

# Weaverland Valley Authority

## Meeting Minutes

July 13, 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 July 13, 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, Scott Marburger, Randy Miller, and Tom McDermott. Also present were Gary Martin, Becker Engineering; Charles Haley, ELA; Bruce Crabb, Operations Supervisor; and Denise Bensing, Administrator.

**MINUTES:** A motion was made by Tom McDermott, seconded by Gene Pierce, that the minutes of the June 8, 2020 meeting be approved as submitted. The motion carried unanimously.

### **CORRESPONDENCE:**

1. M.J. Reider lab reports (Shady Maple) June – There will be another surcharge for phosphorus.
2. Becker Engineering for Earl Twp. Sewer Authority - 2020 flow projections and a \$16,062.00 additional due for 2019. Quarterly payments of \$61,538.00 will be due for 2020.
3. Blakinger Thomas – Lien satisfied for 1272 Martin St.
4. Hershey Engineering, Inc. – 322 Properties updated plans per Review #1. Gary noted that this property is proposed to be 12 light industrial lots. The property will be under a single ownership and all facilities will be privately owned. They are proposing to not connect to the public water supply and the sewer facilities will remain private. Harold Kilhefner made a motion to send a letter to the developer recommending that the water facilities be built to public water supply standards in case the current or future owner would want to dedicate the facilities to the Authority, seconded by Randy Miller. Motion carried unanimously.

### **ADMINISTRATIVE REPORT:**

Denise reported that she spoke with Daryl Peck regarding the request to extend the maturity date of the 2016 Fulton Bank Note. Daryl received a reply from Fulton Bank that they are open to the request. Daryl is waiting to hear back regarding the term details. He will continue to push the bank and try to have a commitment by the August meeting.

### **FINANCIAL REPORT:**

The Financial report was read with \$358,685.81 (Sewer \$258,125.84 Water \$101,559.97) in bills for approval.

Water & Sewer Collection Fund	\$3,016.10
Business Checking Water Fund – ENB	\$100,000.00
FDIC Insured Sweep Account – Water	\$780,862.54
Construction Account – ETSA Upgrades	\$984.99
FDIC Insured Sweep Account - Sewer	\$2,567,427.65
Business Checking Sewer Fund - ENB	\$250,000.00
Business Checking – Fulton Bank	\$212.46
FDIC Insured Sweep Account – Fulton	\$1,025,381.21
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 Gene Pierce to approve the financial report and pay the bills, seconded by Harold Kilhefner. Motion carried unanimously.

## **ENGINEERS' REPORT:**

**Chuck Haley** reported that they had a meeting with Becker earlier in the day to review any remaining comments/questions. ELA will be making the adjustments.

There is still no idea when Judith with USDA will complete the review of the C-docs. The next step will be to submit plans for a building permit/code review. ELA is still waiting on a response from Tim Strayer from Conestoga Wood regarding the request for temporary construction easements.

ELA's E-500 (Exhibit K) amendment was submitted to USDA but review/approval has not yet been received. The amendment would allow the Authority to include the following costs: constructability review work, major design changes to head works building, design changes requested by WVA/Becker and additional USDA coordination as required for project funding.

Comments were received for the supplemental Environmental Assessment for the Cedar Creek stream crossing. One comment that could be problematic is to get comments/approval from the four major Native American Tribes in the US noting that this project shouldn't have a negative impact on the cultural resources of their Tribes. At this time they are not held to a 30 day comment period. USDA is trying to determine how this will impact construction.

USDA is recommending that the Authority wait to finalize Resolution 2020-04 until the supplemental Environmental Assessment is approved. Once the Environmental Assessment is revised, the resolution will be revised.

USDA has stated that the PNDI for the entire project must be run again and all environmental clearances obtained again because it is going to expire in the near future. ELA has done so and has submitted to USFWS for bog turtle review again.

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

Blue Ball Commons Lots 66 & 67 construction continues. The contractor installed the water meter and it was observed by Bruce.

The easements for the Timberline development were never recorded. Therefore, the easement infringements agreements that were drafted by Frank can't be executed. All the lines are private and will not be accepted for dedication until the proper easements are in place.

SRBC has offered to assist the Authority to renew docket approval for TH well 6 by developing a monitoring plan and hopefully obtaining a waiver of an aquifer test. The Authority has not yet received a monitoring plan.

The water model has been updated for the Blue Ball system. The model is now ready for the necessary evaluation of the connection of a new water supply or adding a significant user or water use.

The summer survey for the Blue Ball water tower footers is scheduled for this week.

There will also be an onsite meeting for Wildflower Ridge to discuss the facilities. Becker will be involved. Bruce feels the involvement of Becker is important because there are some issues with the facilities.

## **SOLICITOR'S REPORT:**

Frank Mincarelli distributed his report via email. Frank reported that he participated in a conference call with USDA on June 9<sup>th</sup> and reviewed an email from USDA itemizing open issues. Frank also reviewed the history of the easements for the Timberline development. He determined that no easements were ever formally granted which means that the sewers within the development remain privately owned and the responsibility of the developer. The encroachments on Lots 3 & 4 will have to be addressed when the developer offers the sewers for dedication. Frank reviewed the dedication documents for Blue Ball Commons Lot #63 and prepared a resolution authorizing the acceptance of the facilities for consideration. The proposed Netlinx lease was reviewed and Frank provided several comments. Frank was in contact with Daryl Peck and Bill McCarty concerning the 2016 Note with Fulton Bank. Following receipt of payment in full, Frank satisfied the liens for Crosson, 1272 Martin St.

## **OPERATIONS REPORT:**

Bruce reported that after only being active for one week, a low pressure lateral on Wide Hollow broke. This is the second property in this area of recent connections that had the lateral snap due to settling. Bruce is concerned with how the pipes were installed. While making the repairs, he found that the water and sewer lines were roughly only 2' deep in certain areas. This is especially a concern with the water lines because there is the potential they could freeze during the winter.

The influent flow meter at the TH WWTP was found to be out of calibration towards the end of the month by roughly 30%. It has been recalibrated. The plant will also be out of compliance for total phosphorus. Bruce noted that there has been a lot of fluctuation on the influent pH which is not good for a wastewater treatment plant. The pH was as low as 5.9 which almost wiped out the treatment biosolids but they got it going again. More samples were taken and nothing has been found so Bruce isn't really sure what caused the situation. It may have come from the septage receiving. Bruce recommended that the septage receiving be explored more when the new plant is built.

A water leak was repaired on Broad St. near the Flower Warehouse. After trying to determine where the leak was by isolation, a company was called in to listen for the leak. The leak was determined to be a water loss of approximately 15,000-20,000 per day.

The curb stop at 202 W. Main St. Terre Hill was replaced after the valve stem broke in the closed position when accessing the valve.

Lead/Copper sampling was done in Terre Hill and the same six samples were over MCL. The Authority is still waiting on approval of the construction permit for the corrosion control changes to address this issue.

Bruce also reported that, in March, four arborvitaes at the College Ave. pump station were burnt by a young man. Bruce asked if this person should be required to replace them. The State Police as well as the fire company were on the scene. The young man was not issued a citation. The board agreed that he should be required to replace them and we should request a copy of the police report and get an estimate for 6 ft. replacement trees. The board would then like Frank to send a letter to the family.

### **NEW BUSINESS:**

USDA Letter – Sean with USDA suggested the Authority send a letter to request the Authority be allowed to develop a Vulnerability Assessment/Emergency Response Plan (VA/ERP) to be completed prior to the completion of the new WWTP. Tom McDermott made a motion to submit the letter requesting the development of a VA/ERP plan to be complete prior to construction completion, seconded by Randy Miller. Motion carried unanimously.

Maher Duessel 2020 Audit Engagement letter – One of the requirements of the USDA prior to bidding, is a written agreement with the auditor to perform the required audits. The proposed cost for the 2020 audit is \$12,730 and \$4,000 if a single audit is required. Gene Pierce made a motion to sign the Engagement letter for the 2020 audit including the condition for a single audit, seconded by Harold Kilhefner. Motion carried unanimously.

5-year Budget Projection for USDA – Denise explained that another requirement of USDA is for the Authority to provide a budget for the first year of operation and how the Authority plans on getting the rates to where they need to be to support operations, required reserves, and debt service. The budget committee met and discussed a draft 5-year budget and felt it met those requirements. A letter was drafted to Sean McElroy explaining this process. Gene Pierce made a motion to sign the letter and submit the letter and draft budget to USDA, seconded by Randy Miller. Motion carried unanimously.

Blue Ball Commons Lot #63 Dedication – The property is located behind Ephrata National Bank and was developed with 9 townhouses. Frank and Gary have verified that everything has been completed for dedication. Denise verified that the Letters of Credit for the maintenance guarantee are in place. Scott Marburger made a motion to approve Resolution 2020-05 to formally accept dedication of the water and sewer facilities for Blue Ball Commons Lot #63 (6 Granite Dr.), seconded by Tom McDermott. Motion carried unanimously.

Conestoga Wood Well – Gary reported that the well at Conestoga Wood has been tested four times and it has been determined that it is not potable water. This is the well that was proposed to provide water to the new treatment plant. This well is not directly beside the proposed WWTP which would make the cost to connect and treat the water to make it potable costly. Becker Engineering recommends drilling a new well closer to the plant which they estimate would probably be a cost savings over connecting and making the current well potable. An estimate of \$3,500-\$5,000 was given to drill a new well and case it. Gene asked how much additional engineering would it take ELA to include the new well in the plans? Chuck estimated engineering fees to be around \$4,000-\$5,000. Gene Pierce made a motion to authorize the additional engineering to get the well started, seconded by Scott Marburger. Motion carried unanimously.

Denise will also add the Construction Committee to the agenda next month. The Construction Committee consists of the following board members: Gene, Scott, Tom, & Jason as well as Bruce, and the engineers.

### **OLD BUSINESS:**

Netlinx Lease Agreement: Frank reviewed the lease agreement and provided some recommendations.

1. Instead of replacing the old lease he would suggest an amendment to the existing lease with the following changes:
  - a. Require a copy of the insurance declaration sheet to be provided showing comprehensive liability coverage for the maintenance and operation of this communication tower.
  - b. Include the requirement that WVA be added as additional insured on the liability policy.
  - c. Revise the monthly rent amount to \$100.00
  - d. Extend the lease agreement for a period of 3 years with an auto renewal of 3 more years unless pursuant to the notice requirements with an option to negotiate a new rent prior to renewal
  - e. A sublease provision restricting the subleasing of the space to space on the tower and not on the surface of the lot, except for any electronic control panels required by the sublease.

Gene Pierce made a motion to direct the solicitor to prepare the amendment to the lease, seconded by Harold Kilhefner. Motion carried unanimously.

Having no further business, Harold Kilhefner moved to adjourn the meeting at 8:29 p.m., seconded by Randy Miller. The next meeting will be held on August 10, 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