

Caln Township Municipal Authority
253 Municipal Drive
Thorndale, PA 19372
Monday April 24, 2023
7:00 PM

Those Present and Absent:

George Chambers – Chairperson
Paul Mullin – Vice Chairperson (Absent)
William Schew – Treasurer
Tony DiSario – Assistant Treasurer/Assistant Secretary
Noel Bernard – Secretary
Scot Gill – Wastewater Department Director
Kristen Denne – Township Manager (Absent)
Jennylyn Tanedo – Recording Secretary
Ross Bickhart – Gilmore & Associates, CTMA Engineer
Vince Pompo- LambMcErlane, CTMA Solicitor (Absent)

Call to Order

The meeting of the Caln Township Municipal Authority was called to order by Mr. Chambers at 7:00 p.m. The meeting was held in person at the Caln Township Municipal Building Meeting Room located at 253 Municipal Drive Thorndale, Pa and via Zoom. The regular scheduled meeting of the Caln Township Municipal Authority was advertised in the Daily Local News on December 27, 2022, and the agenda was posted on the Caln Township Website and Lobby on April 21, 2023. Copies of the Agenda were made available to the public.

Minutes of the March 27, 2023 Meeting

Mr. Chambers called for additions or corrections to the March minutes. There were none. After discussion, Mr. Schew motioned, seconded by Mrs. Bernard, to adopt the March 2023 minutes, as presented. The vote passed 4.0.

Public Comment

Mr. Chambers called for public comments. There were none.

Municipal Drive Force Main Update

Mr. Gill informed the Board that a meeting was held on April 4, 2023 with the representative from Anrich. Mr. Gill noted to the Board that Anrich is willing to make the necessary repairs to all the 45 fittings and will be able to begin in the next couple of weeks. Mr. Gill stated that Anrich is simply accepting the repairs as warranty work and is willing to perform the repairs diligently and at its own expense without the need for litigation. Mr. Gill informed to the Board that the Authority Solicitor is recommending that the Authority consider not pursuing any soft costs like Engineering and Inspections and the expense of the costs associated with the emergency repairs back in January, unless Anrich fails to make all the necessary repairs to the satisfaction of the Authority Engineer. Mr. Gill did state that if Anrich either has insurance coverage for these expenses, or if Anrich can shift its expenses to the third-party supplier that omitted stiffeners, then we requested that Anrich reimburse the Authority for these expenses. This resolution could save the Authority an \$800,000 outlay, which it would have to pursue through litigation. Mr. Gill presented to the Board the Authority Solicitor letter dated April 13, 2023 that was signed by Anrich accepting the defects in installation of the MegaLug devices and stiffeners as warranty work and agreeing to proceed with repairs. After discussion, Mr. DiSario made a motion, seconded by Mr. Schew to waive the Authority's costs for the emergency repairs, and its costs for outside inspection of the repair work, subject to the satisfaction of completion of the warranty repair and the terms set forth in the April 13, 2023 letter. The vote passed 4.0.

Willows at Valley Run

Mr. Gill presented to the Board the Willows at Valley Run Financial Security Agreement and Performance Bond for Phase 2 On-Site Sewer Improvements. After discussion, Mrs. Bernard made a motion, seconded by

Mr. DiSario, to authorize the Chairperson to sign the Financial Security Agreement and Performance Bond for the Phase 2 On-Site for Willows at Valley Run Sewer Improvements in the form as presented. The vote passed 4.0.

Dogwood/Scott Drive Project Update

Mr. Gill updated the Board on the 3 properties that need to still be connected to the public sewer. Mr. Gill informed the Board that 541 Dogwood installed the pump and connection to the existing stub that was installed as part of the Dogwood/Scott Drive Project. At the start up. It was found that the existing stub under the road was clogged. Mr. Gill stated that a contractor has been engaged and is going to dig up the connection point on the opposite side of the street, flush out the line and install a check valve. Mr. Gill added that since we received no response from one of the remaining property owners, Mr. Pompo is going to be filing a complaint. Mr. Gill circulated to the Board a Verification form that the Chairman will sign and be included as part of the complaint.

Fernmoor Homes Project Update

Mr. Gill informed the Board that on May 25, 2021, the Authority entered into a Sewer Construction Financial Security Agreement with Fernmoor Downingtown LLC who agreed to post a Performance Bond in the sum of \$1,301,643.16 representing 110% of the cost of the Phase 1 Sewer Improvements as set forth in the Agreement. Mr. Gill added that the agreements state that the developer may request a reduction in the Performance Bond, as the developer completes various segments of the sewer improvements, and the design engineer of the sewer improvements certifies to the Authority engineer that the sewer improvements have been completed in accordance with the Plan. Mr. Gill presented to the Board the Fernmoor Homes Performance Bond No. 3856667 Certificate of Partial Completion that would need to be signed by the Chairperson. After discussion, Mr. Schew made a motion, seconded by Mrs. Bernard to authorize the Chairperson to sign the enclosed Certificate of Partial Completion for Phase 1 Performance Bond in the form as presented and authorize the reduction of the Sanitary Sewer Phase 1 Performance Bond no. 3856667 in the amount of \$201,562.37. The vote passed 4.0.

Mr. Gill informed the Board that on January 11, 2022, the Authority entered into a Sewer Construction Financial Security Agreement with Fernmoor Downingtown LLC who agreed to post a Performance Bond in the sum of \$259,313.45 representing 110% of the cost of the Phase 2 Sewer Improvements as set forth in the Agreement. Mr. Gill added that the agreements state that the developer may request a reduction in the Performance Bond, as the developer completes various segments of the sewer improvements, and the design engineer of the sewer improvements certifies to the Authority engineer that the sewer improvements have been completed in accordance with the Plan. Mr. Gill presented to the Board the Fernmoor Homes Performance Bond No. 4179151 Certificate of Partial Completion that would need to be signed by the Chairperson. After discussion, Mr. DiSario made a motion, seconded by Mrs. Bernard to authorize the Chairperson to sign the enclosed Certificate of Partial Completion for Phase 2 Performance Bond in the form as presented and authorize the reduction of the Sanitary Sewer Phase 2 Performance Bond no. 4179151 in the amount of \$219,795.33. The vote passed 4.0.

Reed Street Area Sewer Project

Mr. Gill informed the Board that he sent the appraisal for the Sanitary Sewer Easement for 1401 Reed Street as a separate attachment to the email which the Board received, which establishes the value at \$2,000. Since the property is subject to a mortgage, and the Authority is considering paying for compensation, the property owner is required to obtain a Mortgagee Consent which needs to be signed by the Mortgage Electronic Registration System prior to releasing the compensation. Mr. Gill stated that at the recommendation of the Authority Solicitor, Mr. Pompo is requesting that the Board consider adopting the attached resolutions for parcel #39-3Q-93 to proceed with the condemnation process and then the board can consider the enclosed Sanitary Sewer Easement In Lieu of Condemnation Agreement for Parcel # 39-3Q-93. Mr. Gill then presented to the Board Resolution 2023-3-CTMA for Parcel #39-3Q-93 to proceed with the condemnation process. After discussion, Mrs. Bernard made a motion, seconded by Mr. DiSario to approve Resolution 2023-3-CTMA to proceed with the condemnation process for parcel# 39-3Q-93. The vote passed 4.0.

Mr. Gill then presented to the Board the Sanitary Sewer Easement In lieu of Condemnation Agreement for 1401 Reed Street. After discussion, Mr. Schew made a motion, seconded by Mrs. Benard to authorize the Chairperson to sign the enclosed Sanitary Sewer Easement In lieu of Condemnation Agreement for 1401 Reed Street Parcel# 39-3Q-93 in the form as presented and authorize the release of the payment of \$2,000. in compensation contingent to receiving the Mortgagee Consent to the satisfaction of the Authority Solicitor. The vote passed 4.0.

Duckling Learning Center Project

Mr. Gill informed the Board that Duckling Learning Center is proposing to construct a one story 11,900 square foot day care facility with associated parking on 3.51 acres. The site is located at 100 Rock Raymond Road which is currently developed with an existing residential dwelling that utilizes an on-lot disposal system, which will be abandoned as part of the development of the Property, the project proposes to use 2 EDU's.

Mr. Gill presented to the Board the Ducklings Learning Center Sanitary Sewer Capacity Reservation, Contribution and Extension Agreement with the required Relinquishment Agreement which allocates 2 EDUs for the project. After discussion, Mr. DiSario made a motion, seconded by Mr. Schew, to authorize the Chairperson to sign the enclosed Sewer Capacity Reservation, Contribution and Extension Agreement in the form as presented. The vote passed 4.0.

Mr. Gill presented to the Board the Ducklings Learning Center Sewer Easement Agreement that will be needed for the project. After discussion, Mrs. Bernard made a motion, seconded by Mr. Schew, to authorize the Chairperson to sign the enclosed Sewer Easement Agreement for Parcel# 39-2-26 in the form as presented. The vote passed 4.0.

Mr. Gill presented to the Board the Ducklings Learning Center Operation and Maintenance Agreement for Duplex Grinder Pump System that is proposed to be installed. After discussion, Mr. DiSario made a motion, seconded by Mrs. Bernard, to authorize the Chairperson to sign the enclosed Operation and Maintenance Agreement for Duplex Grinder Pump System in the form as presented. The vote passed 4.0.

Act 537 Plan/ Additional Capacity Update/ Dara Update

Mr. Gill presented to the Board a spreadsheet showing the status of pending projects that will be needing capacity in the future, the 52-week average chart, Dara weekly flow report, copies of the proposed Dara Expansion presentation. Mr. Gill also went over with the board an email from Mr. Mays to Mr. Chambers regarding East Caln's position about the proposed expansion. Mr. Chambers discussed with the Board the email from Mr. Mays that East Caln is still taking a position that the expansion is happening sooner than they expected and since they bought capacity from the Borough several years ago at an inflated price (\$22.19/gallon for 50,000 gallons) and since the Intermunicipal Agreement requires unanimous approval from the municipalities before an expansion can take place, they would withhold their approval unless the 50,000 gallons they purchased was bought back by the other (or an individual) parties. Mr. Chambers stated that East Caln has no intention to sell the capacity either unless the expansion is definite so at this time, we can't really do anything except give them some kind of assurance they will be made whole at the time the expansion is a given and everyone's cost is determined. Mr. Gill informed the Board that according to Mr. Mays the overall project will cost roughly \$34M and roughly \$17M of the overall project costs will need to be expended no matter what to replace dated equipment, unsafe chlorine treatment system, improve overall treatment efficiency and environmental impacts and address severe flooding risks that result in service interruptions and environmental/health risks. Mr. Gill informed the Board that Gilmore and staff will put together a cost analysis with several scenarios between the 2 treatment plants to present to the Board at the May meeting.

I/I Reduction Program

Mr. Gill informed the Board that there are no changes this month on the Phase 5 Caln Interceptor Repairs Project which most likely is contributed to the contractor waiting for dry weather so they can get into the wet areas. Mr. Gill stated that Gilmore issued a notice of Intent to award Standard Pipe Services, LLC. on January 3, 2023, for the Phase 5 Caln Interceptor Repairs Project and a pre-construction meeting was held on March 2, 2023.

Financials; Sewer Fund,

Mr. Gill reviewed the sewer financial summary and the revenues and expenditures for the Sewer Operating Fund for the month of March 2023 and the balances in Act 57 and Sewer Capital Funds. After discussion, Mrs. Bernard made a motion, seconded by Mr. Schew, to accept the March financials, as submitted. The vote passed 4.0.

Penalty Waiver Request Update

Mr. Gill informed the Board that no penalty waiver requests were made for the month of March.

Director's Report

Mr. Gill discussed his Director's Report and noted a list of current projects which the Department is working on and their progress.

Adjournment

There being no further business, Mr. Schew made a motion, seconded by Mrs. Bernard, to adjourn the April 24, 2023, meeting at 8:00pm. The vote passed 4.0:

Respectfully Submitted


Jennylyn Tanedo,
Recording Secretary

