

WEST CORNWALL TOWNSHIP MUNICIPAL AUTHORITY  
73 S. ZINNS MILL ROAD  
LEBANON, PA 17042

AUTHORITY BOARD MEETING  
October 4, 2022 6:00 PM

**AGENDA**

1. Convene meeting
2. Pledge of allegiance
3. Attendance
4. Public comment on Agenda only
5. Changes/additions to Agenda
6. Approve meeting minutes of previous meeting(s) – September 2022
7. Authority Manager report.
  - a. Review and approve financials
8. Engineer report
9. Solicitor report
10. Old Business –
  - a. North Cornwall Township – Dairy Road pump station agreement
  - b. Quentin Water Company purchase – status update
11. New Business
12. Public comment
13. Pay the bills
14. Adjourn

**Convenient access to your statements online.**  
To enroll, select Statement Delivery under Settings.

## Home

## ACCOUNTS

Available: \$1,592,296.90 ⓘ  
Current: \$2,573,046.90 ⓘ

**Municipal NOW**  
Available Balance  
Current Balance

*Quentin*  
\$579,370.07  
\$579,370.07

**Municipal NOW**  
Available Balance  
Current Balance

*Stoberdale*  
\$36,426.40  
\$36,426.40

**Municipal NOW**  
Available Balance  
Current Balance

*Water*  
\$976,500.43  
\$976,500.43

**TIME LOAN**  
Next Payment Date  
Current Balance

*Dec 30, 2022*  
\$980,750.00

## ASSET SUMMARY



### Municipal NOW

x8965

Available Balance  
Current Balance  
View Transactions

61.33%  
\$976,500.43  
\$976,500.43



## West Cornwall Twp. Municipal Authority

10/4/2022 5:13 PM

Register: PSBT Quentin Sewer

From 09/01/2022 through 10/03/2022

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
09/02/2022			INCOME:01 Quentin:...	Deposit		X	1,662.30	557,445.14
09/08/2022	3543	Four Girls, LLC	Accounts Payable	Req 3627 Mgmt	2,300.00	X		555,145.14
09/09/2022	Zip Pay	MET-ED	Accounts Payable	Req 3629 PS E...	298.33	X		554,846.81
09/09/2022	3542	HENRY & BEAVE...	Accounts Payable	Req 3626 - Leg...	410.82	X		554,435.99
09/12/2022	3540	LB WATER SERVI...	Accounts Payable	Req 3624 - Wa...	1,652.52	X		552,783.47
09/14/2022	3541	MEDIA ONE PA	Accounts Payable	Req 3625 - Ad...	270.96	X		552,512.51
09/16/2022			INCOME:01 Quentin:...	Deposit		X	27,207.70	579,720.21
09/21/2022	Zip Pay	VERIZON	Accounts Payable	Req 3632 Phon...	66.07	X		579,654.14
09/30/2022	3544	MASS LLC	Accounts Payable	Req 3628 PS O...	550.00	X		579,104.14
10/02/2022			INCOME:01 Quentin:I...	Interest		X	265.93	579,370.07

## West Cornwall Twp. Municipal Authority

10/4/2022 5:15 PM

Register: PSBT Stoberdale Sewer

From 08/31/2022 through 10/03/2022

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
08/31/2022			INCOME:02 Stoberdal...	Interest	X		11.17	30,978.78
09/02/2022			INCOME:02 Stoberdal...	Deposit	X		2,540.70	33,519.48
09/16/2022			INCOME:02 Stoberdal...	Deposit	X		2,890.46	36,409.94
10/02/2022			INCOME:02 Stoberdal...	Interest	X		16.46	36,426.40

---

**Locating Protocols**

1 message

**Kiger, William G.** <contact@pa1call.org>

Mon, Oct 3, 2022 at 10:41 AM

Reply-To: contact@pa1call.org

To: westcornwallauthority@gmail.com

**Pennsylvania One Call System, Inc.**

925 Irwin Run Road  
West Mifflin, PA 15122-1078  
(412) 464-7100  
[www.paonecall.org](http://www.paonecall.org)

September 30, 2022

**Advice based upon analysis and opinion of POCS General Counsel regarding locating protocols**

Dear POCS Facility Owner member:

The purpose of this communication is to clarify, in detail, POCS's position on the improper use of UULPA Section 5(15) by some POCS Facility Owner members.

1) As background, POCS' Damage Prevention Liaisons have received field complaints of some Facility Owner locators instructing Excavators specifically how to locate the Facility Owner's line themselves, when a Facility Owner cannot find its lines and/or need additional time to locate its lines.

2) In addition, it has been reported that facility owner locators are also putting non-standard marks on the ground (not the correct color paint for their specific facilities) and responding back to the POCS notifications as their facilities being marked.

We will explain why this is problematic for the Facility Owner(s) in question, and for other Facility Owners, and why using Section 5(15) for this purpose is unauthorized and inappropriate.

First, Section 5 is the 'Excavator' section of the Act. Its heading states, "Responsibilities of Excavators." It does not confer responsibilities or rights upon Facility Owners. Facility Owner responsibilities are set forth in Section 2 of the Act. Section 5(15) states as follows:

- (15) When the information required from the facility owner under section 2(5)(i) cannot be provided or, due to the nature of the information received from the facility owner, it is reasonably necessary for the excavator to ascertain the precise location of any line or abandoned or unclaimed lines by prudent techniques, which may include hand-dug test holes, vacuum excavation or other similar devices, the excavator shall promptly notify the project owner or the project owner's representative, either orally or in writing. If oral notification is given, the notice shall be reduced to writing within a reasonable time by the project owner or excavator. After giving such notice, the excavator shall be entitled to compensation from the project owner for this additional work as provided in the latest edition of the Pennsylvania Department of Transportation Form 408 specifications for extra work performed on a force account basis. The provisions of this subsection shall not be deemed to limit any other rights which the excavator has under its contract with the project owner or otherwise. Provisions in any contract, public or private, which attempt to limit the rights of excavators under this section shall not be valid for any reason, and any attempted waiver of this section shall be void and unenforceable as against public policy and any such attempted waiver shall be reported to the commission.

In other words, only the Excavator is thereafter authorized to proceed to find the Facility Owner's facilities and get compensated from their Project Owner when the Facility Owner cannot meet their obligation under Clause 2(5)(i) of the Act. In so doing the Excavator is to use its own judgment.

There are other clauses in this Section that address this as well. For example, Section 5(5) allows the Excavator to proceed to excavate, using prudent techniques, when the facility owner cannot mark their facilities by the lawful dig date or within a mutually agreeable timeframe:

- *(5) If the facility owner fails to respond to the excavator's timely request as provided under section 2(5) or the facility owner notifies the excavator that the line cannot be marked within the time frame and a mutually agreeable date for marking cannot be arrived at, the excavator may proceed with excavation as scheduled, but not earlier than the lawful dig date, provided he exercises due care in his endeavors, subject to the limitations contained in this clause and clauses (2.1) through (4) and (20).*

The UULPA gives the Excavator these options when the Excavator determines that a Facility Owner cannot fulfill its responsibilities under the (Facility Owner) Section 2 of the UULPA. However, a Facility Owner's personnel or representatives are not given any authority to tell the Excavator's personnel how to do their jobs, or how and when to use Section 5(15).

The risk of doing so is that, if anything goes wrong, the excavator may and likely will attempt to shift responsibility to the Facility Owner for following the Facility Owner's directives. In sum, if a Facility Owner's agent (often a third party locator) or its personnel direct the Excavator to use Section 5(15), they effectively are requesting that the Excavator fulfill the Facility Owner's obligation to find its line(s) for them, potentially making the Facility Owner liable for damages or injuries that occur because of the Excavator actions in so doing.

Second, Facility Owners putting any markings on the ground other than what is specified in the UULPA, UULPA Users Guide, APWA Marking Guidelines, and CGA Best Practices is inconsistent with the UULPA. Putting anything other than the correct color paint and the four components of a correct mark to indicate the location of a Facility Owner's underground facilities is unauthorized and creates confusion for the other underground Facility Owners.

In addition, when a Facility Owner locator indicates that they have marked their facilities via POCS KARL system, the excavator is looking for that Facility Owner's marks as specified in the marking guidelines. When they don't see any standard marks but the KARL response system has indicated that the facilities were marked, then confusion and accidents will happen. This type of confusion can lead to damage to facilities or injuries. Current copies of the above mentioned documents can be found at [www.pa1call.org/resourcelibrary](http://www.pa1call.org/resourcelibrary).

Please review Section 2 clauses (5) (i)-(v) for Responsibilities of the Facility Owner. This includes documenting attempts to communicate with the Excavator on a problem locate, as well as any additional efforts and scheduling required to locate the line as prescribed in the Act.

Lastly, this topic was discussed at one of the DPC hearings and the Chair of the DPC clearly stated that Facility Owners should not be directing Excavators to use Section 5(15) to fulfill their responsibilities under the Act. POCS knows of several excavators that have already filed AVRs about this practice, and who also are complaining directly to PUC's Safety Division.

We hope we have explained POCS' reasoning as to why we recommend that all POCS Facility Owner members immediately stop the practice of telling Excavators how to locate under Section 5(15) when the Facility Owner cannot find its line, or cannot fulfill its obligation to mark its line in the required time frame. Any Facility Owner continuing to use this practice could potentially be exposing itself both to regulatory scrutiny from the PUC and increased legal liability.

POCS strongly recommends that Facility Owner members seek advice from their legal staff or counsel with regard to the activities they engage in that may be inconsistent with the matters as discussed above. This is a risk management issue, and, while POCS does not direct how its members develop and implement their corporate policies in this regard, it does wish to communicate these issues in light of what has been reported to it.

Respectfully yours,

*Bill Kiger*

William G. Kiger  
President & Chief Executive Officer

---

Copyright © Pennsylvania One Call System, Inc. - [925 Irwin Run Road, West Mifflin, PA 15122](#) | [Unsubscribe](#)

