

# Weaverland Valley Authority

## Meeting Minutes

January 11, 2021

The Board of the Weaverland Valley Authority (“Authority”) met at the East Earl Township building 4610 Division Hwy, East Earl, Lancaster County, Pennsylvania on January 11, 2021. Chairman Ken Witmer called the meeting to order at 6:30 p.m. *Due to the rise in COVID-19 cases, most of the participants attended via Zoom.*

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

Reorganization for the year of 2021 for the Authority was as follows with Denise Bensing serving as temporary chairman.

Scot Ash made a motion to nominate the same officers in 2021 as 2020, seconded by Randy Miller. Motion carried unanimously.

Ken Witmer then presided over the meeting:

Scot Ash made a motion to keep the same appointments (professional services) in 2021 as in 2020 with the exception of ELA should be the New System Design Engineer and Becker Engineering should be Operational Engineer and New System Construction Engineer, seconded by Tom McDermott. Motion carried unanimously.

**MINUTES:** A motion was made by Randy Miller, seconded by Jason Firestine, that the minutes of the December 14, 2020 meeting be approved as submitted. The motion carried unanimously.

### **CORRESPONDENCE:**

1. M.J. Reider lab reports (Shady Maple) December.
2. Fire Line Properties – Fry Surveying drawing and resubmittal.
3. Horst Farm Market – Becker Engineering review letter 3.
4. Churchtown Woodcraft – Approved record drawings.
5. Edge Metal Works – Approved record drawings.
6. 322 Properties – Plan resubmission and review letter #5.
7. Blakinger Thomas – Lien filed - 111 Center Ave., Terre Hill.
8. Blakinger Thomas – Lien filed – 4913 Division Hwy., East Earl.
9. ELA 2021 Billing Rates – Chuck noted that the design is a fixed fee and the rates will not change for that contract. Non-contract work will be at the new rates. Scot Ash made a motion to accept the ELA 2021 Rates, seconded by Jason Firestine. Motion carried unanimously.
10. L.A.B.S. 2021 Cost for Analytical Services – All the rates are the same except SOC’s which increased from \$1,112.50 to \$1,125.00. Tom McDermott made a motion to accept the 2021 Cost for Analytical Services, seconded by Randy Miller. Motion carried unanimously.

### **ADMINISTRATIVE REPORT:**

Denise reported that she received correspondence from Corrpro regarding inspection of the cathodic protection for the water tower. She explained that the cathodic protection has not worked for many years due to being struck by lightning.

She asked the board if they would like to have Corrpro perform an inspection. The board did not think the inspection is needed at this time.

**FINANCIAL REPORT:**

The Financial report was read with \$177,869.35 (Sewer \$145,392.10 Water \$32,477.25) in bills for approval.

Water & Sewer Collection Fund	\$13,754.02
Business Checking Water Fund – ENB	\$100,000.00
FDIC Insured Sweep Account – Water	\$737,219.70
Construction Account – ETSA Upgrades	\$984.99
FDIC Insured Sweep Account - Sewer	\$1,732,918.33
Business Checking Sewer Fund - ENB	\$250,000.00
FDIC Insured Sweep Account – Fulton	\$1,022,083.63
Joint WWTP Business Checking – Fulton Bank	\$2,500.00
Joint WWTP Business Checking – Ephrata National Bank	\$2,500.00

A motion was made by Jason Firestine to close the construction account (ETSA Upgrades) and to approve the financial report and pay the bills, seconded by Randy Miller. Motion carried unanimously.

**ENGINEERS’ REPORT:**

**Gary Martin** reported that back-up documentation for Liquidated Damages in the contract documents is required by USDA. Becker is proposing the following:

- \$1,734 for 1 to 10 days after Substantial Completion
- \$1,924 for 11 days until Final Completion
- \$1,440 for days after Final Completion

There was concern from the board that these amounts might skew the bids. Gary and Chuck do not feel these amounts will be an issue. There was also discussion about what if the Terre Hill WWTP would fail and the waste would need to be hauled. Gary noted that this has been discussed but it can’t be included in Liquidated Damages. They are looking at the possibility of Special Damages. Frank is reviewing and will provide final wording on Special Damages. Gene Pierce made a motion to the Liquidated Damages amounts as proposed in the Engineer’s report, seconded by Jason Firestine. Motion carried unanimously.

Gary reported that it’s time to start Chapter 94 reports. Please let Gary know if anybody knows of any future developments. Gary also reported that this is the time when tapping fees would be updated. Gary recommended keeping them the same because very little has changed. Updates were given on several developments noted in Gary’s report.

**Chuck Haley** reported that ELA is waiting on feedback from PPL on whether the proposed fence changes are permitted based on their proposed utility location. There is still no word on the review of the construction drawings which were provided to USDA on Jan. 15, 2020. The HOP for SR 23 has been approved for a one-year extension. The one-year HOP extension for Union Grove Rd. and SR 625 will expire September 2021. ELA will continue to keep an eye on the permits. USDA is still working on getting responses from two tribes.

The Supplementary Conditions needs wording regarding coordination responsibilities and authority. Gary noted that typically field questions are addressed by the RPR. Some of the questions may require a change order to resolve and the change orders would need to be approved at a monthly meeting.

Direction is also needed in the Supplementary Conditions for how to handle dispute resolutions. Since the last meeting, Frank gave his opinion on this and he recommends binding arbitration. Gene Pierce made a motion to utilize binding arbitration as the method of dispute resolution as recommended by the solicitor, seconded by Tom McDermott. Motion carried unanimously.

Harold asked if the Authority is at a point in time to look for other financing options. USDA has had a year to review the plans and there does not seem to have been any progress made and no timeframe for completion. Other board members expressed their frustration with the process. The board requested that Denise contact Frank, Bill, and Daryl to discuss exploring other financing options.

**SOLICITOR’S REPORT:**

Frank Mincarelli distributed his report via email which included following up with Brad Harris for copies of the title searches for USDA, preparing a developer’s agreement for 322 Properties, reviewing the engineer’s comments for Horst

Farm Market, and filing two liens for unpaid water and sewer charges. The board didn't have any questions regarding his report.

Frank also prepared resolutions for the budget and new water and sewer rates. Gene Pierce made a motion to adopt Resolution 2021-01 to adopt the 2021 Budget, seconded by Jason Firestine. Motion carried unanimously. Gene Pierce made a motion to adopt Resolution 2021-02 for a sewer rate of \$157.54 service charge per EDU per quarter with a usage rate of \$7.10 per 1,000 gallons and a flat rate of \$270.61 per EDU per quarter, seconded by Scot Ash. Motion carried unanimously. Gene Pierce made a motion to adopt Resolution 2021-03 for a water rate of \$62.14 service charge per EDU per quarter with a usage rate of \$2.74 per 1,000 gallons, seconded by Randy Miller. Motion carried unanimously.

**OPERATIONS REPORT:**

Bruce reported that all the soda ash equipment has been removed, new electrical lines and tubing are in place, and new chemical pumps were installed. The new chemical and containment has been received and the calibration of the equipment is scheduled for Jan 12<sup>th</sup>. Bruce is hoping to have a better picture next month. He noted that the first year will require more testing. Gene thanked Bruce for his hard work and professionalism and for staying on top of things.

**UNFINISHED BUSINESS:**

**Sensenig, 53 Gentle Dr.** – The board discussed the encroachment that has not been removed and Gary noted that there is also a tree in the easement and would appear to be right over the Authority line. The next step is to have Frank send a letter. The board also questioned if the water to the garage can be shut off. Denise will ask Frank to send a letter regarding the deck and the tree in the easement and the lack of a water meter.

**196 Broad St. meter for water tower** (former Flower & Home Marketplace) – Jason said he was contacted by the owner through work. He may have an update next month.

**Netlinx** – Denise reported that she received the amendment to the lease agreement which will now take care of what the Authority was waiting for. Gene Pierce made a motion to authorize the signing of the lease amendment, seconded by Randy Miller. Motion carried unanimously.

Having no further business, Jason Firestine moved to adjourn the meeting at 7:59 p.m., seconded by Scot Ash. The next meeting will be held on February 8, 2021 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