

# **SPRING-BENNER-WALKER JOINT AUTHORITY**

## **REGULAR MEETING**

**November 28, 2022**

### **ATTENDANCE:**

<b>AUTHORITY MEMBERS:</b>	<b>Spring</b>	Joseph Galbraith Richard Kuzemchak Rodney Maney
	<b>Benner</b>	Brian Book Dan Hoffman Willis Houser, Jr.
	<b>Walker</b>	Dennis McDowell Joseph Swanderski

**GUESTS:** None present.

**EXECUTIVE DIRECTOR:** N. Warren Miller

**EMPLOYEES:** Will Barton & Kelly Gill

### **CALL TO ORDER:**

The November 28, 2022, Regular Meeting of the Spring-Benner-Walker Joint Authority was called to order at 7:00 P.M. by Dennis McDowell, Chairman. Mr. McDowell thanked everyone for attending and stated that the meeting would be recorded for transcription purposes.

### **ROLL CALL:**

Joseph Swanderski, Secretary, took Roll Call, recording eight members present. Mr. McMurtrie was excused from the meeting. Mr. McDowell, Chairman, noted that with a quorum present, the Spring-Benner-Walker Joint Authority was permitted to conduct business under the laws of Pennsylvania.

### **PLEDGE OF ALLEGIANCE:**

Mr. McDowell, Chairman, led the Board members and Employees in the Pledge of Allegiance.

**APPROVAL OF MEETING MINUTES:**

Mr. McDowell asked the Board if there were any questions and/or changes to the November 14, 2022 meeting minutes as presented. **Mr. Houser moved, seconded by Mr. Hoffman to approve the Minutes of the November 14, 2022 Regular Meeting as presented.** 8 ayes, 0 nays, 1 absent. **The motion carried.**

**CORRESPONDENCE:** There was no Correspondence presented for discussion.

**FINANCIAL REPORTS:**

**Treasurer's Report:** Mr. Kuzemchak reviewed the financial reports for the period ending 10/31/2022. Mr. McDowell asked if there were any questions regarding the Treasurer's Report. **Mr. Book moved, seconded by Mr. Houser to approve the Treasurer's Report as presented.** 8 ayes, 0 nays, 1 absent. **The motion carried.**

**APPROVAL OF PAYMENTS:**

Approval of Requisitions:

**Revenue Fund Requisition 2020-63–** Mr. Kuzemchak presented the Board with Revenue Requisition #2020-63 in the amount of \$50,643.05. Mr. McDowell asked if there were any questions regarding the presentation of Revenue Fund Requisition 2020-63. **Mr. Galbraith moved, seconded by Mr. Book to approve Revenue Requisition 2020-63 payable to SBWJA in the amount of \$50,643.05.** 8 ayes, 0 nays, 1 absent. **The motion carried.**

**GUESTS:** There were no Guests present for the meeting.

**EXECUTIVE DIRECTOR'S REPORT:**

**Environmental Hearing Board Renders Decision of Appeal (Act 537 Plan Special Study) –** Mr. Miller indicated the Environmental Hearing Board rendered a decision in Mr. Stocker's appeal of the Act 537 Plan Special Study for Benner Township on November 18, 2022, in which the appeal was dismissed. The Adjudication was emailed to the Authority Board Members on November 18, 2022. Mr. Miller indicated that Mr. Stocker may file a petition for reconsideration within ten (10) days of November 18, 2022. If he chooses not to file for reconsideration, he may file an appeal to the Commonwealth Court within 30 days of November 18, 2022.

**Filing of Petition for Recovery of Attorney's Fees and Costs** – Mr. Miller informed the Board that Mr. Mix has asked if the Authority would like to file a petition to recover its attorney's fees and costs associated with Mr. Stocker's appeal of the Act 537 Plan Special Study. According to Mr. Mix, the prevailing party is not automatically entitled to recover its attorney's fees and costs and its right to do so must be specifically provided for by statute, which is currently being researched by Mr. Mix. The petition must be filed within 30 days of November 18, 2022. Discussion was held about the compiling of the costs, the total costs tracked to date and which costs are to be included with the filing of the petition. **Mr. Book moved, seconded by Mr. Kuzemchak to authorize Robert Mix, Esquire to move forward with filing a petition for recovery of attorney's fees and costs associated with Mr. Stocker's appeal of the Benner Township Act 537 Plan Special Study.** 8 ayes, 0 nays, 1 absent. **The motion carried.**

**OLD BUSINESS:**

**Shiloh Road Area Sewer Extension Engineering Costs (Remaining Work & Additional Work Summary)** - Just prior to the last board meeting Mr. Johnson provided Mr. Miller with a Remaining & Additional Work Summary report for the Shiloh Road Area Sewer Extension project for his review prior to the document being issued to the Authority Board. The report details the remaining work that Gwin, Dobson & Foreman will need to complete as part of the final design phase and the additional work completed that was not part of the engineering contract.

The additional work completed to date includes the redesign of the airport crossing, the pump station alternative evaluation (suction lift vs. submersible), the Hydrologic & Hydraulic (H&H) study for pump station no. 1, the wage escalation due to design not being completed in 2019 and the additional expense associated with the Act 537 Plan Special Study. The total of the additional work items and cost impacts is \$69,498.00.

The total cost of the remaining work associated with the final design phase is \$71,832.00 with only \$2,193.10 remaining of the lump sum fee of \$120,000.00. Mr. Johnson would like to have a discussion with the Authority Board at the next meeting to review the work summary report and address the additional costs going forward. The Board indicated they would like Mr. Johnson to provide a more detailed (itemized) report with costs for consideration at the next meeting. Mr. Miller will discuss this further with Mr. Johnson so he can have the requested information for the December 12, 2022 Authority Board meeting.

**NEW BUSINESS:** There was no New Business presented for discussion.

**QUESTIONS FOR THE EXECUTIVE DIRECTOR:**

**Shiloh Road Sewer Extension Project Anticipated Timeframe for Construction** - Mr. Book asked Mr. Miller if he had an idea when the Shiloh Road Sewer Extension project would be placed out for bid. Mr. Miller stated the permitting process was delayed until the results of the appeal were disclosed, so he anticipates applying for the permits in 2023 and bidding the project in 2024 or 2025.

**COMMITTEE REPORTS:**

**Personnel & Community Relations Committee:** Mr. Hoffman had nothing to report.

**Facilities Committee:** Mr. Houser had nothing to report.

**Financial Committee:** Mr. McMurtrie was absent from the meeting and Mr. Kuzemchak had nothing to report.

**ADJOURNMENT:**

**Mr. Book moved, seconded by Mr. Maney to adjourn the meeting at 7:44 p.m. 8 ayes, 0 nays, 1 absent. The motion carried.**

Respectfully submitted,

  
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Joseph Swanderski, Secretary

  
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Kelly J. Gill, Recording Secretary

CC: Benner Township \_\_\_\_\_  
Spring Township \_\_\_\_\_  
Walker Township \_\_\_\_\_