

Cecil Township Municipal Authority
Monthly Meeting
November 16, 2021

The Cecil Township Municipal Authority held its regular monthly meeting on Tuesday, November 16, 2021. Chairman Patricia Mowry called the meeting to order at 5:00 PM with Patti Mowry, Frank Ziembra, Darlene Barni, and Timothy Stiffey in attendance. Also present were Attorney Romel Nicholas Gaitens, Tucceri and Nicholas; Kevin Brett of Lennon, Smith, Souleret Engineers (LSSE); Walter O'Shinski P.E and Gregory Gennuso. Donald V Gennuso attended remotely.

MINUTES OF OCTOBER 19,2021

The Board on a unanimous vote on a motion by Timothy Stiffey and a second by Darlene Barni approved the minutes of October 19, 2021.

COMMENTS FROM THE FLOOR

Michael DiMateo owner of a home on Route 980 Road, asked if the backflow preventer that was installed on the private lateral of the home was the Authority's or his responsibility, if there was also an automatic preventer installed and if the Authority would help with the cost or at the very least help him to purchase a new cutting-edge backflow preventer for the property. Walter O'Shinski explained that several homes in that area received automatic backflow preventer as well shutoff valves in a manhole that were installed on private laterals and were the homeowner's responsibility to maintain. The Board cited policy on private laterals and stated that they would help to sponsor a purchase of the backflow preventer if Mr DiMateo cannot procure it. Mr. DiMateo also shared that there is infiltration in the main sewer line. Walter O'Shinski stated that in the spring when the ground water is high, we will be able to access and seal those leaking manholes. Walter also volunteered to have some dye testing done on the property itself to ensure everything is flowing correctly.

ENGINEER'S REPORT

LAWRENCE PROJECT UPDATE

Kevin Brett updated the Board on status of the Lawrence project. Kevin informed the Board that the Pennvest loan application was submitted. The Part II permit items requested were submitted and Kevin expects the Part II permit to be issued next week.

Frank Ziembra asked if the property for the plant was acquired. Kevin informed everyone that we did have site control and Walter informed everyone that the site was cleared.

Romel Nicholas circulated an enabling resolution for the next wave of condemnations for the easements. Romel requested a motion by the Board to approve. The Board on a unanimous vote on a motion by Darlene Barni and a second by Frank Ziembra authorized the resolution. **This Motion was amended and revoted upon see A Motion to Amend.**

Romel Nicholas requested a surety bond to be escrowed to be put toward the condemnation. Walter O'Shinski recommended an amount of \$78,000 to cover the remaining length of easements. The Board on a unanimous vote on a motion by Frank Ziembra and a second by Timothy Stiffey authorized the bond. **This Motion was amended and revoted upon see A Motion to Amend.**

SOLICITOR REPORT

Romel Nicholas informed the Board that all five municipal bodies have voted to move forward with the litigation against CHJA, Canonsburg, and Houston. There is an injunctive motion to stop future payments from CHJA to Canonsburg and Houston and there is also a complaint that requests repayment of those past payments. The complaint also addresses the questionable pension matter that occurred when CHJA became an operating authority. Romel requested a motion for Authority management to be able to sign documents in regards to the CHJA litigation. The Board on a unanimous vote on a motion by Frank Ziembra and a second by Darlene Barni authorized the motion.

Patricia Mowry informed the Board that the McCullough issue is still pending a response from the Assistant DA.

BUSINESS MANAGER REPORT

OCTOBER 2021 FINANCIAL REPORT

Greg Gennuso circulated the October 2021 financial report for review.

USER RATE INCREASE FOR 2022 and SCHEDULE A

Greg Gennuso informed the Board that the only rate change is the Service charge going to \$18.00 a month for all customers. This aligns with the Budget analysis schedule done by Lennon Smith Souleret to bring us closer to a uniform rate with the Lawrence Project looming. The Board on a 4-1 vote on a motion by Frank Ziembra and a second by Timothy Stiffey authorized the rate change. Donald V Gennuso abstained as he had not had a chance to review.

Darlene Barni asked a question on behalf of a well customer resident. If the well customer could install a meter to have an actual water usage reading, rather than the average that is charged now. Greg Gennuso informed Darlene that the Authority does not have the field staff to accomplish the task currently and if we did have the staff there

would be a read fee that would negate any savings.

Greg Gennuso circulated and explained that Schedule A is a complete overview of Cecil Township Municipal Fee Structure for all services provided by the Authority. It is a compilation of several resolutions allowing for changes to be made more efficiently. Patricia Mowry reviewed the highlighted parts of Schedule A which represented a variation from what the previous policy was. The main areas covered were the rate increase to 18.00, the changing of the penalties and interest to reflect a 10% penalty and then interest, the increasing of dye test fees, lien letter fees, meter reading appointment fees, and planning module fees for 2022. Most of these fees have not changed for quite some time. The Board on a 4-1 vote on a motion by Frank Ziemba and a second by Timothy Stiffey authorized the rate change. Donald V Gennuso abstained as he had not had a chance to review.

WINTER MORATORIUM WITH PAWC

Greg Gennuso informed the Board that the Winter Moratorium that halts all water shut off processes by the PA American Water Company (PAWC) from December 1 to March 31 due to residences' that may have hot water heat. Greg Gennuso informed the Board that hot water heat residences in the Township are in the single digits and the signing of the moratorium will allow processing of shutoffs. The Board on a unanimous vote on a motion by Frank Ziemba and a second by Darlene Barni authorized signing the moratorium with the internal policy of not shutting off residences that have proof of hot water heat.

AUTHORIZE TRANSFER OF FUND FROM CAPITAL IMPROVEMENT FUNDS TO BANK ACCOUNT

Greg Gennuso presented the letter to go to the trustee to request capital improvement and redemption funds to be transferred from the 2016 bonds to pay the cost of acquiring capital additions to the Authority's Sewer System. The amount of this transfer is 360,605.80 and will be transferred to our CFS capital bank account. The Board on a unanimous vote on a motion by Timothy Stiffey and a second by Frank Ziemba approved the transfer.

MOTION ON ACCOUNT SERVICES

Patricia Mowry gave an overview on the account services that she performed to justify the invoice that was submitted for payment. This is in reference to the aligning of the billing system to the accounting system that Patti discussed with Greg Gennuso so that the systems would work hand in hand. Patricia Mowry informed the Board that she had verbally contacted the ethics office and spoke with Attorney Jeff Frankinberg on November 16, 2021. She indicated that there does not have to be a bidding process and if it is on the agenda, stated in a Public Meeting, the purpose of the work performed, why it was performed, and with the majority of the Board voting in favor it is acceptable. Patti

stated that she has also requested a letter from our Auditor that the financial statements will reflect that work was done by a Board member. Ms. Mowry stated that the ethics Attorney advised her that there are no consequences to the Board or authority by paying Ms. Mowery for the accounting service performed. The only person affected would be Ms., Mowery specifically and she may have to pay the money back if an investigation determined that there was a violation of the Ethics Act.

Romel Nicholas proceeded to read verbatim the applicable section of the Ethics Act. “No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated, unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making of the contract or subcontract.”

Romel then read Section 5614. (e) Conflict of Interest from the Municipality Authorities Act which reads “No member of the authority or officer or employee of the authority may directly or indirectly be a party to or be interested in any contract or agreement with the authority if the contract or agreement establishes liability against or indebtedness of the authority. Any contract or agreement made in violation of this subsection is void, and no action may be maintained on the agreement against the authority.”

Romel indicated that this type of work is typically vetted out before the work is done and that there was a procedural misstep in this case. On several occasions he again read the pertinent sections of the Acts for the benefit of the Board members to understand the position that he has taken on this subject. As solicitor for the Authority he recommended against authorizing this payment to be made, not for lack of work, the need of the work, or the quality of work, but for the process in which it is being approved.

Donald V Gennuso commented that the emails presented for payment of the invoice and Ms. Mowery’s explanation of her discussion with the ethics attorney were not sent to him and were subsequently forwarded to him by Greg Gennuso. Donald V Gennuso stated that this Board did not formally approve a rate, did not formally approve a scope of work, and the Board has never contracted any work without setting a limit of funds before the work was completed. Mr. Gennuso emphasized that the Board did not take a formal action to authorize the work. He continued by stating that it is not ethically correct and anybody that votes for this is not doing the ethically correct thing.

Frank Ziembra and Timothy Stiffey asked if there was any way to rectify this situation. Romel indicated that the work could be taken to other firms for quotes, but does not

recommend this as an option at this point because the Act specifically states “including prior public notice and subsequent disclosure” and this required procedure was not followed in this situation. Romel also clarified to the Board, that he did not research this as an option to cure the situation.

Walter O’Shinski indicated that the authority minutes do not reflect an approval by the Board to perform the accounting services. Walter O’Shinski commented that this was a sensitive issue and that a proposal should have been submitted for approval prior to the work being done. Mr. O’Shinski also indicated that he was excluded from the emails presented by Ms Mowry for payment of the invoice and her explanation of the discussion with the ethics attorney. These emails were subsequently forwarded to him by Greg Gennuso.

Patricia Mowry stated that proposals could be gathered if it satisfies the Board. Patricia Mowry expressed that she has been working in the best interest of the Authority and that there is not going to be a right or wrong just a matter of interpretation.

The Board on a 3-1 vote on a motion by Darlene Barni and a second by Timothy Stiffey approved the payment on the account services. Donald V Gennuso voted no. Patricia Mowry abstained. **This Motion was amended and revoted upon see A Motion to Amend.**

A MOTION TO AMEND THE AGENDA FOR THE FOLLOWING MOTIONS:

The Board on a unanimous vote on a motion by Darlene Barni and a second by Frank Ziembra amended the agenda.

A motion enabling resolution for the next wave of condemnations for the easements. The Board on a unanimous vote on a motion by Timothy Stiffey and a second by Darlene Barni authorized the resolution.

A motion for a surety bond to be escrowed to be put toward the condemnation. The Board on a unanimous vote on a motion by Frank Ziembra and a second by Timothy Stiffey authorized the bond.

The Board on a 3-1 vote on a motion by Darlene Barni and a second by Frank Ziembra approved the payment of the account services. Donald V Gennuso voted no. Patricia Mowry abstained.

REVIEW OF CORRESPONDENCE

There were no comments on the monthly correspondence.

PAYING OF EXPENSES/TRANSFER OF FUNDS ETC.

The Board by a 4-1 vote on a motion by Frank Ziembra and a second by Timothy Stiffey

authorized payment of expenses and transfers as follows:

DMR Review and Approval; Payment of Expenses/Invoices etc.
Employee Payroll; 941 Tax Deposit; Employee State Tax Payment
Discharge Monitoring Reports were approved for submission to the PADEP

Donald V. Gennuso voted no to the payment to Patricia Mowry. Patricia Mowry approved the checks but abstained from the voting on the check to herself.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

EXECUTIVE SESSION

The Board on a motion by Darlene Barni and a second by Frank Ziembra entered an executive session at 7:31 pm to discuss personnel.

The Board exited executive session at 7:43 pm with no motions.

ADJOURNMENT

There being no other business, the Board by a unanimous vote on a motion by Darlene Barni, and a second by Frank Ziembra the meeting was adjourned at 7:43 P.M. The next regular meeting is scheduled for 5:00 P.M. Tuesday, December 21, 2021.

AUDIO RECORDING OF MEETING

An audio recording of the meeting is on file and available for review as a part of the minutes.

Secretary