

West Goshen Township
Sewer Authority
December 2, 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 November 10, 2020. Open action items from October and November 2020 meetings include:
 - a) Mike Moffa and Shaun Walsh, Letter to Mr. Pileggi (Item 6 November Meeting);
 - b) Josh Fox, to obtain price for appropriate consultant engagement for possible coating of the interior of the secondary anaerobic digester (item 8a October Meeting);
 - c) Josh Fox, to check projected cost for the Priority A interceptor Rehab Project (item 8e October Meeting);
 - d) 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 October Meeting);
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. Next regular meeting January 6, 2021 at 7:00 PM. Location to be determined.
5. Solicitor's Report, dated December 2, 2020 presented by Ryan Jennings, Esquire.
 - A. Woodlands at Greystone.

The developer's attorney is still in the process of getting joinders signed by the lenders affixed to the two ROWs signed by the property owners. The phase two plans are being reviewed by HRG and the legal descriptions and plats for the ROWs should be forthcoming.

The developer's insurance agent for its bonding company was notified that on 4/1/2020 the board reduced the dollar amount of the bond which is required to secure the completion of the public improvements; that is, the bond in the amount of \$1,441,583.80 may be reduced by \$1,191,691.95, leaving a balance of \$249,981.90.
 - B. 504 S. Concord Road Subdivision (former Boy Scout property).

New ROW and extinguish existing one required. Waiting on required information from applicant's consulting engineer.

- C. Aeration Basin Improvements Project
Reviewed two sets of bid documents and determined that minor omission in the MLF Electrical bid could be waived provided the references were provided promptly to HRG.

6. Wastewater Superintendent Report, dated December 2, 2020, presented Mike Moffa.
 - A. General Compliance Status & Misc. Operational Data.
 - B. Discussion and possible approval for the purchase of a replacement pump at the Fern Hill Pump Station from J.T. Seeley & Company, Inc. for the amount of \$29,220.00.
 - The replacement pump is included in the 10-year Capital Improvement Plan as well as in the approved 2020 Budget for the amount of \$30,000.00.
 - C. Discussion and possible approval of the 2021 Sewer Authority Budget

7. Treasurer's Report, dated December 2, 2020, presented by Walter Wills. Discussion and possible approval of requisitions/bills to be paid as set forth in the Treasurer's Report totaling \$989,169.57.
 - A. Discussion and possible approval for Application for Payment No. 9 for Contract 19-1 (CoMag General Construction) to Blooming Glen Contractors, Inc. in the amount of \$129,695.72 for work completed through November 18, 2020 (bond requisition # 527).
 - B. Discussion and possible approval for Application for Payment No. 1 for Contract 19-3 (Mechanical Construction) to CUICK Precision Solutions in the amount of \$21,727.80 for work completed through November 20, 2020 (bond requisition # 526).
 - C. Discussion and possible approval for Application for Payment No. 1 for Contract IP-1 (Interceptor Rehab Project Phase 1 General Construction) to DOLI Construction Corporation in the amount of \$293,237.45 for work completed through November 25, 2020 (tapping fee requisition # 2025).
 - D. Discussion and possible approval for Application for Payment No. 3 for Contract TD-1 (Trinity Drive Pump Station - General Construction) to PSI Pumping Solutions, Inc. in the amount of \$37,009.73 for work completed through November 11, 2020 (bond requisition 528).
 - E. Approval of Bond Requisition numbers 518-536, Tapping Fee Fund requisitions 2023 - 2027, and Developer's Invoices.

8. Engineer's Projects Report, dated November 25, 2020 presented by Josh Fox from HRG.

9. Developments Report, dated November 25, 2020 presented by Josh Fox from HRG.

10. Discussion regarding request for proposals for Authority Solicitor and possible approval of action to appoint a new Solicitor.
 - A. Response from Unruh, Turner, Burke & Frees.
 - B. Response from Buckley, Brion, McGuire & Morris, LLP
 - C. Response from Siana Law
 - D. Response from Lamb McErlane, PC

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

12. New business.

Adjourn

Procedures for Tele-conference

TELECONFERENCE INSTRUCTIONS

December Sewer Authority Meeting
Wed, Dec 2, 2020 7:00 PM - 9:00 PM (EST)

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/576650325>

You can also dial in using your phone.
United States (Toll Free): [1 877 309 2073](tel:18773092073)

Access Code: 576-650-325

Back-Up Meeting Link (via Zoom)

Meeting ID: 807-671-8639
<https://zoom.us/j/8076718639>

Dial-in:
+1 646-558-8656
+1 312-626-6799

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.