



BOARD MEETING MINUTES JANUARY 31, 2023

The regular, monthly meeting of the East Cocalico Township Authority (ECTA) was held on Tuesday, January 31, 2023 at the East Cocalico Township Municipal Building, 100 Hill Road, Denver, PA 17517.

Those in attendance were as follows:

Members: Daniel Becker, Samuel Weaver, Gerald DeBalko, Edward Nevling, J. Bradford Fichthorn, David Lutz, Richard Shober, June Kinback and Noah Zimmerman
Solicitor: Lucy Dowd, Lucy Dowd Law, LLC arriving at 7:12 p.m.
Engineer: Adam Smith, PE (acting ECTA Engineer) and John Hammell, PE, ECTA's Client Service Leader, CDM Smith
ECTA Staff: Scott Carl, Sr. (via Zoom), Kenneth Spitler, Michael Galley, Tyler Pannebecker, Lisa Shaw and Jodie Eberly
Visitors: None

Chairman Daniel Becker called the meeting to order at 7:00 p.m.

REORGANIZATION: Chairman Becker reported that at the East Cocalico Township Board of Supervisors' Organization Meeting held on January 3, 2023, Samuel Weaver, Jr. was reappointed to a five-year term on the Authority Board ending December 31, 2027, and Noah Zimmerman was appointed to fill the unexpired term of Raymond Wolf ending December 31, 2026.

Chairman Becker then turned the meeting over to the Chairperson of the Nominating Committee, Richard Shober, who presented the following recommendations for Officers and Project Managers for 2023:

Chairman	Daniel J. Becker
Vice Chairman.....	Samuel E. Weaver, Jr.
Secretary	Gerald A. DeBalko
Assistant Secretary	J. Bradford Fichthorn
Treasurer.....	Edward R. Nevling
Assistant Treasurer.....	David A. Lutz
Project Manager	Richard A. Shober
Project Manager	June C. Kinback
Project Manager	Noah S. Zimmerman

- David Lutz made a motion to nominate the above slate of Officers and Project Managers for the year 2023, second by Gerald DeBalko, and carried unanimously.
- Gerald DeBalko made a motion to close the nominations, second by Samuel Weaver, and carried unanimously.

Chairman Becker asked Richard Shober to cast the unanimous ballot for Reorganization for 2023 which is as follows:

Chairman	Daniel J. Becker
Vice Chairman.....	Samuel W. Weaver, Jr.
Secretary	Gerald A. DeBalko
Assistant Secretary	J. Bradford Fichthorn
Treasurer.....	Edward R. Nevling
Assistant Treasurer.....	David A. Lutz
Project Manager	Richard A. Shober
Project Manager	June C. Kinback
Project Manager	Noah S. Zimmerman

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A 2023 Directory is attached hereto listing Officers and Project Managers including the expiration of their terms on the Authority Board.

The meeting was turned back over to Chairman Becker to discuss the appointments of the Solicitor, Engineer and Auditor for 2023.

SOLICITOR: Richard Shober made a motion to appoint Lucy Dowd Law, LLC at 342 North Queen Street, Rear, Lancaster, PA 17603, as Solicitor for the Authority for the year 2023, second by David Lutz, and carried unanimously.

ENGINEER: With the recent resignation of Rachel Kirkham from CDM Smith, no action was taken to appoint the Authority Engineer at this time.

AUDITOR: Chairman Becker reminded the Board that Brown Schultz Sheridan & Fritz was already appointed as the Auditor for the Authority's 2022 audit at the August 13, 2020 ECTA Board meeting. At that time, a three-year contract was approved, ending with the 2022 audit.

COMMITTEES: Chairman Becker announced that he was reappointed by the East Cocalico Township Board of Supervisors to the IMG as the ECTA Representative and Administrator Scott Carl was reappointed as First Alternate for the year 2023. Chairman Becker presented the Committee appointments for 2023. A list of the 2023 Committees is attached hereto.

RECOGNITION OF SERVICE: On behalf of the entire Board, Chairman Becker recognized and thanked Edward Nevling for his 15 years of service, Gerald DeBalko for his 10 years of service, and Bradford Fichthorn for his 10 years of service on the ECTA Board.

MINUTES: Minutes of the monthly meeting held on December 21, 2022 were approved as presented on motion by Samuel Weaver, second by June Kinback, and carried unanimously.

TREASURER'S REPORT (see attached): Accountant Lisa Shaw reviewed the December 2022 financial reports. The reports were approved as presented subject to audit.

MONTHLY CAPACITY REPORTS (see attached): The December 2023 Monthly Capacity Reports were approved as presented on motion by Bradford Fichthorn, second by Gerald DeBalko, and carried unanimously.

ADMINISTRATOR'S UPDATE: A complete copy of the update is on file in the Authority Office. Administrator Scott Carl, Sr. discussed the following from his update:

WELL 10 (DENVER ROAD) TRICHLOROETHYLENE (TCE) INVESTIGATION: DEP continues to search their historical record database to try and determine if previous owners could be potential sources of TCE based upon business type.

WELLS 4 & 12 ABANDONMENT: Administrator Carl and Superintendent Spitler will schedule a follow up meeting with the property owner (Lester Zimmerman) sometime in February 2023 to discuss the current ECTA property, well building and 1972 Agreement that is in place.

SCADA & CONTROLS SYSTEM: Keystone continues to address punchlist items. A progress meeting is scheduled for February 2, 2023. Punchlists should be completed within the next two weeks. Wells F & M SCADA and controls work should be completed by the end of February 2023.

MEADOWBROOK AREA WATER & SANITARY SEWER PROJECT: The shop drawing submittal process is going slowly. It was recently discovered that CDM Smith never filed the required permits, so there is a delay with the start of the project. Once ECTA has the approved permits in hand, Administrator Carl will rework the schedule with the contractor and will communicate it to the Township as well as the residents of the Meadowbrook area. Both the water and sewer PENNVEST applications for this project were approved for full funding. The offer packages are under review, and CDM Smith must still address the outstanding Letter of No Prejudice requirement and Application for Payment No. 1 submitted by A.H. Moyer. The eleven (11) new Mueller Super-Centurian 250 hydrants have now been delivered and are being held at the Exeter Supply storage yard with all other piping that was pre-purchased.

TANK #4 WATER SYSTEM MODELING: ECTA is still awaiting the Tank #4 hydraulic model report from CDM Smith that ECTA authorized on September 25, 2020. This unfinished report has been holding up development projects in the Township from moving forward, so it has been reiterated to Acting Engineer Smith and John Hammell at CDM Smith that the report remains a top priority.

STEVENS ROAD/PENNDOT WATER MAIN RELOCATION PROJECT: ECTA continues with pre-construction coordination and submittal reviews.

EMERGENCY ECTA OFFICE GENERATOR: The Township still anticipates the generator to be delivered within six to nine months from the June 2, 2022 order date (December 2022 to March 2023).

STEVENS PUMPING STATION EXPANSION: The final punchlists were issued by CDM Smith, and the contractors are working on the punchlists. Final reconciliation change orders must still be issued by CDM Smith.

WATER TREATMENT PLANT (WTP) UPGRADE: GSE and PSI have completed the majority of their work. Both contractors will be off site until delivery of the emergency generator sometime in November 2023. PSI submitted Payment Application No. 3 in the amount of \$16,382.08 which was reviewed and approved by WATEK Engineering and Administrator Carl and is being recommended for payment. It is included on ECTA's January 31, 2023 invoice listing to be approved at tonight's meeting. Change Order No. 1 in the amount of \$3,033.33 and covering a time extension to December 31, 2023 was executed with PSI due to the generator delivery delay and ECTA's request for an additional mixer for the second CIP mix tank. Change Order No. 1 covering a time extension to December 31, 2023 was executed with GSE due to the generator delivery delay. Change Order No. 1 covering a time extension to April 21, 2023 was executed with GSM due to the dehumidification system delivery delay. CDM Smith and GeoServices are working on completing the Well M operations permit documentation for submission to PADEP.

WATER TREATMENT PLANT (WTP) FILTER & PIPE REPAINTING: This project remains on hold with re-bidding scheduled for October 2023.

RE-PERMITTING WELLS 2A & 14: GeoServices has continued with the SRBC Docket Renewal Application work for Wells 2A and 14.

PRIVATE WELLS: Now that a new ECT Manager is in place, the private well topic can be revisited. WICU's engineer has contacted Administrator Carl and informed him that WICU is moving forward with design work on the long-outstanding Kurtz Road/Industrial Way water line loop.

SOURCE WATER PROTECTION PROGRAM (SWP): Administrator Carl reported that Michael Galley continues to do a great job in leading and managing the SWP, as well as managing the NFWF grant ECTA received.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDING: The final ARPA Funding Agreement and associated Certification & Acknowledgement of American Rescue Plan Act Funds document for the \$1M grant for the Meadowbrook project and \$332,000 grant for the current WTP Upgrade project have been reviewed and approved by Administrator Carl and were presented to the Board for execution.

- June Kinback made a motion to execute the Lancaster County ARPA Funding Agreement and associated Certification & Acknowledgement of American Rescue Plan Act Funds document, second by Richard Shober, and carried unanimously.

PHASED WATER SYSTEM IMPROVEMENTS (Kurtz Road, Wabash Road, Reamstown Road (Phase 1 & 2) and Stevens Road water main replacements and Tank #4 rehab): The PENNVEST programmatic funding for this project was approved for full funding. The offer package is currently under review.

KURTZ ROAD WATER MAIN REPLACEMENT PROJECT: Since only one of the six phased water system improvement projects needed to be designed and ready for bid by the PENNVEST application submission deadline of November 2, 2022, Kurtz Road was chosen as it has been number one on ECTA's priority list and was already budgeted for in 2023. The design and permitting submissions are complete for this project. This project is on hold until ECTA decides which direction it is going with the PENNVEST programmatic funding.

ECTA OFFICE RENOVATION/ECT BUILDING EXPANSION: A project status memo was sent to the Township on December 22, 2022 and an informational sharing session was held with the Township Supervisors on January 5, 2023. By request of the Township, Administrator Carl attended the January 12, 2023 Board of Supervisor's (BOS) meeting and presented the project history and status to the Supervisors and public. During that meeting, the Supervisors then requested that ECTA obtain additional information relating to replacement costs and options for the building's existing HVAC system. A summary of this additional information including construction costs and related ADA cost improvements and associated engineering was provided to the BOS January 20, 2023. ECTA awaits the BOS's decision on moving forward with the expansion.

WELL 11 (DRY TAVERN ROAD): Entech posted the bid package for the streambank stabilization project on PENNBID December 22, 2022. A mandatory pre-bid was held January 10, 2023. Six bids were received and reviewed. The apparent low bidder is Flyway Construction, Inc. at \$33,490 (Entech's estimate was \$57,000). Based upon Administrator Carl's review and Entech's recommendation letter, Administrator Carl is recommending Board acceptance of the low bid and to allow Entech to prepare and issue a Notice of Intent to Award and contract document package to the low bidder. Per US Fish & Wildlife, all in-stream work must be completed by March 31, 2023 because of bog turtles. Due to this requirement, ECTA must receive and review contract documents and issue a Notice-to-Proceed by February 15, 2023 to allow time for this work to be done by March 31, 2023. Since ECTA's next Board meeting is not until February 28, 2023, Administrator Carl requested Board approval to allow the appropriate ECTA officers to execute contract documents in advance of the February meeting, conditional upon the Administrator and Solicitor's favorable review and acceptance.

- Samuel Weaver made a motion to accept the low bid for the streambank stabilization project from Flyway Construction, Inc. at \$33,490; allow Entech Engineering, Inc. to prepare and issue a Notice of Intent to Award and contract document package to the low bidder; and allow appropriate ECTA Board officers to execute contract documents by February 15, 2023, conditional upon the Administrator and Solicitor's favorable review and acceptance, second by David Lutz, and carried unanimously.

ECTA WORK TRUCK: ECTA is planning to list the old Truck 8 (2008 Ford F-350) on Municibid in February 2023.

2023 ADAMSTOWN BOROUGH BUDGET: ECTA still has not received a draft budget from Adamstown Borough.

TOWNSHIP BUILDING MOLD ISSUE: ECTA still awaits notice from the Township for the date(s) when the contractor will be returning to perform the HEPA vac cleaning of all ceilings, walls and carpets.

2023 CONSULTANTS' RATES: The 2023 billing rates/schedules for CDM Smith; Keystone Engineering Group, Inc.; WATEK Engineering Corporation; Entech Engineering, Inc.; Aurora Architecture and GeoServices, Ltd. were received and reviewed by Administrator Carl. He requested the Board's approval to continue to utilize these consultants on an as-needed basis.

- Richard Shober made a motion to accept the 2023 billing rates/schedules as submitted by CDM Smith; Keystone Engineering Group, Inc.; WATEK Engineering Corporation; Entech Engineering, Inc.; Aurora Architecture and GeoServices, Ltd. and to continue to utilize these professional consultants on an as-needed basis, second by Samuel Weaver, and carried unanimously.

CERTIFIED OPERATOR TRAINEE POSITION: As a result of the favorable final interview with the Personnel Committee on December 21, 2022, ECTA extended an offer of employment to Kyle Hess for the Certified Operator Trainee position. He accepted the offer and began working for ECTA on January 9, 2023. An initial interview with a second candidate was held on January 23, 2023, and pending a favorable outcome of the final interview with the Personnel Committee on January 31, 2023, an offer of employment would be extended to this candidate as well.

STONE GATE DEVELOPMENT: All of ECTA's administrative requirements have been satisfactorily completed. All outstanding punch list inspection items were resolved, and the water and sanitary sewer facilities have passed ECTA's inspection. As-built plans have been approved and all invoices have been paid. Administrator Carl is requesting the Board's approval to begin this project's 18-month warranty period and to reduce their Letter of Credit from \$436,658 to \$53,077.05 (15% of the approved \$353,847 actual cost of construction) to be held, along with the administrative escrow, until the end of the 18-month warranty period. After review by the Administrator, Solicitor and Engineer, the Easement Agreement has been deemed acceptable, and Administrator Carl is recommending Board execution of the Water and Sanitary Sewer Easement Agreement.

- Samuel Weaver made a motion to begin on January 31, 2023 the 18-month warranty period for construction of water and sanitary sewer facilities associated with the Stone Gate Development project located in Stevens, PA; to reduce the amount of the currently held Letter of Credit in the amount of \$436,658 to \$53,077.05 representing 15% of the actual final cost of construction; and to execute the Stone Gate Development Project Water and Sanitary Sewer Easement Agreement, second by Noah Zimmerman, and carried unanimously.

FUEL SHARING CONTRACT: As part of ECTA's ongoing Cocalico School District Fuel Sharing Contract, on January 26, 2023 Administrator Carl received, reviewed, completed and returned an estimated fuel quantities spreadsheet and new fuel agreement for 2023/2024. This program has generally saved ECTA greater than \$5,000 in fuel costs the past two years.

2022 AUDIT: ECTA auditors Brown Schultz Sheridan & Fritz came to the ECTA office and began preliminary audit work on January 9, 2023. The audit team will come back to the ECTA office on April 17 and 18, 2023 to continue their work. The final audit report will be submitted for Board review before the June 30, 2023 deadline.

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ECTA ENGINEER TRANSITION MEETING: On January 26, 2023, a kickoff/transition meeting was held with John Hammell, CDM Smith; Adam Smith, CDM Smith; Rachel Kirkham, ECTA's previous Engineer who was previously employed by CDM Smith; and Administrator Carl to discuss all of ECTA's outstanding and current action items.

SUPERINTENDENT'S UPDATE: A complete copy of the update is on file in the Authority Office. Superintendent Kenneth Spitler discussed the following from his update:

WATER MAIN BREAK: On January 11, 2023, ECTA repaired a water main break on Cardinal Drive. It is believed the leak began in November, continued through December and stopped when repaired on January 11, 2023. Superintendent Spitler reported that the water pump readings have dropped substantially since that repair was made.

PERSONNEL COMMITTEE: A Personnel Committee meeting was held on January 31, 2023 at 6:15 p.m. to conduct a final interview for the Certified Operator Trainee position.

ENGINEER'S UPDATE: John Hammell, ECTA's Client Service Leader from CDM Smith, introduced himself to the Board and shared that Rachel Kirkham has resigned from CDM Smith but has agreed to stay on in a very limited capacity to provide help in the transition. He reiterated that CDM Smith is sincerely interested in continuing to serve the Authority in whatever capacity ECTA deems appropriate. He then introduced Adam Smith from CDM Smith's Lancaster office who has been chosen by CDM Smith to take over as the Acting Engineer for the Authority.

A complete copy of the update is on file in the Authority Office. Acting Engineer Adam Smith discussed the following from the update:

WELL M CONSTRUCTION: CDM Smith and Keystone will be preparing record plans. Now that the WTP and SCADA improvements are complete, CDM Smith is coordinating with GeoServices to prepare and submit the operations permit documentation to PADEP.

TANK #4 WATER SYSTEM MODELING: Acting Engineer Smith said he understands this modeling is a top priority. CDM Smith is assessing the remaining work for this effort and what will be required to complete the analysis for ECTA. He will be involving a specialist to make sure the job gets completed.

PHASED WATER SYSTEM IMPROVEMENTS – PENNVEST PROGRAMMATIC FUNDING: The first PENNVEST coordination call is scheduled for February 13, 2023. As part of the pre-settlement process, a self-liquidating debt report (SLDR) will need to be prepared to show that ECTA will have sufficient income to support the debt service over the 25-year term of the loan. ECTA needs to decide if they want to accept the programmatic PENNVEST loan offer; and if so, when they want to start the first project, which is the Kurtz Road Water Main Replacement. Mrs. Shaw distributed to the Board a revised spreadsheet forecasting ECTA's debt service should ECTA undertake the Meadowbrook project as well as all six projects of the phased water system improvements, taking into account the ARPA money ECTA will be receiving, but not taking depreciation into consideration. After discussion, it was decided that a Water Committee meeting will be scheduled to further discuss the spreadsheet to help determine what, if any, of the phased water system improvement projects ECTA can afford to pursue in the most cost effective manner, and what if any, programmatic PENNVEST funding ECTA would accept. It was decided that the coordination call scheduled for February 13, 2023 should be postponed. Acting Engineer Smith will notify PENNVEST.

STEVENS ROAD/PENNDOT WATER MAIN RELOCATION PROJECT: CDM Smith has been coordinating with PennDOT's engineer. CDM Smith is in the process of finalizing the realignment of the proposed water main and will be issuing a markup for approval.

STEVENS PUMPING STATION EXPANSION: CDM Smith is coordinating with ECTA and the contractors on the remaining punchlist items.

MEADOWBROOK AREA WATER & SANITARY SEWER PROJECT: Construction will proceed once local permits are received. Acting Engineer Smith will be working with Mrs. Kirkham to make sure all permit applications are submitted quickly so this project can proceed. PENNVEST provided two loan agreements, one for water and one for sewer, for this project. The first PENNVEST coordination call is scheduled for February 13, 2023. It was decided that this call can proceed as scheduled.

WABASH LANDING PHASE 3: Revised plans were resubmitted on December 13, 2022.

STONE GATE DEVELOPMENT: CDM Smith issued comments on the revised record plans and easement agreements, and once the comments were addressed, the record plans and easements were approved.

VILLAGE AT EAST COCALICO: CDM Smith has been coordinating with the developer's engineer, ECTA, and the Quail Hollow Homeowner's Association regarding a proposed water main easement to avoid crossing under a culvert.

425 SOUTH MUDDY CREEK ROAD WAREHOUSE: ECTA received a preliminary CRRA from a potential tenant named Divert, Inc., which would process grocery store food waste via anaerobic digestion at the site. The current warehouse facility was previously approved to send 4 sewer EDUs via the existing gravity sewer to Pumping Stations No. 4 and No. 1. The Divert average daily flow would be 90,000 gpd for wastewater and 17,500 gpd for water. Based on the potential increase in wastewater flows, ECTA should determine if the previous gravity discharge arrangement is still acceptable or if the new facility would be required to pump to the UGI property across US 222. Flows from Divert, Inc. would require pre-treatment due to reported higher-than-average wastewater nutrient loading. CDM Smith is coordinating these requirements with ECTA and the Ephrata Borough Authority.

CHAPTER 94 REPORT: Chairman Becker reminded Acting Engineer Smith that the Chapter 94 Report needs to be submitted to Ephrata Borough Authority by the end of February, and Acting Engineer Smith assured Chairman Becker that it will be.

BLACK HORSE WAREHOUSE/PURCYCLE: CDM Smith provided plan review comments on January 6, 2023.

COCALICO COFFEE CRAFTERS (11 LONG AVENUE): The deadline to install the external commercial grease interceptor and monitoring manhole at this property was January 2, 2023. Since neither installation was completed, per ECTA's Rates, Rules & Regulations, ECTA began imposing a 25% fine of the total water and sewer bill starting with the January 2023 quarterly bill due to this non-compliance. The coffee shop owner/tenant called ECTA and met with Superintendent Spitler on site on January 26, 2023 to again review what is required. CDM Smith coordinated with ECTA and Solicitor Dowd to provide further guidance on the requirements and to establish a new schedule now that the coffee shop owner/tenant is willing to fulfill the requirements. CDM Smith issued a letter to the owner on January 31, 2023 to relay ECTA requirements and the new compliance schedule. ECTA has agreed to suspend the collection of the 25% fine provided compliance with the following schedule: By March 1, 2023 – retain services of a professional engineer and submit plans and shop drawing submittals to ECTA

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for review; by April 1, 2023 – retain services of a contractor to complete installation in accordance with approved plans and submittals; and by May 1, 2023 – complete installation and call ECTA for inspection. If they do not meet the new compliance schedule, ECTA will again impose the 25% fine retroactive to January 2, 2023, and discontinuance of water service to this property will be considered.

SOLICITOR'S UPDATE: Solicitor Lucy Dowd said her update will be discussed during Executive Session.

INVOICES (see attached): Bills included on the January 31, 2023 ECTA invoice listing were approved for payment on motion by Bradford Fichthorn, second by Gerald DeBalko, and carried unanimously.

EXECUTIVE SESSION: Chairman Becker called an Executive Session at 8:04 p.m. to discuss potential legal matters. At 8:36 p.m., Chairman Becker adjourned the Executive Session and reconvened the public meeting. No action was taken during the Executive Session

Since there was no further business to come before the Board, Gerald DeBalko made a motion to adjourn the meeting at 8:37 p.m., second by Bradford Fichthorn, and carried unanimously.

Respectfully submitted,



Gerald A. DeBalko
Secretary

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