

West Goshen Township
Sewer Authority
November 4, 2020
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. Approval of the Authority meeting minutes of October 7, 2020. Action items from October 2020 meeting include:
 - a) Mike Moffa, modifications to the draft budget (Item 6d);
 - b) Casey LaLonde, letter to Township residents near S. Concord Road property of Mr. Joe Pileggi (item 6d);
 - c) Josh Fox, to obtain price for appropriate consultant engagement for possible coating of the interior of the secondary anaerobic digester (item 8a);
 - d) Josh Fox, to check projected cost for the Priority A interceptor Rehab Project (item 8e);
 - e) Josh Fox & Mike Moffa to update the 2021-2030 CIP for the November regular meeting and provide copy to Phil Mayer from East Goshen (item 8f);
 - f) Casey LaLonde, to advertise special public meeting for November 19, 2020 at 7:00 PM for the 10 year Capital Improvement Project and annual budget.
4. 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. No Executive session was held this evening or during the past month.
 - C. Solicitor Ross Unruh has communicated that he is transitioning clients to other attorneys at his firm in preparation for retirement.
 - D. Bond Counsel, Ben Ried, has departed his firm Eckert Seamans and joined the Harrisburg firm of Mette, Evans & Woodside effective November 1, 2020.
 - E. Next regular meeting December 2, 2020 at 7:00 PM. Location to be determined.
 - F. A Special session will be held on November 19, 2020 at 7:00 PM to address the 10 year CIP and budget.
5. Solicitor's Report, dated November 4, 2020 presented by Ryan Jennings, Esquire.
 - A. Woodlands at Greystone. The developer's attorney is still in the process of getting all the documents fully executed by the property owners and the lenders.

- B. 504 S. Concord Road Subdivision (former Boy Scout property). New ROW and extinguish existing one.
 - C. Connection to WCASD private system. No new information
6. Wastewater Superintendent Report, dated November 4, 2020, presented Mike Moffa.
- A. General Compliance Status & Misc. Operational Data.
 - B. Taylor Run Pump Station Automatic Transfer Switch (ATS). Installation has begun with final completion expected by the November 4th meeting.
 - C. Draft 2021 Sewer Authority Budget
7. Treasurer's Report, dated November 4, 2020, presented by Walter Wills. Discussion and possible approval of requisitions/bills to be paid as set forth in the Treasurer's Report totaling \$667,518.32.
- A. Discussion and possible approval for Application for Payment No. 1 for Contract TD-2 (Trinity Drive Pump Station Improvements Electrical Contract) to MJK Electrical Contracting, Inc. in the amount of \$10,035.00 (bond requisition # 506).
 - B. Discussion and possible approval for Application for Payment No. 23 (FINAL) for Contract 17-3 (Anaerobic Digester Replacement General Contract) to Eastern Environmental Contractors, Inc. in the amount of \$303,907.78 (bond requisition # 507).
 - C. Discussion and possible approval for Application for Payment No. 8 for Contract 19-1 (WWTP Phase 2 General Contract) to Blooming Glen Contractors, Inc. in the amount of \$166,900.35 (bond requisition # 508).
 - D. Discussion and possible approval for Application for Payment No. 2 for Contract TD-1 (Trinity Drive Pump Station Improvements General Contract) to PSI Pumping Solutions, Inc. in the amount of \$105,133.14 (bond requisition 509).
 - E. Approval of Bond Requisition numbers 510-517, Tapping Fee Fund requisitions 2018 - 2022, and Developer's Invoices.
8. Engineer's Projects Report, dated October 30, 2020 presented by Cory Salmon from HRG.
9. Developments Report, dated October 30, 2020 presented by Cory Salmon from HRG.
10. Discussion and possible approval of action to seek a new Solicitor.
11. Discussion and possible approval regarding the continued representation by Ben Ried as Bond Counsel.

12. Discussion and possible approval to engage in dialogue with West Chester Borough Council and Public Works regarding possible inter-municipal agreement to provide sewage treatment services to the Borough (or portion thereof) at the West Goshen Plant.

13. New business.

Adjourn

Procedures for Tele-conference

TELECONFERENCE INSTRUCTIONS

Please find below the October 7 Authority meeting instructions.

November Sewer Authority TeleConference Meeting

Wed, Nov 4, 2020 7:00 PM - 9:00 PM (EST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/722130901>

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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.