

REGULAR MEETING MINUTES

December 11, 2017

The Regular Meeting of the Lehigh County Authority was called to order at 12:00 p.m. on Monday, December 11, 2017, Chairman Brian Nagle presiding. Other Members present at the commencement of the meeting were: Linda Rosenfeld, Jeff Morgan, Richard Bohner, Norma Cusick, and Deana Zosky. Authority Staff present were Liesel Gross, Brad Landon, Ed Klein, Pat Mandes, Chuck Volk, Chris Moughan, John Parsons, Susan Sampson, 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 is a correction to the Agenda under Wastewater with the addition of the EPA Administrative Order update discussion. There will also be an Executive Session at the end of the regular agenda to discuss potential litigation.

Scott Bieber arrived at 12:01 p.m.

APPROVAL OF MINUTES

November 13, 2017 Regular Meeting Minutes

On a motion by Richard Bohner, seconded by Norma Cusick, the Board approved the Minutes of the November 13, 2017 meeting (6-0). Deana Zosky abstained.

PUBLIC COMMENTS

None.

ACTION AND DISCUSSION ITEMS

Connection Fees & Customer Facilities Fees (Resolution No. 12-2017-1)

Liesel Gross explained that the resolution establishes the various components of the Lehigh County Authority Capital Recovery Fees for the connection fees and customer facilities fees for both the City and Suburban divisions. The fees are based on actual costs including equipment and labor, as detailed in the exhibit attached to the resolution.

On a motion by Linda Rosenfeld, seconded by Richard Bohner, the Board approved Resolution No. 12-2017-1 (7-0).

2018 Board Meeting Schedule

A list of the 2018 Board Meeting dates was presented to the Board for their approval and advertising. Liesel Gross noted that the second Board meeting in May has been moved up a week to May 21, 2018 and listed as tentative because the Memorial Day holiday falls on May 28, 2018. If there are no agenda items for the May 21, 2018 meeting, it can be cancelled.

On a motion by Norma Cusick, seconded by Jeff Morgan, the Board approved the 2018 Board meeting schedule and requested it be advertised (7-0).

Construction Phase Change Order – Allentown Division – Wastewater Treatment Plant: Digester Cover Replacements

Phil DePoe gave an overview of the Construction Phase Change Order which is required to close out final payment to the contractor. Mr. DePoe explained the change order is needed due to the additional dry tons removed from the digester cleaning process that was a larger amount than what had been estimated.

On a motion by Linda Rosenfeld, seconded by Norma Cusick, the Board approved the Capital Project Authorization Amendment No. 2 in the amount of \$87,895.00 (7-0).

2018 SCARP Program Management

Pat Mandes requested approval of a Professional Services Authorization for Arcadis in an amount not to exceed \$70,000.00 for 2018 SCARP (Sewer Capacity Assurance and Rehabilitation Program for the Western Lehigh Interceptor service area) program management services. Ms. Mandes reviewed the list of proposed scope of services. Deana Zosky questioned if this is in the budget and if it is, why is separate approval being requested. Liesel Gross explained that it is in the budget and the reason for the approval is that any Professional Services Authorization over \$40,000.00 requires Board approval. Ms. Mandes explained that the costs are part of the Western Lehigh Capital Budget and are reimbursed by our partners. Ms. Gross stated this is part of the User Charge report that is prepared annually by Jennifer Montero.

Kevin Baker arrived at 12:16 p.m.

Ms. Zosky requested that the Board receive copies of documentation prepared by Arcadis as part of this work, as well as a regular report of activities that outline the planned work versus actual work completed. Ms. Mandes explained that Arcadis prepares semi-annual and annual reports for submission to the regulatory agencies that outlines this detail, and these reports are posted on the Authority's website and provided to the Board. In addition, after a plan is developed and submitted to EPA and DEP, additional regular progress updates can be provided to the Board. Liesel Gross also explained that the Administrative Order is one of the four main goal areas of the organization and will continue to be tracked and discussed with the Board throughout 2018.

On a motion by Norma Cusick, seconded by Linda Rosenfeld, the Board approved the Professional Services Authorization for Arcadis in an amount not to exceed \$70,000.00 (7-0). Kevin Baker abstained because he had just arrived to the meeting and was not part of the discussion.

USEPA Administrative Order – Update

Liesel Gross presented a PowerPoint presentation to the Board updating them on the corrective action plan being developed to submit to the EPA (United States Environmental Protection Agency) by the end of 2017, highlighting key elements of the plan. Deana Zosky questioned cost sharing among the municipalities served by the regional system. Liesel Gross explained the communities in the Western Lehigh service area are continuing to work toward a cost-sharing agreement for future phases of the planned work, and that the costs for the first phase of work planned for 2018 through 2026 will be shared proportionately based on each municipality's purchased treatment allocation.

Ms. Gross then explained that the corrective action plan has not be finalized for submission to EPA in December as previously planned because the Authority and all municipalities recently received notice from EPA extending the deadline for submission. This notice followed a series of correspondence between the City of Allentown and EPA regarding the City's planned approach to addressing the Administrative Order. Authority officials also met with EPA directly earlier in the

month to share concerns specific to the Western Lehigh service area and how plans developed by the Authority must be coordinated with plans developed by the City. EPA's notice of the submission deadline extension also referenced plans for a joint meeting with all affected municipalities in January to discuss the path forward. There was some Board discussion regarding capacity and whether the Board's concerns regarding dry-weather issues are being addressed. Ms. Gross explained that the plan elements presented earlier in this discussion would be designed to address both dry-day and wet-weather conveyance capacity issues for current and future flows.

Scott Bieber requested to see the spreadsheets that calculate flow credits available for future growth. Pat Mandes explained how the credits are accounted for and noted they are included in the annual report to DEP that is provided to the Board. She also noted that since the rehabilitation effectiveness monitoring results have not been finalized for the recent source removal work completed by the Western Lehigh communities, no flow credits have been calculated for the work. All flow credits must be submitted to and approved by DEP (Pennsylvania Department of Environmental Protection).

MONTHLY PROJECT UPDATES/INFORMATION ITEMS

Scott Bieber inquired if DEP has mandated a regulatory limit on radon as noted under the Buss Acres Pump Station Replacement. Chuck Volk replied that the consultant is looking at the cost of radon removal during a future phase of the project but the Authority has not been informed of any DEP mandates.

Liesel Gross announced that the Monthly Financial report and the Monthly Systems Operations Review report for November will be sent to the Board and posted on the website later in December since there is no second Board meeting in December. Board members should contact Ms. Gross with any questions about these items.

STAFF COMMENTS

None.

SOLICITOR'S COMMENTS

None.

PUBLIC COMMENTS / OTHER COMMENTS

Linda Rosenfeld suggested the Chairman announce at the beginning of each meeting that the Board has received the agenda and supporting materials prior to the meeting to ensure the public is aware that materials are available and distributed in advance of decisions that are made.

Chairman Nagle called a break at 12:55 p.m. The meeting reconvened at 1:01 p.m.

EXECUTIVE SESSION

An Executive Session was held at 1:02 p.m. to discuss potential litigation. The Executive Session ended at 1:45 p.m.

ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:45 p.m.

Richard H. Bohner
Secretary