

West Goshen Township
Sewer Authority
January 6, 2021
7:00 PM

Agenda for Teleconference Meeting

1. Pledge of Allegiance.
2. Roll Call for Sewer Authority Board members, staff and professional service providers.
3. Reorganization of the Authority Board.
4. Approval of the Authority meeting minutes of December 2 and December 14, 2020. Open action items from prior meetings include:
 - a) Josh Fox, to obtain price for appropriate consultant engagement for possible coating of the interior of the secondary anaerobic digester (item 8a October 2020 Meeting);
 - b) Shaun Walsh, to engage in dialogue with West Chester Borough Council and Public Works for possible inter-municipal agreement to provide sewage treatment services to the Borough (or portion thereof) at the West Goshen Plant (item 11 December 2, 2020 meeting).
5. Authority Chair and Member announcements.
 - A. Procedures for telephonic meeting (see attached). Meetings via teleconference are permitted in the event that official emergency declaration prevents an open public meeting.
 - B. On December 14, 2020 in a special public meeting the Authority Board conducted candidate interviews with 4 Law Firms for Solicitor for West Goshen Sewer Authority. The Authority in a 3-1 decision reappointed the Law Firm of Unruh, Turner, Burke & Frees as the Authority Solicitor.
 - C. Next regular meeting February 3, 2021 at 7:00 PM. Location to be determined.
6. Solicitor's Report, dated January 6, 2021 presented by Ryan Jennings, Esquire.
 - A. Woodlands at Greystone.

The developer's attorney has obtained the joinders signed by the lenders for the two phase 1 ROWs. This office has been informed that the fully executed documents should be delivered in time for approval during the Board meeting next week.

The phase 2 ROW plans and legal descriptions have been reviewed and approved by Carroll Engineering. This office has approved the form of ROW and lender joinders and is waiting for the developer's counsel to have the completed documents signed by the property owner and lenders.

B. 504 S. Concord Road Subdivision (former Boy Scout property).

The preparation of a new ROW and the extinguishment of an existing ROW are required. This office is waiting on the required ROW exhibit information which the applicant's consulting engineer will provide once the final plan review from Rick Craig is received. The extinguishment document has been prepared.

C. Aeration Basin Improvements Project

Reviewed two sets of bid documents and determined that minor omission in the MLF Electrical bid could be waived provided the references were provided promptly to HRG.

D. Miscellaneous

We conferred with Mike on a ROW conflict at the Luxor Apt. construction site.

7. Wastewater Superintendent Report, dated January 3, 2021, presented Mike Moffa.

A. General Compliance Status & Misc. Operational Data.

8. Treasurer's Report, dated January 6, 2021, presented by Walter Wills. Discussion and possible approval of requisitions/bills to be paid as set forth in the Treasurer's Report totaling \$475,423.95.

A. Discussion and possible approval for Application for Payment No. 2 for Contract 19-3 (WWTP Phase 2 Mechanical Contract) to CUICK Precision Solutions in the amount of \$36,992.70 (bond requisition # 539).

B. Discussion and possible approval for Application for Payment No. 10 for Contract 19-1 (WWTP Phase 2 General Contract) to Blooming Glen Contractors, Inc. in the amount of \$211,729.58 (bond requisition # 540).

C. Discussion and possible approval for Application for Payment No. 4 for Contract TD-1 (Trinity Drive Pump Station Improvements General Contract) to PSI Pumping Solutions, Inc. in the amount of \$46,685.86 (bond requisition # 541).

D. Discussion and possible approval for Application for Payment No. 2 for Contract IP-2 (2019 Phase 1 Interceptor Repairs Sanitary Sewer Replacement Contract) to North American Pipeline Services, LLC in the amount of \$82,551.60 (tapping fee requisition # 2033).

E. Approval of Bond Requisition numbers 537-538 and 542-546, Tapping Fee Fund requisitions 2028 – 2032 and 2034-2035, and Developer's Invoices.

9. Engineer's Projects Report, dated December 30, 2020 presented by Josh Fox from HRG.

- A. Discussion and possible approval for Change Order No. 2 for Contract WWTP-19-1 for an increase in the Contract Price of \$31,323.82 for repair to the 16-inch air piping, modifications to the clarifiers, and undercut for the COMAG Drain Wet Well. This change order also includes an extension of the Contract Time by 43 days.
 - B. Discussion and possible approval for Change Order No. 2 for Contract WWTP-19-2 for a Change in Contract Times of 73 days as a result of changes to GC scope and lack of progress from GC.
 - C. Discussion and possible approval for Change Order No. 2 for Contract WWTP-19-3 for a Change in Contract Times of 73 days as a result of changes to GC scope and lack of progress from GC.
 - D. Discussion and possible acceptance of approval for Change Order No. 1 for Contract TD-2 for an increase in the Contract Price of \$3,942.09 for temporary relocation of power and control wiring and conduit for the work to proceed. Actual location of facilities differed than those shown on the Contract Drawings. This was approved by Superintendent Mike Moffa (in accordance with previously approved Authority Board policy) in order to continue to progress the work and is being provided for your use and reference.
 - E. Discussion and possible approval for Confirmation of Assignment for Additional Design and Bid Phase Services and Construction Phase Services for Aeration Basin Improvement Project for an estimated fee of \$50,000.
 - F. Discussion and possible approval for Confirmation of Assignment for Priority B (Phase II) Interceptor Rehabilitation Project as submitted previously presented at the June 2020 meeting.
10. Developments Report, dated December 30, 2020 presented by Josh Fox from HRG.
- A. Discussion and possible approval for accepting the financial security for the sanitary sewer extension at Goshen Walk – 325 North Five Points Road #262 - in the amount of \$91,128.85 in a form suitable to the Authority's Solicitor.
11. New business.

Adjourn

Procedures for Tele-conference

TELECONFERENCE INSTRUCTIONS

**January 2021 Sewer Authority Meeting
Wed, Jan 6, 2021 7:00 PM - 9:00 PM (EST)**

**Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/297013981>**

**You can also dial in using your phone.
United States (Toll Free): [1 877 309 2073](tel:18773092073)**

Access Code: 297-013-981

Please note that we may have members of the public joining our teleconference.

We will proceed with the following instructions during the course of the teleconference meeting.

1. At the beginning of the meeting we will take a roll call for members, staff and professional service providers present.
2. Each person speaking shall announce identity at the beginning of comments.
3. Public comment will be permitted only when specifically requested of the public just before each vote is taken or at the end of the meeting before adjournment.
4. Please keep comments as short as possible as there is a time limit for the teleconference access.
5. Each item requiring a vote will proceed with a motion and a second, followed first by member comments/questions, only when prompted by the chair, and then second by public comments/questions but only when prompted by the chair.
6. Voting shall be done by roll call of each member for each vote.

The [Office of Open Records](#) has issued the following advisory regarding [Pennsylvania's Sunshine Act](#) and the coronavirus (COVID-19).

Last updated March 31 at 9:07 a.m.

Note: Check online at:

<https://openrecordspennsylvania.com/2020/03/11/the-sunshine-act-and-covid-19/>

This advisory relates to all meetings governed by the Sunshine Act; it is not limited to emergency meetings.

As a starting point, it's key for agencies to remember that transparency builds trust, especially in times of crisis.

The [Sunshine Act](#) is clear that public meetings should be held at public buildings with open public participation whenever possible. If an official emergency declaration prevents that from happening, a meeting via teleconference, webinar, or other electronic method that allows for two-way communication is generally permissible.

Any agency taking that step must provide a reasonably accessible method for the public to participate and comment pursuant to Section 710.1 of the Sunshine Act. That method should be clearly explained to the public in advance of and during the meeting.

Further, the Office of Open Records strongly recommends that any agency holding such a meeting record the meeting and proactively make the recording available (preferably online) so that a full and complete record of the meeting is available to the public.

[35 Pa.C.S. § 7501\(d\)](#) allows agencies under a “declaration of disaster emergency” (here's the [March 6 disaster emergency declaration](#) signed by Governor Wolf and [information about the declaration](#)) to suspend the need to comply with certain “formal requirements.” In context, any such suspensions must be related to the emergency in some way.

Some agencies are governed by laws which add requirements beyond those included in the Sunshine Act. For example, both the Borough Code and the Third Class City Code explicitly require that a majority of members be physically present for purposes of determining a quorum. In such cases, the provisions of [35 Pa.C.S. § 7501\(d\)](#) can come into play. The OOR encourages agencies to consult with their solicitors on such issues.

Agencies, solicitors, and members of the public with any questions are welcome to contact the OOR. Using [the OOR contact form](#) is the best way to reach us at this time, as we are all working remotely.

Guidance from the Pennsylvania District Attorneys Association

The Pennsylvania District Attorneys Association has also issued guidance related to the Sunshine Act, which [can be read here \(PDF\)](#).

On April 20, 2020 Governor Wolf signed Senate Bill 841 that allows remote municipal meetings during the COVID-19 Emergency.

See Title 35 Pa.C.S.A. §§5701 – 5741. The change in the law allows hearings, meetings, proceedings, or other business to be conducted through the use of authorized telecommunications device until the expiration or termination of the COVID-19 disaster emergency.

Link here: <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2020&sessInd=0&act=15>

In addition, section 7501(d) of Title 35 has been amended in the same bill to provide for temporary suspension of formal requirements in other emergencies declared either by the Governor or of the governing body of the political subdivision affected by the disaster emergency. A quorum of physically present members is not required if a quorum is otherwise established by participating members through authorized telecommunication device. This provision does not expire at the end of the COVID-19 disaster.