

REGULAR MEETING MINUTES

August 23, 2021

The Regular Meeting of the Lehigh County Authority Board of Directors was called to order at 12:00 p.m. on Monday, August 23, 2021, Chairman Brian Nagle presiding. The meeting was hybrid via in-person and video and audio advanced communication technology ("ACT"), using the Zoom internet application, including telephone option. Each Board member and other attendees of the meeting were able to hear each other attendee and be heard by each other attendee. The public could also participate in the meeting in-person or via ACT, using the Zoom internet application, including telephone option. A Roll Call of Board members present was taken. Chairman Brian Nagle, Richard Bohner, Norma Cusick, Linda Rosenfeld, Jeff Morgan, and Amir Famili were present for the duration of the meeting. Ted Lyons, Kevin Baker, and Scott Bieber joined the meeting shortly after it began and were present for the duration of the meeting.

Solicitor Michael Gaul of KingSpry was present along with Authority Staff, Liesel Gross, Ed Klein, John Parsons, Chris Moughan, Chuck Volk, Susan Sampson, Andrew Moore, Phil DePoe, and Lisa Miller. Matthew Tranter from KingSpry was also present via zoom regarding the Readington Farms item on the agenda.

Chairman Nagle stated that the meeting is hybrid and if anyone cannot hear or cannot be heard, they should let it be known. He also stated that the Board received their electronic and hard copy of the Board packet in advance and asked if anyone did not receive their copy of the packet. A copy of the packet is also available online.

REVIEW OF AGENDA

Liesel Gross noted the new bullet item that was added under Review of the Agenda entitled "Additions to the Agenda" which will be discussed further under the Finance and Administration item, Act 65 of 2021 Review of the Sunshine Law Update. Otherwise, there are no changes to the agenda. There will be an Executive Session regarding potential litigation which is scheduled to follow the regular meeting.

APPROVAL OF MINUTES

July 26, 2021 Meeting Minutes

On a motion by Richard Bohner, seconded by Amir Famili, the Board approved the minutes of the July 26, 2021 Board meeting as written (6-0).

PUBLIC COMMENTS

None.

ACTION AND DISCUSSION ITEMS

Act 65 of 2021 – Review of Sunshine Law Update

Liesel Gross explained the update to the Sunshine Law, specifically the change regarding how any changes to the public Board meeting agenda are to occur. If an item is not on the agenda but requires deliberation or action by the Board, there must be a formal vote of the Board at the meeting to add the item and then within 24 hours after the meeting, the updated agenda must be published. The law also requires meeting agenda's be posted on the organization's website 24 hours in

advance of the meeting. The Authority is currently posting the agenda on its website well ahead of this requirement and also has copies of the agenda available to anyone in attendance of the meeting. Solicitor Mike Gaul commented that the changes represent good practice, which the Authority is already doing. Solicitor Gaul reiterated the process of changing the agenda and also noted the exemptions to this would be if there is emergency business that involves a clear and present danger to life or property and business arising within 24-hours and be de minimis in nature.

Chairman Nagle thanked Lisa Miller for always getting the packet out to the Board a week in advance to give them ample time to review the information.

Readington Farms – Developer Cost-Sharing & Water System Contribution Agreement (Approval)

Liesel Gross introduced Matt Tranter from KingSpry who has been working with Chuck Volk regarding the Readington Farms development in Upper Macungie Township that requires a water system extension and pump station as described and discussed at a previous meeting. Chuck Volk stated that the developer will be paying for one-third of the pump station cost based on their proportionate share of the capacity. The developer will also pay all costs associated with the water system main extension that will run under I-78 to the pump station location.

Matt Tranter of KingSpry described the proposed cost-sharing agreement stating that the developer, Readington Farms, will be purchasing property from Jaindl Farms and will require services from the Authority. The table on page 3 of the agreement sets forth the estimated amount of funds that will come from both the developer and the Authority. The agreement is contingent upon the Authority acquiring the necessary easements to construct the pump station and main extension.

Chairman Nagle asked to see Exhibit C which describes in more detail the estimated costs for the project. Ms. Gross provided a previous detailed version of the exhibit noting that costs have been updated and that the current estimates are in the agreement. However, the final actual cost of the project will serve as the basis of the actual cost-sharing amounts to be paid by the Authority and the developer upon completion of the project. Kevin Baker asked how the Authority captures the additional capital costs associated with the project that are not included in this agreement. Ms. Gross said that the developer will pay their designated portion of the capital costs upfront as a lump sum payment. Over time, through the customer's payment of current rates, the remainder of the projects costs will be captured as well. A prior net-present-value analysis indicated that the payback period for this project is approximately seven years.

Scott Bieber asked who owns the land where the pump station will be located and who is responsible for acquiring the land. Matt Tranter explained that the land where the pump station will be built is owned by Jaindl Land Co. and an easement will be acquired by the Authority to construct the pump station. Chuck Volk also explained that a permanent easement is preferred, instead of an acquisition of the land, so that all the zoning requirements can be met. He also noted that PPL Electric Utilities will be constructing a substation to the east of where the pump station will be located, which will result in the Authority acquiring shared access to the pump station location.

Liesel Gross said that Staff is asking for approval of the agreement which will help the project move forward on an expedited basis. Approval would be conditioned upon Readington Farms completing their review of the agreement and incorporation of any final changes into the agreement.

On a motion by Linda Rosenfeld, seconded by Ted Lyons, the Board approved the Readington Farms developer contribution agreement in substantially the same form presented and authorizing

the Chief Executive Officer to execute the agreement with such incidental changes as she deems necessary and convenient and upon review by the Authority solicitor. (9-0)

A roll call vote was taken with the following votes cast:

Brian Nagle – yes
Scott Bieber – yes
Richard Bohner – yes
Norma Cusick – yes
Ted Lyons – yes
Kevin Baker – yes
Linda Rosenfeld – yes
Jeff Morgan – yes
Amir Famili – yes

MONTHLY FINANCIAL REVIEW

Ed Klein reviewed the July 2021 financial statement presentation, highlighting the variances between actual expenses and budgeted or forecasted expenses. Mr. Klein reported there is positive income and positive variances across all funds.

MONTHLY SYSTEMS OPERATIONS OVERVIEW

John Parsons reviewed the July 2021 Monthly Systems Overview report, highlighting items of interest on the report. There was an Emergency Declaration that occurred at the Wynnewood Collection system in late July. The pump station had mechanical failures resulting in the replacement of all piping, valving, check valving and pumps at a cost of \$48,000.00. Mr. Parsons also reported on the Notice of Violation (NOV) received from the Pa. Department of Environmental Protection (DEP) for permit violations over a period of time at the Arcadia Wastewater Treatment Plant. The plant treats mostly warehouses and the low-flow conditions and varying waste strength has been challenging for the plant to treat. At times, the plant has difficulty treating the waste due to the low temperature of the incoming waste. In recent years, the plant was upgraded with additional insulation and heaters to increase or maintain the incoming wastewater temperature. These upgrades have helped to address some of the violations noted in the NOV, and the Authority continues to address the violations. The Authority has not received any fines from DEP in relation to this NOV.

Scott Bieber asked if there was discussion on building a new Arcadia Wastewater Treatment Plant. Mr. Parsons stated that a new plant it was rebuilt in 2016 and the upgrades noted previously were completed in 2018.

Chairman Nagle asked if the quality of the inflow has changed that would cause the plant to not perform properly. Andrew Moore stated that the incoming wastewater is highly variable. This is a small system made up primarily of warehouse businesses, so the incoming waste is very different from normal domestic wastewater. The Authority is working on developing additional monitoring and process control protocols to assist with plant performance and address the ongoing challenges at this facility.

STAFF COMMENTS

Liesel Gross informed the Board about a potential project which involves a small sewer system in North and South Whitehall Townships. The Parkland School District has a small system in South Whitehall Township that needs significant rehabilitation. There is a potential for development nearby in North Whitehall Township that will also need wastewater service in the future. The Authority has been approached about assisting with developing a solution for these needs. The Pa. Department of Environmental Protection (DEP) has specified that they want the Authority to own and operate the facility in the future. Scott Bieber asked if North Whitehall Township has mentioned the failing sewer systems in that area. Ms. Gross said they have mentioned it, and DEP has suggested a sewage facilities plan be developed to define the service area for this small wastewater treatment plant.

Linda Rosenfeld left the meeting at 1:04 p.m.

Chairman Nagle commented that he would want the system built to our standards so we can avoid potential problems. Ms. Gross said the Authority's involvement would be contingent upon the treatment plant being designed and constructed in accordance with Authority specifications.

SOLICITOR'S COMMENTS

None.

PUBLIC COMMENTS / OTHER COMMENTS

None.

EXECUTIVE SESSION

An executive session will be held after the regular meeting to discuss matters of potential litigation.

ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:05 p.m.

Richard Bohner
Secretary