

# Weaverland Valley Authority

## Meeting Minutes

August 10, 2020

The Board of the Weaverland Valley Authority (“Authority”) met at the East Earl Township building 4610 Division Hwy, East Earl, Lancaster County, Pennsylvania on August 10, 2020. Chairman Ken Witmer called the meeting to order at 6:30 p.m.

The following Board members were present: Ken Witmer, Harold Kilhefner, Gene Pierce, Randy Miller (via phone), Scot Ash, and Jason Firestine. Also present were Gary Martin, Becker Engineering (via phone); Charles Haley, ELA; Bruce Crabb, Operations Supervisor (via phone); and Denise Bensing, Administrator.

**MINUTES:** A motion was made by Harold Kilhefner, seconded by Scot Ash, that the minutes of the July 13, 2020 meeting be approved as submitted. The motion carried unanimously.

### **PUBLIC COMMENT:**

Daryl Peck, Concord Public Finance – Daryl presented information regarding the payoff of the 2016 Note with Fulton Bank and the tapping fee capital contribution requirement with USDA. Daryl explained that the balance on the note is \$987,810 of which approximately \$731,985 is for USDA eligible costs. If the Authority would choose to pay off the note instead of extending the maturity date, the costs involved in extending the note would be saved and the eligible costs would be part of the Authority contribution required by USDA. Daryl also explained that the Authority has spent approximately \$1,247,672 in eligible costs out of pocket leaving approximately \$247,344 to meet the required contribution. Gene Pierce made a motion based on Daryl’s recommendation and conditional on Sean’s McElroy’s approval to pay off the 2016 Fulton note, seconded by Jason Firestine. Motion carried unanimously.

Brian King, 1406 Earl Ave. – Mr. King would like to install a fence but the proposed layout of the fence would encroach on the Authority sewer easement on the property. Mr. King’s contractor, Smucker’s Fencing, proposed installing removable fencing in the area of the easement. Bruce noted that the sewer line in that area is an important section but the manhole would still be accessible. Bruce would also be concerned with the depth of the fence posts. It’s estimated that the gravity line is approximately 5-7 feet deep in the rear of the property and approximately 3-4 feet deep at the front of the property. Mr. King noted that he understands that he would be responsible for additional costs in removal of the fence and replacing it. Harold Kilhefner made a motion to have Bruce work with Frank to develop an easement encroachment agreement for the fence at 1406 Earl Ave. with the property owner being responsible for the cost of developing and recording the agreement, seconded by Gene Pierce. Motion carried unanimously.

Ivan Martin (ISM Construction) representing Jordan Sensenig, 53 Gentle Dr. – Mr. Martin explained that the property owner purchased Lots 13 & 14 and joined them into one lot. A garage is in the process of being constructed on what was the second property and a shower is proposed for the basement. To connect into the dwelling system would mean crossing a 30’ easement for both water and sewer. There are water and sewer lines stubbed out for what was the second property and Mr. Martin is proposing to connect at the stubs instead of crossing the easement. He asked if the board would possibly waive any tapping fees for this connection. Bruce reported that he doesn’t think it is feasible to cross the easement because the lines within the easement are major arteries to the system. The board is concerned with allowing him to connect to the stubs and waiving the tapping fees because of setting a precedent. The board requested that Denise contact Frank and see what the options are.

### **CORRESPONDENCE:**

1. M.J. Reider lab reports (Shady Maple) July – Gary noted that the flow continues to be low but there will be a small surcharge for Phosphorus again this month.
2. Blakinger Thomas – Liens satisfied for Crosson, 1263 East Earl Rd.
3. Marcus Diem, 685 Overlys Grove Rd. – Mr. Diem requested his penalty be waived because he didn’t receive his bill. It was noted that he was only late one time recently. Gene Pierce made a motion to waive the penalty this one time, seconded by Jason Firestine. Motion carried unanimously.
4. Steckbeck Engineering for Lighthouse Assembly of God – A request for 3 EDU’s of sewer capacity for the proposed church facility to be located on the north side of Rt. 23 across from Shady Maple. Gene Pierce made a

motion to approve the capacity request, seconded by Scot Ash. Motion carried unanimously. Denise will send the standard capacity letter.

**ADMINISTRATIVE REPORT:**

Denise reported that she passed her notary test and is planning on getting sworn in on Wednesday.

Denise also reported that she received information from Energy Professional because electric supplier rates are low. The rates can be locked in now and would start when our current contracts end in April and May 2021. Although the contracts would start on different months, the terms would end at the same time. The best rate at this time is a 24 month contract with AEP for \$0.05748 per kWh. Scot Ash made a motion to lock in the 24 month rate with AEP, seconded by Gene Pierce. Motion carried unanimously.

Denise noted that a Day-to-Day meeting should be scheduled. The committee members agreed on August 25<sup>th</sup>. The budget committee will look to schedule a budget meeting in September to discuss the capital budget.

**FINANCIAL REPORT:**

The Financial report was read with \$96,405.57 (Sewer \$67,188.54 Water \$29,217.03) in bills for approval.

Water & Sewer Collection Fund	\$22,813.06
Business Checking Water Fund – ENB	\$100,000.00
FDIC Insured Sweep Account – Water	\$754,370.94
Construction Account – ETSA Upgrades	\$984.99
FDIC Insured Sweep Account - Sewer	\$2,601,420.35
Business Checking Sewer Fund - ENB	\$250,000.00
Business Checking – Fulton Bank	\$210.46
FDIC Insured Sweep Account – Fulton	\$1,025,653.71
Joint WWTP Business Checking – Fulton Bank	\$2,500.00
Joint WWTP Business Checking – Ephrata National Bank	\$2,500.00
Fulton Bank Loan Balance	\$987,910.00

A motion was made by Scot Ash to approve the financial report and pay the bills, seconded by Jason Firestine. Motion carried unanimously.

**ENGINEERS' REPORT:**

**Chuck Haley** reported that he thinks everything regarding the constructability review has been completed except for a couple items to be discussed with the construction committee. ELA is still waiting to hear from Judith from USDA. The next step will be to submit the plans for building permit and code review with one of the Township's 3<sup>rd</sup> party inspectors. Both Chuck and Gary recommended selecting ABI. It was noted it may take a month for this review.

ELA received Judith's approval of the amendment to ELA's E-500 agreement (Exhibit K). ELA has also received "all clear" responses from 2 of the 4 major Native American tribes. ELA has followed up with the remaining two tribes. On July 31<sup>st</sup> US Fish and Wildlife confirmed in writing to ELA that no conditions have changed related to the bog turtle review.

Exhibit K Amendment was reviewed and Gene Pierce made a motion for the chairman to sign it, seconded by Jason Firestine. Motion carried unanimously.

**Gary Martin** reported that he has not heard anything on his E-500 that was resent to Sean on May 7.

322 Properties (Pyle Tract) – Becker received a plan resubmission. They are still planning to have a private water source.

Keystone Custom Decks recently opened a café on their property. Scot asked if they have the proper capacity. Gary noted that they have 3 EDU's.

Gary noted that the flows to the EQ station are the highest in 17 years. The operators are looking into it and may have found the reason.

**SOLICITOR’S REPORT:**

Frank Mincarelli distributed his report via email. Frank reported that he reviewed all the sewer easements and fee interests acquired for the WWTP and collection system and compared them to the map prepared by ELA and verified that have all been recorded by the Recorder of Deeds. The draft certifications have been prepared. When the easement/fee map is revised as discussed with ELA, the certifications will be ready to be signed. Frank also drafted a legal opinion letter required by USDA that all easements required for the project are in place and are legally enforceable. Frank discussed with Brad Harris that the not-to-exceed amount is required for insertion in his legal agreement.

Frank prepared an Amendment to the 2020 Lease Agreement that was signed by Netlinx. The amendment addresses many issues the Authority has with the proposed lease agreement.

**OPERATIONS REPORT:**

Bruce reported that it was a busy month with service call outs (13 call outs). The treatment plant flows are back to where they should be and although the Total Phosphorus was out of compliance in July, the phosphorus has stabilized and has been good the last four weeks. The wiring for the RAS motor was replaced because it shorted out inside the floor. The pumps at the EQ station and Cheltenham were pulled and sent out for service. During high rain events, both systems had multiple call outs. The EQ station has had some really high numbers which is believed to be from a property that has a leak that is generating approximately 4,000 gallons a day. There was a water leak at a Sunset Ave. service line. The line was replaced from the curb stop to the water main. The water main was shut down for the repair and a boil water advisory was issued to approximately 25 houses.

**OLD BUSINESS:**

Netlinx Lease Agreement: After further review, Frank suggests approving the 2020 Lease Agreement with Netlinx with the amendments. Gene Pierce made a motion to sign the 2020 Lease Agreement with Netlinx as amended by the Amendment, seconded by Harold Kilhefner. Motion carried unanimously.

Having no further business, Harold Kilhefner moved to adjourn the meeting at 8:32 p.m., seconded by Scot Ash. The next meeting will be held on September 14, 2020 beginning at 6:30 p.m.

Respectfully submitted,

Denise A. Bensing

- Cc: Scot Ash
- Harold Kilhefner
- Scott Marburger
- Randy Miller
- L. Eugene Pierce
- Kenneth Witmer
- Jason Firestine
- Thomas McDermott
- East Earl Township
- Terre Hill Borough
- Robert Rissler
- Charles Haley, ELA
- Gary Martin, Becker Engineering
- Frank Mincarelli, Blakinger Thomas