

**REGULAR MEETING MINUTES**  
**April 10, 2017**

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The Regular Meeting of the Lehigh County Authority was called to order at 12:01 p.m. on Monday, April 10, 2017, Chairman Nagle presiding. Other Members present at the commencement of the meeting were: Jeff Morgan, Richard Bohner, Norma Cusick, Scott Bieber, and Deana Zosky. Authority Staff present were Liesel Gross, Brad Landon, Chuck Volk, Ed Klein, John Parsons, Chris Moughan and Lisa Miller.

**REVIEW OF AGENDA**

Chairman Nagle announced that today's Board meeting is being videotaped and streaming live and recordings will be posted to the Authority's website.

Liesel Gross noted the agenda was updated to include the Suburban Water & Wastewater Divisions-Capital Financing item and was emailed to the Board prior to the meeting and a hardcopy given to the Board at today's meeting. Ms. Gross stated there will be an Executive Session for two items regarding potential litigation.

**APPROVAL OF MINUTES**

**March 27, 2017 Regular Meeting Minutes**

Richard Bohner suggested a correction on page 2 under Suburban Division Hydrant & Valve Exercising Program, last sentence, that the word *on* be deleted. And on page 3 under Suburban Division – Western Lehigh Interceptor (WLI) Easement Clearing, fifth sentence from the end of the paragraph, changing the word *has*, to *have*. Also, under Flow Meter Data Evaluation, third sentence from the end of the paragraph, the word *area* should be plural, *areas*, and the sentence *The Board asked what happens if the TFE data is not valid or is incorrect* should have a question mark at the end of the sentence, not a period.

On a motion by Richard Bohner, seconded by Norma Cusick, the Board approved the Minutes of the March 27, 2017 meeting with the noted changes and corrections (6-0).

**PUBLIC COMMENTS**

None.

**ACTION AND DISCUSSION ITEMS**

**FCC Spectrum License**

Brad Landon informed the Board that an application needs to be submitted to the Federal Communications Commission (FCC), via Sensus, for the Authority to use a bandwidth assigned to Sensus for new upgraded meter reading devices. The upgraded device permits off-site meter reading via radio signals. Mr. Landon said he explored whether there was a different application or a provision that could be altered to reflect using information for Authority management staff on the FCC Spectrum License application rather than Board members, but because it has to do with federal regulations, they would not allow it. Therefore, Board members will need to provide the Ownership Disclosure Information for the application. In addition to the memo provided with this agenda, Mr. Landon will provide the Board members with the request for their individual information via email.

**Suburban Water & Wastewater Divisions – Capital Financing**

Liesel Gross explained that the Authority will require additional financing to fund capital improvements beginning this year because project funds derived from prior bond issues have been depleted. Ed Klein provided to the Board a schedule of the Suburban Water Fund capital financing and explained that due to a favorable borrowing climate and the ongoing need for capital improvements spanning the next several years, the Authority will pursue financing for a three-year period of Suburban Water Division projects through a municipal bond issue. The schedule includes details drawn from the Authority's capital plan and outlined the anticipating financing costs associated with the requested \$15,922,864.00 bond issue. Ms. Gross

commented that having the financing completed in advance of the water rate study that will be performed later this year will allow for this information to be included in the development of the 2018 water rates and the budget. The Authority is asking for approval to retain Concord Public Financial Advisors, Inc. as financial advisor, retain King, Spry, Herman, Freund & Faul, LLC as bond counsel, and to move the financing forward. The next step will be to review and approve the bond sale documents and Parameters Resolution in May.

On a motion by Norma Cusick, seconded by Richard Bohner, the Board approved retaining Concord Public Financial Advisors, Inc. as financial advisor, retaining King, Spry, Herman, Freund & Faul, LLC as bond counsel, and moving forward with the financing in the amount of \$15,922,864.00 (6-0).

Liesel Gross distributed information on the Water Infrastructure Finance and Innovation Act (WIFIA) program along with a Letter of Interest addressed to WIFIA. For Suburban Wastewater Division capital financing, the Authority will seek financing through federal and state infrastructure financing programs that offer favorable rates for large projects such as the work required to comply with the US EPA Administrative Order (AO) to eliminate sanitary sewer overflows. The first phase of AO work included in the WIFIA Letter of Interest totals \$23.7 million and includes upgrades and repairs to existing facilities, pump stations, force mains and interceptors, as well as new parallel interceptors. The Authority is asking for approval from the Board to start the application process with WIFIA by sending the Letter of Interest.

On a motion by Norma Cusick, seconded by Richard Bohner, the Board approved sending the Letter of Interest for WIFIA program funding in the amount of \$23.7 million (6-0).

### **Storm Water Injection Wells**

Chuck Volk gave a history of three of the projects where the Authority has been involved in reviewing and commenting on local storm water management proposals for developments that include the proposed use of storm water injection wells. The Authority's hydrogeologist, Al Guisepppe, was present to discuss the methodology used to prepare comments by the Authority for these types of proposals and also to explain how the risks to source water quality are evaluated. Scott Bieber commented that he thinks the Authority should have a policy of opposing all storm water injection wells that may be proposed. Mr. Guisepppe explained that the Authority's opposition to injection wells is more impactful when it is coupled with data that illustrates the risk to Authority water sources or other risks. The Source Water Protection Plan is a valuable tool when evaluating storm water management proposals for potential risks from injection wells.

Deana Zosky voiced her concern about the cumulative effects of injection wells on the watershed and if the permitting agencies such as DEP understand and track any of these effects. She explained her concern is related to both the quality of the water and the quantity of the storm water that could be injected into the groundwater over time if a holistic view is not taken and each injection well is evaluated individually. She also expressed concern over general environmental and ecological conditions related to storm water management and injection wells specifically.

Mr. Guisepppe explained that the Authority as a water supplier does not have direct authority over storm water, but can continue to object to storm water plans that pose a risk to Authority operations. He explained that local municipalities, the US Environmental Protection Agency and the Pa. Department of Environmental Protection all play a role in permitting storm water injection wells, but the Authority does not. However, the Lehigh County Conservation District staff have expressed willingness to help the Authority state its objections when plans are proposed.

Liesel Gross suggested the Authority staff should gather additional information about the permitting process for storm water injection wells, and what best management practices are available that would allow for appropriate groundwater infiltration while minimizing the risks to the Authority's supplies. This information may provide the basis for additional discussion about the Authority's participation in the permitting process for future proposed injection wells.

Eric Andreus, an employee of Nestle Waters, commented that he appreciates the discussion and information regarding storm water management and injections wells but in his opinion feels that all plans for injection wells should be rejected.

Scott Bieber asked to have the research regarding the permitting process for injection wells presented at a future Board meeting.

**PROJECT UPDATES/INFORMATION ITEMS**

Liesel Gross brought to the attention of the Board items listed in the report for upcoming meetings. Ms. Gross noted that Tim Carlson, the Authority's Water Plant Manager, will attend the next Board meeting to present a brief overview of the coagulant change.

**STAFF COMMENTS**

None.

**SOLICITOR'S COMMENTS**

None.

**PUBLIC COMMENTS / OTHER COMMENTS**

None.

**EXECUTIVE SESSION**

Chairman Nagle called an Executive Session at 1:24 p.m. to discuss two items regarding potential litigation.

The Executive Session ended at 1:40 p.m.

**ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 1:40 p.m.

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Richard H. Bohner  
Secretary