

# Weaverland Valley Authority

## Meeting Minutes

February 8, 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 February 8, 2021. Chairman Ken Witmer called the meeting to order at 6:30 p.m.

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

**MINUTES:** A motion was made by Gene Pierce, seconded by Jason Firestine, that the minutes of the January 11, 2021 meeting be approved as submitted. The motion carried unanimously.

### **PUBLIC COMMENT:**

1. Daryl Peck, Concord Public Finance – Daryl explained that he was contacted by Denise after the last meeting because the board expressed an interest in exploring alternative financing for the sewer project. A preliminary schedule was distributed. The assumption was that the intent would be to keep the debt service within the relative budget while getting the project out to bid as soon as possible. Daryl went on to explain that a bond issue would be needed. To proceed with obtaining a bond issue, a Preliminary Official Statement would need to be drafted and the Authority would need to obtain a bond rating and a bond insurance commitment. With a new authority, like Weaverland Valley Authority, this will be a bit of an undertaking. Daryl expects it to take 30-days to receive a bond rating and insurance commitment. After this is received, the Authority can bid the project. Approximately two months after securing financing, the Authority would award the bids and close on the financing. This schedule would estimate a completion date in mid-2024. Daryl can’t guarantee this schedule but he feels the schedule he put together is reliable. Daryl estimated the cost to get a bond rating to be approximately \$40,000. The cost for Concord would be at a not to exceed amount of \$20,000. If the Authority proceeds to a full financing, the cost for bond rating would be credited toward the full financing cost.

Randy asked if the Authority should expect to receive a poor rating. Daryl explained that he would not expect a poor rating because although the Authority is new, the system is not new and already has existing customers. Daryl feels that the Authority would get a fair enough rating to make a bond work within the budgeted amounts. Dan Becker explained that the board needs to also remember that there are costs involved in going with USDA. For instance, the issue with the Tribes, could end up costing a significant amount of money. Chuck noted that if the Authority doesn’t go through with USDA financing, the Tribes issue goes away. Harold asked if there are any other savings if USDA funding isn’t used. Gary noted that there is a significant amount of paperwork required by USDA which would not be required with a bond.

Daryl is proposing for the bond to assume the debt of the 2016 Note. Tom asked why this is assumed. Daryl explained that the 2016 Note has a claim on the sewer revenues which the bond would also have a claim on. Daryl also explained that by doing so the Authority would get a lower interest rate. Daryl estimated the best-case bond rate he would expect would in in the low 3% range.

Tom McDermott motioned to table a decision until new business to be able to absorb the information, seconded by Randy Miller. Motion carried unanimously.

2. Stanley Good, 415 Fairview St. in-law quarters – Mr. Good explained that he bought the house in 2006 and the in-law quarters was already part of the house. Recently his daughter’s family moved in and he and his wife moved to the in-law quarters. Before they did, they did some renovations. While doing the renovations, he received a notice from the Township that he didn’t have a building permit. Judy also recommended that he talk to the Authority about the water and sewer capacity. At that time, Denise recommended that if he receives zoning hearing board approval that he should then discuss the requirement of additional capacity with the Authority. Gene Pierce made a motion to waive the additional capacity requirement with the stipulation that if the in-law quarters is ever changed to a rental that the additional capacity may be required to be purchased, seconded by Jason Firestine. Motion carried unanimously.

### **CORRESPONDENCE:**

1. M.J. Reider lab reports (Shady Maple) January.
2. East Earl Township letter to Jordan Sensenig – The Township is requiring removal of the deck that was built without a building permit.

3. Blakinger Thomas letter to Jordan Sensenig – Notification that a water meter needs to be installed within 30 days. Bruce noted that a water meter was installed on Feb. 5<sup>th</sup> but it still needs to be inspected.
4. East Earl Township – Ken Witmer has been reappointed to the Authority for another 5-year term which will expire Dec. 31, 2025.
5. PA DEP - Partial Operation Permit for Corrosion Control for Wells 1 & 3.
6. Becker Engineering – Keystone Custom Decks Record Drawings.
7. Fry Surveying – Wildflower Dr. As-Built Plans.
8. Impact Engineering – Response to Review Letter #3 and revised drawings for Horst Farm Market.

**FINANCIAL REPORT:**

The Financial report was read with \$97,352.94 (Sewer \$55,956.61 Water \$41,396.33) in bills for approval.

Water & Sewer Collection Fund	\$30,401.49
Business Checking Water Fund – ENB	\$100,000.00
FDIC Insured Sweep Account – Water	\$764,263.05
Construction Account – ETSA Upgrades	Closed
FDIC Insured Sweep Account - Sewer	\$1,810,105.86
Business Checking Sewer Fund - ENB	\$250,000.00
FDIC Insured Sweep Account – Fulton	\$1,026,170.76
Joint WWTP Business Checking – Fulton Bank	\$2,500.00
Joint WWTP Business Checking – Ephrata National Bank	\$2,500.00

A motion was made by Randy Miller to approve the financial report and pay the bills, seconded by Jason Firestine. Motion carried unanimously.

Scot expressed concern with the cost of the Frontier bills. Bruce has looked into internet based systems. Bruce will do more research for different options.

**ENGINEERS’ REPORT:**

**Chuck Haley** reported that nothing has really changed. ELA is still waiting on the USDA review. They will continue to update permits as necessary.

**Gary Martin** reported:

WVA NPDES Permitting: Becker and ELA received an email from DEP on Feb. 3, 2021 noting that the current Permit has loading provisions that were to become effective Oct. 1, 2021 and that there may need to be a new or modified permit application now that the project has not started and will not be operational and in compliance with the new permit by Oct. 1, 2021. This is to be coordinated with the new Consent Order and Agreement deadlines once a bidding date has been established.

Chapter 94 Reporting: The Chapter 94 report to NHB has been prepared and there are no concerns. Scot Ash made a motion to accept the Chapter 94 report to NHB and submission to NHB, seconded by Jason Firestine. Motion carried unanimously. The Chapter 94 report to ETSA has also been prepared and is ready to submit to ETSA. Gene made a motion to accept and submit the Chapter 94 report to ETSA, seconded by Scot Ash. Motion carried unanimously. Tom McDermott made a motion to sign the Chapter 94 report for NHB, seconded by Randy Miller. Motion carried unanimously. Gene Pierce made a motion to sign the Chapter 94 report for ETSA, seconded by Randy Miller. Motion carried unanimously.

Tapping Fee Updates: Gary recommends keeping the tapping fees the same.

322 Properties – Gary noted that this project is slowly moving forward.

Blue Ball Water System: Gary noted that for the connection of the Twin Springs system to Rt. 23, a PENNDOT HOP will be needed. Gene Pierce made a motion for the chairman of the Authority to sign the HOP for SR 23 WVA work, seconded by Scot Ash. Motion carried unanimously.

**SOLICITOR’S REPORT:**

Frank Mincarelli distributed his report via email which included discussions regarding the status of the USDA funding and also the possibility of alternative financing if USDA doesn’t advance their plan approval process. A draft resolution and draft sewer easement

agreement were prepared authorizing the acceptance of a sewer easement from Marvin Zimmerman across his Twin Springs Industrial Park lot which will allow the Authority to access the sewer main across the corner of his lot.

Frank reviewed correspondence for the utility easement across the Sensenig lot at 53 Gentle Dr. The existing easement agreement granted to the Borough of Terre Hill by the developer of Fairville Heights was compared to the utility easement shown on the final land development plan. It was found that the easement shown on the Sensenig property was not dedicated to the Borough and was not included in the easement granted by Martin Land Development LLC to the Borough for water and sewer lines. Frank believes a case can be made for common law dedication. For common law dedication, the developer would need to confirm that the easement was intended to be for the Authority (or THB at the time of dedication). The developer was Martin's Land Development LLC. Scot Ash made a motion for Frank to contact the developer, Ivan Martin, to have him sign and if he will not sign to move forward with condemnation, seconded by Randy Miller. Motion carried unanimously.

Frank prepared a Sewer Easement Agreement for Horst's Farm Market granting the Horst's an easement to run a low pressure line across a portion of the Authority's pumping station lot to connect to the public sewer system. A resolution was also prepared approving the granting of the easement. Randy Miller made a motion to adopt Resolution 2021-04, seconded by Jason Firestine. Motion carried unanimously. Jason Firestine made a motion to authorize signing the Easement Agreement with the Horst's, seconded by Randy Miller. Motion carried unanimously.

#### **OPERATIONS REPORT:**

Bruce reported that as of March 1<sup>st</sup>, Roger Marks is scheduled to start bringing septage to the WWTP again. The board was ok with allowing septage receiving to start again.

**DAY-TO-DAY COMMITTEE:** Harold reported that the committee reviewed three quotes received for the 2021 mowing. Although the current contractor, Curtis Frey is slightly higher, the committee would like to recommend retaining his services at \$640 a mowing. Mike Geng was present and he explained to the board that he provided a proposal for mowing for \$600 a mowing/week. He also explained that he lives near the Terre Hill WWTP and his neighbor complains to him about the mowing. Bruce noted that he has heard from Bob that there were some complaints but none were made directly to Bruce. Gene Pierce made a motion to award the 2021 and 2022 mowing to Exclusive Landscapes based on the lowest price and initiative to attend the meeting, seconded by Randy Miller. Motion carried unanimously.

#### **NEW BUSINESS:**

**Alternative Financing Options:** Gene Pierce made a motion to proceed with Concord Public Finance up through getting a bond rating and insurance commitment, seconded by Jason Firestine. Motion carried unanimously.

#### **UNFINISHED BUSINESS:**

**196 Broad St. meter for water tower** (former Flower & Home Marketplace) – Jason reported that the property owner, Leon, received pricing for the tank work. Jason said it appears that the property owner will be moving forward with the work and he would expect them to contact the Authority.

Having no further business, Jason Firestine moved to adjourn the meeting at 9:02 p.m., seconded by Randy Miller. The next meeting will be held on March 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