

MINUTES  
HEALTH & SANITATION COMMITTEE  
MAY 1, 2012

The Penn Township Health and Sanitation Committee met in public session on Tuesday, May 1, 2012 at 7:12 PM following the Public Works Committee meeting. Present were Chairman Klunk and Commissioners Prieber, Heilman and Felix. Commissioner Goldsmith was absent with notice. Also present were Manager Garvick, Township Engineer Bortner, Highway Foreman Mahan, WWTP Superintendent Mahone and Administrative Assistant Rodgers. The following matters were discussed:

ANNOUNCEMENTS: None.

APPROVAL OF THE MINUTES: The minutes of the April 3, 2012 Health and Sanitation Committee meeting were approved as submitted.

CITIZEN'S COMMENTS: None.

SEWER PLANT UPDATE: WWTP Superintendent Mahone reported that the general contractor on the sewer plant upgrade project has a few punch list items to address concerning the influent meter replacement, air flow meters for the aeration tanks, seeding, grading and touch up paint. The electrical contractor needs to supply a replacement bulb for a run indicator light and a panel cover. The mechanical contractor needs to replace some rusted straps on some duct work in the course screen building.

CHANGE ORDER REQUEST FOR CONTRACT #2: Superintendent Mahone reported that PSI has requested a change order in the amount of \$6,997.16 for the electrical portion of the WWTP plant upgrade. The majority of these costs are associated with repairs to our existing site lighting and additional integration items to the SCADA system that were missed in the design. The committee recommended approving the request at the next Board of Commissioners meeting.

SUBSTANTIAL COMPLETION OF CONTRACT #2: WWTP Superintendent Mahone reported that PSI has requested a certificate of substantial completion which has been approved by CET/GHD. The Committee recommended approving the completion at the next Board of Commissioners meeting.

INTERCEPTOR UPDATE: Manager Garvick gave the following report:

“As the commissioners are aware, the York Street Main Interceptor Project has been put on hold by the decision of the general contractor, Marks Contracting, to demobilize and discontinue further construction, claiming “unforeseen site conditions”. Marks has completed only 2,200’ of the necessary 7,000’ of new sewer line, or a total of 31% of the project.

Contending that there is too much groundwater, Marks has submitted a change

order request in the amount of \$1,658,837. In addition, they are claiming \$219,692 for stored materials and continuing costs. This request will increase the minimum cost of the project to over \$4M from the original bid price of \$2,345,669. To date, the cost of construction has been \$997/lineal ft. Projecting that over 7,000' would result in a cost as much as \$4,785,000.

A Stop Work order was issued to Marks by PADEP on February 17, 2012 for continuing violations of the Erosion & Sedimentation Plan. The compliance order was lifted by DEP on April 2, 2012 allowing Marks to return and commence construction. However, Marks indicated that before returning to the project, it must have assurances that (1) the project must be redesigned to accommodate what it refers to as "differing subsurface conditions"; (2) they must receive payment of all incurred additional costs to date, including all materials stored on site and for materials yet to be delivered; (3) they be provided with a blanket change order to compensate them for any and all additional expenses going forward.

A meeting was held on April 24<sup>th</sup> with township staff, the township's consulting sanitary engineer, Commonwealth Engineering, and the township solicitor. The purpose of the meeting was to establish the township's legal position regarding the construction agreement, discussing available options for a speedy resolution of this matter. Completion of the project in a timely fashion is of paramount concern since PennDOT is scheduling an overlay of Route 116 (York St.) next year and our project requires that two manholes be replaced and two boring pits be excavated in York St. We also discussed the merits of the change order request. It was the position of the engineer and the consensus of all that the change order request was totally inappropriate. As the township did not provide a response to the contractor within 30 days of the date of the request, the request was deemed denied by the terms of the construction agreement. The solicitor will now advise the Board of Commissioners as to a course of action once he has reviewed the file, which was provided to him at the meeting."

The Manager also reported that an Administrative Enforcement Hearing is being scheduled at the direction of the York County Conservation District to address the numerous violations of the township's Erosion & Sedimentation Plan by Marks. There is a very good chance that a monetary fine will be imposed.

The committee indicated that the solicitor would probably have a recommendation by the May 21<sup>st</sup> BOC meeting.

**SHREDDING EVENT:** Superintendent Mahone reported that the residential document shredding event was held on April 21, 2012. There were 211 vehicles providing 6,781 pounds of material to be disposed of.

**902 GRANT APPLICATION:** Superintendent Mahone reported that PADEP has announced it will be accepting 902 grant applications until June 29, 2012. The grant program will refund 90% of eligible costs associated with the purchase of equipment and expenses. This is the first time since 2008 that 902 grant applications are being

accepted. The Township is currently in the process of completing an application and has a pre-application meeting scheduled with DEP on May 10, 2012. We will be looking into the replacement of some aging equipment. The funding pool is \$15,000,000.

REFUSE BAG BID: Superintendent Mahone reported that the Township will be opening bids for the purchase of 250,000 trash bags on May 15th at 11:00. With the current high cost of oil, which increases the cost of manufacturing the bag, we expect the bids to come in higher than normal. If the bids come in so high that it would require increasing the cost of the bag to the residents, we have included a second option to the bid to submit pricing for a 2.5 mil thickness bag in addition to the current 3.0 mill bag. The committee was provided with both bags to compare.

PA FISH AND BOAT COMMISSION: Manager Garvick reported that the Township received a notice from the PA Fish and Game Commission stating that they will be conducting a fish habitat improvement project at Lake Marburg.

CITIZENS QUESTIONS TO THE COMMITTEE: None.

The meeting adjourned at 7:22 P.M.

Respectfully submitted,

Kristina J. Rodgers  
Township Secretary