

September 14, 2006  
102 Hill Road, Denver PA

The regular monthly meeting of the East Cocalico Township Authority was held Thursday, September 14, 2006 at 7:00 p.m. in the Township Municipal Building.

Those in attendance were as follows:

Members: Eugene Heft, Donald Lewis, Donald Jones, Harold Noll, Linda Walmer,  
Daniel Becker  
Engineer: George Wagner, Randy Henne  
Solicitor: Lucy Dowd, Kathie Gonick  
Special Counsel: Kurt Williams  
Manager: Karen Koncle  
Employees: Kenneth Spitler, Larry Sweigart, Jane Rathman  
Visitors: Danielle Witwer, Dennis Melnyk, Kalas Mfg.; James Black, Stevens Fire Co.

Chairman Eugene Heft called the meeting to order.

**MINUTES** of the August 10, 2006 meeting were approved as presented on motion by Donald Lewis, second by Linda Walmer and carried. Minutes of the September 7, 2006 special meeting were approved as presented on motion by Donald Lewis, second by Harold Noll and carried.

**INVOICES** on the following pages were approved for payment on motion by Harold Noll, second by Linda Walmer and carried.

**REQUISITIONS:** Sewer Requisitions Nos. S246, S247 & S248 were approved for payment from the Sewer Bond Redemption and Improvements Fund on motion by Donald Jones, second by Linda Walmer and carried. Water Requisitions Nos. W535, W536, W537, W538, W539, & W541 were approved for payment from the Water Bond Redemption and Improvements Fund on motion by Donald Jones, second by Harold Noll and carried.

**TREASURER'S REPORT:** Treasurer Donald Jones reported that members were provided the usual Treasurer's Report and a Monthly Budget Summary by Department and Balance Sheet for both the Water & Sewer funds. The new reports are on an accrual basis and will continue to be fine-tuned as the accrual accounting progresses. Weinhold Nickel will provide six-month financial statements this year, but it is hoped that can be eliminated in 2007. The Treasurer's Reports as presented were accepted subject to audit.

A list of old outstanding invoices was provided for the Board's consideration by the Bookkeeper. Donald Jones made a motion to write these unpaid invoices off the books as uncollectible. The motion was seconded by Harold Noll and carried.

**MONTHLY CAPACITY REPORTS:** After review, the reports for August were approved as presented on motion by Donald Jones, second by Linda Walmer and carried.

**VISITORS:** Dennis Melnyk and Danielle Witwer were in attendance representing Kalas Manufacturing to explain the situation Kalas is in, and asking the Board consider granting an additional EDU for Richard Witwer's project at 22 Industrial Way in the Stony Run Industrial Park. Kalas has been in East Cocalico Township for about 50 years and the company is growing rapidly. At this time manufacturing space is at a premium and they are looking to move their warehouse facilities to the Direct Wire & Cable building in

Stony Run Industrial Park. They are unable to move into that building until another building is completed. It is critical that they find additional space for a warehouse.

ECTA wrote to Mr. Witwer on August 23<sup>rd</sup> requesting additional information on the Capacity Request Form that he submitted recently. After discussion on the status of CDM's review, George Wagner promised to get in touch with Mrs. Witwer to tell her what is needed to answer Kalas' request.

At 7:30 p.m. the Chairman recessed the regular session into executive session for the purpose of discussing land acquisition.

Chairman Heft reconvened the regular session at 8:00 p.m. after having discussed the Agreements for land acquisition for Test Well M. Donald Jones made a motion to accept the Agreements (w/corrections as noted by Attorney Williams) for Test Well M with Terry & Sandra Scheetz, second by Linda Walmer and carried unanimously.

Linda Walmer made a motion to authorize the Engineer to begin survey and subdivision of the 1.90 acre parcel from the rest of the Scheetz farm. The motion was seconded by Donald Jones and carried unanimously.

Donald Jones then made a motion to present subdivision and land development plans for Test Well M to West Cocalico Township for approval. The motion was seconded by Donald Lewis and carried unanimously.

Linda Walmer made a motion to approve payment of Water Requisition No. W-540 from the Water Bond Redemption and Improvements Fund for 5% of the purchase price of the 1.90 acres to Terry & Sandra Scheetz as provided in the afore approved Agreements. The motion was seconded by Donald Jones and carried unanimously.

**MANAGER'S REPORT:** The Manager reviewed her report as follows. A copy is on file in the Authority office.

**IMG MATTERS:** The September meeting of the IMG has been cancelled. Budget preparation is in progress and when it is ready and an Agenda developed, ECTA and ECT will be advised of the next scheduled meeting.

The Manager provided the Board with a copy from the Borough of Ephrata regarding progress on data loggers for metering in conjunction with Wastewater Treatment Plant #1. As previously agreed, East Cocalico Twp. Authority will be paying the engineering (\$825.00) and installation and start-up of Manhole 101-2 metering station (\$3,237.80).

**UPDATES ON REQUIRED CONNECTIONS TO SANITARY SEWER SYSTEM:**

Shady Grove Campground: Court date is scheduled for September 27<sup>th</sup> at 2:30 p.m. A fourth draft of the Stipulation is provided for ECTA members' review. Prosecution is in process until ECT goes before the Judge. The Manager complimented all participants from the Township and Authority that worked collectively on this issue.

Failing Systems Requiring Connection: The Manager reviewed the properties involved and reported the Township Solicitor is preparing prosecution papers for these residents with failing on-site sewer systems. Mrs. Koncle further informed the Board that sewage discharge from some of these properties is flowing on properties in Morganshire and has in fact contaminated one well.

In addition, the Township Solicitor is moving forward with paperwork for several other properties in the Township that have been advised of the requirement to connect to the public sanitary sewer system.

KEN MCCREA PROPOSAL: The Manager provided a copy of Mr. McCrea's request regarding information he feels should be posted on the Township's website. Mrs. Koncle reported that the ECTA Personnel Committee recently discussed the intention of getting the Authority's information on the Township's website as a link in the near future.

GRAND JURY: The Manager informed the Board members of the possibility that she may be selected to serve on the Statewide Investigating Grand Jury. Unless notified previously, she is required to report on October 16, 2006 and will report her status after that date.

VISITOR: At this time the Chairman recognized an additional visitor, Jim Black of the Stevens Fire Company. Mr. Black said as a result of a meeting last week with Authority representatives, and after a meeting of the Fire Company earlier this evening, he was in attendance to express the Fire Company's concerns about losing the playground relative to Test Well F development. He requested that ECTA and Fire Company representatives meet again to discuss options the Fire Company may have to keep the playground and equipment. The Engineer reported that it may be possible to install the water line without disturbing the equipment. The Chairman said ECTA should be able to provide more definite information in the near future.

At 8:25 p.m. the Chairman again recessed the regular session into executive session for the purpose of discussing possible litigation.

At 9:03 the Chairman reconvened the regular session and reported that matters involving MelPaw, Inc., Pact and the Stark property were discussed during executive session. No action was recommended for Pact issues.

In regard to MelPaw, Inc., Daniel Becker made a motion seconded by Harold Noll and carried unanimously to require MelPaw, Inc., in accordance with all ECTA Rates, Rules & Regulations, Administrative Procedures, and Construction Specifications:

1. To connect the entire Shady Grove Campground Property at 65 Poplar Drive by gravity into the existing sewer lateral on Poplar Drive by November 30, 2006;
2. To complete Phase II of the internal collection system construction by April 01, 2007;
3. To complete Phase III by November 30, 2007;
4. To complete Phase IV by April 01, 2008;
5. That 8 EDU capacity amounting to 2,024 gallons per day is established as the initial capacity allocation for the entire property;
6. That ECTA will reassess actual use one year from the date of connection of the property to public sewer, and owner will comply with the Reassessment Policy;
7. That the existing 10,000 gallon holding tank shall be removed or abandoned by filling it with sand per specifications;

8. And to allow the modification to specifications for the use of Schedule 35 service line pipe throughout the property.

Linda Walmer made a motion to notify Michael Stark that in accordance with ECTA Rates, Rules & Regulations, the Authority cannot provide a sewer lateral for his property, that installation is his responsibility. The motion was seconded by Dan Becker and carried.

In regard to the discussion concerning residents adjacent to Shady Grove Campground with boundary disputes, if CDM is satisfied that ECTA is o.k., the Manager will send letters advising that the residents will have to hire their own surveyor to confirm their boundary lines.

**SUPERINTENDENT'S REPORT:** The Superintendent had no additions to his report, a copy of which is on file in the Authority office.

**PMP (Precision Medical Products):** The Manager reminded members that, as agreed to in June of this year, a meeting needs to be scheduled with representatives of PMP to review their water/sewer use for the months of May, June, July and August. Mrs. Koncle asked that Eugene Heft and Daniel Becker contact her with dates and times they are available in order that she may contact Douglas Yocom of PMP.

At this time in the meeting, Kathie Shirk Gonick thanked the Board on behalf of her family and herself for passing the Resolution honoring her dad, K. L. Shirk, Jr.

**PERSONNEL COMMITTEE:** Since Jane Rathman will be cutting back her hours to an average of 30 hours per week annually starting January 1, 2007, Donald Jones made a motion to authorize staff to advertise for a full-time Administrative Assistant. The motion was seconded by Harold Noll and carried. Don further advised that with the hiring of an additional administrative employee, new furniture, computer equipment, etc. as required will be built into the budget for the 2007-2008 fiscal year.

**RATES, RULES & REGULATIONS:** The Rates, Rules & Regulations committee met this evening at 6:30 p.m. with Kathie Shirk Gonick and Randy Henne for the purpose of discussing User Reservation Fees relative to Act 57 of June 30, 2005. Kathie stated that the issue is, what is capable of being administered as well as the need to be consistent with the Rates, Rules & Regs. Dan Becker stated that his opinion on the whole thing is that someone who purchased capacity should not be penalized and have to pay the current tapping fee now because ECTA cannot provide the service that they paid for. It was suggested that they only pay an update to their tapping fees to the rate which is in effect when actual connection is made. After lengthy discussion, Harold Noll made a motion to adopt an amendment for clarification of the resolution on Capacity in Reservation adopted at the June 8, 2006 Authority meeting that:

1. All User Reservation Agreements in place on 7/30/05 continue until expiration with no Payment of User Reservation Fees,
2. All pre-7/30/05 User Reservation Agreements are amended to require payment of the difference between the tapping and connection fees paid at execution of the Agreement and those due at the time of connection to be paid at the time of connection,
3. All pre-7/30/05 User Reservation Agreements will convert to an Agreement pursuant to the

then current regulations at the expiration thereof.

The motion was seconded by Donald Lewis and carried. Letters will be mailed to all those currently holding capacity in reservation advising of this action.

**ENGINEER'S REPORT:**

ADAMSTOWN SEWAGE FLOW DIVERSION TO EPHRATA: George Wagner of CDM reported on the bid opening for this project held Tuesday, September 12, 2006, at 2:00 p.m. Bids were received as follows:

Bertolet Construction Corp.	\$189,800
Wexcon, Inc.	\$152,745
Bulldog Construction Co., Inc.	\$139,280
E. H. Hertzog Inc.	\$ 97,000* ( withdrawn)

The Authority accepted Mr. Hertzog's request to withdraw his bid due to a price increase for a valve, and on motion by Dan Becker, second by Donald Jones and carried, accepted Bulldog Construction Company's bid of \$139,280.

TEST WELLS F & M: George Wagner of CDM indicated that the process has been started to get permits from DEP and SRBC ready for both wells and the booster station, as well as design for both projects. It is hoped to get the permits in by December and to bid the project by spring of 2007.

WATER BOOSTER STATION NO. 1: CDM received PennDOT permits for this project. In accordance with direction received a recent meeting of the Water Committee, CDM will further define telemetry system requirements and costs for a new radio communication based system.

OUTSTANDING RIGHTS-OF-WAY: CDM is finalizing a list of properties to submit to the Solicitor for her review and cost estimate for deed searches.

HEATHERWOODS: CDM is meeting with the developer's engineer and the ETA Solicitor regarding a new easement that is required which reflects as-built conditions for Phase 1-A and the removal of a portion of Firethorne Drive from Phase 2 work. Also discussed will be the outstanding public right-of-way easement for Phase 1B.

MORGANSHIRE: At the recommendation of the ECTA Solicitor, a comment letter was issued September 11, 2006 regarding a Declaration of Easements and Restrictions. When this matter is addressed by the developer, CDM will issue an approval letter.

WOODCREST RETREAT: A comment letter was issued on August 29, 2006 after a technical review of the proposed sanitary sewer facilities. The Engineer further reported on the receipt of a telephone call from Woodcrest's engineer with questions on the hydrogeologic well study.

LAMTECH: Discussions are ongoing with Lamtech's engineer regarding connection of this property to the sanitary sewer system.

**BENDERSON SHOPPING CENTER:** Based on information provided by the developer, GeoServices has determined that there could be an impact on the Authority's Well 8A and surrounding private wells if Benderson would develop an on-site water supply as a back-up plan if ECTA cannot supply water when needed. For this reason, CDM recommended that the Authority not approve groundwater withdrawal from this site. Based on the recommendation of the Engineer, Linda Walmer made a motion that the Authority not approve ground water withdrawal from this site due to a potential impact to ECTA Well #8A and surrounding private wells. The motion was seconded by Harold Noll and carried. Daniel Becker abstained from voting.

**SOLICITOR UPDATES:**

**ACME:** The Solicitor reported receipt of a letter from their local counsel and he was fine with the list of requirements needed prior to ECTA's acceptance of the pump station. Staff and the Solicitor are working on confirming the amount/and or existence of the Letter of Credit.

**HEATHERWOODS:** Mrs. Dowd reported a draft of the easement agreement for Heatherwoods has been prepared. A meeting is scheduled with Heatherwoods representatives for Thursday, September 21. Daniel Becker made a motion to authorize Authority officers to execute the easement agreement with Heatherwoods subject to approval by CDM, second by Donald Lewis and carried.

**COLONIAL CARE/COMFORT INN:** The Solicitor has sent a letter to owners of the Comfort Inn regarding water line issues. In addition, a letter will be sent to owners of Colonial Care regarding sewer issues.

**DAVID WITMER, TAPPING FEE:** In response to a request from David Witmer, upon motion by Harold Noll, second by Donald Jones and carried, the Board approved a refund of 1 sewer and 1 water tapping fee to David Witmer since he has purchased another property and does not anticipate using the capacity he had previously reserved for 9 Whitetail Drive.

Since there was no further business to come before the Board, the meeting was adjourned at 9:55 p.m. on motion by Linda Walmer, second by Donald Jones and carried.

Respectfully submitted,

Harold E. Noll  
Secretary

