

# Weaverland Valley Authority

## Meeting Minutes

December 5, 2016

The Board of the Weaverland Valley Authority (“Authority”) met at the East Earl Township building 4610 Division Hwy, East Earl, Lancaster County, Pennsylvania on December 5, 2016. Chairman Ken Witmer called the meeting to order at 6:30 p.m. and informed all present that the meeting was being recorded by a resident.

The following Board members were present: Ken Witmer, Harold Kilhefner, Scot Ash, Gene Pierce, Scott Marburger, Jerrene Zimmerman & Bob Jackson. Also present were Bradford J. Harris, Good & Harris LLP; Jeff Sweater, ELA; and Denise Bensing, Administrative Assistant.

**MINUTES:** A motion was made by Scott Marburger and seconded by Bob Jackson, that the minutes of the November 7, 2016 meeting be approved as submitted. The motion carried unanimously.

### **PUBLIC COMMENT:**

Ron Byrne, 427 Spring Grove Rd. – Mr. Byrne said he was just made aware that public sewer is being installed in his area. Jeff showed Mr. Byrne the general layout of the system. Will Ironstone Dr. will be affected. *Yes.* What is the time frame? *There is approximately a 4 year time frame.* Will everyone be required to connect? *Yes.* Where is the project at now? *Right now the designing of the plant and system and permitting is being done. Then the project will be bid and financing will be worked on and then construction will begin.*

Ken & Rosemarie Daly, 397 Spring Grove Rd. – Whose wells were tested? *The list of wells that were tested is in the 537 Plan.* Do you have any idea how much it will cost? *Jeff – if a grinder pump is required, the homeowner would be responsible for the grinder pump. The tapping fee is estimated to be approximately \$7,500.00.* What about the tank that is in the ground? *Jeff – Usually it is pumped out and filled with stone.*

### **ADMINISTRATIVE REPORT:**

Denise introduced Frank Mincarelli, the Solicitor for Blue Ball Water and East Earl Sewer Authorities. Denise explained that Frank was asked to attend by the Blue Ball Water and East Earl Sewer Authority boards to discuss the transferring of assets to the Authority. Jerrene explained that Frank was asked to attend due to Brad mentioning skipping the step of transferring the assets to the Township before transferring them to the Authority. Frank explained that he spoke with Brad regarding his thoughts on the phone prior to the meeting. Brad then explained that he discussed with Frank that he feels that section 5613 of the Municipal Authority Act would explain what route could be taken. In this section, it states “Any municipality, school district, or owner may sell, lease, lend, grant, convey, transfer or pay over to any Authority with or without consideration any project...” Brad feels the word “owner” would encompass authority. Frank agrees that the thought would be to eliminate the middle step of transferring to the Township before the Authority but Frank takes “owner” to mean the owner of a private system. Frank believes section 5622 of the Municipal Authority Act which discusses conveying a project from an Authority to a municipality could be used. Frank feels the municipality could reassign the rights from the Blue Ball Water and East Earl Sewer Authorities to the Weaverland Valley Authority. Harold asked what the consequences would be. Frank explained that somebody would have to complain. Gene asked if Brad and Frank are not sure of the definition of “owner”, then who would determine the definition?. He also stated that if this is done, it would set a precedent for others. Frank noted that it would set a precedent in that others could follow but it would not set a legal precedent unless a judge would rule on it. Frank’s opinion is that both options would require an agreement and possibly an agreement citing both sections 5613 & 5622 would work. Jerrene asked if anybody contacted Aaron Marines, the Township solicitor. Brad noted that he has not but it would be the next step. Scot asked if Brad thinks an agreement citing both sections would work. Brad thinks that method would probably work. He is just concerned about a few items and he would need to look into it further. Brad suggested that the Township be contacted. Ken requested that Brad and Frank work on a solution by the next meeting and

include the Township solicitor. Jerrene then discussed who would handle this. She explained that Frank already has all the Blue Ball Water and East Earl Sewer Authority information and maybe it would make sense for him to take care of transferring those Authorities' assets and liabilities to the WVA. Frank said he would be happy to work with Brad to take care of it. Gene Pierce made a motion to hire Frank Mincarelli to transfer the assets from Blue Ball Water and East Earl Sewer Authorities to Weaverland Valley Authority, seconded by Scot Ash. Motion carried unanimously. Frank will contact Aaron Marines.

Denise reported that she has been contacted by a few residents lately asking for information about the proposed sewer system. Most of the information would be available in the 537 Plan but Denise doesn't have a copy of the plan. Jeff told Denise that a paper copy of the report would be pricey so Denise asked the board if they would like her to request a paper copy or if Jeff should just make sure it is accessible electronically. Denise explained that the Township manager does have a paper copy if one is needed. The board agreed that as long as it is available electronically a paper copy is not necessary. Jeff will make sure it is also available to residents on both the Terre Hill Borough and the East Earl Township website.

Denise distributed a list of meeting dates for 2017. A motion was made by Harold Kilhefner to approve the meeting dates, seconded by Bob Jackson. Motion carried unanimously. Denise will send the dates to the paper to be advertised. Denise also distributed a contact list to the board. It was noted that Bob Jackson's term will expire at the end of 2016.

#### **FINANCIAL REPORT:**

The Financial report was read with \$61,688.50 in bills for approval.

Business Checking – Fulton Bank	\$85,079.02
---------------------------------	-------------

A motion was made by Harold Kilhefner to approve the financial report and pay the bills, seconded by Gene Pierce. Motion carried unanimously. A motion was made by Harold Kilhefner to transfer \$200,000.00 from the loan to the checking account, seconded by Gene Pierce. Motion carried unanimously.

Jerrene asked Jeff if the ELA bills could show the amount of time with each service performed. Jeff said he will check in to it. He explained that the billing software is not able to show charges the way Good & Harris does.

#### **ENGINEER'S REPORT:**

Rules and Regulations Committee: The committee completed reviewing the water regulations. ELA is currently reviewing and editing both the water and sewer regulations. The committee will meet again in mid-December and again in early January to review the draft after the changes have been made. Then draft copies will be provided to the solicitor and the board for review.

Rate Study: David Busch was notified that the bid for the ETSA project came in \$1.5 million lower than expected. Terre Hill provided some of the information requested on Dec. 1. David Busch recently requested individual account flows and billings for the last year. A preliminary budget will need to be provided to David Busch when they are approved. Gene asked if multiple rates are being proposed. Jeff explained that at this point, a uniform rate structure is what is being looked at. Gene doesn't feel it makes sense to have one rate for all. He would like David Busch to provide information for both options so the board can evaluate them. Harold asked if LASA customers all pay the same rate. Jeff replied that most LASA customers are the same rate but there are some that are different. Jeff will discuss this with David Busch and get his opinion before he does a full evaluation. Scott said that when the joint authority was being formed, it was thought that all customers would share the same.

Gene would also like David Busch's opinion on transferring the assets from Terre Hill Borough to the Authority. Ken said if Gene feels that David Busch can provide what Gene is asking for, we can have him move forward with it. Gene Pierce made a motion to expand the scope of David Busch's work to

include the transfer of properties from Terre Hill Borough to the Weaverland Valley Authority, seconded by Harold Kilhefner. Motion carried unanimously.

#### Regional Wastewater Treatment Plant & Conveyance System:

##### **Property Acquisition:**

ELA met with Bob Zogorski of Real Pro Valuation to discuss obtaining a quote for appraisal services of the Hahn property and the Zimmerman property. Real Pro Valuation provided a proposal of \$6,800 for the Authority's consideration. Jerrene felt the cost was high considering it is mostly land. Jeff explained that they worked with this company before and they have experience in this type of appraisal. The board agreed that another quote is necessary. Denise was asked to check with her contact person at Fulton Bank and let Jeff know.

#### **SOLICITOR'S REPORT:**

Brad distributed a checklist of items that still need to be completed. He noted that most of these items will be covered by the Day-to-Day committee. Scot asked how long Brad would expect it to take to complete the checklist items. Brad believes a realistic time would be by June 2017.

#### **DAY-TO-DAY COMMITTEE:**

Harold reported that the Day-to-Day committee has been meeting on a regular basis and they have some recommendations to make to the board.

Depositor Bank – The day-to-day committee would recommend Ephrata National Bank as the depository bank. A motion was made by Gene Pierce to use Ephrata National Bank and the depository bank, seconded by Scott Marburger. Motion carried unanimously.

Stationary – Harold said the committee recommends using Microsoft Word for the general stationary and using the font style used on the minutes and agendas. Harold showed the board a sample. The board agreed.

Employees – The committee recommends 1 full-time and 1 part-time office employees. It is recommended that Denise Bensing be the full-time employee and Jean Jackson be the part-time employee. For operations, the committee feels that 3 full-time operators will be needed when the WVA becomes operational and they need a commitment from Terre Hill Borough on Zach Eshleman's availability. If Zach will not be available 40 hours a week to the WVA, the Authority may need to look elsewhere for the 3<sup>rd</sup> operator. Gene will talk with Zach and Terre Hill Borough Council to find out if Zach would be available for 40 hours. The recommendation would be for all Blue Ball Water and East Earl Sewer Authority employees to be leased from East Earl Township and for the Terre Hill employees to be leased from Terre Hill Borough.

Office Locations – It is recommended that the office locations stay as is for now with the intention of the office staff moving to the East Earl maintenance building when the operators move to the office at the treatment plant.

Billing Software – East Earl and Terre Hill both use Visual Utility Billing (VUB) software for quarterly billings. The committee recommends continuing to use this billing software. Denise spoke with the software company and integrating the 2 billing systems is expected to be a smooth transition.

Positions/Job Titles – There was discussion regarding how many licensed operators will be needed. Bruce is licensed for water and has passed his certification test for sewer. He still needs to complete the required experience time. Until Bruce is officially certified, Bob will need to be the certified sewer operator. It was discussed that although the Authority is only required to have one certified operator, the committee would recommend that if a second person is interested they would recommend having a second operator. Gene will talk to Zach to find out if he would be interested in becoming certified and Scott will talk to Justin about the same.

Tom McGarvey has been working for East Earl Sewer and Blue Ball Water Authorities as an independent contractor. What is needed for him to continue as an independent contractor? Brad explained that at a minimum, a Certificate of Insurance is needed but Brad would also recommend requiring an Independent Contractor Agreement be signed.

Ownership of Grinder Pumps – The committee would recommend continuing to own the grinder pumps and charge customers with grinder pumps a maintenance fee. Nelson Groff asked the board about all the customers who have grinder pumps because of the type of system the Authority has, because those customers don't want the grinder pumps. Ken explained that the Authority is providing a service 24/7 at no charge. Jerrene expressed her opinion that customers with grinder pumps should not be charged a maintenance fee but should own the grinder pumps and have control of their own pumps. She does not feel the cost of the pumps should be shared by all the customers. Nelson said that he thinks it should remain the same as it is. If all customers are going to share in the cost of the new treatment plant then all customers should share the costs of the grinder pumps. Brad noted that during the past ten years, the trend appears to be that many municipalities have been getting out of the grinder pump business due to liability issues.

Water Meters – Harold explained that although he originally thought all customers should be metered, he is now thinking that metering all customers is not realistic.

Staggered Billing – The committee has discussed the possibility of continuing to bill customers in the same time frame as they are now. This would mean two different billing dates. If it is found to not be working out, then billing could be changed to be done all at one time.

Newsletter – There was discussion about sending an informational letter to all residents who will be affected by the new system. Harold volunteered to draft a letter and Gene offered to help.

Gene Pierce moved to adjourn the meeting at 9:34 p.m., seconded by Scott Marburger. The next meeting will be held on January 5, 2017, beginning at 6:30 p.m.

Respectfully submitted,

Denise A. Bensing

Cc: Scot Ash  
Robert Jackson  
Harold Kilhefner  
Scott Marburger  
Randy Miller  
L. Eugene Pierce  
Kenneth Witmer  
Jerrene Zimmerman  
Bradford J. Harris, Attorney  
East Earl Township  
Terre Hill Borough  
Robert Rissler  
Jeff Sweater, Consulting Engineer  
Gary Martin, Becker Engineering  
Frank Mincarelli, Blakinger Thomas