

**REGULAR MEETING MINUTES**  
**June 18, 2012**

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The Regular Meeting of the Lehigh County Authority was called to order at 12:28 p.m. on Monday, June 18, 2012, Chairman Asa Hughes presiding. Other Members present at the commencement of the meeting were: Tom Muller, Richard Bohner, Norma Cusick, Scott Bieber, Emrich Stellar, and Brian Nagle. Authority Staff present were: Aurel Arndt, Douglas Young, Joseph McMahon, Patricia Mandes, Frank Leist, Bradford Landon, and Cristin Garger.

**REVIEW OF AGENDA**

Mr. Arndt noted that there was one additional item regarding PennVEST funding to be addressed after the regular agenda items.

**EXECUTIVE SESSION**

Mr. Arndt stated there is potential for an Executive Session.

**APPROVAL OF MINUTES**

**May 14, 2012 Workshop Meeting Minutes**

On a motion by Ms. Cusick, seconded by Mr. Stellar, the Board unanimously approved the minutes of the May 14, 2012 Workshop Meeting (6-0). Mr. Bohner abstained due to his absence at the meeting.

**ACTION AND DISCUSSION ITEMS**

**Wastewater Capital Recovery Fees** *(Approval)*

Mr. Young stated that there were some changes in fees because the 2010 Census data was used for calculations. He also stated there were no new connections to the Little Lehigh Relief Interceptor last year. Mr. Young added that gallons per day discharged to the Western Lehigh Interceptor (WLI) increased; therefore the fee was increased. He also explained that there is an increase in tapping fees because according to the tapping fee law, the Authority fees must be able to cover debt service. Some discussion followed.

Ms. Mandes noted that she has distributed the fees to the Western Lehigh Interceptor Signatories for review and has not received any feedback to date.

On a motion from Mr. Bohner, seconded by Mr. Muller, the Board unanimously approved the Wastewater Capital Recovery Fees (7-0).

**Sand Spring Road Waterline Relocation** *(Approval)*

Mr. Leist explained that Pennsylvania Department of Transportation (PaDOT) will be widening the intersection of Route 309 and Sand Spring Road in North Whitehall Township. He stated that approximately 300 feet of waterline will have to be relocated to accommodate PaDOT's project. He included that construction may be incorporated into the PaDOT contract and is anticipated to be 50% reimbursable through PaDOT.

On a motion from Mr. Bieber, seconded by Ms. Cusick, the Board unanimously approved the Capital Project Authorization for the Design Phase of the Sand Spring Road Waterline Relocation in the amount of \$12,300 (7-0).

**Route 309 Crossing at Sand Spring Road (Approval)**

Mr. Leist explained that previous capital planning anticipated a west to east waterline crossing of Route 309. He explained that it is economical to construct the casing for a future water line during the PaDOT widening project for Route 309. Mr. Leist stated that this future water line extension would put the Authority in position to provide water service to the western side of Route 309 and possibly an interconnection with the Lehigh Carbon Community College water system.

On a motion from Mr. Muller, seconded by Ms. Cusick, the Board unanimously approved the Capital Project Authorization for the Design Phase of the Route 309 Crossing in the amount of \$11,900 (7-0).

**Upper Milford Central Division Radon Evaluation and Mitigation Study (Approval)**

Mr. Leist stated that in 2006, LCA took ownership of the Phillip M. Buss Water Company, a community water system serving 100 residential connections in Upper Milford Township, Lehigh County. It was renamed as the Upper Milford Central Division (UMCD). The water system includes two permitted wells and approximately 14,000 LF of distribution pipeline. He explained in 2007, the Authority was selected by the Pennsylvania Department of Environmental Protection (DEP) to participate in a radon sampling program to determine the level of radon in the water at both entry points as well as at various homes in the system. The results of this sampling showed that radon levels were substantially higher than the proposed EPA limit of 4,000 picocuries per liter (pCi/L). Even though no regulatory limits were in place at the time of the sampling (nor are any in place today), EPA recommended that customers be notified when radon in drinking water exceeded 10,000 pCi/L. Mr. Leist said that regulatory limits on radon in drinking water have not yet been adopted, but there is reason to believe that it will occur in the future. To be proactive, LCA will conduct a study to determine the best approach to provide water to the customers of UMCD that will meet future EPA radon level limits. He stated that the selected firm, working under a Professional Services Authorization, will start by evaluating the current radon conditions in the system and determine if there is any possibility of changing the way the existing wells are operated that would reduce the radon to acceptable levels without installing specialized radon mitigation equipment. If no viable options are identified, the consultant will then assess various pre-determined scenarios to provide water from other sources or treat water from the wells. Mr. Leist stated that Cowan Associates provided the lowest cost proposal for the Design Phase of this project and recommended that they be awarded the contract. Some discussion followed.

On a motion from Mr. Bohner, seconded by Ms. Cusick, the Board unanimously approved the Capital Project Authorization for the Design Phase of the Radon Evaluation and Mitigation Study in the amount of \$38,040 (7-0).

**Allentown Interconnection Phase 2 (Approval)**

Mr. Leist stated that a Professional Services amendment is necessary for out-of-scope work and because of the extended construction schedule for this project. He noted that the out-of-scope work is due to required revisions to the NPDES permit and redesign efforts, where the additional inspection services are needed because of the extended construction schedule.

On a motion from Mr. Muller, seconded by Mr. Stellar, the Board unanimously approved the Professional Services Authorization Amendment 1 for Barry Isett & Associates for the Allentown Interconnection, Phase 2 in the amount of \$66,476 (7-0).

**Existing CCTV Physical Condition Assessment (PCA) (Approval)**

Ms. Mandes explained that in 2008, DEP required LCA and the Signatories to generate a Corrective Action Plan for the areas identified as having significant infiltration and inflow (I/I) conditions. In addition, the U.S. Environmental Protection Agency (EPA) has issued a Compliance Order to the City of Allentown, LCA and all municipalities tributary to the City wastewater treatment plant to eliminate all SSOs within a five year period (2014). She stated that the LCA 2009-2017 Signatory I/I Investigation & Remediation Project Capital Plan was developed so that LCA could take the lead in working with

the Signatories to address the overload and SSO issues. A Sewer Capacity Assurance & Rehabilitation Program (SCARP) Outline was drafted by Malcolm Pirnie that provides a formalized and planned method of evaluating the LCA and Signatory systems, prioritizing and conducting sewer rehabilitation by all the LCA Signatory Partners. She explained that the flow monitoring work performed in 2009 identified areas within the Signatory collector systems with high leakage rates totaling 142 miles of pipe. Closed-circuit television (CCTV) inspections were performed in 50 miles of the Signatory collector pipes within the last three years. Of the 50 miles, 28 miles are in the areas identified as high leakage. Ms. Mandes explained that the next step is to review the CCTV inspections. She stated the review will determine if the pipe is in need of rehabilitation and if so, determine the type of rehab needed. Ms. Mandes said that the Western Lehigh SCARP Partnership I/I consultant, Malcolm Pirnie, will review the existing CCTV inspection records of 148,000 LF of pipe, access, rate, and recommend follow-up actions. It is recommended that Malcolm Pirnie provide the PCA of the Signatory pipes because of their expertise and to maintain consistency with the PCA of the WLI and consistency between the Signatories.

On a motion from Mr. Bieber, seconded by Mr. Muller, the Board unanimously approved a Capital Project Authorization and Professional Services Authorization for the Physical Condition Assessment for Malcolm Pirnie, Inc. in the amount of \$156,000 (7-0).

**Western Weisenberg (Arcadia West) West WWTP Improvements (Approval)**

Mr. Leist explained that an agreement is in the final stages of being negotiated with Hillwood Associates, developer of the proposed West Hills Business Center, which will receive wastewater treatment service from the new plant, whereby LCA will be reimbursed 30% of the project costs. Project funding will be provided via a low-interest loan from PennVEST. Construction proposals were received on June 1, 2012 for the second time because the bids received on March 17, 2011 were ultimately rejected because DEP maintained that the bid documents did not meet PennVEST requirements. Mr. Leist explained that when the bids were reviewed, the three lowest bidders for Contract #1 submitted bids which were based on equipment from Siemens Company. Siemens did not sign the Manufacturer's Guarantee Certificates that were in the bid documents, as required by the bid documents, but provided marked-up certificates and a letter stating that they would sign the revised certificates if awarded the contract. This did not meet the bid requirements; therefore Mr. Leist recommended that the Authority disregard the bids for Contract #1 that were based on Siemens Company equipment as non-responsive, and award the contract to the lowest responsible bidder, who was using Ashbrook Simon-Hartley equipment since Ashbrook Simon-Hartley did execute the Manufacturer's Guarantee Certificates in the form provided by the bid documents. Mr. Leist recommended award of Contract No. 1 to JEV Construction, LLC in the amount of \$2,074,500; Contract No. 2 to J. Hayden, Inc. in the amount of \$349,000; and Contract No. 3 to Dual Temp Co., Inc. in the amount of \$95,450, all contingent upon; (1) execution of the cost sharing agreement between Hillwood Associates and LCA; (2) settlement of the PennVEST loan; (3) receipt of required bonds, insurance and other required documentation from the aforementioned contractors. In addition Mr. Leist also requested approval of Capital Project Authorization, Amendment No. 1 - Construction Phase in the amount of \$3,034,500 and a Professional Services Authorization – Construction Phase for HRG, Inc. in the amount of \$174,100.

**EXECUTIVE SESSION**

The Chairman called for an Executive Session at 1:34 p.m.

The Session ended at 1:46 p.m.

**Western Weisenberg (Arcadia West) West WWTP Improvements (Approval)**

On a motion from Mr. Muller, seconded by Mr. Stellar, the Board unanimously approved the Capital Project Authorization Amendment, Construction Contract Awards, a Professional Services Authorization, and rejected the three non-compliant bidders (7-0), authorizing the appropriate staff to execute all proper documents.

Mr. Landon then introduced to the Board proposed Resolution No. 6-2012-2, necessary to authorize the closing, and transactions involved with the closing, on the PennVEST loan for construction of this project. He explained that the Authority also has a request in to PennVEST, which will be considered at the PennVEST July 18<sup>th</sup> meeting, for an increase in funding due to the increased costs of this project with the second request for bids. This resolution reflects a not-to-exceed amount based on the increase requested. Closing is presently scheduled for July 26<sup>th</sup>, although that would definitely have to be postponed if the increased loan amount request is approved, and may have to be in any case. Mr. Landon asked if there were any questions, which there were not, and then recommended approval.

On a motion from Mr. Bohner, seconded by Mr. Nagle, the Board unanimously approved Resolution No. 6-2012-2 (7-0).

### **SYSTEM OPERATIONS OVERVIEW**

Mr. McMahon had no comments.

### **STAFF COMMENTS**

Mr. Young noted that a single audit for \$1 million grant from H2O-PA for Vera Cruz was completed with no negative findings and 2 more program audits are being conducted regarding PennVEST funding for the Flow Equalization Basin and the Meter Replacement Project.

### **SOLICITOR'S COMMENTS**

Mr. Landon had no additional comments.

### **OTHER COMMENTS**

None.

### **ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 2:07 p.m.

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Richard H. Bohner  
Secretary