

**SUMMIT TOWNSHIP SEWER AUTHORITY
MONTHLY BUSINESS MEETING
DECEMBER 22, 2022**

The regular monthly business meeting of the Summit Township Sewer Authority was called to order with the Pledge of Allegiance at 9:00 a.m. at the Sewer Authority Building, 8890 Old French Road, Erie, Pennsylvania. **CALL TO ORDER**

Present: Mark Welka, Treasurer; Laban Marsh, Secretary; Michael Andrus, Ass't Secretary; William C. Steff, P.E., Manager; Solicitor George Joseph, The Quinn Law Firm; Chad Yuriscic, P.E., Greenman-Pedersen; Chris Hodge, Assistant Project Manager; and Caitlyn Haener-Schwab, Administrative Supervisor. Absent: Chris Fette, Chairman; Michael Rose, Vice Chairman. Visitor: Ben Konzel, president of Konzel Construction. **ROLL CALL**

Motion by Mr. Andrus, seconded by Mr. Marsh, to approve the minutes of the November 17, 2022, Regular Business Meeting. Vote 3/0. **11/17/22 MINUTES**

Motion by Mr. Andrus, seconded by Mr. Marsh, to approve the minutes of the December 6, 2022, Special Meeting. Vote 3/0. **12/6/22 MINUTES**

Motion by Mr. Marsh, seconded by Mr. Andrus, to approve the Treasurer's Report as submitted to and reviewed by all Board members. Vote 3/0. **TREASURER'S REPORT**

Motion by Mr. Andrus, seconded by Mr. Marsh, to approve the Expenditure Report as submitted to and reviewed by all Board members. Vote 3/0. **EXPENDITURES**

SOLICITOR'S REPORT

Solicitor Joseph reported that he has reviewed the final version of the Temporary Lateral Connection Agreement and a Reimbursement Agreement with Ramona Mysnyk for 1151 Townhall Road West. Solicitor Joseph explained that the Board conditionally approved standard versions of the agreements with Mysnyk at the July 28, 2022, Regular Business Meeting. Mysnyk did not counter-sign the standard agreement and her attorney requested changes. Solicitor Joseph has found the changes to be acceptable and in compliance with the Municipal Authorities Act. Solicitor Joseph recommends that the Board approve the revised agreements. **MYSNYK (1151 TOWNHALL ROAD WEST)**

Solicitor Joseph reported that he has reviewed the potential damage claim resulting from a sewage backup at Plastikos (8165 Hawthorne Drive). Solicitor Joseph provided the Authority with an opinion letter on the issue of the Authority's liability and the applicability of the sovereign immunity provisions of the Political Subdivision Tort Claims Act. Solicitor Joseph advised that the immunity provisions would likely apply and, if they do not, that the Authority is to be indemnified by Terra Works under their contract. Solicitor Joseph asked the insurance agent for the Authority to notify the liability insurance carrier about the potential claim so that there would be no prejudice to the Authority if Plastikos makes a claim. Solicitor Joseph reported that Terra Works' liability carrier is involved, and the claim is still open. Solicitor Joseph reported that the **PLASTIKOS/ TERRA WORKS SEWAGE BACKUP**

claim adjuster expects the claim to be resolved quickly. Solicitor Joseph advised that he considers the matter concluded at this point.

PLASTIKOS
BACKUP (Cont.)

Solicitor Joseph reported that he has been working on the Developer Agreement with the Pennsylvania State Police. Solicitor Joseph reported that he is working with the assistant counsel in the Department of General Services regarding possible compromises.

PA STATE
POLICE

ENGINEER'S REPORT

Engineer Yurisc reported that he has been working on PA Dept. of Community and Economic Development (DCED) grant applications for the Route 99, Hershey, and Hamot Roads and bore to southside of I-90 Project, the Route 97 Surge Detention Facility Project, and the Ennis Subdivision Sewer Line Rehabilitation Project. Engineer Yurisc and Manager Steff submitted the grant applications on December 20, 2022. Engineer Yurisc anticipates that the grants may be awarded as early as July 2023.

DCED GRANT
APPLICATIONS

Engineer Yurisc has reviewed a request for Change Order 1 submitted by Konzel Construction for the Old Perry Relief Sewer Contract 2022-01. The original contract stipulated that the forcemain would be HDPE pipe installed via directional drilling. The contractor has proposed to install DR18 C-900 PVC using open cut trench and backfill for his own convenience. Therefore, the change order is for method and materials. The contractor is requesting the change because he would like to start construction in mid-January, but directional drilling in freezing conditions is difficult. The proposed change will result in a decrease of \$60,500.00 in the contract price, from a total of \$770,000.00 to \$709,500.00.

OLD PERRY
RELIEF
CONTRACT:
CHANGE
ORDER 1

Manager Steff reported that he has discussed the proposed change order with Chairman Fette. Manager Steff relayed that Chairman Fette stated that the change in method and material is acceptable to him as long as it is acceptable to the Township. Mr. Welka stated that he has discussed the proposed changes with Township Engineer Jonas and they are satisfied that the change still meets Township requirements. Mr. Welka added that the road cut should be scheduled closer to Spring for better road restoration. Manager Steff relayed that Chairman Fette wanted the contractor to confirm that the price still includes all temporary and permanent restoration. Mr. Konzel confirmed that all temporary and permanent surface restoration is included in the price. Manager Steff relayed Chairman Fette's concern about meeting the time constraints of the grant award and that the Authority should approve changes only if the project will still be completed within the grant timeframe. Mr. Konzel confirmed that he still plans to have the project 100% complete by June 15, 2023. Manager Steff asked Mr. Konzel to confirm that, despite the variables that may arise, all temporary and permanent restoration will be done using Township approved methods and materials. Mr. Konzel confirmed that all restoration methods and materials will be those approved by the Township.

Motion by Mr. Marsh, seconded by Mr. Andrus, to approve Change Order 1 to modify certain method and materials, and decrease the contract price by \$60,500.00 for Contract 2022-01 Old Perry Relief Sewer. Vote 3/0.

APPROVE
CHANGE
ORDER 1

Mr. Konzel left the meeting at 9:13 a.m.

Engineer Yurisc reported that he attended the preconstruction meeting with Konzel Construction and the Authority staff on December 8, 2022, for Contract 2022-01 Old Perry Relief Sewer and Contract 2022-03 Connection Assistance Project. PRECONSTRUCTION MEETING

MANAGER'S REPORT

Manager Steff presented the revised Temporary Lateral Connection Agreement with Ramona Mysnyk for 1151 Townhall Road West. Manager Steff explained that the Temporary Lateral Connection Agreement was revised to reflect that the work was already done, because the standard agreement contemplates a sewer connection that will be made after signing. Mrs. Mysnyk has signed the agreement. Manager Steff recommends that the Board approve the agreement. MYSNYK (1151 TOWNHALL ROAD WEST)

Motion by Mr. Andrus, seconded by Mr. Marsh, to enter into the revised Temporary Lateral Connection Agreement with Ramona Mysnyk for 1151 Townhall Road West. Vote 3/0. APPROVE TEMP. LATERAL AGREEMENT

Manager Steff presented the revised Reimbursement Agreement with Ramona Mysnyk for 1151 Townhall Road West. Manager Steff explained that the agreement establishes \$13,801.69 as reimbursable expenses associated with the cost of her forcemain. The agreement also establishes that, for each new connection made to her forcemain within the next ten years, the Authority will collect \$1,533.52 per equivalent dwelling unit (EDU) and distribute the funds to Mrs. Mysnyk, less a five-percent handling fee. Mrs. Mysnyk has signed the agreement. Manager Steff recommends that the Board approve the agreement.

Motion by Mr. Andrus, seconded by Mr. Marsh, to enter into the Reimbursement Agreement with Ramona Mysnyk for 1151 Townhall Road West. Vote 3/0. APPROVE REIMBURSEMENT AGREEMENT

Manager Steff reported that the Authority's Personnel Code requires employees to get Board approval to carryforward any vacation time that is unused by the end of the year. Manager Steff reported the amount of time each employee was requesting to carryforward and that the aggregate value of the carryforward request is \$3,697.50.

Motion by Mr. Marsh, seconded by Mr. Andrus, to approve the vacation carryforward requested by all employees from 2022 to 2023. Vote 3/0. APPROVE VACATION CARRYFORWARD

Manager Steff reported Millcreek Township Sewer Authority (MTSA) has informed the Summit Township Sewer Authority that they are planning to replace the Kearsarge Forcemain at an estimated total cost of \$3,758,976. The MTSA stated that they have applied for a 50% H2O Grant for the Kearsarge Forcemain Project. Manager Steff advised the Board that the STSA's share of the project costs will be based on the percentage of flow volume. MTSA: KEARSARGE FORCEMAIN PROJECT

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NEW BUSINESS

None.

With no further business to come before the Board, Mr. Andrus motioned to adjourn, seconded by Mr. Marsh. Vote 3/0.

ADJOURNMENT

Chairman Pro Tem Welka adjourned the meeting at 9:30 a.m.

Respectfully submitted by,

Caitlyn Haener-Schwab
Administrative Supervisor