

WESTHANOVER TOWNSHIP WATER AND SEWER AUTHORITY

RESOLUTION 2016-A-1

A RESOLUTION APPROVING COLLECTION PROCEDURES AND ADOPTING A SCHEDULE OF ATTORNEYS FEES AND COSTS TO BE ADDED TO THE AMOUNT COLLECTED AS PART OF MUNICIPAL CLAIMS FOR DELINQUENT SANITARY SEWER ACCOUNTS. THIS RESOLUTION SUPERCEDES ALL PRIOR RESOLUTIONS FOR THE COLLECTION OF DELINQUENT SEWER ACCOUNTS.

WHEREAS, the West Hanover Township Water and Sewer Authority (the "Authority"), with approval of the Township of West Hanover, Dauphin County, Pennsylvania, operates a waste water treatment plant that receives its operating revenue from the customers it serves that are connected to the plant; and

WHEREAS, the Authority, in accordance with power vested in it by law, bills said customers tapping fees to cover initial costs and quarterly user fees for processing their sewage; and

WHEREAS, the General Assembly of Pennsylvania enacted an amendment to the Municipal Claims Act, Act No. 1 of 1996 (the "Act"), which authorizes the adding of the amount of reasonable attorney fees and costs to the total payable with respect to unpaid taxes and other municipal claims, but only if the municipality involved has approved by resolution a schedule of reasonable attorney fees and costs; and

WHEREAS, most customers pay their bills in a timely manner some do not, jeopardizing the financial stability of the treatment plant; and

WHEREAS, the Authority has determined that it is in the best interest of all the rate payers to have vigorous enforcement of all delinquent and other unpaid charges, utilizing the procedures set forth in the Act; and

WHEREAS, the Authority has reviewed the subject of attorney fees and costs for collection matter, and has determined that the fees set forth in the schedule hereby adopted are reasonable in amount for the services herein described; and

WHEREAS, the Resolution serves as a document establishing the method of collecting delinquent fees;

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the West Hanover Township Water and Sewer Authority as follows:

SECTION 1. When arrears total one quarterly billing, a Reminder Notice will be sent from Diversified Technology, the Authority's billing agent, to the property owner(s)' billing address of record with the Authority.

SECTION 2.

A. When arrears total two quarterly billings, a notice from the Authority Manager will be prepared and mailed by Certified Mail to the property owner(s). The notice shall include: (1) the type of bill, assessment or other charge, the date it became due and the amount owed, including penalty and interest; (2) A statement of the Authority's intent to impose or assess attorney fees and costs within thirty (30) days after the delivery or mailing of the Certified Mail notice, or within ten (10) days, by First Class Mail of a subsequent notice, if the Certified Mail notice is refused or unclaimed; (3) the manner in which

the assessment or imposition of attorney fees and costs may be avoided by payment of the Account; and (4) the place of payment for the Account and the name and telephone number of the Authority official as designated as responsible for the collection matter.

B. In lieu of the method set forth in Section 2.A. above, the Authority may, in its sole discretion, opt to serve the same 2.A. notice by the Constable to enable the property owner(s) to realize the importance of resolving the delinquency to avoid substantial legal and court collection costs and fees. The fee for the Constable's service will be added as a cost of collection, but it can save the property owner(s) the legal and court cost process that will be incurred if the arrearage is not resolved.

SECTION 3. The notice from the Authority Manager will be by Certified Mail, postage prepaid, or hand delivered by the Constable if deemed appropriate, to property owners residing in Dauphin County. Notices to property owners residing outside of Dauphin County will be sent via Certified Mail, postage prepaid. All charges associated with delivery of those letters will be added to the balance of the account, as costs incurred.

SECTION 4. All notices required by this Resolution shall be served at the last known address of the property owner(s) as recorded in the records or other information of the Authority verified by, or such other last known address obtained from the Dauphin County Office of Assessment of Taxes.

SECTION 5. If payment arrangements are offered and accepted by the Authority, a follow-up letter from the Authority Manager will be sent via First Class Mail outlining the arrangements agreed to by the Authority and property owner(s). At that time, the property owner(s) will also be advised that if one payment is not made as agreed upon, a lien will be placed on the property without any further contact, if not already in place. If a lien is already in place, the letter will advise the property owner(s) that the process will be instituted to obtain a judgment and a possible Sheriff's Sale, all to include substantial additional costs per the Authority's Resolution authorizing the same.

SECTION 6. If the arrears are due for a property served by public water, when the lien has been placed, a 10-day notice letter will be sent via Certified Mail and First Class Mail to the property owner(s) advising that the public water will be disconnected. In addition, Authority staff will post the property within a 10-day disconnect notice. The costs of mailing the notice will be added to the balance due on the account.

SECTION 7. When the 10-day letter and posting occur, the necessary information/paperwork will be sent to PA American Water Company. When the water service is disconnected, the Authority will be billed \$30, which will be added to the amount due from the owner. Another \$30 charge will be the responsibility of the owner and must be paid directly to PA American Water Company to reinstate water service.

SECTION 8. For arrears in excess of \$600 for property owners with or without public water, the necessary information will be turned over to the Solicitor to obtain a judgment and possible Sheriff's Sale proceedings. Before the Sheriff is actually directed to serve the notice, the property owner(s) will be given the option to make monthly payments to the Authority equal to three times the equivalent current monthly rate until the debt is paid off. If any of these payments are not received by the Authority on time, the Sheriff will be directed to serve the notice.

SECTION 9. The Authority hereby approves the following schedule of attorney fees and costs for services in connection with the collection of Accounts, which schedule is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principals set forth in Section 3 (a.1) of the Municipal Claims and Tax Liens Act, as amended:

Legal Services	Fees for Services
Review Authority's record as to appropriate statutory notice compliance; file lien and send Notice of Filing to Owner(s)	\$350.00
Prepare Writ of Scire Facias, File Writ, and Arrange Service by Writ by Sheriff	\$500.00

Prepare and file Praeipe for Entry of Judgment	\$250.00
Prepare Writ of Execution; Attendance at Sale; Review Schedule of Distribution and Resolve Distribution Issues	\$2,175.00

Services and Costs Not Covered Above:

All costs will be billed based on postage fees, filing fees or costs established from time to time by the Sheriff, Constable, Prothonotary, or other federal or county agency

Actual cost or fee

Other Legal Services:

Satisfaction of Municipal Lien	\$100.00
Satisfaction of Judgment	\$100.00
Review of Bankruptcy (including Proof of Claim)	\$300.00
Motion for Relief from the Automatic Stay	\$800.00
Motion for Special Service	\$600.00
Petition to Reassess Damages	\$275.00
Forbearance Agreement	\$200.00
All Other Services	\$200.00 per hour

SECTION 10. The proper officials of the Authority are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Resolution.

DULY ADOPTED by the West Hanover Water and Sewer Authority on February 17, 2016.

ATTEST:

WEST HANOVER TOWNSHIP
WATER AND SEWER AUTHORITY


Secretary

By: 
Chairman