

WESTHANOVER TOWNSHIP WATER AND SEWER AUTHORITY

RESOLUTION 2018-A-4

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 Late Notice will be sent from Diversified Technology, the Authority's billing agent, to the property owner(s)' billing address of record with the Authority. All Late Notices will be marked "Due Upon Receipt".

SECTION 2.

A. When an account is four (4) months delinquent, a notice from the Authority Manager will be prepared and sent via constable 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 (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. The fee for the Constable's service will be added to the account balance as incurred. Notice to property owners residing outside of West Hanover Township will be sent via Certified and Regular Mail, postage prepaid. All charges associated the cost of postage will be added to the account balance as incurred.

SECTION 3. When an account is delinquent by two quarters, the delinquent account will be sent to the Solicitor for further collection action. All fees and costs associated with this additional collection activity will be added to the balance of the account as 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 a property owner with a delinquent account sets up a payment arrangement with the Authority Manager, a follow-up letter from the Authority Manager will be sent confirming the payment arrangement agreed to by the Authority Manager and property owner. At that time, the property owner will also be advised that if they do not comply with the agreement by making the payments and maintaining the account current moving forward, additional legal action may be taken. This may include, but is not limited to, additional collection activity including District Justice action, Municipal Liens, or real estate Sheriff Sale action.

SECTION 6. When a public water account has an outstanding balance in excess of \$500.00, the Authority, may in its sole discretion, opt to advise the property owner that the public water will be disconnected. The Authority Manager will send the ten (10) day notice to the property owner, via regular and certified mail, advising that the public water will be disconnected. In addition, Authority staff will post the property with a ten (10) day disconnect notice. When the ten (10) day notice and posting occur, the documentation will be sent to PA American Water Company to disconnect service. A Disconnection Fee will be added to the balance due and owing on the account. The costs of mailing the notice will be added to the balance due and owing on the account. It will be the responsibility of the property owner to pay PA American Water Company the fee to reinstate water service.

SECTION 7. The Authority will assess a one-time late fee in the amount of \$15.60 (10% of the quarterly fee) on delinquent accounts. All delinquent accounts will also be charged a one percent (1%) monthly penalty on the unpaid balance. The Authority will charge a fee of Twenty-five (\$25.00) Dollars on all checks returned for non-sufficient funds. In addition to the Twenty-five (\$25.00) Dollar fee, the Authority will charge the applicable bank fees on all checks returned for non-sufficient funds. Once a payment has been returned for non-sufficient funds, the Authority will require all future payments in the form of cashier's check, money order, or cash.

SECTION 8. For accounts with a delinquent balance in excess of \$1,200.00 for property owners with or without public water, the account will be turned over to the Solicitor to proceed to Sheriff's Sale.

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:

Review delinquent; Preparation of correspondence to property owner regarding delinquent account and notice regarding additional collection activities.	\$60.00
Review Authority's record as to appropriate statutory notice compliance; preparation and filing of MDJ Complaint	\$350.00

Preparation of and filing of Municipal Lien	\$100.00
Prepare and service of Writ of Scire Facias	\$400.00
Prepare and file Praecipe for Entry of Judgment	\$250.00
Satisfaction of Municipal Lien	\$100.00
Satisfaction of Judgment with Court of Common Pleas	\$100.00
Review of Bankruptcy filing	\$200.00
Preparation and filing of Bankruptcy 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

OTHER LEGAL SERVICES:

All other Services	\$200.00 per hour
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SERVICES AND COSTS NOT COVERED ABOVE:

All costs and expenses will be billed based on postage fees, filing fees or costs established by the Sheriff, Constable, Prothonotary, or other Federal, State and county agency.

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 19th June 2018.

ATTEST:



Secretary

WEST HANOVER TOWNSHIP
WATER AND SEWER AUTHORITY

By: 

Chairman

