



## BOARD MEETING MINUTES FEBRUARY 28, 2023

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The regular, monthly meeting of the East Cocalico Township Authority (ECTA) was held on Tuesday, February 28, 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 Shoher and Noah Zimmerman (Absent: June Kinback)  
Solicitor: Absent  
Engineer: Adam Smith, CDM Smith  
ECTA Staff: Scott Carl, Sr., Kenneth Spitler, Michael Galley, Tyler Pannebecker, Lisa Shaw and Jodie Eberly  
Visitors: Benjamin Ried, Mette, Evans & Woodside

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

**MINUTES:** Minutes of the monthly meeting held on January 31, 2023 were approved as presented on motion by David Lutz, second by Samuel Weaver, and carried unanimously.

**TREASURER'S REPORT (see attached):** Accountant Lisa Shaw reviewed the January 2023 financial reports. The reports were approved as presented subject to audit.

**MONTHLY CAPACITY REPORTS (see attached):** The January 2023 Monthly Capacity Reports were approved as presented on motion by Richard Shoher, second by Noah Zimmerman, 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 completed the search of their historical records database and was unsuccessful in determining the potential source(s) of TCE based upon business type. The final step for DEP would be to install monitoring wells, only if ECTA would hit an exceedance of the TCE limit, which ECTA will begin monitoring quarterly.

**WELLS 4 & 12 ABANDONMENT:** ECTA staff have now gutted the well building. A follow up meeting with the property owner (Lester Zimmerman) will be scheduled in March 2023 to further discuss the current ECTA property, well building and 1972 Agreement that is in place.

**SCADA & CONTROLS SYSTEM:** Two punchlist review meetings were held. ECTA staff have again gone through the punchlist, and a final update was issued to Keystone on February 28, 2023. The old servers are scheduled to be shut down the week of March 6 or March 13, 2023 at which time the old SCADA system can officially be shut down.

**MEADOWBROOK AREA WATER & SANITARY SEWER PROJECT:** This project is on hold while ECTA awaits permits from the County Conservation District and PennDOT in order to move forward with construction. Engineer Adam Smith will provide more of an update during his report.

**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. CDM Smith is currently working on the

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report. CDM Smith understands that the report is not only a priority to ECTA, but that its completion is necessary for the potential Crossings at Cocalico development project to move forward.

**STEVENS ROAD PENNDOT BRIDGE REPLACEMENT/WATER MAIN RELOCATION:** ECTA continues with pre-construction coordination, and Engineer Smith continues with submittal reviews.

**EMERGENCY ECTA OFFICE GENERATOR:** Site and wiring/conduit work will begin on March 2, 2023 and will continue about three weeks with generator arrival expected the last week of March 2023.

**STEVENS PUMPING STATION EXPANSION:** Engineer Smith is working on closing out this project and will provide an update during his report.

**WATER TREATMENT PLANT (WTP) UPGRADE:** GSE and PSI are off site until delivery of the emergency generator sometime in November 2023. The dehumidification system was expected to arrive the week of February 27, 2023, but is now held up again due to supply chain issues. ECTA is awaiting a revised delivery date from manufacturer. A site inspection was held at the WTP with DEP representatives which resulted in WATEK being required to submit for a Minor Permit Modification to accommodate the project changes/additions to the WTP piping/valving. WATEK prepared and submitted the permit application. The DEP inspection also identified a requirement for a modulating valve on the bypass line. WATEK has coordinated the additional scope of work with Keystone and PSI and is awaiting pricing which would be covered under Change Order No. 2 for PSI.

**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 continues to work on the SRBC Docket Renewal Application work for Wells 2A and 14.

**WICU/KALAS/SYLVIN:** Discussions have continued with WICU's engineer regarding the design work on the long-outstanding Kurtz Road/Industrial Way water line loop, and an official project submission is forthcoming. The long-outstanding, never signed Private Well Use Agreement from 2016 will also be addressed as part of this water line loop project.

**SOURCE WATER PROTECTION PROGRAM (SWP):** Administrator Carl reported that Michael Galley continues to do a great job in leading and managing the initiatives under the SWP, managing ECTA's NFWF grant and working on water supply signage. On behalf of ECTA, Mr. Galley hosted a Lancaster Clean Water Partners meeting at the Township Building on February 25, 2023 which included a brief WTP tour. ECTA's SWP education and outreach program has been posted on the ECTA Facebook page.

**GRANT & FUNDING OPPORTUNITIES:** The Lancaster Watershed Academy grant for funds to be used to address the stormwater outfall directed at our Well 10 wellhead continues to move forward.

**AMERICAN RESCUE PLAN ACT (ARPA) FUNDING:** On February 2, 2023, the executed ARPA Funding package was submitted (\$1M for the Meadowbrook project and \$332,000 for the current WTP Upgrade project). A follow-up discussion was held with the County Solicitor on February 21, 2023, and ECTA awaits the date for the press release and check presentation. The County's lead person handling the ARPA funding has retired, so the process has been slowed.

**PENNVEST FUNDING – MEADOWBROOK PROJECT:** The first two of four Microsoft Teams meetings with PENNVEST for the Meadowbrook project funding were held on February 13, 2023. Microsoft Teams meeting No. 3 is scheduled for April 6, 2023 with closing scheduled for April 20, 2023.

The Board was presented with a 2023 PENNVEST Water Loan Resolution and a 2023 PENNVEST Sewer Loan Resolution authorizing issuance of the PENNVEST funding and all steps needed to close on the project's funding which were prepared by ECTA's Bond Counsel, Benjamin Ried at Mette, Evans & Woodside. On February 27, 2023, engagement letters for Bond Counsel Services and Solicitor Services were received from Mr. Ried and Solicitor Dowd for their required closing/project work and delivery of the required opinions. These were also presented to the Board for their approval. Mr. Ried was present to answer any questions the Board may have regarding the Resolutions, engagement letters or PENNVEST process. After discussion, the Board made the following motions:

- Gerald DeBalko made a motion to adopt 2023 PENNVEST Water Loan Resolution No. 2023-02-28-01 authorizing the issuance of a water revenue note in the maximum principal amount of \$2,095,000 for the Meadowbrook Area Water Main and Lateral Replacement project, second by Samuel Weaver, and carried unanimously.
- Richard Shober made a motion to adopt 2023 PENNVEST Sewer Loan Resolution No. 2023-02-28-02 authorizing the issuance of a sewer revenue note in the maximum principal amount of \$3,655,000 for the Meadowbrook Area Sanitary Sewer Main and Lateral Rehabilitation and Replacement project, second by Bradford Fichthorn, and carried unanimously.
- Samuel Weaver made a motion to approve Bond Counsel Services Letter and Solicitor Services Letter for the 2023 PENNVEST Water Loan for the Meadowbrook Area Water Main and Lateral Replacement project, second by Gerald DeBalko, and carried unanimously.
- David Lutz made a motion to approve Bond Counsel Services Letter and Solicitor Services Letter for the 2023 PENNVEST Sewer Loan for the Meadowbrook Area Sanitary Sewer Main and Lateral Rehabilitation and Replacement project, second by Edward Nevling, and carried unanimously.

**KURTZ ROAD WATER MAIN REPLACEMENT PROJECT:** This project is designed, permitted and on hold until ECTA decides which direction it is going with the PENNVEST programmatic funding.

**ECTA OFFICE RENOVATION/ECT BUILDING EXPANSION:** On February 2, 2023, Administrator Carl and the Architect attended the ECT Board of Supervisor's (BOS) meeting to discuss the building expansion project and to answer any questions the BOS or public may have. At that meeting, the BOS voted to allow the project to move forward with the understanding that the Authority will be taking the lead from a project engineering and construction management standpoint and take the financial lead with the exception that the Township agreed to pay for all costs related to any ADA requirements. In addition, it was understood that the Authority and Township will work together on a long-term lease/rental arrangement that would ultimately help the Authority recoup the Township-related expenditures on the project (i.e., lower-level police space).

The construction bids received back in December 2022 were about to expire on February 17, 2023. Since the BOS only approved to move forward with the project on February 2, 2023 and with ECTA's next Board meeting not until February 28, 2023, Administrator Carl sent an email to the ECTA Board on February 10, 2023 to poll the members to see who was or was not in favor of the project, with the results to be ratified at the February 28, 2023 Board meeting. Each Board member responded to only Administrator Carl with their position "for" or "against" moving forward with the project. The results of the polling were as follows: six (6) votes "for," one (1) vote "for" conditioned with obtaining a long-term lease agreement with the Township, one (1) vote "for" conditioned with obtaining a no rent arrangement until all costs are recouped, and one (1) vote "against." Based upon those results and due to the critical timing issue with the December bids set to expire on February 17, 2023 before ECTA's next Board

meeting, Administrator Carl moved forward with the project and had the Architect issue a Notice of Award and Contract Documents to the four (4) low bidders at the \$642,558 contract amount.

Administrator Carl has had multiple discussions with the Township Manager to discuss long-term, no cost lease arrangement options that would allow the ECTA to recoup project costs and be protected should the Township ever sell the building before expiration of any long-term lease arrangement. Administrator Carl understands that the Township Manager has shared these options with the BOS, and ECTA will await feedback from the Township Manager following the BOS meeting scheduled for March 2, 2023.

ECTA has received executed contract document packages back from the Plumbing and HVAC contractor which are under review by Administrator Carl, the Architect and Solicitor Dowd. The remaining packages from the General and Electrical contractors are expected to be received soon. As a result, and in order to keep the project moving, Administrator Carl is requesting Board approval to allow the appropriate ECTA Board officers to execute contract documents in advance of the March 28, 2023 Board meeting, conditioned upon the Administrator's and Solicitor's favorable review and acceptance.

On February 27, 2023, ECTA received a Design Services Fee Modifications proposal from Aurora Architecture for ADA design and bidding-related services as well as construction-related services to get ECTA through to completion of the construction phase. Administrator Carl has reviewed this proposal and finds the fee for the ADA design and bidding work in the amount of \$6,000 to be very reasonable and the fee for Services During Construction to be equally reasonable at \$26,550 which equates to about four (4) hours per week as Administrator Carl will be working closely with the Architect to manage the project. The proposal also includes a Not-To-Exceed fee of \$6,000 to cover any inspections as may be required by the Architect's MEP subconsultant Entech Engineering, Inc. for specific electrical, mechanical, structural, plumbing or HVAC inspections. Based upon his favorable review, Administrator Carl requested Board approval of the Architect's Design Services Fee Modifications proposal. After discussion, the following motions were made:

- Noah Zimmerman made a motion to ratify the results of the ECTA Board polling votes received with the majority in favor to move forward with the building expansion project and the issuance of Notices of Award and Contract Documents to the four (4) low bidders listed on the January 3, 2023 letter at the previously discussed \$642,558 contract amount, second by Samuel Weaver, and carried unanimously.
- Richard Shober made a motion to allow the appropriate ECTA Board officers to execute contract documents for the building expansion project in advance of the March 28, 2023 Board meeting, conditioned upon Administrator's and Solicitor's favorable review and acceptance, second by David Lutz, and carried unanimously.
- Samuel Weaver made a motion to accept Aurora Architecture's Design Services Fee Modifications proposal dated February 27, 2023 which includes ADA design and bidding work at \$6,000.00, Services During Construction at \$26,550.00 and a NTE fee of \$6,000.00 to cover any inspections as may be required by the Architect's MEP subconsultant Entech Engineering, Inc., second by Gerald DeBalko, and carried unanimously.

**WELL 11 (DRY TAVERN ROAD) STREAMBANK STABILIZATION PROJECT:** The Notice of Intent to Award and contract document package was issued to the low bidder Flyway Construction, Inc. on February 3, 2023. Returned executed documents were reviewed and deemed acceptable by Solicitor Dowd, Administrator Carl and Entech on February 21, 2023. The contract documents were signed on February 24, 2023, a Notice to Proceed was issued to the contractor, and a pre-construction meeting has been scheduled for March 1, 2023. Contract timeframe requirement per US Fish & Wildlife is to have all in-stream work completed by March 31, 2023 because of bog turtles.

**ECTA WORK TRUCK:** Based upon discussions with ECTA staff, it has been decided to hold off on posting the old Truck 8 (2008 Ford F-350) on Municibid until the end of summer after the mowing season has subsided when a truck will no longer be needed by the part-time groundskeeper to haul the mowing equipment.

**EMPLOYEE ANNIVERSARY:** Mike Galley celebrates his one-year work anniversary on February 28, 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.

**CERTIFIED OPERATOR TRAINEE POSITION:** The second candidate's final interview was held on January 23, 2023, an offer letter package was sent out and initially accepted on February 2, 2023 but was later declined with regrets on February 21, 2023. Administrator Carl will continue the search for one final candidate to fulfill ECTA's needs.

**PENNVEST PROGRAMMATIC FINANCING – WATER SYSTEM IMPROVEMENTS PROJECT:** PENNVEST has offered to provide full funding for this \$9M project. The first of four potential Microsoft Teams meetings for this project funding is scheduled for March 2, 2023. A Water Committee meeting was held on February 21, 2023 to discuss the PENNVEST Programmatic Financing offer received for this phased water system improvements package (which includes Kurtz Road, Wabash Road, Water Storage Tank #4, Reamstown Road Phases 1 & 2, and Stevens Road) and to review the Summary of Estimated Cash Flow analysis. The consensus of the Water Committee members was to recommend to the full Board that ECTA pursue the Kurtz Road and Water Storage Tank No. 4 projects only. After much discussion by the full Board at tonight's meeting, the following motion was made:

- Gerald DeBalko made a motion to move forward with the PENNVEST programmatic financing for the Kurtz Road and Water Storage Tank No. 4 projects only, second by Samuel Weaver, and carried. Daniel Becker and Noah Zimmerman opposed.

**FUEL SHARING CONTRACT:** ECTA awaits the School District's "fully executed" Contract that will be issued once the School District receives Board approval of their 2023/2024 Agreement with the Lancaster-Lebanon IU13.

**2022 AUDIT:** ECTA auditors Brown Schultz Sheridan & Fritz will return to the ECTA office on April 17 and 18, 2023 to continue their work.

**DEFERRED COMPENSATION AGREEMENT – MICHAEL J. GALLEY:** As stated in the ECTA Employee Manual, after one year of employment, an employee is eligible to join the Authority's Deferred Compensation Plan. Employee Michael J. Galley has been employed by the Authority for one year as of February 28, 2023, and would like to join the plan.

- Bradford Fichthorn made a motion to approve and execute Resolution No. 2023-02-28-03 accepting the Deferred Compensation Agreement for employee Michael J. Gally, second by Edward Nevling, and carried unanimously.

**IMG TECHNICAL COMMITTEE MEETING:** Administrator Carl reported that he and Chairman Becker attended the IMG Technical Committee meeting on February 21, 2023. In the coming month, Administrator Carl will be submitting for reimbursement of ECTA's available I&I funds in the amount of

\$27,256.32. Ephrata Borough requested an address listing of all non-residential customers to be provided to Ephrata Borough's new Environmental Resource Manager, and ECTA's listing was submitted.

**DENTECH INDUSTRIAL:** The 18-month warranty period associated with Dentech Industrial's water lateral relocation and meter pit construction project located at 1975 North Reading Road is set to expire on February 28, 2023. A final "end of warranty" inspection of the above-mentioned facilities was conducted by ECTA staff on February 8, 2023 and all materials and workmanship were found to be in good condition and meet Authority specifications. There are no outstanding invoices. Administrator Carl requested the Board's approval to end the 18-month warranty period and to release the \$2,227.50 cash issued to guarantee construction and maintenance and \$3,500.00 in Administrative Water Escrow.

- Gerald DeBalko made a motion to end as of February 28, 2023 the 18-month warranty period for the Dentech Industrial water lateral relocation and meter pit construction project located at 1975 North Reading Road, to return the \$3,500.00 in Administrative Water Escrow, and to release the balance of the cash being held in the amount of \$2,227.50, second by David Lutz, and carried unanimously.

**MISCELLANEOUS PROJECTS ADMINISTRATIVE ESCROW AGREEMENT:** At the request of the Board, ECTA has developed a new "Miscellaneous Projects Administrative Escrow Agreement" to cover those projects that do not trigger a Developer's Agreement or Short Form Developer's Agreement and associated administrative escrow deposits. This new agreement has already been utilized on three occasions (Cocalico Coffee Crafters, Roechling Medical and Air Methods). Solicitor Dowd will be revising the Rates, Rules & Regulations and office staff will be revising the Administrative Procedures to reference the new document.

**SWARTZVILLE ROAD/GRANDE (PREVIOUSLY FOX BROOKE):** On February 14, 2023, the Authority received from Grande Land, LP a Capacity Review & Request Application (CRRA), property deed, \$850 Administrative Review Fees, Developer's Agreement for a Residential Water & Sewer project, \$5,000 Water Administrative Escrow, \$5,000 Sewer Administrative Escrow and a Preliminary Subdivision Plan for the construction of water and sanitary sewer facilities for a proposed residential development consisting of 120 single-family homes located at 196 East Swartzville Road, Denver, PA (previously Fox Brooke). Acceptance of the Developer's Agreement will allow CDM Smith to begin technical review of the project's design plans and allow this residential project to move forward with the Authority. Review of the plans will not occur until after CDM Smith completes the CRRA review and the Authority receives Ephrata Borough Authority's subsequent approval of the sanitary sewer capacity.

- Gerald DeBalko made a motion to accept and execute the Developer's Agreement for a Residential Water & Sewer Project with Grande Land, LP for the construction of water and sanitary sewer facilities for a proposed residential development consisting of 120 single-family homes located at 196 East Swartzville Road, Denver, second by Noah Zimmerman, and carried unanimously.

**SUPERINTENDENT'S UPDATE:** A complete copy of the update is on file in the Authority Office. Superintendent Kenneth Spitler had nothing to add to his update as presented.

**WATER COMMITTEE:** A Water Committee meeting was held on February 21, 2023 at 6:00 p.m. to discuss the PENNVEST Programmatic Financing offer package.

**ENGINEER'S UPDATE:** A complete copy of the update is on file in the Authority Office. Engineer Adam Smith discussed the following from the update:

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**WELL M CONSTRUCTION:** CDM Smith submitted the Operations Permit Application to DEP on February 2, 2023. DEP performed a site inspection of Well M and the WTP on February 9, 2023. As a result of that inspection, WATEK prepared a Minor Modifications Permit Application for the WTP improvements and it was submitted on February 13, 2023; ECTA coordinated PFOS/PFOA sampling on February 10, 2023 and CDM Smith sent DEP the favorable results on February 23, 2023; and on February 10, 2023 ECTA informed the construction contractor for the Wabash Landing development of encroachment within the wellhead protection zone and the contractor began compliance the week of February 13, 2023.

**TANK #4 WATER SYSTEM MODELING:** While the modeling analysis is still not complete, Engineer Smith said it is generally understood that Tank No. 4 is needed to provide pressure to the distribution system. CDM Smith will coordinate modeling efforts in coordination with the ECTA Water Committee's recommendation to proceed with the Tank No. 4 work as one of two PENNVEST Programmatic Funding projects.

**PENNVEST PROGRAMMATIC FINANCING – WATER SYSTEM IMPROVEMENTS PROJECT:** CDM Smith will be participating in the first coordination call with PENNVEST scheduled for March 2, 2023.

**STEVENS ROAD PENNDOT BRIDGE REPLACEMENT/WATER MAIN RELOCATION:** CDM Smith has continued to review submittals and RFIs for the project.

**2022 CHAPTER 94 REPORT:** CDM Smith has been working on the report and there are a few minor outstanding items that need to be addressed before issuing it as complete. Once approved by ECTA, the report will be issued to Ephrata Borough Authority and Adamstown Borough for incorporation into their report submissions to DEP. Adamstown requested the report by March 3, 2023.

**STEVENS PUMPING STATION EXPANSION:** GSE has a few open items which have been coordinated and are being pursued. These are expected to be completed in March 2023. CDM Smith visited the site on February 14, 2023 with ECTA to go over remaining items for the construction contract. Based upon the site visit, CDM Smith will coordinate with the contractors to progress towards close-out. DESCCO (General Contract) submitted Payment Application No. 5 in the amount of \$17,984.62 which was reviewed and approved by CDM Smith and is being recommended for payment. CHM (HVAC Contract) submitted Payment Application No. 9 in the amount of \$5,947.41 which was reviewed and approved by CDM Smith and is being recommended for payment. Both Payment Applications are included on ECTA's February 28, 2023 invoice listing to be approved at tonight's meeting.

**MEADOWBROOK AREA WATER & SANITARY SEWER PROJECT:** CDM Smith has submitted for permit applications to the Lancaster County Conservation District on February 2, 2023 and PennDOT on February 14, 2023. Those permits remain outstanding. CDM Smith submitted Letters of No Prejudice (LONPs) on February 10, 2023, and PENNVEST approved the LONPs on February 17, 2023. This allows the contractor to order, store, and be paid for "non-construction activities" from ECTA general funds ahead of the permits being issued. CDM Smith is preparing a construction management proposal for the PENNVEST application work.

**WABASH LANDING PHASE 3:** Phase 3 plan approval was issued by CDM Smith on February 22, 2023.

**VILLAGE AT EAST COCALICO:** The Quail Hollow Homeowner's Association accepted ECTA's water main easement request on February 1, 2023. Revised plans for the Village at East Cocalico were received, dated February 14, 2023, and are being reviewed by CDM Smith.

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425 SOUTH MUDDY CREEK ROAD WAREHOUSE: CDM Smith confirmed water and sewer capacity exists to accommodate the flow via gravity. Because flows from Divert, Inc. would require pre-treatment due to reported higher-than-average wastewater nutrient loading, CDM Smith coordinated with Ephrata Borough Authority (EBA) to guide the conditional approval letter to outline that a developer-funded study would need to be conducted by EBA to determine the costs of treatment, and therefore the pre-treatment required for the site. CDM Smith issued a capacity review letter on February 16, 2023 stating hydraulic capacity exists for water and sewer. Sewer organic loading needs further coordination with EBA.

ROECHLING MEDICAL LANCASTER EXPANSION: A Capacity Review and Request Application was submitted on November 18, 2022 for an expansion at the existing facility. CDM Smith issued a capacity review letter on February 16, 2023 stating capacity exists for their requested additional water and sewer capacity.

COCALICO COFFEE CRAFTERS (11 LONG AVENUE): The Engineer for and owner of Cocalico Coffee Crafters have been coordinating with ECTA and CDM Smith to show progress towards compliance.

**SOLICITOR'S UPDATE:** Solicitor Lucy Dowd did not attend the meeting; however, on her behalf, Administrator Carl informed the Board that she issued a letter to Cocalico Coffee Crafters (sent to the property owner and tenant) on February 17, 2023 requiring the posting of financial security with the Authority and the payment of overdue invoices within 30 days, and if not paid, a lien will be placed on the property.

**INVOICES (see attached):** Bills included on the February 28, 2023 ECTA invoice listing were approved for payment on motion by David Lutz, second by Bradford Fichthorn, and carried unanimously.

Since there was no further business to come before the Board, Gerald DeBalko made a motion to adjourn the meeting at 8:17 p.m., second by David Lutz, and carried unanimously.

Respectfully submitted,



Gerald A. DeBalko  
Secretary

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