

# Cumberland-Franklin Joint Municipal Authority

(April 9, 2020)

- Chairman John Knutelsky called the monthly meeting of the Cumberland-Franklin Joint Municipal Authority to order at 6:00 pm via a telephone conference, due to the COVID19 epidemic and the “Stay at Home” order in place by Governor Tom Wolfe.

He instructed the board members that he was going to walk through the various agenda items and, because of the nature of the awkwardness, he asked that they allow one person to talk and not generate a lot of dialog at the same time. He also mentioned that it has been his experience that if they are not in the conversation, that they put their phone on mute, which will illuminate a lot of background noise. He then called for a moment of silence and the pledge to the flag.

- Those present were:

John Knutelsky  
Attorney Jim Robinson  
Michael Wadel

Steven Wolfe  
Robert Kater  
Lance Hoover

Randall Kendig  
Ben Richardson  
Dwain Koser

Steve Oldt  
Lisa E. Suders  
Angelique Brown

- Chairman Knutelsky thanked everyone for coming and asked that board members state their name when making a motion on any action taken.
- Chairman Knutelsky gave the board members a minute to look over the minutes and then he called for a motion to pass them as presented. Motion was made by Mr. Kater for the approval of the March 12, 2020 minutes. Mr. Oldt seconded the motion and it carried.
- There were no Public Comments.
- There was no Correspondence.
- Chairman Knutelsky gave the board members a minute to review the Treasurer’s Report. He asked that when a board member makes the motion to accept the report as submitted, that they state their name and the member supplying the second to the motion also state their name. Mr. Wadel made a motion to approve the April 9, 2020 Treasurer’s Report as submitted. Mr. Kendig supplied the second to the motion and it carried.
- Under the Solicitor’s Report, Attorney Robinson presented the following:
  1. He asked if Dwain or Lance had received anything on the Shippensburg University Agreement. They both responded that they had not.
  2. He reminded them of Resolution 2020-02, which he had mentioned at the March 12, 2020 meeting. It deals with the Borough of Shippensburg’s new sewer and pre-treatment ordinance. He informed the board that there was no action to be taken with regards to the resolution because, as far as he has heard, the Borough has not enacted their new sewer and pre-treatment ordinance as of yet. The purpose of the Resolution is for CFJMA to recognize the Borough’s ordinance, once they have enacted it, and agree that we will assist

in its enforcement. Once the Borough takes action on their ordinance, a motion will be needed from the CFJMA board to approve Resolution 2020-02.

- Under the Manager's Report, Dwain presented the following:
  1. He mentioned that CFJMA had been billed for the nutrient credits in the Borough's 4<sup>th</sup> quarter billing in the amount of \$43,849.17. Lance Hoover had identified the cost and brought it to the forefront. It has not been paid as of yet, and he mentioned that the cost in 2020 is expected to follow the same course.
  2. Lisa informed him that the F&M interest rates have dropped from 1.25% to .65% on all of our account investments.
  3. He referenced the Chapter 94 Report that the board members had all received in their packets. He asked Lance Hoover to make a comment on that subject. Lance reported that he met with both Dwain and Lisa prior to the meeting to review the content. He expressed that both the Shippensburg Treatment Plant and CFJMA are in a good position "capacity wise" and that there are no "real issues" right now.

Chairman Knutelsky thanked Lance for the hard work he put into the report and asked for an update on the project at the Shippensburg Wastewater Treatment Plant. Lance then reported the following:

- a. The contractors are continuing to work off of their submittals; keeping the paperwork going. The physical construction realistically is not going to happen.
- b. M2 has submitted a letter to the Shippensburg Borough, basically asking for discretion on timing of the project and things of that nature, which is certainly justified, given what is going on.
- c. M2 has submitted a waiver request for the State under the premise that this project is part of its sustaining operation because it's an upgrade to the treatment plant. There has been no action by the state that he is aware of, at this point in time. His assumption is that it will either be tabled or denied. He suggested that there is always the possibility that the contractors would get a waiver and would be able to actually work. If not, they will be waiting until the "stay at home" order is lifted or other arrangements are made for contractors.
- d. Both he and Attorney Sam Wiser have spoken with DEP and they are 100% aware of what is going on with the contractors not being able to work. Lance expressed having no doubt that there would have to be an extension to the consent order if a waiver is not granted, causing the contractors to lose more work time because of the "stay at home" order, resulting in the project not meeting the end date.

Dwain asked Lance what that would do to our permit time line with DEP, wondering if they would extend everything out. Lance said that there hasn't been any formal pronouncement from the department, but he doesn't expect there will be any issue with an update to the schedule for the consent order agreement. He doesn't expect any "pushback" from them on any of this.

He did mention that the state has come out and made it known pretty extensively to the water and wastewater plants that there are no forgiveness's on permit regulations. "All of the same standards that applied prior to this outbreak continue to apply until further notice." In light of the Borough working some pretty relaxed hours, he reminded Wade, Shippensburg Borough plant manager, to be "cautious and make sure they're staffed and make sure that they're doing all the things that they need to do to keep 'in check' at the plant." Lance doesn't know of any current issues, but wanted to have that dialog with management.

Attorney Robinson added that he noticed the day before the meeting that they automatically extended the MPC approvals again, like they did a couple of years ago. So with that being changed, he kind of expects that they will be automatically extending any time frames with regards to DEP as well. He hasn't read that specifically, but it is what he is expecting.

- There was no Old Business.
- There was no New Business.
- Mr. Knutelsky said that before the meeting was adjourned, he was going to go down the roster and see if anyone has anything to say and after that we would look for a motion to adjourn. The names and dialog were as follow:

Steve Oldt - asked what the number was again for CFJMA's portion of the nutrient credits and then asked for the amount of the Borough's portion. Dwain gave him the amount for CFJMA and Lance broke it down for the Borough's portion. With the total being \$105,356.00, the Borough's would be roughly \$62,000.00. He also mentioned that the University had paid a portion of CFJMA's amount. He asked if there was anything that can be done not to pay our portion of \$43,849.17, or if CFJMA could mitigate it. They were informed by Lance that he separated it out from the 4<sup>th</sup> quarter billing so they could discuss when to pay. He said that the agreement with the Borough will force them to pay it in full at some point. Chairman Knutelsky commented to Mr. Oldt that one thing they had talked about, due to the current atmosphere, to push back on the Borough on their I & I inspections and get a little tougher on them. He suggested revisiting that in the near future.

Dwain asked if Lance could update the board on the BOD Loading. Lance said that at the end of every fiscal year they go back and look at the organic and hydraulic loadings at the treatment plant and add the comparison of CFJMA, the Shippensburg Borough and Shippensburg University. He reported that the BOD loading for both CFJMA and Shippensburg University are good, but BOD loading for the Shippensburg Borough is considerably high. He stated that they are not in violation of the agreement, but very high. He commented that infiltration and grease traps not being serviced to Borough specs being the major contributors. He said that there will be a discussion with them on what this analysis really means, concentrating on I & I and some "on the ground" work looking for these sources.

Ben Richardson – He joined a little later in the meeting and asked, “Was there an update on the wrapping things up with the Shippensburg Water Treatment project? I know it was April the last thing that I heard”. Lance replied that there hadn’t been an update given but he could give a brief one on PACT II as follow:

- a. The final pay requests have been prepared, reviewed and the borough has approved them.
- b. He and Nicole (from the borough) spent a lot of time going through a lot of things and made a few changes. He said, “We were successful in a few and we lost a few, but largely, I think we are still in an ok position”.
- c. When the authority sees their invoice from the borough for the next quarter, around that same time they should see a reimbursement request for that final pay estimate from PACT II as well. That will be the final step for them and will “forcefully and finally close things out and will 100% get us moving in the new direction with M2 Construction.

Chairman Knutelsky continued to call the names on the roster as follow:

Steve Wolfe – He said it was mentioned that Lance was checking into the permit extensions from the state due to this shut-down. He asked Lance to continue to check. He commented that, “even though we all assume that there will be extensions because we’re shut down, I want to see it in writing and not just assume it, and that’s what Lance says he’s going to do, so I’m good”.

Randy Kendig – He said, “I’m good at this time, John. Thank you.”

Mike Wadel – He responded, “Nothing”.

Jerome Kater – He directed his question towards Dwain and asked about the billing rates for the University. Dwain responded that we will bill them for the 4<sup>th</sup> quarter of 2019 at the rates in the agreement that expired at the end of 2019 and then bill at the new rates beginning with the 1<sup>st</sup> quarter of 2020. Attorney Robinson weighed in on the discussion and advised that CFJMA could still bill at the old rates for the 1<sup>st</sup> quarter of 2020 because we do not have a newly signed agreement back from the University to date. Dwain had made the comment previously that, if we did it that way, maybe it would get their attention. After more discussion, it was agreed upon that the University would be billed according to the rates in the old agreement for the 1<sup>st</sup> quarter of 2020. Keeping in mind that when we receive a signed copy, the rates are retroactive to the begin date of January 1, 2020 and we would be obligated to make an adjustment to the 1<sup>st</sup> quarter bill.

Dwain – He responded, “No, I’m good”.

Lisa – She responded, “No, I’m good, John. Thank you”.

Lance – He responded, “No, Sir. That’s it. Thank you”.

Jim Robinson – Replied “I’ve already spoken too much, John”.

Angelique – Informed the board that when all of this went down we were in the middle of a Water shut-off process for non-payment of a customer sewer bill. We had actually posted properties for Friday, March 13, 2020 for shut-off on Monday, March 16, 2020. We did not take action on Monday, because by then, we legally were not allowed to do so due to the present crisis of COVID19. So, the whole process just rests. That also means that people who only pay when they are posted for shut-off, will probably not come through with a payment, but we will catch up with them when we are able. Also, after discussion with management, we decided not to put penalties on this past billing, due April 15<sup>th</sup>.

Ben Richardson - He stated, "If nobody has anything else, I make a motion to adjourn the meeting". Mr. Kater seconded the motion and it carried.

- Meeting adjourned at 6:31 pm.

Respectfully submitted,

Randall L. Kendig, Secretary