

UPPER MERION SANITARY AND STORMWATER AUTHORITY
January 17, 2023 MEETING
6:30 P.M.

The members of the Upper Merion Sanitary and Stormwater Authority met for their regular meeting on Tuesday, January 17, 2023 via the Township Building, 175 West Valley Forge Road, King of Prussia, PA. The meeting was called to order at 6:34 p.m. and commenced with the pledge of allegiance.

ATTENDANCE

Diane Reilly, Chair
James Ruddy, Vice Chair
Edmund Campbell, Assistant Secretary/Assistant Treasurer (via ZOOM)
Lyn Fields, Treasurer
Glen Smith, Asst Secretary/Treasurer
Anthony Hamaday, Executive Secretary
Geoff Hickman, Director of Public Works
Nick Hiriak, Finance Director
Carole Kenney, BOS Liaison
Steve Hann, Solicitor (via ZOOM)

PUBLIC COMMENT: None

SANITARY AND STORMWATER AUTHORITY REORGANIZATION FOR 2023

It was moved by Mrs. Fields, seconded by Mr. Smith, all voting "Aye" to appoint Mr. Hamaday as Temporary Chairperson. None opposed. Motion approved 5-0.

It was moved by Mrs. Fields, seconded by Mr. Smith, all voting "Aye" to appoint Mrs. Reilly as Chairperson of the Authority. Without further nominations from the floor, the nominations were closed and Mrs. Reilly was appointed Chairperson by a unanimous vote of 5-0.

It was moved by Mrs. Fields, seconded by Mr. Smith, all voting "Aye" to approve the following appointment en bloc. None opposed. Motion approved 5-0.

Mr. Ruddy was appointed Vice-Chairman of the Authority.
Mr. Campbell was appointed Secretary of the Authority.
Mrs. Fields was appointed Treasurer of the Authority.
Mr. Smith was appointed Asst Secretary/Treasurer of the Authority.

APPOINTMENTS

It was moved by Mrs. Reilly, seconded by Mrs. Fields, to nominate the following and approve appointments en bloc: None opposed. Motion approved 5-0.

Mr. Hamaday was appointed Executive Secretary.
Mr. Hiriak was appointed Accountant.
The firm of SC Engineers, Inc. was appointed as Consulting Engineer, at the rate listed in their letter of intent.
Mr. Steve Hann of the firm Hamburg, Rubin, Mullin, Maxwell & Lupin, P.C., was appointed Solicitor, at the rate listed in their letter of intent.

ESTABLISHMENT OF MEETING DATE:

It was moved by Mr. Ruddy seconded by Mrs. Fields, all voting "Aye", to set the third Tuesday of each month, at 6:30 p.m. as the Authority's regular meeting date and time. Meetings will be held in the Board Room of the Township Building, unless otherwise advertised. None opposed. Motion approved 5-0.

CHAIRPERSON COMMENTS:

Mrs. Reilly announced that the Authority will hold an executive session immediately after the meeting to discuss litigation.

MEETING MINUTES APPROVAL:

On a motion by Mrs. Fields, seconded by Mr. Ruddy, to approve the December 19, 2022 meeting minutes: (motion carried 5-0)

OLD BUSINESS - None

NEW BUSINESS:

A. Matsunk WPCC Storage Facility Final Compensating Change Order No. 2

Mr. Campbell made a motion, seconded by Mr. Ruddy, to award the Matsunk WPCC Storage Facility Final Compensating Change Order No. 2 for the driveway paving cost proposal from LA Builders in the amount of \$20,800, which includes a price adjustment due to the Asphalt Index price increase from 2021 to 2022.

Motion carried 5-0

EXECUTIVE SECRETARY'S REPORT:

Mr. Hamaday informed the Authority that the Mancill Mill Townhouse Development received final approval from the Board of Supervisors and that PA DEP has indicated that they want the Township to own the pump station proposed by the developer for the development. Mr. Hamaday informed the Authority that the Township has informed DEP that we do not want to own or assume responsibility for the sewer facilities in the private development but DEP is pushing back. Mr. Hann indicated that DEP wants the permittee for the project to be the township but it can be someone else as long as DEP's requirements are met. The Township will have to have additional discussions with DEP and the Developer.

ENGINEER'S REPORT:

Mr. Ciottoni informed the Authority that he has completed a review of the tapping fee and based on the findings, an increase in the fee from \$9000 to \$11,200 is possible. Mrs. Reilly indicated that such an increase could affect affordability in connecting to the system. The Authority discussed the need for increasing the fee based on increased costs and made decision on a moderate increase of the fee to \$10,100.

Mr. Fields made a motion, seconded by Mr. Smith to authorize the Authority Solicitor to prepare a resolution increasing the tapping fee to \$10,100 for consideration at the February Meeting.

Motion carried 5-0

SOLICITOR'S REPORT:

Mr. Hann updated the Authority on the final PFOS regulations that have been published on the PA Bulletin for water quality regulation. We are still waiting for a decision from the EPA on PFOS regulation in wastewater treatment. He indicated that he would continue to update the Authority as decisions are made.

DIRECTOR OF PUBLIC WORKS REPORT:

Mr. Hickman informed the Authority that the Swedesburg Pump Station Upgrade project Pre-bid meeting was held in January and over 2 dozen contractors attended. He indicated that the bid award recommendation would be ready for the Authority's February meeting.

Mr. Hickman also indicated that ARRO Consulting is working on several construction project which will be ready for the Authority's authorization in early spring.

DIRECTOR OF FINANCE REPORT:

Mr. Hiriak provided the report and informed the Authority that \$480,000 was received from the Twp as part of their contribution and that the current fund balance as of December is \$11.5 million among the Authority's accounts. He also added that any potential tapping fee increase can be justified.

REQUISITIONS — January 18, 2022

Authority Action:

It was moved by Mrs. Fields, seconded by Ruddy, all voting "Aye" to approve the January 17, 2023 Requisition List in the amount of \$111,153.67. None opposed. Motion approved 5-0.

STORMWATER

West Chester Boro vs. PSSHEA Stormwater Case

Mr. Hann reviewed for the Authority the recent Commonwealth Court decision on the case where they found that the Borough's stormwater fee was a tax as it applied to the PA State Association of Higher Education and therefore PSSHEA was exempt from paying the fee. The Authority was concerned that this decision will impact all tax-exempt properties in the township. Mrs. Reilly questioned whether or not those municipalities that have already started collecting fees from all properties in their respective jurisdictions would have to pay back money. Mr. Hann indicated that there will probably be lawsuits seeking reimbursement. Mr. Hann also suggested that the Borough will most likely appeal to the PA Supreme Court. Mrs. Reilly questioned how long such an appeal would take? Mr. Hann indicated that it will take some time and they may look at whether all such fees are really a tax and whether the lower court's decision is just limited to governmental agencies.

Mrs. Kenney asked if other municipalities can join in on any appeal? Mr. Hann indicated that they could only do so as an Amicus Party and file a brief to the court.

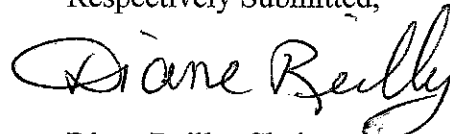
Mr. Hickman added that based on his review of the parcels in the Township, 259 out of 10,700 are currently tax -exempt. 91 of those do not have any impervious surface and those remaining would generate approximately \$150,000 in fees.

Public Comment - None

ADJOURNMENT

There being no further business to come before the Authority, Mrs. Fields made a motion, seconded by Mr. Smith to adjourn the meeting at 7:29 p.m. motion carried 5-0

Respectively Submitted,



Diane Reilly, Chairperson