

REGULAR MEETING MINUTES
August 14, 2017

The Regular Meeting of the Lehigh County Authority was called to order at 12:01 p.m. on Monday, August 14, 2017, Chairman Nagle presiding. Other Members present at the commencement of the meeting were: Linda Rosenfeld, Jeff Morgan, Richard Bohner, and Deana Zosky. Authority Staff present were Liesel Gross, Ed Klein, Pat Mandes, Chuck Volk, Chris Moughan, John Parsons, Susan Sampson, Phil DePoe, Robert Kerchusky, 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 there are no Agenda changes but noted that the 2018-2022 Capital Plans were distributed for their review in advance of the August 28, 2017 meeting. She also noted there will be an Executive Session at the end of the regular agenda regarding matters of potential litigation.

Deana Zosky requested that the agenda item related to the EPA Administrative Order Update be moved to the top of the agenda since she would need to leave the meeting at 1 p.m.

APPROVAL OF MINUTES

July 24, 2017 Regular Meeting Minutes

On a motion by Richard Bohner, seconded by Deana Zosky, the Board approved the Minutes of the July 24, 2017 meeting (5-0).

PUBLIC COMMENTS

None.

ACTION AND DISCUSSION ITEMS

EPA Administrative Order Update

Liesel Gross provided a brief introduction to remind the Board of the different roles and responsibilities the Authority holds in responding to the USEPA Administrative Order (AO) to eliminate sanitary sewer overflows (SSOs). The Authority has an important role in facilitating the collaboration among communities in Western Lehigh County who use the Authority's interceptors and pump station. In addition, the Authority is a customer of the City of Allentown, as well as the operator of the City system under the terms of the lease agreement with the City. All communities that use the sewer system are named in the AO, and all are required to submit a capital improvements plan to EPA and the Pennsylvania Department of Environmental Protection by December 31, 2017 in order to comply with the AO. The Authority has been leading efforts to develop these plans collaboratively and to formalize cost-sharing concepts into inter-municipal agreements.

Jim Shelton from Arcadis was present and gave a presentation updating the Authority on the progress made to date to comply with the AO and develop the December 2017 required submission, and key action items required in the near term to meet the upcoming regulatory deadline. He also reviewed the status of negotiations with Western Lehigh County municipalities on cost-sharing concepts and reported that an agreement is likely to be offered for approval later this year. With regards to a cost-sharing agreement between the Authority, the City and its other municipal signatories, Mr. Shelton reported that negotiations have ended and an agreement will not be moving forward. This is due primarily to individual municipalities being uncertain about future cost exposure when their contribution to peak flows is not known today, and the City ended the negotiations based on not having all municipalities agreeing to the peak-flow cost-sharing concept. Members of the Authority Board expressed frustration that an agreement can't be met after all this time spent working on the project. Dan Koplisch, consultant to the City of Allentown was present and commented that the City was agreeable to sharing costs based on peak flow, but was unwilling to sign an agreement without all the parties also agreeing. The City had issued its position to the municipalities, but

couldn't reach agreement with them on cost-sharing. He also noted that the City has no idea where it stands with respect to its own peak flow contributions to the SSOs and so the City took a leap of faith to try to negotiate the agreement. Deana Zosky commented that the negotiations could continue with the parties who wanted to participate, and Jim Shelton noted that the Authority and the City, plus the other municipalities that were open to this agreement, make up about 90 percent of the total flow in the system, so that an agreement could work if the parties were interested.

Liesel Gross explained that at this time the Authority staff is requesting action to be taken today to authorize Arcadis to develop the 2017 SCARP Improvement Implementation Plan and Guidance Manual for submission to the regulators by December 31, 2017 on behalf of LCA and the Western Lehigh municipalities. In addition, a Professional Services Authorization for Kleinfelder was presented to complete final design of Phase 1 improvements at the City's Kline's Island Wastewater Treatment Plant. The City of Allentown has directed the Authority, via the lease, to develop the final design for these improvements based on use of blending technology, and Kleinfelder has been selected to complete this work. Deana Zosky questioned why the Authority is requesting approval for design of blending facilities when no official regulatory decision has been made on the issue of blending, although DEP has stated that it would not be allowed. Jim Shelton explained that the DEP may not issue an official decision on blending until a permit application has been submitted, which requires the design work to be completed. Ms. Zosky stated she is opposed to spending taxpayer dollars on blending design when we don't know if it will be approved.

Chairman Brian Nagle suggested that the new information provided to the Board regarding the status of cost-sharing negotiations with the City and other municipalities is important and needs to be carefully reviewed and analyzed before additional action is taken on large expenditures such as the blending design. Due to upcoming staff absences and to allow time for additional discussion, he requested the Kleinfelder approval be tabled until the September 11, 2017 Board meeting.

Deana Zosky left the meeting at 1:03 p.m. At this time, there weren't enough Board members present for a quorum and no action could be taken on the Arcadis proposal.

Suburban Division – Buss Acres Pumping Station Replacement

Not discussed.

Allentown Division – Wastewater Treatment Plant: miscellaneous Improvements

Not discussed.

Full-Year Financial Forecast

Ed Klein gave an overview of the 2017 Q3 Financial Forecast including a short PowerPoint presentation.

MONTHLY PROJECT UPDATES/INFORMATION ITEMS

Liesel Gross stated that with the adjustments to the agenda for today's meeting due to the lack of quorum, the August 28, 2017 planned agenda will be adjusted to cover the items that were not addressed. These will be in addition to the items noted on the monthly report for the upcoming meetings.

STAFF COMMENTS

None.

SOLICITOR'S COMMENTS

None.

PUBLIC COMMENTS / OTHER COMMENTS

None.

Chairman Nagle called a break at 1:25 p.m. The meeting reconvened at 1:28 p.m.

EXECUTIVE SESSION

Chairman Nagle called an Executive Session at 1:28 p.m. to discuss potential litigation.

The Executive Session ended at 2:28 p.m.

ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 2:28 p.m.

Richard H. Bohner
Secretary