

**NORTHWESTERN LANCASTER COUNTY AUTHORITY**

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**RESOLUTION NO. 2-2020**

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A RESOLUTION OF THE NORTHWESTERN LANCASTER COUNTY AUTHORITY AMENDING THE RESOLUTION CHARGING A TAPPING FEE AGAINST OWNERS OF PROPERTIES SERVED OR TO BE SERVED BY THE WATER SYSTEM, PROVIDING FOR THE MANNER OF PAYMENT OF SUCH FEES AND PROVIDING FOR ENFORCEMENT OF PAYMENT OF SUCH FEES.

WHEREAS, this Authority is a municipality authority existing under and governed by the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented (the "Authorities Act"); and

WHEREAS, this Authority owns a public water system serving the residents of Penn Township, Lancaster County, Pennsylvania; and

WHEREAS, Penn Township has enacted an Ordinance (the "Connection Ordinance") requiring all owners of improved property abutting the water system, where the principal building is located within 150 feet of the water system or any part or extension of the water system, or where the principal building has no supply of water which is safe for human consumption, to connect with and use such water system; and

WHEREAS, this Authority by Resolution adopted on or about June 18, 1975 ("Tapping Fee Resolution"), imposed a tapping fee against owners of improved property who connect to the Authority's water system; and

WHEREAS, this Authority has amended the Tapping Fee Resolution several times, most recently by Resolution No. 5-2019; and

WHEREAS, this Authority desires to amend the Tapping Fee Resolution by adopting an amended and restated Tapping Fee Resolution; and

WHEREAS, the Tapping Fee Resolution as adopted herein does not change the monetary amount of the tapping fee or the calculation of the gallons per day usage which constitutes an Equivalent Dwelling Unit ("EDU") established by the adoption of Resolution No. 5-2019, such figures having been determined by a study undertaken by the Authority Engineer in May, 2019, which study is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the Board of this Authority that the existing Tapping Fee Resolution is hereby deleted in its entirety, and an amended and restated Tapping Fee Resolution is adopted as follows:

Section 1. The foregoing recitals are incorporated herein and made a part of this Resolution as if set forth in their entirety.

Section 2. Unless otherwise expressly stated, the following words and abbreviations shall have the meanings ascribed to them in this Section when referenced in this Resolution:

(a) **AUTHORITY** – The Northwestern Lancaster County Authority, a municipal authority organized and operating under the laws of the Commonwealth of Pennsylvania.

(b) **EDU** – an equivalent dwelling unit; the amount of water consumed by an average dwelling in a day which is required to be 168.35 gallons per day ("gpd") in accordance with the Authorities Act. Each non-residential use shall be assigned a number of EDUs based upon the estimated or actual water consumption, and each 168.35 gpd consumed or estimated to be consumed shall be considered one EDU, with such consumption being calculated using the consecutive 90 day period with the highest consumption. In calculating the applicable number EDUs herein, the number of EDUs shall always be a whole number and any portion whatsoever of an EDU shall be rounded up to the next highest EDU.

(c) **IMPROVED PROPERTY** – Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals.

(d) **TOWNSHIP** – The Township of Penn, Lancaster County, Pennsylvania, acting by and through its Board of Supervisors.

(e) **WATER SYSTEM** – The water supply and distribution facilities, including all related facilities having been, or to be, constructed, installed or acquired by or for the Authority, including all property real, personal and mixed, rights, powers, licenses, easements, rights-of-way, privileges, franchises and other property or interest in property of whatsoever nature used or useful in connection with such facilities.

Section 3. No Person shall connect any Improved Property with any part of the Water System without first making application for and securing a permit, in writing, from the Township, as provided for in the Penn Township Mandatory Water Connection Ordinance. Such application shall be made on a form to be provided by the Township.

Section 4. This Authority hereby does impose a "tapping fee" in the amounts set forth in Section 5 against the owner of any Improved Property served by the Water System that is required to be connected pursuant to the Connection Ordinance of the Township then in effect requiring such connection, for the use, ability to use or the expansion of use of the Water System.

Section 5. The Tapping Fee for connection of an Improved Property to the Water System shall be Two Thousand Six Hundred Seventy-Five and 00/100 (\$2,675.00) Dollars for each EDU, or portion thereof. The maximum allowable Tapping Fee, pursuant to calculations under applicable law, is Two Thousand Six Hundred Seventy-Five and 00/100 (\$2,675.00) Dollars with a capacity component of One Thousand Nine Hundred Ninety-One and 16/100 (\$1,991.16) Dollars and a distribution component of Six Hundred Eighty-Three and 84/100 (\$683.84) Dollars. The per capita flow rate shall be established as one hundred sixty-eight and thirty-five hundredths (168.35) gallons per day per EDU.

Section 6. The Tapping Fee imposed by Section 4 of this Resolution shall be due and payable at the earliest of (1) the time application is made to the Township to make any such connection to the Water System, as provided in Section 3; (2) the date when the Township shall connect any such Improved Property to the Water System, at the cost and expense of the owner, when such owner shall have failed to make such connection as required by the Township pursuant to the provisions of the Connection Ordinance then in effect requiring such connection; (3) the date that is sixty (60) days after the date of issuance of a notice to connect the Improved Property in accordance with the Connection Ordinance; or (4) the date that the use of the property connected to the Water System is expanded in accordance with Section 8 herein.

Section 7. The number of EDUs ascribed to any Improved Property shall be not less than the sum of the number of dwelling units, commercial establishments, educational establishments, industrial establishments and institutional establishments on an Improved Property.

Section 8. If the use of any Improved Property connected or hereafter connected to the Water System shall be expanded after the date upon which the Tapping Fee herein imposed shall have been paid, there is hereby imposed upon the expanded use of such improved property an additional Tapping Fee, as appropriate, calculated in the manner set forth in this Resolution at the amount per Equivalent Dwelling Unit then in effect.

Section 9. All Tapping Fees shall be payable to the Treasurer of this Authority or to such other officer or representative of this Authority as shall be authorized, from time to time, by resolution of this Authority, to accept payment thereof.

Section 10. Payment of Tapping Fees imposed by this Authority pursuant to this Resolution shall be enforced by this Authority in any manner appropriate under laws at the time in effect.

Section 11. This Authority may, from time to time, adopt modifications of, supplements to, or amendments of this Resolution. It is the policy of the Authority that the tapping fee shall be recalculated every three years, but the Authority reserves the right to perform the calculations and modify this Resolution more frequently at the sole discretion of the Authority. The Authority reserves the right to establish by Resolution separate service areas which may have a special purpose part and/or reimbursement part of the tapping fee in addition to the capacity part and distribution part imposed throughout the Water System.

Where an extension of the Water System has been made at the expense of a private person, the Authority reserves the right to require payment of a reimbursement part of the tapping fee.

Section 12. A report from the Authority Engineer showing the calculations of the fees imposed herein is attached hereto as Exhibit "A" and incorporated herein.

Section 13. The replacement of the previous Tapping Fee Resolution with the Tapping Fee Resolution set forth herein shall not affect the validity of tapping fees previously imposed by the Authority and collected from owners of Improved Properties.

Section 14. This Resolution shall become effective immediately.

Section 15. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of this Authority that such remainder shall be and shall remain in full force and effect.

Section 16. All resolutions or parts of resolutions inconsistent herewith expressly are repealed.

DULY ADOPTED this 21st day of April, 2020, by the Board of Northwestern Lancaster County Authority in lawful session duly assembled.

NORTHWESTERN LANCASTER COUNTY  
AUTHORITY

Attest:   
(Assistant) Secretary

By:   
(Vice) Chairman

[AUTHORITY SEAL]




### CERTIFICATE

I, the undersigned, (Assistant) Secretary of Northwestern Lancaster County Authority ("Authority") certify as follows: The foregoing is a true and correct copy of a Resolution which duly was adopted by affirmative vote of a majority of the members of the Board of the Authority at a meeting of said Board duly convened and held according to law on April 21, 2020, at which meeting a quorum was present; that such Resolution duly has been recorded in the minutes of Board of the Authority; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of the Authority met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. § 701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Authority or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to adopting such Resolution.

IN WITNESS WHEREOF, I set my hand and affix the official seal of Northwestern Lancaster County Authority, this 21st day of April, 2020.

  
(Assistant) Secretary

[AUTHORITY SEAL]



# NORTHWESTERN LANCASTER COUNTY AUTHORITY

## Summary of Tapping Fees for Water System Facilities

May 16, 2019

Tapping Fee Component (1)	Original NWLCA Contribution (2)	Indexed NWLCA Contribution (3)	Less Outstanding Debt (4)	NWLCA Equity (5)=(3)-(4)	Design Capacity (GPD)(c) (6)	Cost per Gallon (7)=(5)/(6)	GPD per EDU(d) (8)	Cost per EDU (9)=(7)*(8)
Capacity Component(a)	\$7,164,653.20	\$9,207,311.39	\$5,374,289.95	\$3,833,021.44	324,000	\$11.83	168.35	\$1,991.63
Distribution Component(b)	\$2,233,854.90	\$3,162,097.20	\$1,845,710.05	\$1,316,387.15	324,000	\$4.06	168.35	\$683.99
Reimbursement Component	-	-	-	-	0	-	-	-
Special Purpose Component	-	-	-	-	0	-	-	-
<b>Totals</b>	<b>\$9,398,508.10</b>	<b>\$12,369,408.59</b>	<b>\$7,220,000.00</b>	<b>\$5,149,408.59</b>		<b>\$15.89</b>		<b>\$2,675.63</b>

(a) - Capacity Component assumes that approximately 74.44% of Debt Service is associated with system capacity.

(b) - Distribution Component assumes that approximately 25.56% of Debt Service is associated with distribution system.

(c) - Design Capacity based upon capacity of Well No. 2 = 324,000 (available capacity with largest source off line).

(d) - GPD per EDU = 65 x Avg Household Size - Penn Township average household size = 2.59 based on 2010 Census  
GPD per EDU = 65 x 2.59 = 168.35

EXHIBIT "A"

**Northwestern Lancaster County Authority  
Water System Capacity Related Project Costs**

May 16, 2019

**Well No.2 Pump Upgrade Project - Year: 2008**

Construction Costs (a)			
General Construction	\$262,460.27		
Other Project Costs (a)		March 2008 ENR Index:	8109
Engineering, Legal, & Financial Fees	\$88,986.30	May 2019 ENR Index:	11230
<b>Total Project Costs</b>	<b>\$351,446.57</b>	Index % Increase:	138%
<b>Indexed Project Costs</b>	<b>\$486,711.68</b>		

**Elevated Water Storage Tank Project - Year: 2000**

Construction Costs (b)			
General & Electrical/HVAC Construction	\$636,300.00		
Other Project Costs (b)		Average 2000 ENR Index:	6221
Engineering, Legal, & Financial Fees	\$227,705.00	May 2019 ENR Index:	11230
<b>Total Project Costs</b>	<b>\$864,005.00</b>	Index % Increase:	181%
<b>Indexed Project Costs</b>	<b>\$1,559,681.10</b>		

**Water Treatment Facility and Well 3 Grant Application Project - Year: 2009**

Project Costs (c)			
Project Costs	\$8,094.41	Average 2009 ENR Index:	8570
		May 2019 ENR Index:	11230
<b>Total Project Costs</b>	<b>\$8,094.41</b>	Index % Increase:	131%
<b>Indexed Project Costs</b>	<b>\$10,606.79</b>		

**2009 Financing**

Project Costs (d)			
Total Issuance Costs	\$69,959.63	December 2009 ENR Index:	8641
		May 2019 ENR Index:	11230
<b>Total Project Costs</b>	<b>\$69,959.63</b>	Index % Increase:	130%
<b>Indexed Project Costs</b>	<b>\$90,920.80</b>		

**Well 2 Sanitary Sewer Connection - Year: 2010**

Construction Costs (e)			
General Construction	\$135,388.98		
Other Project Costs (e)		October 2010 ENR Index:	8921
Engineering, Legal, & Financial Fees	\$51,644.84	May 2019 ENR Index:	11230
<b>Total Project Costs</b>	<b>\$187,033.82</b>	Index % Increase:	126%
<b>Indexed Project Costs</b>	<b>\$235,443.31</b>		

**Pole Barn Building Project - Year: 2012**

Construction Costs (n)				
General Construction	\$137,875.00		January 2012 ENR Index:	9176
Other Project Costs (n)			May 2019 ENR Index:	11230
Engineering & Soft Costs	\$64,286.03			
Total Project Costs	\$202,161.03		Index % Increase:	122%
Indexed Project Costs	\$247,413.73			

**2012 Financing**

Project Costs (g)				
Total Issuance Costs	\$69,489.44		February 2012 ENR Index:	9198
			May 2019 ENR Index:	11230
Total Project Costs	\$69,489.44			
Indexed Project Costs	\$84,840.88		Index % Increase:	122%

**Water Treatment Facility Project - Year: June 2012**

Construction Costs (n)				
Membrane Procurement - Contract 1	\$1,118,237.49			
Ion Exchange Procurement - Contract 2	\$262,332.56			
General Construction - Contract 3	\$2,045,812.01			
Electrical Construction - Contract 4	\$296,023.86			
HVAC Construction - Contract 5	\$68,379.19			
Other Project Costs (n)			June 2012 ENR Index:	9291
Engineering, Legal, Administrative	\$696,508.50		May 2019 ENR Index:	11230
Total Project Costs	\$4,487,293.61		Index % Increase:	121%
Indexed Project Costs	\$5,423,776.48			

**Water Treatment Facility Sustainability Project - Year: December 2012**

Construction Costs (i)				
Construction Cost	\$129,600.00			
Land Studies	\$12,713.93			
Other Project Costs (i)			December 2012 ENR Index:	9412
Engineering, Legal, Administrative	\$66,578.92		May 2019 ENR Index:	11230
Total Project Costs	\$208,892.85		Index % Increase:	119%
Indexed Project Costs	\$249,242.11			

**2013 Financing**

Project Costs (j)				
Total Issuance Costs	\$73,737.11		February 2013 ENR Index:	9453
			May 2019 ENR Index:	11230
Total Project Costs	\$73,737.11			
Indexed Project Costs	\$87,598.41		Index % Increase:	119%



**Well 3 Project - Year: September 2014****Construction Costs (k)**

General Construction - Contract 1	\$127,910.00
Electrical Construction - Contract 2	\$62,015.00
Siemens - Membrane Modules	\$97,485.00

September 2014 ENR Index: 9870

May 2019 ENR Index: 11230

**Other Project Costs (k)**

Hydrogeologic, Engineering, Administrative	\$192,867.73
Modern Pump	\$22,262.00
Land Acquisition	\$140,000.00

<b>Total Project Costs</b>	<b>\$642,539.73</b>
<b>Indexed Project Costs</b>	<b>\$731,076.11</b>

Index % Increase: 114%

- (a) - Construction costs taken from Actual Construction Costs for Well No. 2 Replacement Project, March, 2008
- (b) - Construction costs taken from Actual Construction Bid Prices for Elevated Water Storage Tank Project, February 14, 2000.
- (c) - Project costs taken from Actual Costs for Grant Application.
- (d) - Costs taken from December 23, 2009 Summary of Settlement.
- (e) - Construction costs taken from Actual Construction Costs for Well 2 Sanitary Sewer Connection Project, October 18, 2010.
- (f) - Project costs taken from Actual Costs for Pole Building & Engineering.
- (g) - Costs taken from February 22, 2012 Summary of Settlement.
- (h) - Project costs taken from Actual Construction Costs for Water Treatment Facility, June 28, 2012.
- (i) - Project costs taken from Actual Construction Costs for Sustainability Project, December 21, 2012.
- (j) - Costs taken from February 26, 2013 Summary of Settlement.
- (k) - Project costs taken from Actual Construction Costs for Well 3 Project, September 15, 2014.

**Northwestern Lancaster County Authority**  
**Water System Distribution System Related Project Costs**

May 16, 2019

**Original Water Distribution System - Year: 2005**

Construction Costs (a)				
General Construction	\$951,970.00		June 2005 ENR Index:	7415
Other Project Costs (a)			May 2019 ENR Index:	11230
Engineering Fees & Easement Acquisition	\$338,190.00			
<b>Total Project Costs</b>	<b>\$1,290,160.00</b>		Index % Increase:	151%
<b>Indexed Project Costs</b>	<b>\$1,953,944.28</b>			

**Stiegel Valley Road Water Line Extension Project - Year: 2005**

Construction Costs (a)				
General Construction	\$231,800.00		June 2005 ENR Index:	7415
Other Project Costs (a)			May 2019 ENR Index:	11230
Engineering Fees & Easement Acquisition	\$81,130.00			
<b>Total Project Costs</b>	<b>\$312,930.00</b>		Index % Increase:	151%
<b>Indexed Project Costs</b>	<b>\$473,931.75</b>			

**Manheim Borough Authority Interconnection/Doe Run Road Water Line Extension Project - Year: 2009**

Construction Costs (b)				
General Construction	\$127,025.90		August 2009 ENR Index:	8564
Other Project Costs (b)			May 2019 ENR Index:	11230
Engineering Fees, Legal, Administrative	\$132,651.61			
<b>Total Project Costs</b>	<b>\$259,677.51</b>		Index % Increase:	131%
<b>MBA 50% Contribution</b>	<b>(\$129,838.76)</b>			
<b>Total NWLCA Costs</b>	<b>\$129,838.76</b>			
<b>Indexed Project Costs</b>	<b>\$170,257.97</b>			

**Grandview Drive Water Line Extension - Year: June, 2013**

Construction Costs (c)				
General Construction	\$173,529.21		June 2013 ENR Index:	9542
Other Project Costs (c)			May 2019 ENR Index:	11230
Engineering Fees, Legal, Administrative	\$37,386.94			
<b>Total Project Costs</b>	<b>\$210,916.15</b>		Index % Increase:	118%
<b>Indexed Project Costs</b>	<b>\$248,227.66</b>			

**Doe Run Road/South Penryn Road Water Line Extension - Year: May, 2016**

Construction Costs (a)

General Construction \$240,720.00

May 2016 ENR Index: 10315

Other Project Costs (d)

May 2019 ENR Index: 11230

Engineering Fees, Legal, Administrative \$49,289.99

**Total Project Costs \$290,009.99**

Index % Increase: 109%

**ENB Contribution (\$65,494.00)**

**Total NWLCA Costs \$224,515.99**

**Indexed Project Costs \$315,735.55**

(a) - Project Costs based upon a Replacement Cost Basis utilizing June 2005 construction cost opinions.

(b) - Construction Costs taken from Actual Engineering/Permitting/Etc. Costs for Project, August 17, 2009.

(c) - Project Costs based upon Actual Construction Costs for Project, June 12, 2013.

(d) - Project Costs based upon actual Construction Cost for Project completed as part of Township Streetscape Project, May 31, :