

WEST GOSHEN SEWER AUTHORITY
REGULAR MEETING
July 7, 2021
7:00 PM

The regular meeting of the West Goshen Sewer Authority was held on Wednesday, July 7, 2021 at the West Goshen Township Administration Building. Those present were:

<u>Authority</u>	<u>UTBF</u>	<u>Administration</u>	<u>HRG</u>
Theodore Murphy	Ryan Jennings	Casey Lalonde	Josh Fox
Tina Smith		Dave Woodward	
Walt Wills (By Teleconference)		Mike Moffa	
Shaun Walsh			

1. The regular meeting of the Authority was called to order at 7:02 PM by Chair, Ted Murphy.

2. The Authority meeting minutes for the regular meeting of June 2, 2021 were motioned for approval by Tina Smith. Seconded by Ted Murphy. Approved 4-0.

The Open Actions were reviewed:

a) Josh and Mike, to revise Standard Sewer Specifications by year end (Item 5d February 2021 meeting);

b) Review the legal requirements (Ryan) for use of the accumulated interest in the Developer Escrow Account and confirm with Finance (Walt) the specific amount available. (Item 6g June 2021 meeting);

- Walt informed the Authority that there is \$708.97 of accumulated interest since the Developer Account had been established at TD Bank. There is additional interest in the account, previously accumulated when the account was at Fulton Bank. Ryan advised the Authority of his review of the issue. Overall, legal resources were silent with respect to use of interest. The Escrow Agreements between the Authority and the Developer require that any remaining balances be returned to the developer. Escheat law would require un-distributable funds be turned over to the State. The Authority members discussed the issue and agreed further actions:

- ACTION: Walt Wills** to discuss with the Finance Director if it was possible to determine the amount of interest at TD Bank attributable to each Developer deposit, how accurate the determination would be and how much time and effort would be required.
- ACTION: Walt Wills** to develop a recommendation on whether to change the Escrow account to be either non-interest bearing or to utilize sub-accounts for each developer deposit.
- ACTION: Walt Wills** to assess with the Finance Director if there was sufficient information to perform action 2 b) i. on the prior interest at Fulton Bank.

c) Josh and Mike to prepare a draft presentation for use at the Joint Meeting of the Township Board of Supervisors & Sewer Authority Board. Review the draft presentation at the August Sewer Authority regular meeting. (Item 9 June 2021 meeting);

d) Mike Moffa to incorporate a line item for travel/conference attendance in future annual Authority budgets. (Item 11 June 2021 meeting).

3. Ted Murphy announced:
 - a) An executive session was held earlier this evening to discuss potential pending legal action.
 - b) A separate meeting was held earlier this evening between representatives of the West Goshen Sewer Authority, HRG Engineer and West Goshen staff with representatives of East Goshen Township and the East Goshen Board of Supervisors to discuss the Westtown Way Pump Station Improvement Project.
 - c) 2 waivers for the PA Steel Act (that requires PA domestic steel be used) were signed by the Chair recently regarding acquisition of necessary parts to meet the deadline for start-up of the COMAG system (knife gate valves (June 23, 2021) and pipe fitting reducers (July 6, 2021)).
 - d) We have received the Sewer Authority's final audit statements for 2020. The Final Audit, Financial Services Agreement and Financial Policies will be reviewed at the August meeting.
 - e) Next regular meeting will be August 4, 2021 at 7:00 PM. Location Township main meeting room.

Shaun Walsh announced that the Joint Meeting of the Township Board of Supervisors and the Sewer Authority Board is planned for Tuesday, September 7th at 6 pm. There were no other Board member announcements.

4. Residents Mary Lou Enoches and Jack Enoches (1 Manor Drive) were in attendance and described the lack of public sewer on Manor Drive and neighboring streets in West Goshen Township. Sewer has been managed by on-lot cess pools since home construction in the 1950's. Some years ago a preliminary investigation of providing public sewer service to these streets had been initiated by the previous Authority Engineer, but had not been advanced. The Authority members thanked Mr. & Mrs. Enoches for raising the issue again and expressed a desire to evaluate how to bring sewer service to residences of the Township that currently have cess pools. Ted Murphy suggested addressing this need should be incorporated into the Capital Improvement Plan for the Authority. Requested actions were:
 - a) **ACTION: Casey Lalonde** to determine the number of residences using cess pools and their locations in the Township;
 - b) **ACTION: Josh Fox** to review the Act 537 assessment and outcomes.
5. Solicitor's Report dated July 1st, 2021 was presented by Ryan Jennings.
 - a) Woodlands at Greystone
Ryan advised that in speaking with Counsel for the Woodlands at Greystone, the Developer is now targeting August for Phase III sanitary sewer-related authorizations from the Authority. Phase III consists of 28 single-family, age-restricted, detached dwellings, including related improvements. UTBF is not yet in receipt of Phase III cost estimates, but anticipates receipt in the coming weeks, followed by draft, Phase III Development documents.
 - b) 504 S. Concord Road Subdivision (former Boy Scout property)
This project entails a proposed lot line configuration, the extinguishment of an existing right-of-way, and the establishment of a new right-of-way to accommodate a sewer main relocation. For several weeks, UTBF have been coordinating with the Developer's counsel, Developer's engineers, and HRG regarding legal descriptions, cost estimates, and easement-related agreements. This coordination has culminated in the development of requisite documentation to accommodate the sewer main relocation. Ryan advised the Development documentation is now complete and satisfactory for action by the Authority, as requested by the Applicant.

- i. Ted Murphy motioned to authorize the Agreement to Extinguish Final Right-of-Way Agreement, as between Big Bear Gulch, LLC, the West Goshen Sewer Authority, and West Goshen Township. Seconded by Tina Smith. Approved 4-0
 - ii. Shaun Walsh motioned to accept the Deed of Right-of-Way to accommodate a sewer main relocation and to approve adoption of Authority Resolution No. 2021-5, confirming and memorializing the acceptance of certain sewer rights-of-way by the West Goshen Sewer Authority, as offered by Big Bear Gulch, LLC. Seconded by Tina Smith. Approved 4-0
 - iii. Tina Smith motioned to authorize the Sanitary Sewer Construction Agreement secured by irrevocable Letter of Credit, between Big Bear Gulch, LLC and the West Goshen Sewer Authority. Seconded by Shaun Walsh. Approved 4-0
6. Ryan provided an overview of PA Senate Bill #554 (Act 65 Amendments) and the requirements applicable to the Sewer Authority. The Authority members discussed what specific changes need to be made to prepare and post the agenda ahead of the regular scheduled meetings. Current practice of creating a final agenda the day of the meeting will no longer be permitted. The Authority Board agreed to prepare and issue the final agenda on the Monday (48 hours) before the regular meeting on the first Wednesday of each month. **ACTION: Shaun Walsh** to update the Authority By-laws to incorporate this change and other relevant Bill #554 requirements, and bring the final draft By-laws document to the August meeting for Board Approval.
7. Wastewater Superintendent Report for the month of June, 2021 was presented by Mike Moffa.
 - a) The treatment plant operated in compliance with the NPDES permit for June. Treated 122.2 million gallons of wastewater. Average of 4.07 mgpd. The temporary press operation continued and 368 tons of dewatered sludge were pressed for disposal. Average Total Phosphorous discharge concentration = 0.68 mg/L.
 - b) Mike described the budget status of the Sewer Authority Funds as of 6/30/2021 and the latest expense projections for the various capital projects. It was recognized that the transfer of money from the partner townships Bond Construction Fund sub-accounts to the Authority was lagging behind the actual payment of the bills for the Bond projects. **ACTION: Walt Wills** to work with Mike and Josh to bring the transfers in-line with spend.
8. The Treasurers Report dated July 7, 2021 was presented by Walt Wills (See report for details).
 - a) Walt Wills motioned to approve as Requisition #616 & #617 from the Bond Construction Fund Application for Payment No. 15 for Contract WWTP-19-1 (WWTP Phase 2 General Contract) to Blooming Glen Contractors, Inc. in the amount of \$302,020.37 for work completed through June 22, 2021. Seconded by Ted Murphy. Approved 4-0.
 - b) Walt Wills motioned to approve as Requisition #613 & #614 from the Bond Construction Fund Application for Payment No. 9 for Contract WWTP-19-2 (WWTP Phase 2 Electrical Contract) to Brendan Stanton, Inc. in the amount of \$63,650.98 for work completed through June 28, 2021. Seconded by Tina Smith. Approved 4-0.
 - c) Walt Wills motioned to approve as Requisition #629 from the Bond Construction Fund Application for Payment No. 7 for Contract WWTP-19-3 (WWTP Phase 2 Mechanical Contract) to CUICK Precision Solutions in the amount of \$6,153.25 for work completed through June 18, 2021. Seconded by Shaun Walsh. Approved 4-0

- d) Walt Wills motioned to approve as Requisition #618 from the Bond Construction Fund Application for Payment No. 4 for Contract WWTP-20-2 (Aeration Basin Improvement Project - Electrical Contract) to MJF Electrical Contracting in the amount of \$9,810.00 for work completed through June 23, 2021. Seconded by Ted Murphy. Approved 4-0.
 - e) Walt Wills motioned to approve as Requisition #619 from the Bond Construction Fund for Payment No. 6 for Contract TD-2 (Trinity Drive Pump Station Improvement Project – Electrical Contract) to MJF Electrical Contracting in the amount of \$1,530.00 for work completed through June 23, 2021. Seconded by Tina Smith. Approved 4-0.
 - f) Walt Wills motioned to approve for payment as listed on the Treasurers Report, Requisition #615, #620 through #628 from the Bond Construction Fund in the total amount of \$74,799.21; Tapping Fee Fund Requisitions #2072 through #2084 in the total amount of \$89,771.06; and Developer’s Invoices (4) in the total amount of \$2,795.47. Seconded by Shaun Walsh. Approved 4-0.
9. Engineers Report, dated July 1st, 2021 was presented by Josh Fox (See report for details). Josh shared an update to the Change Order Tracker spreadsheet for the three WWTP Phase II Improvement Project Contracts. At present, total Change Orders approved for unforeseen work is \$167,707.30 and Likely Change Orders for additional scope is \$60,979.64. Remaining identified risk items are estimated at approximately \$33,000.00. Therefore the total Potential Change amounts to \$261,686.94. This represents 2.92% of the total original value of the three WWTP Ph.2 contracts, which combined are \$8,974,200.00. If this holds, the outcome will be <3% of the original contract values, which is considered a good performance on contracts of this complexity and with the unknown interference risks of extensive underground piping work on the project.
- a) Shaun Walsh motioned to approve the confirmation of assignment to HRG in the amount of \$62,600.00 for Construction Phase Contract Management and Resident Project Representation for the Cemetery Sewer & ARV Replacement Project. Seconded by Tina Smith. Approved 4-0.
 - b) Tina Smith motioned to approve Change Order No. 5 for Contract WWTP-19-1 for an increase in the Contract price in the amount of \$45,025.54 for additional work and revisions associated with the Dewatering & COMAG system project. Seconded by Shaun Walsh. Approved 4-0
 - c) Ted Murphy motioned to approve Work Change Directive No. 1 for Contract WWTP-19-1 for installation of a gas service line from the COMAG building to the Dewatering building. The WCD is not to exceed \$44,235 and 5-days duration. Seconded by Tina Smith. Approved 4-0.

In the meeting earlier in the evening, agreement had been reached with representatives of the East Goshen Municipal Authority and East Goshen Board of Supervisors on the scope and cost management approach to the Westtown Way Pump Station Improvement Project. The agreed outcomes were:

- Remove a requirement from the construction bid documents for the bidder to provide stream bank restoration. HRG estimate/allowance was \$150,000 for this project line item. Any stream bank impacts caused by the project would be managed separately, possibly in conjunction with a wider stormwater management initiative by West Goshen Township to address erosion at that location.
- HRG to work with Pennoni on the bid qualification requirements. Josh Fox to share the bid documents with Mike Ellis (Pennoni) and Mark Miller (East Goshen Public Works Dir.).
- The bid proposals received would be jointly reviewed to ensure an agreed course of action if the bid prices exceed expectations.

- Proceed with COSTARS purchase of equipment.
- Continue to seek PA grant funding for the project.
- East Goshen Finance to review possible extension of project payments for their share of project costs above the original estimated cost to East Goshen.

The project design will be ready to approve for construction bidding in August. Shaun Walsh motioned to authorize COSTARS procurement of identified equipment in an amount not to exceed \$683,000.00 for the Westtown Way Pump Station Improvement Project. Seconded by Walt Wills. Approved 4-0.

Josh informed the Authority Board of the outcome of the bid process and satisfactory review of the bid packages for the Cemetery Sewer & ARV Replacement project. Shaun Walsh motioned to authorize HRG to issue the Notice of Award for Contract SA-1 (Sanitary Sewer Rehabilitation) to Standard Pipe Services, LLC in the amount of \$262,065.00 and to issue the Notice of Award for Contract SA-2 (ARV Replacement) to DiRocco Bros., Inc. in the amount of \$99,360.00. Seconded by Tina Smith. Approved 4-0. Shaun Walsh motioned to authorize HRG to issue the Notice to Proceed, pending the Solicitor's approval of the agreements, bonds and insurance, for Contract SA-1 to Standard Pipe Services, LLC, and for Contract SA-2 to DiRocco Bros., Inc. Seconded by Ted Murphy. Approved 4-0.

10. Developers Activity Report, dated July 1, 2021 was presented by Josh Fox (See report for details).

Ted Murphy advised he will call Ray Grochowski, Project Manager for the Woodlands at Greystone development, to discuss the Developers project to increase the size of the sewer main on Andrew Drive. Ted will share the concern of the Authority that no work schedule has been provided to date and express disappointment that the project appears highly unlikely to be completed by the deadline set in the Agreement with the Authority.

ACTION: Ted Murphy

11. The Authority By-laws require additional changes as a result of the recently enacted Senate Bill 554, as discussed during the Solicitor's report.

12. The Authority members discussed recent false information being posted on social media.

13. Any Other Business:

Resident Dr. Doug White asked if the Authority still utilized a CRIM (Investment account). Shaun Walsh replied that this account had been closed at Fulton Bank and that the Authority did not have an investment account at TD Bank. The Authority currently holds its funds (excluding money in the Bond Fund) in the Tapping Fee Account, which is a TD Bank Money Market account.

Dr. Doug White asked about the accounting basis used by the Authority. Casey Lalonde responded that the accrual basis of accounting is used for the financial statements.

Shaun Walsh motioned to adjourn the meeting at 9:47 PM, seconded by Tina Smith. Approved 4-0.

Respectfully submitted,

Shaun Walsh,
Secretary