

# Cumberland-Franklin Joint Municipal Authority

(November 10, 2016)

- Chairman Tom Ginnick called the meeting of the Cumberland-Franklin Joint Municipal Authority to order in the office of C.F.J.M.A. at 6:00 p.m. and asked for a moment of silence and the pledge to the flag.

- Those present were:

Dwain Koser  
Angelique Brown  
Randall Kendig  
Steve Oldt

Attorney Jim Robinson  
Steve Wolfe  
Jerome Kater  
Attorney Bryan Salzmann

George Foreman  
Tom Ginnick  
Lisa Suders

- Mr. Wolfe motioned to accept the October 13, 2016 minutes. Mr. Oldt seconded the motion and motion carried.
- There were no Public Comments.
- Under Correspondence, CFJMA received a “Right-To-Know” Request from American Transparency, Boca Raton, Florida. **(see attached)** They requested the following:  
“Pursuant to the Right to Know, this is a request for a copy of the following records: An electronic copy of any and all employees for years of 2015 (fiscal or calendar year). Each employee record should contain the employer name; employer zip code; year of compensation; first name, middle initial, last name; hire date (mm-dd-yyyy); gross annual (fiscal or calendar) wages (including but not limited to salary, over-time wages); position; etc. (etc.: means any other public data available, as to not require the agency to have to remove data from existing records.) This data should be broken down by employer, employee and year. We have attached the Standard Right-To-Know Request form.” After some discussion, we were advised by Attorney Salzmann to respond to the company that the information does not exist in the form that they have requested, and therefore, we cannot supply the information. Attorney Robinson will draft the letter to be sent on CFJMA letterhead by Angelique Brown, the Open Records Officer.
- Mr. Oldt motioned to approve the November 10, 2016 Treasurer’s Report and Mr. Kater seconded the motion. Motion carried.
- Under the Solicitor’s Report, Attorney Robinson informed the board that he has been working with Angelique on gathering the information and filing Municipal Liens and Writs of Scire Facias on delinquent customers.
- Under the Manager’s Report, Dwain presented the following:
  1. Jerome had asked him to give the board a date for the employee dinner for the year. He informed them that it will need to be pushed back until at least February 2017.

2. We received a study from GHD, recommending that the design at the plant should include smaller screens in the headworks of the plant. This adjustment would add an additional cost of \$1.2 mil. He handed the floor to George Foreman who told the board that Hazen Sawyer also did an independent review of the situation and gave us the impression that everything was going to work the way they had it designed, and that they were just “startup” problems. Basically, everything was going to work out.

He then handed the floor to Attorney Bryan Salzman to discuss where we are in the whole process with the correction and expansion project at the Shippensburg Borough Wastewater Treatment Plant. He began by saying that he felt it was good for him to get with the board to discuss where we were; prior to going into the settlement agreement, where we are at present and where he thinks we are going. He then referred to a copy of the memorandum, dated July 9, 2015. **(see attached)** In it he had presented a break-down of costs, along with a time line of where we would go. At that time, it showed that CFJMA would be \$800,000.00 under what we agreed to pay for the project. He also presented a spreadsheet **(see attached)** that that showed actual numbers, reconciled to the projected ones in the memorandum.

Mr. Salzman stated that it shows “the numbers relative to the initial contract, change orders that have been authorized through settlement, the change orders or additional improvements that have been authorized as we continue to move on and the engineering costs that have been done, including the GHD study.” He informed the board, that as they stand today, from the original \$800,000.00 savings, they are still \$423,000.00 under what they had agreed to pay for the project.

He made the board aware that they could go with another engineer’s recommendation, however, the original engineer could then “wash their hands” of the situation and say basically that we didn’t do it to their specs. Or, we could go with Hazen & Sawyer’s original design, and when it fails, go into litigation. There was talk about just letting them proceed, while also weighing bringing in the other engineer. It was then that our engineer, George Foreman, spoke up and said; “If you suggest; let these guys proceed, you know, a fallback position, Bryan, might be, you know there’s two trains down there, two separate trains. Let them put the media in the one train, keep the other one without any media, and if it looks like there’s gonna be a failure, pull the plug on it, don’t let it discharge and switch the flow back over to the other train. If it works, wonderful, put the media in the second train when everything is working. The concern of the board members was that, in the event that it would fail, who would then be liable? Attorney Salzman informed them that the engineer would be liable and the authority would take the stance that the engineer’s design failed and we would take legal against them. Salzman advised that they take George’s idea back to the joint committee to work on and then come back to the next CFJMA meeting with more

information. He also mentioned that the Boro will not approve anything concerning this, unless it has already been approved by CFJMA.

DEP's deadline for the project is March 31, 2017. He has a meeting with DEP in December, where they plan on presenting what has been done to date, and they will request an extension to the deadline date.

3. Attorney Salzman informed the board that GMS (Government Management Service) submitted our application for a \$425,000.00 grant from the PA small water and sewer grant program. It fixes three different projects; Letterkenny Sewer District, some of the electric panels and the elimination of PS #13.
- There was no Old Business.
  - Under New Business, the board members were in receipt of the 2017 Budget.
  - Motion to adjourn the meeting at 7:00 pm was given by Mr. Oldt and seconded by Mr. Wolfe.

Respectfully submitted,

Randall Kendig, Secretary