FRCA
FIRST REGIONAL COMPOST AUTHORITY

Representing Allen, Bushkill, East Allen, Lehigh and Moore Townships

Richard K. Gable, Chair (Moore)
Don Heiney, Vice Chair (E. Allen)
Alice Rehrig, Secretary Treasurer (Lehigh)
Ilene Eckhart (Allen)
Julianne Bender (Bushkill)

David Backenstoe, Esq.

Meeting Minutes of July 16, 2024
9:30 AM
Location: Moore Township Municipal Building

The First Regional Compost Authority held a regular meeting on Tuesday, March 19, 2024, at Moore Township Municipal Building, 2491 Community Drive, Bath, Pa. at 9:30 a.m.

Present at the meeting were Ilene Eckhart, Richard Gable, Julianne Bender, Randy Knauss, Alice Rehrig, Andrea Martin (Barry Isett and Associates); and David Backenstoe, Esq. Absent: Zac Walczer. Chairman Richard Gable called the meeting to order.

Public to be Heard: No comments from the public.

Minutes: Ms. Bender made a motion to approve the March 19th and May 21, 2024 minutes; seconded by Ms. Rehrig. On the motion, by roll call vote, all members present voted yes with the exception of Mr. Heiney who abstained.

Chairman/Vice Chairman Reports: No Update on East Allen representative vacancy.

Treasurers Report/Bills for Approval: Ms. Eckhart made a motion to approve the Treasurers Report and Bills as presented and pay the bills; seconded by Ms. Bender. On the motion, by roll call vote, all members present voted yes.

Solicitor: On file. Mr. Backenstoe indicated he submitted for our review the agreements. He indicated that there would actually be three agreement types needed. Once the non-member and member are worked out, there should be an agreement for third parties. Ms. Martin indicated that the Rates, Rules and Regulations need to also be updated to be included in the agreements.

Engineer: Ms. Martin updated the Authority on the status of the site plan. She indicated that there is no "compost facility" permitted in the Zoning District. Mr. Backenstoe clarified that this would be lawful non-conforming use. The Authority would has a constitutional right as a lawful non-conforming use. He did not care for the terminology "grandfathered". East Allen has waived the requirement of the land development plan. The site plan still needs to be addressed.

Ms. Martin further indicated, regarding the building, that the vendor is not a qualified COSTARS vendor. She indicated that the Keystone (as mentioned by Green) is a viable option – but someone from the Authority would need to sign up for that. Ms. Martin indicated that the vendor we were interested in had the best price. Following some discussion, regarding the building permit Ms. Rehrig commented at the three should be a stamped, sealed set available. Mr. Backenstoe reinforced that the building permit should be obtained as a condition of the bid. Mr. Backenstoe further stated that Ms. Martin, should clarify with the Township what the Township needs.

Mr. Gable made a motion to authorize Ms. Martin to proceed with building bid package, along with any clarifications from East Allen Township, for bids to receive at the August 20th Authority meeting.

Following a lengthy discussion regarding the approvals and need from East Allen Township (site plan, zoning permit, building permits). Mr. Gable revised his above made a motion to authorize the engineer to prepare the site plan, building permit and applications necessary for the project and to draft the bid solicitation but not publish until all the permits are obtained from the Township; seconded by Ms. Eckhart. On the motion, by roll call vote, all members present voted yes.

Business Items:

A. Remaining Grant Funds: Ms. Eckhart reviewed the Authority received two grant Act 101, Section 902 grant awards (Rounds 59 & 60 – SAP Document 41000090398 and SAP Document C990003414), with total DEP shares of $350,000 each ($700,000 total). She explained the Authority's primary goal was to utilize the majority of the funds to replace the grinder processor. The Authority's grant applications envisioned the purchase of a grinder processor, which would provide the ability to grind off-site. Due to price increases and the Authority's reassessment of the needs for this equipment - the Authority opted to purchase a model of the grinder that was substantially less in cost ($537,451.85 instead of approximately $730,000).

She explained the result of the reduced cost model purchase is that there are funds remaining to be used in the awarded grants.

She explained a request was made to our assigned PA DEP regional representative Berit Case for a way to utilize the remaining grant funds. It was explained that the Authority would like to acquire a new loader via the use of these funds. She indicated that she and Alice began to contact Mr. Case many months ago. Initially his response was a flat "no" that the funds could only be used towards the grinder or more roll off containers. We presented that that this did not make a great deal of sense to purchase more roll off containers with the residual funds (which the Authority did not really need) and that the Authority could use the funds for the loader but that there was an advertising provision that would need to be met when the next round opened.

Ms. Eckhart provided the email correspondence with Mr. Case seeking guidance on this matter, stating: (per her April 11th, 2024 email) *" Is the pre-application necessary?? Please advise. Also, I am not clear about the application requirements as this is really re-utilizing the remaining funds – not a new application. I would like to discuss this with you. Thanks."*

Not hearing a response, I ran the advertisement per the last communication from Mr. Case. She explained when she reached out to DEP to request the reimbursement process (upon the assumption that the Authority met the requirement), on June 11th, 2024 Mr. Case telephoned Ms. Eckhart to unfortunately report that the Authority did not submit a full application during the open round – which closed in May (in addition to the advertisement requirement) so therefore the residual funds would not be available to Authority and the funding would not be available to the Authority.

Following some further discussion, the Authority agreed by consensus to reach out to the applicable State Representatives regarding this matter.

Comments of Member Community Representatives: None.

Public to be Heard: None

There being no further business Mr. Heiney made a motion to adjourn at 10:35 AM; seconded by Ms. Rehrig. On the motion, by roll call vote, all members present voted yes.

Respectfully submitted,

Ilene M. Eckhart
Member – Allen Township