

WEAVERLAND VALLEY AUTHORITY

4610 Division Highway
East Earl, PA 17519 (717) 354-5593

BOARD MEETING AGENDA

September 11, 2023

1. OPEN MEETING

- A. **Minutes approval (August 14th)**
- B. **Public Comment** (public comment otherwise at time of each agenda item)

2. REPORTS OF COMMITTEES & OTHERS

- A. **Correspondence**
- B. **Administrative Report**—*Denise Bensing*
- C. **Financial Report**—*Denise Bensing*
Action Items:
 - a. Approval of Financial Report and pay the bills
 - b. Approve WWTF & System Project Payment Requisition
- D. **Engineer's Report**—*Becker Engineering*
Action Items:
 - a. Approve Change Order 2 for Contract 5 associated with the water heater
 - b. Authorize execution of the Twin Springs water system construction contracts subject to review/approval of the award documents (bonds, insurances, etc.)
 - c. Approve the Route 322 Properties (Pyle Tract) Phase 2 sanitary sewer and water facility design
 - d. Approve PennVEST Agreement(s)/Resolutions associated with the Twin Springs water system project.
- E. **Solicitor's Report**—*Frank Mincarelli*
- F. **Operations Report**—*Bruce Crabb*

3. NEW BUSINESS

- Action Items:
- a. Execute 322 Properties Phase 2 Developers Agreement

4. OLD BUSINESS

- A. Sunset Ave. St. - Line Replacement (Water)

5. ADJOURN

Weaverland Valley Authority

Meeting Minutes

September 11, 2023

The Board of the Weaverland Valley Authority (“Authority”) met at the East Earl Township building 4610 Division Hwy, East Earl, Lancaster County, Pennsylvania on September 11, 2023. Chairman Kenneth Witmer called the meeting to order at 6:30 p.m.

The following Board members were present: Kenneth Witmer, Harold Kilhefner, Terry Zook, Scott Marburger, Gene Pierce and Randy Miller. Also, present were Dan Becker, Becker Engineering; Rob Hallman, Becker Engineering; Frank Mincarelli, Blakinger Thomas Law Firm; Bruce Crabb, Operations Supervisor and Denise Bensing, Administrator.

Ken Witmer called for a moment of silence to not only remember those lost on 9/11 but to also remember Quentin Rissler, a former board member of Blue Ball Water Authority and East Earl Sewer Authority who recently passed away.

MINUTES: A motion was made by Harold Kilhefner, seconded by Gene Pierce, that the minutes of the August 14, 2023 meeting be approved as submitted. The motion carried unanimously.

CORRESPONDENCE:

1. M.J. Reider lab reports (Shady Maple) August – There is no surcharge for August.
2. Lancaster Design & Build – Response to review letter #3 for Sauder Hardscape.

FINANCIAL REPORT:

The Financial report was read with \$73,835.40 (Sewer \$52,369.32 Water \$21,466.08) in bills for approval.

Water & Sewer Collection Fund	\$25,655.74
Business Checking Water Fund – ENB	\$100,000.00
FDIC Insured Sweep Account – Water	\$995,995.44
ENB Checking – Twin Springs Project	\$466,682.00
FDIC Insured Sweep Account - Sewer	\$4,275,446.90
Business Checking Sewer Fund - ENB	\$250,000.00
FDIC Insured Sweep Account – Fulton	\$1,037,344.13
Joint WWTP Business Checking – Fulton Bank	\$0.00
Joint WWTP Business Checking – Ephrata National Bank	\$0.00

A motion was made by Gene Pierce to approve the financial report and pay the bills, seconded by Terry Zook. Motion carried unanimously.

Denise presented Payment Requisitions #16 and #16F for the WWTP and Conveyance System project. The amount of the requested loan advances are #16F \$1,414,569.12 from Fulton Bank and #16 \$986,762.72 from Ephrata National Bank for a total of \$2,401,331.84. Randy Miller made a motion to approve the WWTF & System Project Payment Requisition #16F in the amount of \$1,414,569.12, seconded by Harold Kilhefner. Motion carried unanimously. Gene Pierce made a motion to approve the WWTF & System Project Payment Requisition #16 in the amount of \$986,762.72, seconded by Terry Zook. Motion carried unanimously.

ENGINEER’S REPORT:

Rob presented current drone footage of the construction site for the wastewater treatment facility. Rob noted that most of the work has moved inside. The contractor plans to stone the driveway by mid-October. One of the end tanks has been filled with water and Aqua is on site and they are testing the equipment. There was also drone footage of the Hay Field Drive area showing the installation of the mains and laterals in that area.

Dan Becker reported:

CA/CM: Dan noted that the original substantial completion date was Aug. 28, 2023. Becker did not feel that any of the contractors were ready for substantial completion although each contractor is saying they are. It was noted that technically, all contractors could be assessed liquidated damages of approximately \$1,900.00 per day beginning Aug. 28th. Becker is looking for a new substantial completion date without a cost implication. At this time, Becker is hopeful that flow could start going to the new treatment plant by mid-October.

Dan reported that Pact requested a meeting with a few board members, Fank, Denise, Bruce, and Mark from Becker. It was noted that their intent was to explain their position on the change orders. Harold explained that he felt there were three main issues. One of the issues is the cost deduct for the Frogtown Rd. pumping station. Pact explained to the board that their bid was a lump sum bid and the Schedule of Prices was not a valid cost for the Frogtown Rd. pumping station. The board would like to know if their estimated cost for Frogtown Rd. pumping station can be verified. Rob reported that he gathered the Schedule of Prices amounts from the other bidders for the project and those amounts ranged from \$655,000 to \$975,000. It was also noted that Pact has already been paid \$33,000 for Frogtown Rd. pumping station costs. In regards to the economic impact change order, Gene feels a change order for this is not negotiable. It was noted that change orders for this would open the authority up to claims from other contractors and USDA will not approve nor fund this kind of change order. The board also does not feel a change order for delays from other contractors is negotiable at this time. None of the five contractors are at a point considered to be substantially complete. The Authority could assess liquidated damages to all contractors but Becker would prefer to set a new proposed substantial completion date. Dan recommends that Becker issue a letter to all contractors requesting a new substantial completion date and noting that the Authority is willing to work with them in regards to liquidated damage charges. The board requested that Becker develop a list of items that need to be completed in order for the wastewater treatment facility to be considered substantially complete. It was noted that HRI issued a letter saying they are substantially complete. Becker responded to the letter telling them that they are not substantially complete.

Rogers Mechanical submitted a change order for costs associated with a larger hot water heater and associated appurtenances at the control building. Gene Pierce made a motion to approve Contract 5 change order 2 in the amount of \$3,634.00 to Rogers Mechanical for supply and installation of a larger hot water heater, seconded by Randy Miller. Motion carried unanimously.

322 Properties: Dan noted that under new business is approval of the Phase 2 Developer's Agreement for 322 Properties. Dan recommends approving that agreement. Randy Miller made a motion to execute the 322 Properties Phase 2 Developer's Agreement, seconded by Scott Marburger. Motion carried unanimously.

Twin Springs Water System: Becker received the agreements from both construction contractors and recommends that the Authority authorize execution of the construction contracts subject to review/approval of the award documents. Gene Pierce made a motion to conditionally approve the execution of the construction contracts pending review, seconded by Terry Zook. Motion carried unanimously.

Becker, Denise, and Frank participated in a conference with PennVEST to discuss the settlement check list. Frank prepared the necessary resolutions and agreements for the PennVEST funding. Randy Miller made a motion to authorize Resolution 2023-06 declaring intent to reimburse general funds used to construct improvements to its water distribution system, seconded by Harold Kilhefner. Gene Pierce made a motion to authorize Resolution 2023-07 approving legal services agreement, seconded by Harold Kilhefner. Motion carried unanimously. Frank explained that the Borrowing Resolution and Secretary Omnibus will be completed at a later time.

Burkholder Trailers: Dan reported that any financial security being held may be released.

Water Storage Tank Rehabilitation: Dan reported that Becker prepared and submitted a grant application to the Lancaster County Commissioners for the second round of ARPA funds for the rehabilitation of the elevated water storage tank.

SOLICITOR'S REPORT:

Frank's report was taken care of during the Engineer's Report.

OPERATIONS REPORT:

Bruce asked if there is anything in the contract documents stating what the Authority is responsible to do. He explained that the alum tank located at the Terre Hill WWTP leaks and there is an accumulation of it on the floor. Bruce has been working with somebody at Coyne Chemical for a plan on disposing of it. Becker will work with Bruce to address this.

Having no further business, Terry Zook moved to adjourn the meeting at 8:04, seconded by Randy Miller. The next meeting will be held on October 9, 2023 beginning at 6:30 p.m.

Respectfully submitted,

Denise A. Bensing

Cc: Harold Kilhefner
Scott Marburger
Randy Miller
L. Eugene Pierce
Kenneth Witmer
Jason Firestine
Terry Zook
Craig Tomlinson
East Earl Township
Terre Hill Borough
Robert Rissler
Dan Becker, Becker Engineering
Frank Mincarelli, Blakinger Thomas
Terry Kauffman