

Weaverland Valley Authority

Meeting Minutes

February 6, 2017

The Board of the Weaverland Valley Authority (“Authority”) met at the East Earl Township building 4610 Division Hwy, East Earl, Lancaster County, Pennsylvania on February 6, 2017. 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, Gene Pierce, Scott Marburger, Jerrene Zimmerman and Jason Firestine. Also present were Bradford J. Harris, Good & Harris LLP; Jeff Sweater, ELA; and Denise Bensing, Administrative Assistant.

MINUTES: A motion was made by Harold Kilhefner, seconded by Gene Pierce, that the minutes of the January 5, 2017 meeting be approved as submitted. The motion carried unanimously.

Gene noted that at the January meeting he was asked how many customers the Terre Hill system serves and he said he would get the information. Gene reported that the Terre Hill system has 613 customers and 634 EDU’s.

PUBLIC COMMENT:

Ron Byrne, 427 Spring Grove Rd. – Mr. Byrne asked if the board received the information on the engineering invoices they requested last month. *Ken explained that ELA provided more detail with the current bills and the board is satisfied.*

ADMINISTRATIVE REPORT:

Audit Engagement Letters: Denise presented the Audit Engagement Letters received from Weinhold Nickel to perform the audit of the 2016 books. Denise explained that Linda Fox contacted her and explained that the not to exceed amount is stated in the letter as \$3,000.00. She explained that although this may seem high the first audit will take extra time to set everything up. The authority will be charged on time and material basis but that number will not exceed \$3,000.00. Jerrene Zimmerman made a motion to approve and sign the Audit Engagement Letters, seconded by Scott Marburger. Motion carried unanimously.

PMAA Board Member Training – Denise distributed information regarding PMAA Board Member Training via email with the minutes and agendas. She explained that at a past meeting, Jeff recommended the board members attend a training session if possible. Brad noted that he would also recommend the Authority joining PMAA because they can provide a lot of expertise. Gene Pierce made a motion to pay the cost for WVA members to attend the training, seconded by Jerrene Zimmerman. Motion carried unanimously. Ken, Gene, and Jason will attend. Denise will contact Scot and Randy to see if they would like to attend.

FINANCIAL REPORT:

The Financial report was read with \$85,863.65 in bills for approval.

Business Checking – Fulton Bank

\$142,570.12

Jerrene questioned why ELA charged for providing the detail for the billings. Jeff explained that it is not their standard billing procedure and took additional time. Jerrene also questioned charges for consulting with the architect for renovations at the maintenance building for the administrative offices. Jerrene explained that there was never directive from the board to do renovations at the maintenance building. Jeff explained that the Day-to-Day Committee discussed renovations before Denise and Jean move to the building and he was just trying to be proactive. Jerrene explained that although it was recommended by the committee, the board never authorized the work and it should not have been done without authorization from the board. The board agreed to pay the

charges for the discussions with the architect and Jeff agreed to remove the \$232.50 charge for providing the detail for the bills. A motion was made by Jerrene to approve the financial report and pay the bills except the charge for amending the bills, seconded by Harold Kilhefner. Motion carried unanimously.

Denise also noted that money will need to be transferred from the loan to the checking account in order to pay bills in March. Gene expressed that he feels the board needs the information regarding invoicing forecasting before transferring more money. A motion was made by Jerrene Zimmerman to transfer \$200,000.00 from the loan to the checking account, seconded by Scott Marburger. By a showing of hands: Members in favor- Ken Witmer, Jerrene Zimmerman & Scott Marburger. Members opposed – Gene Pierce & Jason Firestine

ENGINEER'S REPORT:

Rules and Regulations Committee: The committee has completed the review of the draft water regulations. The draft recommended water and sewer regulations will be distributed to the board and Brad for review. ELA would recommend having one point person to submit any questions or comments. ELA would then prepare responses to the questions and comments. Jeff noted that the committee provided a lot of great input. Jeff noted the Rules and Regulations will need to be adopted before the assets are transferred.

Rate Study: David Busch has an ongoing conflict with the Authority meeting dates. Jeff would recommend either having him meet with the Day-to-Day committee or having a special meeting. The board decided to continue this meeting on February 16, 2017, when Mr. Busch will be able to attend and discuss the rate study.

Regional Wastewater Treatment Plant & Conveyance System:

Project Design and Permitting:

ELA has communicated with DEP on the status of the NPDES Permit application. ELA updated DEP on the status of the project, letting them know that it is on schedule. Profiles of the sewer are being worked on and ELA is continuing to work on the WWTP layout.

Wetland Flagging – The flagging has been completed for the existing Terre Hill Borough WWTP Outfall pipe.

Chester County Solid Water Authority: Scott asked if new information has been received. Jeff reported that nothing new has been received. He explained that the initial data was a snapshot in time so ELA has requested more sampling. The initial concern is with chlorides.

SOLICITOR'S REPORT:

Transfer of Assets and Liabilities – Brad explained Frank has prepared an Assignment and Assumption Agreement which will allow the Blue Ball Water Authority (BBWA) and East Earl Sewer Authority (EESA) assets to transfer directly from BBWA and EESA to the Weaverland Valley Authority (WVA). The Township solicitor is satisfied with the agreement. Brad noted a few changes but would expect it to be executed in a month or two. Jerrene asked previously if all contracts need to be signed over individually. Brad explained that yes, this will need to be done and it will take a few months to prepare the documents. The Agreement will only eliminate the step of transferring everything first to the Township then to the WVA.

Mandatory Connection Ordinance - The engineers have provided a basic Mandatory Connection Ordinance which will need to be adopted by the Borough and Township.

DAY-TO-DAY COMMITTEE:

Independent Contractor Agreement – An Independent Contractor Agreement was distributed to the board. Harold explained that Bruce met with Tom McGarvey, currently an independent contractor for BBWA and EESA, and negotiated a rate and a few less on call hours. The BBWA and EESA will need to approve and sign it before it becomes effective but they requested that the agreement be approved by the WVA before they

sign it. The board felt the general language regarding the agreement being binding for successors and assigns should more clearly state the WVA. Gene expressed his concern with allowing an independent contractor to do confined space work. The board felt the charge for confined space work should be removed and it should be stated in the agreement that he will not be required nor should he perform confined space work.

Operations Employees – Harold explained that he needs to have a conversation with Bob Rissler to see if he will be available if needed and if he would be willing to be on call on the weekends. Harold and Gene will meet with Bob. Ken mentioned that he has requested to be on the East Earl Township agenda for the February meeting to request that the employees continue to be leased from the Township. Gene also explained that they have a Borough employee who does the lawn maintenance for the Borough properties. He would also be able to continue as a leased employee. Gene also explained that the Borough owns the equipment but if he is a leased, employee the equipment would come with the employee.

Ownership of Grinder Pumps – Harold explained that he spoke with a plumber, other similar Authorities and an employee of EESA. The committee is still recommending maintaining ownership of the grinder pumps and is not recommending an additional service charge. Jerrene asked if owning the grinder pumps will lower the tapping fee. Jeff said he will discuss how owning the grinder pumps would affect the tapping fee with David Busch. Harold explained that he spoke with a board member of the Earl Township Sewer Authority and he said they have no problems with owning the pumps. When Harold discussed it with a plumber and asked the plumber if he would want to be on a list of plumbers to call if a customer has a problem, the plumber said he was not interested in being on a list. Harold explained that at first he was against owning the grinder pumps but the more research he did the more he feels the Authority needs to own them. He is concerned that customers won't know who to call when they have a problem. He is concerned that customers will not be able to find a plumber willing, or even knowledgeable, to work on the pump. And he is concerned that customers will not be able to afford the repairs. He also feels that now that he knows (1) the original East Earl system, which could have been built as a gravity system, was built as low pressure system, which requires grinder pumps, because it is less expensive to build a low pressure system and (2) the government was funding a large percentage of the project. He feels the Authority should continue to own and maintain the grinder pumps. Gene doesn't like the idea all customers footing the bill for the customers who have grinder pumps and he would like to hear what David Busch recommends. It was also noted that even if the Authority doesn't own the grinder pumps, they would continue to be the first call when a customer is experiencing a problem.

The meeting will be continued on February 16, 2017, 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
Jerrene Zimmerman
Jason Firestine
Bradford J. Harris, Attorney
East Earl Township
Terre Hill Borough
Robert Rissler
Jeff Sweater, Consulting Engineer
Gary Martin, Becker Engineering
Frank Mincarelli, Blakinger Thomas