Printed Name)

MARK Maines C. Date of Delivery
11-18-03

D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

283 WOODWARD RD
PENFIELD NY 15849

3. Service Type

<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number**

(Tran) 7002 2410 0000 3957 5405

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-Z-0985

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
7002	Postage \$
2410	Certified Fee
0000	Return Receipt Fee (Endorsement Required)
3957	Restricted Delivery Fee (Endorsement Required)
5405	Total Postage & Fees \$
Sent To Street, Apt. No., or PO Box No. City, State, ZIP+4	
<i>Mark Maines CV-512-03</i>	
PS Form 3800, June 2002	
See Reverse for Instructions	

*PA 15801
NOV 25 Postmark Here
2003
USPS*

Arb 7-14-05

R. DENNING GEARHART

ATTORNEY & COUNSELOR AT LAW

207 East Market Street
Clearfield, PA 16830

814-765-1581
fax 814-765-8142

www.dgearhartpalaw.com
dgearhart@dgearhartpalaw.com

July 11, 2005

Clearfield County Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
HAND DELIVIERED

Re: Huston Twp. v. Maines 04-225-CD

Dear Sir or Madam:

Enclosed please find Defendant's Pretrial Statement regarding the above-matter.

Sincerely,

R. Denning Gearhart

RDG:srw

cc: Jeffrey S. DuBois, Esquire
David P. King, Esquire
Kim C. Kesner, Esquire
Blaise Ferraracio, Esquire

RECEIVED

JUL 11 2005

COURT ADMINISTRATOR'S
OFFICE

Enclosure

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER	:
AUTHORITY,	:
Plaintiff	:
v.	:
	No. 04-225-CD
MARK MAINES,	:
Defendant	:

CASE NUMBER: 04-225-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: DEFENDANT'S PRETRIAL STATEMENT

FILED ON BEHALF OF: Defendant

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQ.
Supreme Court I.D. #26540
207 E. Market Street
Clearfield, PA 16830
(814) 765-1581

RECEIVED

JUL 11 2005

COURT ADMINISTRATOR'S
OFFICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA

CIVIL DIVISION

HUSTON TOWNSHIP SEWER :
AUTHORITY, :
Plaintiff :
 :
v. : No. 04-225-CD
 :
MARK MAINES, :
Defendant :
 :

DEFENDANT'S PRETRIAL STATEMENT

Facts

The above case comes before the arbitration panel based on suit brought by the Huston Municipal Authority against Mark Maines. Huston Municipal Authority is suing for \$1,950.00 they claim is owed to them as a result of "tapping" fees for the sewer.

Huston Township Municipal Authority established a sewage system. In 2000, they sent out notices to the residents stating that the tap-in for this service would be \$1,975.00 per lot (Mark Maines owns two lots). That fee would only be \$1,000.00 if paid by a set date. For his part, Mr. Maines did not pay the \$1,000.00 per lot by the set date. He did, however, pay it eventually. He objects to the \$975.00 which he alleges is a finance charge not permitted by the Municipal Code.

He further asserts that the Authority erred in not assessing this extra \$975.00 per lot to all of the citizens/customers. He further asserts that there were no ordinances authorizing the charging of this fee.

Damages: \$1,950.00.

Extraordinary Legal and Evidentiary Issues:

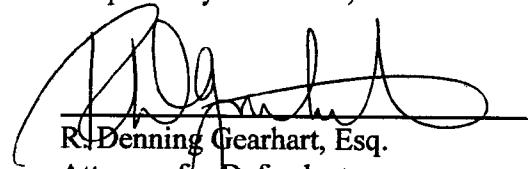
1. Can the Huston Township Sewer Authority assess a finance charge?
2. Can the Huston Township Sewer Authority assess anything without a proper ordinance?

Names and Addresses of Witness; Purpose of Their Testimony:

Mark Maines
283 Woodward Road
Penfield, PA 15849

Exhibits: Minutes from Houston Township Sewer Authority.

Respectfully submitted,



R. Denning Gearhart, Esq.
Attorney for Defendant
Supreme Court No. 26540
215 East Locust Street
Clearfield, PA 16830
(814)765-1581

Arb 7-19-05

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER : No. 04-225-CD
AUTHORITY, :
Plaintiff : Type of Pleading:
Vs. :
: PLAINTIFFS PRE-TRIAL
: STATEMENT
:
MARK MAINES, : Filed on Behalf of:
Defendant : PLAINTIFF
:
: Counsel of Record for This Party:
: Jeffrey S. DuBois, Esquire
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

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JUL 12 2005

COURT ADMINISTRATORS
OFFICE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER AUTHORITY,	:	No. 04-225-CD
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
MARK MAINES,	:	
	:	
Defendant	:	

PLAINTIFFS PRE-TRIAL STATEMENT

A. BRIEF STATEMENT OF THE CASE

Plaintiff, Huston Township Sewer Authority, is an Authority, incorporated by Huston Township under the Pennsylvania Municipal Authorities Act of 53.Pa.C.S.A. 5601, and sequential. The Sewer Authority was created by Huston Township for the purposes of, among other things, for financing, construction, operation, and monitoring of a sewage collection and treatment system which would be located within Huston Township.

In the late 1990's, Huston Township did not have a public sewer system and Huston Township applied with respective State agencies to receive approval to construct and operate a sewage collection and treatment system.

Thereafter, on or about the year 2000, the Sewer Authority began receiving bids from various companies for the construction of the sewer system. In conjunction with this, and for the payment of the sewer system, which would run in the millions of dollars, the Sewer Authority would charge its residents/customers a "tap fee" to hook up to the sewer system, and thereafter, once operational, monthly charges for services rendered.

In a letter dated November 21, 2000, the Sewer Authority sent said letter out to all residents and persons who were going to be hooked up to the tap fee that the tap fee which would be charged for all customers would be One Thousand Nine Hundred Seventy Five and 00/100 (\$1,975.00) Dollars. In an effort to get residents to pay for said tap fee early, and before the sewage system was actually operational, in the same letter, it informed residents that if they paid by February 28, 2001, their tap fee would be reduced to One Thousand and 00/100 (\$1,000.00) Dollars.

Defendant, Mark Maines, is the owner of two (2) properties within Huston Township, and said Defendant would have received said letter in November of 2000. Consequently, Defendant would then owe for two (2) tap fees at a cost of Three Thousand Nine Hundred Fifty and 00/100 (\$3,950.00) Dollars if not paid by February 28, 2001.

Defendant failed to pay any monies for either tap fee prior to February 28, 2001. Moreover, Defendant never submitted any monies for the payment of tap fees until July 7, 2004, and then only paid One Thousand and 00/100 (\$1,000.00) Dollars.

Because of Defendants non payment for either tap fee, Plaintiff filed suit to recover the cost for the tap fees.

B. CITATION TO APPLICABLE STATUTES

53 Pa. C.S.A. Section 5601 et seq.

C. LIST OF WITNESSES

1. Frances Cataldi
277 Doctors Lane
Penfield, PA 15849
2. Nellie Bundy
Mt. Run Road
Penfield, PA 15849
3. Amy Maholtz
Horseshoe Drive
Penfield, PA 15849

Plaintiffs reserve the right to list additional witnesses at the time of Trial with proper notice to opposing counsel and the Arbitrators.

D. STATEMENT OF DAMAGES

Monies owed by Defendant to Plaintiff for failure to pay tap fees.

E. LIST OF EXHIBITS

1. Huston Township Supervisor Ordinance
2. Huston Township Sewer Authority Mandatory Connection Ordinance
3. November 21, 2000, correspondence from Huston Township Sewer Authority to all residents.

Plaintiffs reserve the right to list additional exhibits at the time of Trial with proper notice to opposing counsel and the Arbitrators.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION LAW

HUSTON TOWNSHIP SEWER	:	No. 04-225-CD
AUTHORITY,	:	
	Plaintiff	:
	:	
Vs.	:	
	:	
MARK MAINES,	:	
	Defendant	:

CERTIFICATE OF SERVICE

I do hereby certify that on the 12th day of July, 2005, I served a true and correct copy of the within Plaintiffs Pre-Trial Statement by first class mail, postage prepaid, on the following:

David P. King, Esquire, Chairman
P.O. Box 1016
DuBois, PA 15801

R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

Kim C. Kesner, Esquire
23 N. Second Street
Clearfield, PA 16830

Blaise Ferraraccio, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois, Esquire
Attorney for Plaintiffs
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598