



SEDA-COG JOINT RAIL AUTHORITY MEETING  
WEDNESDAY, OCTOBER 14, 2009  
SEDA-COG, LEWISBURG, PENNSYLVANIA  
12:30 P.M.

**PRESERVING  
RAIL FREIGHT  
SERVICE**

*serving the counties of*

**Centre**

**Clinton**

**Columbia**

**Lycoming**

**Mifflin**

**Montour**

**Northumberland**

**Union**

**AUTHORITY MEMBERS PRESENT**

Frank Dombroski, Montour Company  
John Gummo, Clinton County  
Scott Harvey, Lycoming County  
Mike Hawbaker, Centre County (via speaker phone)  
Bud Henry, Columbia County  
Tom Herman, Montour County  
Rick Jenkins, Columbia County  
Don Kramer, Clinton County  
Michael Krentzman, Mifflin County  
Mike Redin, Centre County  
Dennis Reitz, Northumberland County  
John Showers, Union County  
Dennis Shaffer, Union County  
Jerry Walls, Lycoming County

**GUESTS PRESENT**

Al Bubb, NRHS  
Mark Murawski, Lycoming County  
Russ Nicodemus, Railroad Operator Companies  
Dick Robey, Railroad Operating Companies  
Mimi Robey, Railroad Operating Companies  
Gary Shields, Railroad Operating Companies

**STAFF PRESENT**

Steve Hurvitz, Esq., McQuaide Blasko Law Offices  
Kay Aikey  
George Fury  
Jeff Stover

**ADMINISTRATIVE ITEMS**

**Call to Order**

Mr. Walls called the meeting to order at 12:30 p.m.

**Pledge of Allegiance**

Mr. Walls led the Pledge of Allegiance.

**SEDA-COG JOINT  
RAIL AUTHORITY**

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Affiliated with  
SEDA Council of Governments

### Approval of the September 9, 2009, Meeting Minutes of the SEDA-COG Joint Rail Authority

*Mr. Henry made a motion to approve the September 9, 2009 meeting minutes of the SEDA-COG Joint Rail Authority; Mr. Jernkins seconded the motion; motion carried.*

### Appointment of Operating Agreement Committee Chairman

Mr. Walls stated that Mr. Spendiff has resigned from the SEDA-COG Joint Rail Authority. A framed print will be presented to Mr. Spendiff at a later date. The Mifflin County Commissioners will appoint a replacement for this vacancy on the Authority board.

With the resignation of Mr. Spendiff, there is a vacancy in the chairmanship of the Operating Agreement Committee. Mr. Walls appointed Mr. Krentzman as Chair of the Operating Agreement Committee. Mr. Krentzman accepted the appointment.

Mr. Walls asked staff to prepare a special communication to Mr. Spendiff recognizing contributions made to the Authority by Mr. Spendiff.

### Treasurer's Report

Mr. Reitz presented the Treasurer's Report for the month of September 2009.

Mr. Stover reported that after October 1, 2009, the Authority received a check from PennDOT in the amount of \$868,000 which is a reimbursement for some of the Ohio Track bills. This amount does not show up as a receivable on the Treasurer's Report.

*Mr. Herman made a motion to approve the Treasurer's Report for the month of September 2009; Mr. Harvey seconded the motion; motion carried.*

### Legal Issues

Attorney Hurvitz stated there are no pending legal issues.

Mr. Walls called for an executive session at 12:40 p.m. for the purpose of discussing the issue of operator's change of control.

The regular meeting reconvened at 1:44 p.m.

Mr. Walls stated the executive session dealt with the questions embedded in and surrounding the operator's change of control. An outcome of that discussion is the realization that the Operating Agreement Committee needs to have a work session. The committee will then bring back to the full Authority recommendations relative to action on the change of control.

### Events Calendar/Projects Map/Staff Report

Mr. Stover presented the events calendar for October and November, the projects map, and staff report.

Dates for the Holiday Party were discussed and members were asked to check their calendar for any conflict of dates in December. The following dates were discussed: December 7, 10, 14, and 15. Members were asked to contact Ms. Aikey for any conflicts in dates.

### Newberry South Change Orders

Mr. Stover stated there are some changes orders which have been approved by Larson Design Group that need Board approval. The contract amount was increased by \$7,960.00 based on these changes.

*Mr. Reitz made a motion to approve the set of change orders for Newberry South recommended by the engineer; Mr. Herman seconded the motion; motion carried with Mr. Hawbaker abstaining.*

### Eastern Grade Crossing Seminar

Mr. Stover stated the Eastern Grade Crossing Seminar is being held in State College at Toftrees. The Authority is being asked to be a silver sponsor in the amount of \$1,000.

*Mr. Harvey made a motion to approve silver sponsorship of the SEDA-COG Joint Rail Authority to the Eastern Grade Crossing Seminar; Mr. Kramer seconded the motion; motion carried.*

Mr. Fury showed a short PowerPoint presentation depicting the status of construction at Newberry South.

### Operator's Status Report and Business Forecast

Mr. Robey referred to the Operator's Report included in the packet.

## PROPERTY MANAGEMENT COMMITTEE

### North Branch Canal Trail (NSHR)

This item is being deferred until a future meeting.

### Clouser R/W Agreement (NBER)

Mr. Redin reported a land sale is pending for a parcel along the NBER Bellefonte Branch in the village of Axemann. The prospective new buyer is seeking some sort of legal document to ensure access across the railroad, being the sole way into the parcel.

*Mr. Redin made a motion that the full board approve the request for the Clouser R/W Agreement in the amount of \$1.00 and execution by the Chairman and Secretary; Mr. Henry seconded the motion; motion carried.*

### Locust Road Deed of Dedication (JVRR)

Mr. Redin reported the new rail spur in Lewistown for First Quality Baby Products (FQBP) crosses a relocated Locust Road. This road previously was a private one, but now will become a Granville Township road. The JRA is party to a deed of dedication that will convey a parcel to the township for the new public grade crossing.

***Mr. Redin made a motion that the full board accept the Locust Road Deed of Dedication and execution by the Chairman and Secretary; Mr. Henry seconded the motion; motion carried.***

**Nittany Oil Lease (LVRR)**

A request has been received from Nittany Oil to lease land and track in the Newberry South Complex. Initially, they will install four 20,000 gallon ethanol tanks. Nittany Oil is seeking to lease 27,799 square feet of land and 725.5 feet of track. Annual lease fee is \$8,400 subject to annual CPI increases, plus \$1,000 per year for each on-site storage tank. Nittany Oil has agreed to pay the local share for the reconstruction of its portion of the Ram Track through a one-time payment of \$21,000 to the JRA.

***Mr. Redin made a motion that the full board accept the Nittany Oil Lease and execution by the Chairman and Secretary; Mr. Reitz seconded the motion; motion carried.***

**PPL Easement (NSHR)**

This item is being tabled until a future meeting.

**Bell Pole Land Lease (LVRR)**

Bell Pole seeks to lease three sites in Newberry. Total square footage is 135,100 and would lease for \$20,784.62 annually.

***Mr. Redin made a motion that the full board accept the Bell Pole Land Lease; Mr. Kramer seconded the motion; motion carried.***

**OLD BUSINESS**

**CMAQ Work Order Approval (NSHR)**

Mr. Stover reported that \$292,306 is left in the CMAQ budget and PennDOT has stated this money can be used but the project cannot be rebid. Staff is working with Paul Jannotti to finalize the scope of this project. A spreadsheet outlining details of CMAQ Phase 2 was provided in the meeting packet.

***Mr. Kramer made a motion to approve the work order changes totaling \$35,106 to authorize Amtrac of Ohio to complete Phase 2 of CMAQ; Mr. Hawbaker seconded the motion; motion carried.***

**"Unstoppable" Movie and Signal and Base Removals Along NBER Main (NBER)**

Mr. Fury reported that K.W. Reese has removed the signals and bases off of the Nittany & Bald Eagle main line from Milesburg to Lock Haven. This material is being stored at Port Matilda. There remains signals on the track segment between Milesburg and Lock Haven that need removed. K.W. Reese can remove the balance for \$1,925 per day and the contractor believes it will take three days to complete.

***Mr. Redin made a motion that the full board approve K.W. Reese's proposal in the amount of \$5,775 for the removal of signals and bases from Milesburg to Lock Haven; Mr. Jenkins seconded the motion; motion carried.***

Mr. Stover stated that the JRA will realize \$1,550 per day for filming of the “*Unstoppable*” movie.

## NEW BUSINESS

### Award 2009 Rail Freight Assistance Program Phase 2

Mr. Fury reported that Phase 2 of the 2009 RFAP was bid last month. Work includes the repairs to the culvert at west of Catawissa (Bear Camp) on the NSHR and additional wall replacement to the Mill Race in Bellefonte. There was a budget of \$297,000 to do the repairs to the three bridges in the original RFAP application that was approved. The total bid came in at \$197,000 which left a balance of \$100,000. It was decided to finish the Mill Race wall as well as the collapsed culvert at the Bear Camp. The project was designed by Mr. Conrad and two bids were received for Phase 2. A bid of \$42,885 was received from Schlegel Excavating with an alternate bid of \$33,745 for an alternate repair to the culvert at Bear Camp.

*Mr. Harvey made a motion that the full board award this project to Schlegel Excavating in the amount of \$33,745 and authorize the Executive Director and Property Manager to execute the Notice of Award, Notice to Proceed and contract/agreement; Mr. Henry seconded the motion; motion carried.*

### Public Forum

Mr. Bubb stated he would like to have one of the PRR signals off the Nittany Main.

Mr. Reitz asked for clarification on the article in The Daily Item dated August 30, 2009 regarding IntelliWatt and SEEDCO Industrial Park. Mr. Stover explained the reporter did not have correct facts.

Mr. Walls called for an executive session at 2:40 p.m. to discuss some legal matters.

The regular meeting reconvened at 3:21 p.m.

## ADJOURNMENT

Mr. Walls adjourned the meeting at 3:21 p.m.

Respectfully submitted,

  
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Jeffery K. Stover, Executive Director

I hereby certify these minutes were approved by the SEDA-COG Joint Rail Authority Board of Directors on November 11, 2009.

  
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Secretary/Assistant Secretary