

PUBLIC WORKS COMMISSION MEETING AGENDA

TUESDAY, AUGUST 22, 2023 AT 5:30 PM

COUNCIL CHAMBERS, SECOND FLOOR, MUNICIPAL BUILDING - 106 JONES STREET

By Phone or GoToMeeting: Members of the media and the public may attend by calling:(Toll Free): 1 877 309 2073 or 1 (646) 749-3129 **Access Code:** 196-221-861 or https://meet.goto.com/196221861 Please join meeting from your computer, tablet or smartphone. All public participants' phones will be muted during the meeting except during the public comment period.

1. CALL TO ORDER

2. COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Each individual who would like to address the Committee will be permitted up to three minutes for their comments

3. REVIEW AND APPROVE MINUTES

A. Public Works Minutes from August 8, 2023

4. **BUSINESS**

- A. Review and take possible action: Street repair request for 1100 block of Pleasant Street
- **<u>B.</u>** Review and take possible action: Establishing native prairie plantings at several large open areas owned by the water & wastewater utilities
- C. Review and approve: Wastewater Department; purchase 2 new spiral heat exchangers from Gooch Thermal Systems, Inc. for the anaerobic digestion treatment process for a total of \$93,500.00

5. ADJOURNMENT

Persons requiring other reasonable accommodations for any of the above meetings, may contact the office of the City Clerk at mdunneisen@CityofWatertown.org, phone 920-262-4006

A quorum of any City of Watertown Council, Committee, Board, Commission, or other body, may be present at this meeting for observing and gathering of information only

PUBLIC WORKS COMMISSION MEETING AGENDA TUESDAY, AUGUST 08, 2023 AT 5:30 PM

Commission Members present Ald's.Bartz, Board, Smith, Wetzel, Comm'r Thompson City Employees Present Public Works Director/City Engineer Jaynellen Holloway Assistant City Engineer Andrew Beyer StormWater Project Manager Maureen McBroom

1. CALL TO ORDER Chair called the meeting order at 5:31p.m.

2. COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

REVIEW AND APPROVE MINUTES Public Works Minutes from July 25, 2023 (Corrected to add Ald. Smith to those in attendance at the July 25 meeting.
Motion to approve Ald Board
2nd Ald Bartz
Carried by unanimous voice vote

4. BUSINESS

A. Update, no action required: Stormwater Utility Program Updates

Maureen McBroom presented a PowerPoint update.

Updates on the following City's Stormwater Utility programs and initiatives were presented:

- · Wisconsin Stormwater Week: August 5 13, 2023
- · Stormwater Partnerships
- · Recent Results of Stormwater Ordinance Updates
- · New Stormwater Best Management Practices (BMPs)
- · Storm System and Best Management Practice (BMP) Maintenance
- · City-wide Flood Control Master Plan
- · Illicit Discharge Detection and Elimination Program
- · Water Quality Trading (to meet the MS4 Permit TMDL Requirements)

B. Update, no action required: Cady Street Bridge project

The City of Watertown received Wisconsin Department of Transportation (WisDOT) Local Bridge Program funding to rehabilitate the Cady Street Bridge prior to the replacement of the Main Street (Cole Memorial) Bridge in 2024. Cady Street would be used as a local detour during the Main Street (Cole Memorial) Bridge replacement project and needs to be rehabilitated prior to use as a local detour route. The scope of the project includes removing the existing concrete overlay (originally installed in 1989); install a new concrete overlay to protect the bridge deck slab; concrete surface repairs to sidewalk, deck, and piers; and bridge approach reconstruction. The project was let by WisDOT on May 9th. The project was awarded by WisDOT to the lowest responsive, responsible bidder, Zenith Tech of Waukesha, WI in the amount of \$313,947.31. The City is responsible for 20% of construction costs, or \$62,789.46 based on the low bid. This is within the dollar amount budgeted for this project. Zenith Tech intends to begin work shortly after Labor Day.

Ald Bartz asked and was answered positively that there is a detour plan in place. Ald Board added correctly that we can expect the work to be completed in October.

C. Review and take possible action: Main Street (Cole Memorial) Bridge Under Lighting

The Engineering Division has sought quotes for design for the underlighting of the above referenced bridge. A number was placed in the 2023 budget of \$25K for the design. Design quotes came in at \$39,000 from Mead & Hunt and \$51,906 from AECOM. It should be noted that the bridge can be underlit at any time in the future, it does not have to be done at

the time of construction. With the City's expanded responsibilities for the NE & NW quadrants of the bridge reconstruction, the budgeted amount for the design can be and most likely will be allocated to those expected costs.

Ald Board asked and was answered that this is only for aesthetics.

Comm'r Thompson asked about the wiring that would be in place and was answered that everything would be surface mounted.

Ald Board asked about the electric in place to which Holloway stated that there would be bridge "street" lighting in place.

A motion to postpone was made by Ald Board until 2024 when funding would be available, asking that the budget for 2024 be placed at \$50,000 for the stated project.

Motion to approve Ald.Board 2nd Ald Bartz Carried by unanimous voice vote

D. Review and take possible action: hire GRAEF for 2024, 2025, & 2026 Annual Street and Utility Program design for @289,766. The Engineering Division prepared and advertised a request for proposals for the above-referenced project. Engineering Division received eight proposals. In recent years the City has experienced construction delays of the annual street program due to private utility conflicts and those not being addressed in a timely fashion, thus slowing down completion of the annual street work. The Public Works Team wishes to keep this momentum going, thus the three-year design scope of work in this contract. We will most likely still have possible conflicts in 2024, but moving forward from there, we should be good.

A review team of five Public Works team members reviewed and ranked proposals using Qualification Base Selection (QBS) process. The top two firms were Graef out of Milwaukee, WI and Ruekert & Mielke out of Waukesha, WI. Graef's score was 78 out of 90 for a fee of \$289,766 for all three years of design. Ruekert & Mielke's score was 72 out of 90 for a fee of \$369,990 for all three years of design. Graef's fee proposal and a draft resolution is attached for your review.

Ald Board asked what the yearly budget had been for this Program.

Holloway stated \$100,000 per year and that this bid came in under the 3 year budget process. The 2024 study should be done by the end of the year with projects awarded in March.

Comm'r noticed a incorrect amount at the bottom of the draft which Holloway will correct.

We are seeking a motion to authorize City Officials to enter into an agreement for the 2024, 2025, & 2026 Annual Street & Utility Program Design contract with Graef of Milwaukee, WI for a total lump sum design fee of \$289,766. Motion Comm'r Thompson 2nd Ald Board Carried by unanimous voice vote

5. ADJOURNMENT Motion to adjourn Ald Board 2nd Ald Bartz Motion carried by unanimous voice vote Meeting adjourned at 6:22 p.m.

Respectfully submitted, Bob Wetzel Public Works Commission Chair

Note: These minutes are uncorrected and any corrections made thereto will be noted in the proceedings at which these minutes are approved.





Jaynellen J. Holloway, P.E. 920.262.4050

Andrew Beyer, P.E. 920.262.4052 Ritchie M. Piltz, CSI 920.262.4034

Section 4, Item A.

Maureen McBroom, ENV SP 920.206.4264

Administrative Assistant Wanda Fredrick 920.262.4060

MEMO

TO:	Chairperson Wetzel and Commission Members
FROM:	Andrew Beyer, P.E.
DATE:	August 17, 2023
RE:	Public Works Commission Meeting of August 22, 2023

Agenda Item:

Review and take possible action: Street repair petition for 1100 block of Pleasant Street

BACKGROUND:

Review and take possible action: Street repair petition for 1100 block of Pleasant Street

Beginning in 2022, the Engineering Division has received requests to improve pavement and drainage on the 1100 block of Pleasant Street. Design was performed in the winter of 2022/2023 and improvements were made in summer of 2023. Whereas current practice is to take roadway improvement petitions through the Public Works Commission prior to adding to the 5-year Capital Improvement Program (CIP), the scope of the Pleasant Street project was not of the scale to add to the CIP budget and could be completed using non-capital funding sources.

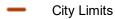
A property owner on the 1100 block of Pleasant Street is requesting additional improvements be made to address drainage concerns. Drainage along the 1100 block of Pleasant Street generally flows to the southeast and the roadway was designed accordingly with three new catch basins and new 12" storm sewer. After review of preconstruction survey data, design, and post construction survey data, drainage conditions within the public right-of-way have been improved.

Enclosed: Site Map

City of Watertown - Pleasant Street 1100 Block



Parcels



- Contours (2ft)

City of Watertown Geographic Information System



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August 16, 2023

To: Chairman Wetzel and members of the Public Works Commission From: Peter Hartz – Water Systems Manager

Re: Water Systems agenda items for August 22, 2023

Water Systems:

1. <u>Review and take possible action</u> – Establishing native prairie plantings at several large open areas owned by the water & wastewater utilities.

The utilities own and mow approximately 40 acres of grass throughout the city at our wells (9), treatment plants (3 water / 1 wastewater), and lift stations (18). We only have one part-time employee during the summers and one staff member during the year to tend to our landscape work around all properties scattered around the city. After a discussion with staff, we sought out alternative solutions to take care of the property. Native prairie plantings offer a wide variety of plants and flowering species that attract pollinators, and many other beneficial insects and make for a more aesthetically pleasing impression of open spaces. This would be a 2–3-year transition of the land from mowed grass to a living prairie. A perimeter will be mowed around the properties chosen so as to retain the manicured look as the grass around the buildings and perimeters will continue to have grass mowed. We would like to start with 5 remote areas, the west st. water tower site (0.5 acres), the northeast water tower site (3.5 acres), the water booster station site (0.5 acres), and the hill at the wwtp (2.7 acres). All sites have been approved for the new native landscaping allowed in the city following the rules and requirements.

2. <u>Review and approve</u> – Wastewater Department; purchase 2 new spiral heat exchangers from Gooch Thermal Systems, Inc. for the anaerobic digestion treatment process for a total of \$93,500.

Wastewater staff during normal plant operations found that our closed loop hot water heating system was leaking water. After spending several days isolating the system, we discovered a water leak inside one of the spiral heat exchangers. After discussion with the manufacturer regarding the location (internal) and size of the leak it was determined that the leak is not something that can be repaired due to the nature of the spiral heat exchanger being a rated and certified hot water pressure vessel – it would no longer be safe to operate. Water is heated to 125 degrees by the boilers and circulates in the heat exchanger with sludge to heat the anerobic digesters – the heat transfer is critical to operate the digesters as the sludge needs to be maintained at about 96 degrees. Sufficient funds are available in the wastewater capital account due to the pause placed on the UV disinfection system upgrade. That project cost came in 1 million overestimate and is now part of the facilities plan update under review by ATI.

Sincerely,

Peter Hartz Water Systems Manger



July 10th, 2023

City of Watertown Timothy Hayden 800 Hoffmann Drive PO Box 477 Watertown, WI 53094

Dear Timothy

Thank you for the opportunity to bid on the restoration of the city properties. Attached is the proposal for the restoration of the native areas that we discussed on the site visit. Also attached are the four potential seed lists and some handouts showing the most common species. Details of the general restoration of the prairie areas can be found below.

Herbicide Preparation

The key to a successful prairie restoration is adequate site preparation prior to the planting. Tallgrass Restoration will spray the project area two times this growing season in preparation for a fall 2023 planting. The herbicide will prepare the planting area by killing off any competing vegetation. The first application should occur very soon. The vegetation will begin to die within a couple of weeks following the herbicide application. Additional sunlight will reach the ground and new weeds will germinate from the seed bank due to the increased sunlight. The second application should occur 4-6 weeks after the first application, or early September. By this time the new weeds have grown to a height of a few inches. Boundaries will be based on the discussion with the landowner during the site visit and can be flagged before the first spraying. All sprayings will be done by trained, licensed staff and invoiced following each visit.

Native Seed Installation

Tallgrass Restoration no till drill or hand broadcast the seed the prairie following the first hard freeze that ends the growing season. The method of installation will be determined for each site based on the size and topography of each unit. The largest units will be installed using a tractor and no till drill seeder. The medium sized units will be seeded using a Kubota UTV and a min-drill seeder. The smallest site and the site with the steepest slope may be seeded by hand. Four potential seed mixes are listed on the proposal. The mixes differ by the amount of flowers and the density of the seed. As a general rule of thumb the more dense and diverse the seed mix is, the more expensive the mix becomes. There is a description of the mix at the top of the handout. Notice the seeding rates and how they are the same and how they are different. All seed is of as local genotype as possible and is PLS rated to ensure that you receive pure seed and not stems and chaff. Work to be done in Late October, November or December. The seed will overwinter in the ground and germinate the next spring.

<u>Stewardship</u>

Tallgrass Restoration will begin an optional three year stewardship program. We will visit the property three times during the 2024 growing season to target any weeds that will come up. Activities may include hand pulling of weeds, spot herbicide treatments should we find any problematic weeds, and ecological mowing. Native plants spend most of their energy the first year building up their root systems, some which can be up to 14 feet deep. Since the native plants only grow a few inches in height the first growing season, it is vital to keep the weeds under control. This is mostly done by mowing the weeds at a set height of 6-10 inches. This practice removes the seed heads before the seeds can develop and also allows sunlight and rainwater down to the young native plants. Three mowings will be scheduled during the 2024 growing season. The rough timeline is once in May / June, July, and August / September but will be determined on the weather patterns and the amount and variety of weeds present. The work will be billed following each visit. Second and third year stewardship proposals will be submitted prior to that years growing season and will be based on the amount and variety of weeds present at the end of the previous growing season.

If you would like to go ahead with the prairie installation and stewardship please sign and return one copy and we will schedule the work. Please indicate which seed mix that you would like to go with and add it to the total at the bottom. Keep the other copy for your records. If you would like to take on some of the steps yourself, please cross out the non-desired line items or circle the desired ones and I will initial the changes.

If you have any questions please do not hesitate to contact me.

Sincerely,

Jordan Rowe Project Manager Tallgrass Restoration Office: (608) 531-1768 Cell: (608) 302-9530

Short Mesic Prairie Wildflowers





Nodding Wild Onion Allium cernuum







Royal Catchfly Silene regia





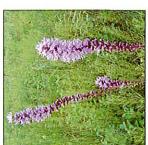


Helenium autumnale neezeweed





Golden Alexander Zizia aurea



Prairie Blazing Star



Purple Prairie Clover Petalostemum purpureum



Wild Quinine Parthenium integrifolium



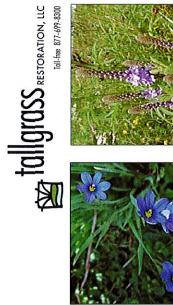
Partridge Pea Cassia facsiculata

Thimbleweed



Flowering Spurge Euphorbia corollata

Smooth Blue Aster Aster laevis



Blue Eyed Grass Sisyrinchium albidum





Butterflyweed Asclepias tuberosa





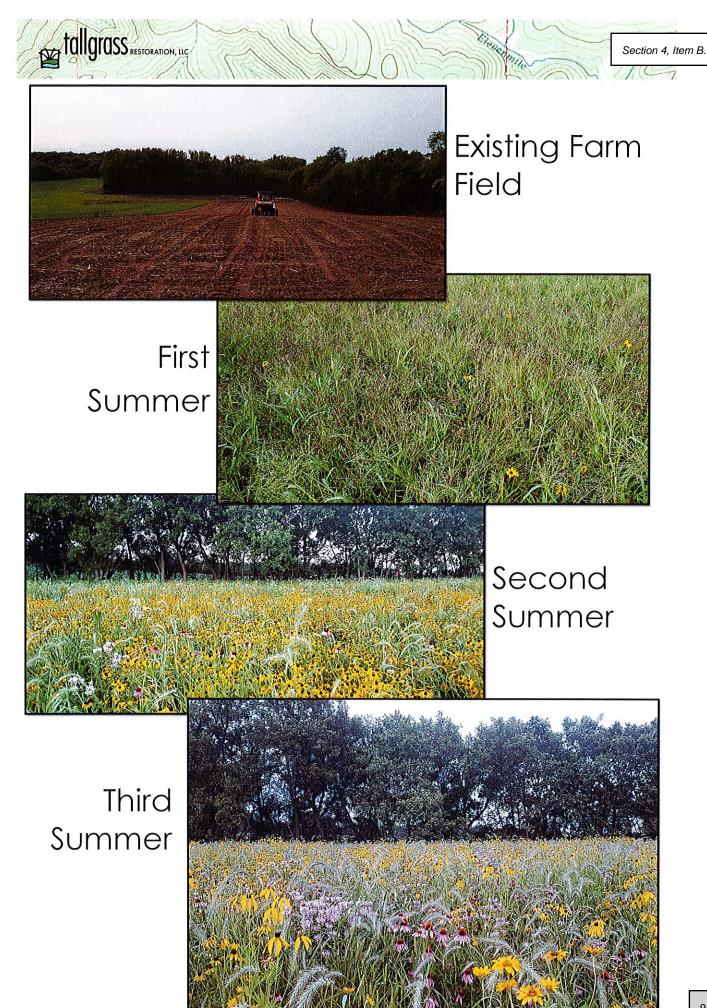
Pycnanthemum tenuifolium Mountain Mint

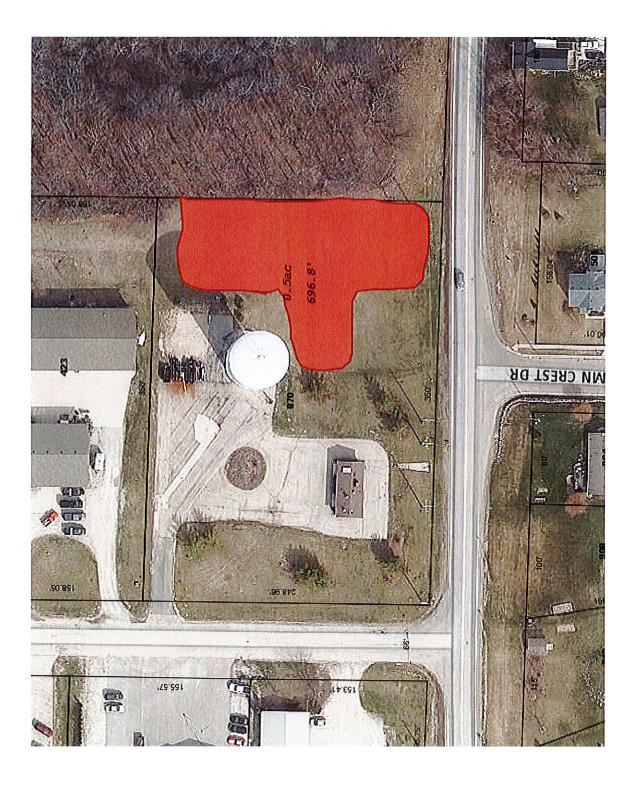
Spiderwort Tradescantia ohiensis

Restoration, LLC

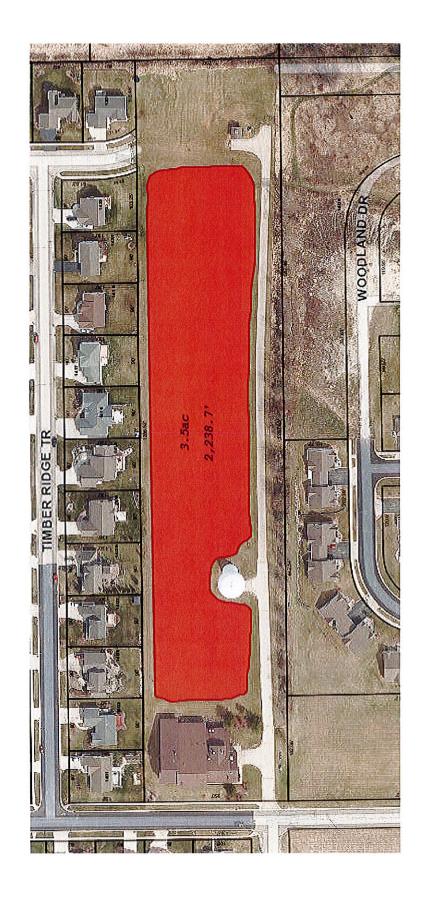
Section 4, Item B. Grass Leafed Goldenrod Solidago graminifolia



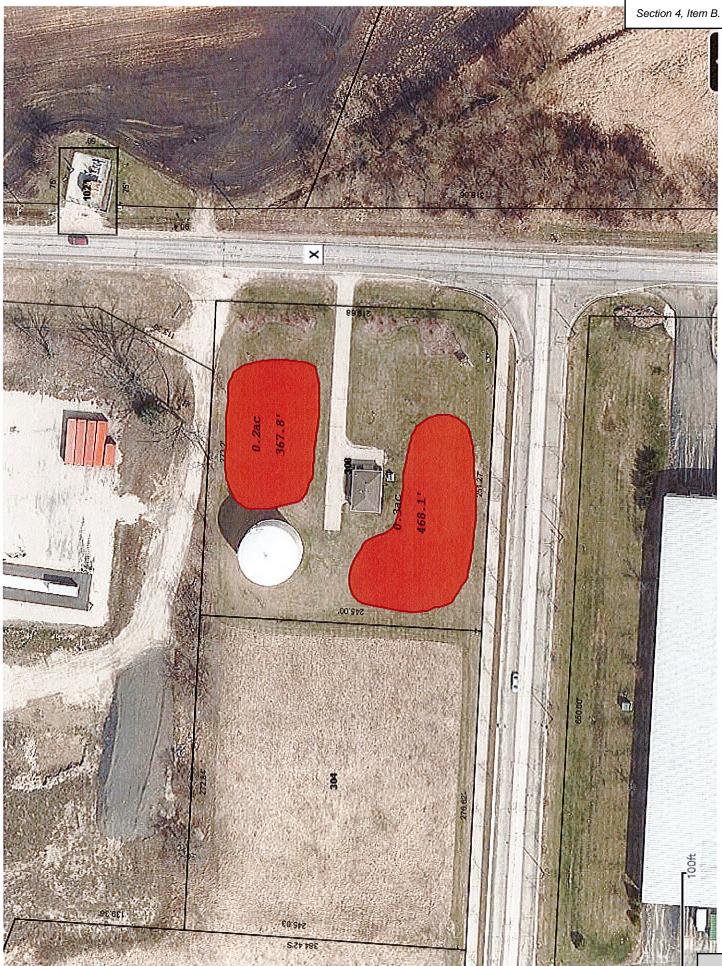




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15



Landscape Permit

*Must be accompanied by a Natural Management Landscape Plan per City of Watertown Code Section 356-1, attached to this permit for your reference. This request will be returned to the applicant when the decision to approve or deny has been made by the Weed Commissioner and Landscape Committee. For questions, please contact the Weed Commissioner at 920-262-4080, Ext 3.

Once completed, this permit must be sent to the Weed Commissioner by one of the following options:

- 1) Email (with the subject line "Landscape Permit Application"): streets@cityofwatertown.org
- 2) USPS Mail: Watertown Street Department; Attn: Weed Commissioner, 811 S. First St., Watertown, WI 53094

No fee

Date of Application:
Property Address:
Applicant (Please Print):
Applicant Phone Number:
Applicant Email:
Applicant Address (if different from Property Address):

Applicant Signature:____

By submitting this permit application, the applicant agrees that they have read the Natural Landscape Management Code Section 356, attached to this permit for your reference, and agree to abide by all rules under this Ordinance.

Applicant also understands they must attach the required information to this permit, as specified in the Landscape Ordinance.

OFFICE USE ONLY			
Application is: Approved	Denied		
Decision Date:			
	_ Application is: Approved _ Decision Date:		

§ 356-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

NATURAL LANDSCAPE — Includes common species of grass and wildflowers native to Wisconsin and/or ornamental plantings which are designed and purposely cultivated to exceed eight inches in height. Specifically excluded in natural landscapes are the noxious grasses and weeds identified in this article.[Amended by Ord. No. 94-35]

NATURAL LANDSCAPE MANAGEMENT PLAN — A written plan relating to the management and maintenance of a landscape which meets the following requirements:

- A. Street address or legal description of the property where the proposed natural landscape is being requested.
- B. A statement of intent and purpose for the landscape.
- C. A detailed description of the types of plants and plant succession involved.
- D. Specific management and maintenance techniques to be employed.

§ 356-2. Plan and permit required; restrictions.

- A. The growth of natural landscapes in excess of eight inches in height shall be prohibited within the City, unless a natural landscape management plan is approved and a permit is issued by the City as set forth in this article. [Amended by Ord. No. 94-35]
- B. Proposed landscaping is to be confined to property owned by the applicant according to current City Assessor's records.
- C. Natural landscaping on any City-owned property within any street right-of-way is strictly prohibited. This shall include the property between the sidewalk and street and not less than 10 feet adjacent to the street where there is no sidewalk.
- D. Natural landscapes shall not be permitted within three feet of the abutting property unless waived in writing by the abutting property owner on the side or sides affected. Such waiver shall be affixed to the landscape management plan.
- E. The property owner shall submit to the Weed Commissioner a drawing, plot plan and/or survey which will show the location of the natural landscape area on the applicant's property. [Amended by Ord. No. 05-29]
- F. All property owners who currently have natural landscapes must file for a permit and submit a plan to be covered by this article.
- G. Natural landscapes may constitute a fire or safety hazard, due to weather conditions or other conditions. The Street Department, the Weed Commissioner may order natural landscapes cut due to such conditions. As a condition of receiving approval of the natural landscape permit, the property owner shall be required to cut the

§ 356-3

§ 356-2

natural landscape within three days upon receiving a written letter from the City of Watertown's Weed Commissioner.

§ 356-3. Noxious grasses or weeds.

The following noxious grasses or weeds will not be allowed in a natural landscape area:

Common Name(s)	Botanical Name(s)
Buckthorn	Rhamnus cathartica
	Rhamnus frangula
Burdock (yellowdock)	Artium lappa
Field bindweed (wild morning glory)	Convolvulus arvensis
Garlic mustard	Alliaria petiolata
Goatsbeard (oyster plant, salsify)	Tragopogon porrifolius
Leafy spurge	Euphorbia esula
Marijuana	Cannabis sativa
Nettle	Urtica dioica
Oxeye daisy	Chrysanthemum leucanthemu
Pigweed (lambs quarters)	Chenopodium album
Pigweed (amaranth)	Amaranthus retroflexus
Poison ivy	Rhus radicans
Purple loosestrife	Lythrum salicaria
Quackgrass	Bromus brizaeformis
Ragweed (common)	Ambrosia artemisifolia
Ragweed (great)	Ambrosia trifida
Spotted knapweed	Centaurea maculosa
Thistle bull	Cirsium vulgare
Thistle canada	Cirsium arbense
Thistle musk or nodding	Carduus nutans
Thistle star (caltrops)	Centaurea calicitrapa
Thistle sow (field)	Sonchus arvensis
Thistle sow (common)	Sonchus oleraceus
Thistle sow (spiny leaved)	Sonchus asper
Sweet clover (yellow)	Melilotus officinalis
Sweet clover (white)	Melilotus alba

§ 356-7

§ 356-3

Common Name(s)

Botanical Name(s)

Yellow mustard (yellow rocket winter cress) Japanese bamboo Wild mustard Barbarea vulgaris

§ 356-4. Application for natural landscape permit. [Amended by Ord. No. 05-29]

Property owners interested in applying for a natural landscape permit shall submit a natural landscape management plan to the Street Department, attention Weed Commissioner. All plans received will be reviewed by the Weed Commissioner and the Public Works Commission for permit approval. The property owner will be notified in writing by the City of Watertown of approval or denial. If no notification is received within 45 days of the property owner's initial submittal, the plans shall be deemed approved. The plan, permit and letter of notification will remain on file at the Street Department, Weed Commissioner's office for future reference.

§ 356-5. Appeal. [Amended by Ord. No. 05-29¹]

The property owner may appeal a decision to deny or revoke the natural landscape permit to the Public Works Commission at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial or revocation of the natural landscape permit. The decision rendered by the Public Works Commission shall be final and binding.

§ 356-6. Enforcement. [Amended by Ord. No. 05-29]

Enforcement will be upon written complaint by at least one adjoining owner and filed with the Watertown Weed Commissioner. Upon receipt of a written complaint, the permitted property will be inspected by the Weed Commissioner. If the permitted property is determined to be in violation of this article, the property owner shall be notified by the Public Works Commission and City of Watertown Weed Commissioner by written notice to correct specific violations within 15 days upon receipt of letter. If the property owner does not correct the violations described in the written notice, the City of Watertown shall order the property mowed, and the property owner will be billed at the current rate for every hour worked, and the permit shall be revoked.

§ 356-7. Violations and penalties.

Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-4 of this Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This action shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this article.

^{1.} Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



August 16, 2023

To: Chairman Wetzel and members of the Public Works Commission From: Peter Hartz – Water Systems Manager

Re: Water Systems agenda items for August 22, 2023

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Wastewater staff during normal plant operations found that our closed loop hot water heating system was leaking water. After spending several days isolating the system, we discovered a water leak inside one of the spiral heat exchangers. After discussion with the manufacturer regarding the location (internal) and size of the leak it was determined that the leak is not something that can be repaired due to the nature of the spiral heat exchanger being a rated and certified hot water pressure vessel – it would no longer be safe to operate. Water is heated to 125 degrees by the boilers and circulates in the heat exchanger with sludge to heat the anerobic digesters – the heat transfer is critical to operate the digesters as the sludge needs to be maintained at about 96 degrees. Sufficient funds are available in the wastewater capital account due to the pause placed on the UV disinfection system upgrade. That project cost came in 1 million overestimate and is now part of the facilities plan update under review by ATI.

Sincerely,

Peter Hartz Water Systems Manger



Gooch Thermal Systems, Inc.

4631 S. Church Street Whitehall, PA 18052 USA +1 484-240-1288 info@goochthermal.com www.goochthermal.com

Quotation No.: I-3903

August 14, 2023

City of Watertown 800 Hoffmann Drive / P.O. Box 477 Watertown, WI 53094

Attention:	Tim Hayden Water & Wastewater Utilities Assistant Manager
Reference:	Replacement Spiral Heat Exchanger Spiral Digester Heaters (S/N 03-1470 & 03-1471)

Tim:

In response to your recent request, we are pleased to furnish our Proposal No. I-3903 covering two (2) replacement Spiral Heat Exchangers (SHE) for digester sludge heating service as detailed herein. The quoted units have the same heat exchange capacity, footprint, and connection sizes as your existing Gooch Thermal Type 1-DO/SLU digester heaters as previously delivered (GTS Ref. G-02-2888-009).

The technical specifications are detailed below:

SCOPE OF SUPPLY

SHE Model: Unit Area: Spiral Plate Width: Mounting: Spacing:	Type 1-DO/SLU 108 sq. ft 18" Horizontally mounted on a support saddle Hot side : 5/8" Cold side: 1"
Channel Closure:	Sludge side accessible via hinged cover door
MOC - spiral plate:	SA-516-70 PVQ carbon steel, 0.25" thick
MOC - sludge cover:	SA-516-70 PVQ carbon steel
MOC - cover bolting:	SA193-B7 clampbolts & SA194, 2H nuts; zinc plated
MOC - cover gaskets:	1/8" thk Non-asbestos CF sheet, Klingersil C4401 or equal
MOC - non-wetted:	Carbon steel
Connections In/Out:	HS: 6" / 6" (Plus all other connections as in existing units)
	CS: 6" / 6" (Plus all other connections as in existing units)
Design / Test Pressure:	50 psig / 65 psig
Design Temp / MDMT:	200 °F / +20 °F
Design Code:	Pressure parts according to ASME VIII-1, with U-stamp & NB
Welding & Fab:	Per ASME Code Sect. IX
Surface Prep:	Blast & paint according to Gooch standard paint system





PRICING

Unit Price:	\$48,700	FOB Whitehall, PA
Lot Price, 2 Units:	\$93,500	FOB Whitehall, PA
Shipping Schedule:	1 st Unit 2 nd Unit	16 weeks ARO ready to ship 8 weeks after first unit ready to ship
Freight Estimate:	\$1,500	per shipment (LTL, Best Way)
Payment Terms:	35% upon receipt of main materials 65% upon shipment. Invoices are due Net 30 days. This offer is subject to our attached general terms & conditions.	

We appreciate the opportunity of addressing your requirements and look forward to your favorable feedback. If there are any questions or further information is needed, please contact us here in Whitehall, PA.

Sincerely,

HShamn

Hank Shamsi Manager, Heat Transfer Dept.

Gooch Thermal Systems, Inc. Tel: (484) 240-1288, ext. 101 Email: <u>hankshamsi@goochthermal.com</u>

Gooch Thermal Systems, Inc.

4631 S. Church Street Whitehall, PA 18052 USA +1 484-240-1288 info@goochthermal.com www.goochthermal.com

Gooch Thermal

STANDARD TERMS AND CONDITIONS OF SALE

GENERAL:

This offer to sell is expressly conditioned on Purchaser's acceptance of all terms and conditions hereof, which shall take precedence over any inconsistent, contradictory or additional terms and conditions contained in any request for quotation, purchase order or other document furnished by Purchaser in connection with this transaction whether such documents are exchanged simultaneously with this offer or prior or subsequent thereto, and Purchaser's acceptance and receipt of the goods shipped hereunder shall constitute acceptance of such terms and conditions contained herein.

All price and delivery quotations shall expire thirty (30) days from date thereof and in the meantime may be changed or withdrawn at any time. The beneficiary named on any purchase order or similar form furnished by Purchaser should be "Gooch Thermal Systems, Inc." c/o the name and address of the local sales office through which Purchaser's order is placed.

CANCELLATION:

In the event of cancellation, Purchaser shall pay Seller for all engineering, purchasing, materials, and fabrication costs incurred prior to date of cancellation.

TERMS OF PAYMENT:

Unless otherwise specified, the equipment offered herein is quoted ex works Seller's plant. The terms of payment are quoted in U.S. Funds, payable net 30 days after date material is shipped or is reported ready for shipment. These terms are applicable to partial as well as complete shipments. A 1.5% Service Charge per month will be applicable and added to any outstanding balances past 30 days. If applicable, progress payments will be stated in proposal. When in the opinion of Seller the financial condition of Purchaser renders it appropriate, Seller may require cash payments or satisfactory security before shipment.

WARRANTY AND LIABILITY LIMITATION:

THE FOLLOWING IS IN LIEU OF ALL WARRANTIES OF SELLER EXPRESSED OR IMPLIED, AND ALL IMPLIED WARRANTIES, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND / OR ANY OTHER OBLIGATION ON THE PART OF THE SELLER, ARE HEREBY EXCLUDED:

Seller, except as otherwise provided, hereby warrants that the exchanger and the operation thereof shall conform to the description and specifications contained or referred to in this Proposal, provided the exchanger is properly installed, operated and maintained. Purchaser is responsible for ascertaining that the exchanger is operated according to design conditions specified, and the fluids to be processed conform to the physical property data specified. Seller further warrants that the exchanger and all parts thereof shall be free from (1) defects in material and workmanship; and (2) defects due to design (other than those specified in operation, not to exceed 18 months from date of shipment.

Seller assumes no responsibility for deterioration or failure of equipment due to corrosion, erosion, normal wear and tear or flow induced vibration, or for fouling, maintenance problems or any other causes not specifically covered under the foregoing warranty. The specification and selection of materials of construction suitable for a specific process or purpose is the sole responsibility of Purchaser.

Seller agrees to repair or replace parts proven defective within the guarantee period. Seller must be given the opportunity to make repairs or replacements before any back charges will be accepted. Repairs and replacements from our works will be f.o.b. our US-based plant. No back charges will be honored without Seller's advance approval of the work to be performed.

Seller shall not be held liable for any special, indirect or consequential damage. Seller's liability on any claim of any kind, including negligence, for any loss or damage arising out of, connected with, or resulting from this transaction, or the design, manufacture, sale, delivery, resale, installation, technical direction of installation, inspection, repair, operation, or use of any equipment covered or furnished hereunder shall in no case exceed the price paid by Purchaser for the equipment.

EXTERIOR SURFACES:

When the exchanger is painted with a primer coat or similar painting on its exterior surfaces, such coating is for temporary protection. Seller is not responsible for its deterioration.

TAXES:

Purchaser shall pay any local, county, state or federal sales or use taxes (incl. GST in Canada and VAT in European countries) imposed on the sale. The Purchaser's tax-exempt number must appear on all purchase orders. For Canada and all its provinces, GST and local taxes are the responsibility of Purchaser. For Canada and all its provinces, GST and local taxes are the responsibility of Purchaser.

SHIPPING:

In the absence of specific written shipping or routing instructions from the Purchaser, the Seller may select method of shipment and routing. Cost of prepaid shipments will be substantiated by non-receipted copies of freight bill.

PROCUREMENT AND FABRICATION START:

Unless Purchaser has specifically instructed otherwise, Seller will proceed with procurement activities and fabrication start only after receipt of a written purchase order from Purchaser and resolution of all commercial and technical issues relating to the scope of supply. If approval of review drawings and similar submittals are required by Purchaser, Seller will proceed with procurement activities only after receipt of a full set of approved drawings and documents clearly marked as "Approved with Full Release to Purchase Materials" and / or "Approved with Full Release to Fabricate".

DELIVERY:

Seller shall not be liable for delays in delivery or failure to manufacture or deliver due to causes not reasonably foreseeable or causes beyond Seller's control. These causes may include failure of our vendors to deliver materials, Acts of God, such as storms, floods and earthquakes, as well as government priorities, wars, riots, fires, strikes, and other similar force majeure causes.

APPLICABLE LAW:

The validity, performance and construction of any agreement between Purchaser and Seller shall be governed by the laws of the State of New Jersey, USA.

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