

REGULAR MEETING MINUTES May 8, 2023

The Regular Meeting of the Lehigh County Authority Board of Directors was called to order at 12:01 p.m. on Monday, May 8, 2023, 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. Brian Nagle, Amir Famili, Ted Lyons, Linda Rosenfeld, Norma Cusick, Kevin Baker, Jeff Morgan, Sean Ziller, and Marc Grammes were present for Roll Call, and remained for the duration of the meeting.

Solicitor Michael Gaul of KingSpry was present along with Authority Staff, Liesel Gross, Ed Klein, Andrew Moore, Chris Moughan, Phil DePoe, Chuck Volk, Susan Sampson, and Lisa Miller.

Chairman Nagle announced that the Board received their electronic and hard copies 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.

Chairman Nagle announced there was an Executive Session held after the close of the April 24, 2023 meeting, and a second Executive Session held prior to the beginning of the May 8, 2023 meeting. Both Execution Sessions were to discuss legal matters with the Solicitor.

REVIEW OF AGENDA

Liesel Gross announced that there are no changes or additions to the agenda and no additional Executive Sessions are planned.

APPROVAL OF MINUTES

April 24, 2023 Meeting Minutes

On a motion by Linda Rosenfeld, seconded Sean Ziller, the Board approved the minutes of the April 24, 2023, Board meeting as written (9-0).

PUBLIC COMMENTS

None.

Approval of Retention Agreement with Legal Counsel & Authorization to Initiate PFAS Litigation

Solicitor Gaul provided a proposed Board Motion to authorize retention of legal counsel for the potential initiation of PFAS litigation.

On a motion by Linda Rosenfeld, seconded by Amir Famili, the Board authorized the CEO to execute with the Grant & Eisenhofer Law Firm a retention agreement, substantially in the form provided to the Board, with such incidental changes approved by the CEO, in consultation with the Solicitor, for Grant & Eisenhofer to represent the Authority in its review of potential litigation related to PFAS compounds detected in the Authority’s water supply or impacts to its wastewater operations, with authorization for Grant & Eisenhofer to file such litigation against PFAS manufacturers and sellers, or other responsible parties, upon the approval of the CEO (9-0).

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

Brian Nagle – yes
Amir Famili – yes
Ted Lyons – yes
Linda Rosenfeld – yes
Norma Cusick – yes
Kevin Baker – yes
Jeff Morgan – yes
Sean Ziller – yes
Marc Grammes – yes

Regional Sewer Capacity & Wet-Weather Planning: Engineering & Program Support

Phil DePoe introduced Chris Curran from AECOM. Together, Mr. DePoe and Mr. Curran presented an overview of the Kline's Island Sewer System (KISS) Act 537 Plan progress and the program management services provided by AECOM. The authorization is being requested to continue AECOM's role as program manager, including work to continue exploration of the Pretreatment Plant needs, coordination of efforts to evaluate options for the Kline's Island WWTP, evaluate the micro-tunneling option, and coordinate work by other consultants involved in the Final Alternatives Analysis.

Mr. Curran provided additional technical details and described the current focus areas of the project. He also reviewed non-financial considerations for the large interceptor that is needed along Martin Luther King Jr. Boulevard in Allentown, such as construction challenges, geological factors, permitting, and community drivers. There was some Board discussion regarding these challenges and the micro-tunneling option, and a review of AECOM's deliverables for this phase of work.

On a motion by Amir Famili, seconded by Linda Rosenfeld, the Board approved the Capital Project Authorization for the Regional Act 537 Plan Program Management, Planning Phase in the amount of \$445,510.00, which includes the Professional Services Authorization to AECOM, Regional Act 537 Plan Program Management, 2023 Amendment in the amount of \$405,510.00 (9-0).

Pretreatment Plant (PTP) Electrical Study

Chuck Volk gave an overview of the study, which was recommended in the PTP Master Plan that was completed in 2022 and presented to the Board in April. The study is recommended due to the age of the electrical system at the PTP, the critical nature of the system for facility performance and reliability, and the high cost of replacing aging electrical system components. The study will include a maintenance testing plan and a power system analysis. The power system analysis involves a short circuit study, an equipment and device evaluation, a protective device coordination study, arc flash analysis, and a power analysis report. Mr. Volk recommends Current Solutions to perform the study because of their qualifications and experience in assessing electrical systems at critical water and wastewater facilities, including prior review of the Kline's Island WWTP electrical substation project design.

There was Board discussion on the Authority's arc flash program, employee training, and other safety procedures. The Board requested the staff provide a deeper review of the Authority's arc flash program along with a full safety overview at a future Board meeting.

On a motion by Marc Grammes, seconded by Linda Rosenfeld, the Board approved the Professional Services Authorization to Current Solutions in the amount of \$72,000.00 (9-0).

MONTHLY PROJECT UPDATES / INFORMATION ITEMS

Liesel Gross provided highlights of the May 2023 report, noting items that would be addressed at the next meeting in May.

STAFF COMMENTS

None.

SOLICITOR'S COMMENTS

None.

PUBLIC COMMENTS / OTHER COMMENTS

None.

BOARD MEMBER COMMENTS

None.

EXECUTIVE SESSION

An Executive Session was held prior to the beginning of the regular meeting to discuss legal matters with the Solicitor.

ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 1:02 p.m.

Linda A. Rosenfeld
Secretary