

REGULAR MEETING MINUTES

November 13, 2023

The Regular Meeting of the Lehigh County Authority Board of Directors was called to order at 12:10 p.m. on Monday, November 13, 2023, Vice Chairman Amir Famili 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, Linda Rosenfeld, Norma Cusick, Jeff Morgan, and Sean Ziller were present for Roll Call, and remained for the duration of the meeting. Vice Chairman Famili presided over the meeting at the request of Chairman Nagle, who participated remotely.

Attorney Mike Gaul of KingSpry, the Authority’s Solicitor, was present along with Authority Staff, Liesel Gross, Ed Klein, Chris Moughan, Andrew Moore, AJ Capuzzi, Phil DePoe, Chuck Volk, and Lisa Miller.

Vice Chairman Famili announced that the Board received their electronic and hard copies of the Board packet in advance. He then 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 announced that there are no changes to the agenda. An Executive Session was held prior to the start of the meeting to discuss litigation matters with legal counsel.

APPROVAL OF MINUTES

October 9 and 23, 2023 Meeting Minutes

On a motion by Linda Rosenfeld, seconded by Norma Cusick, the Board approved the minutes from the October 9 and October 23, 2023 meetings as presented (6-0).

PUBLIC COMMENTS

None.

Proposed 3M and DuPont PFAS Class Action Settlements – Authority Determination

Solicitor Gaul explained that the Authority has received an update regarding the proposed 3M and DuPont PFAS Class Action settlements, noting the proposed settlements require the Authority to make a decision regarding its participation in the settlements.

On a motion by Sean Ziller, seconded by Linda Rosenfeld, the Board approved opting out of the proposed 3M and DuPont PFAS Class Action settlements and authorized the Authority CEO, CFO, and/or special counsel to execute, serve, or file any necessary or convenient documentation to effectuate opting out of the proposed settlements (6-0).

Authority Solicitor Contract

Attorney Gaul and KingSpry Attorneys Kevin Reid and Richard Campbell, who were also in attendance, were excused from the meeting during the Board’s consideration of the Authority Solicitor contract.

Liesel Gross provided background information on the appointment of King Spry as the Authority's Solicitor. Due to structural changes at King Spry, Attorney Michael Gaul will no longer serve as the Solicitor for the Authority. The Authority reviewed its current needs and received proposals from five different firms and interviewed three that were well qualified to meet the Authority's needs. Because King Spry has served the Authority admirably for many years and their proposal met the Authority's needs, Staff recommends contracting with King Spry with Kevin Reid as the main contact. There was Board discussion regarding representation for Authority matters, cost of services, and in-house counsel.

The Board then inquired about the potential to hire in-house counsel. Liesel Gross explained the in-house Solicitor position is included in the 2024 budget and will be reviewed next year. However, outside counsel for certain issues will continue to be needed considering the breadth of issues in which the Authority is currently involved. Also, the proposed contract with King Spry includes a 30-day termination clause, so there is significant flexibility to make a change if in-house counsel is determined to be preferred.

On a motion by Linda Rosenfeld, seconded by Norma Cusick, the Board approved the contract with King Spry for their services through 2026 (6-0).

Attorneys Gaul, Reid and Campbell returned to the meeting.

2024 Water & Wastewater Rate Schedules

Liesel Gross highlighted the proposed 2024 rates and bill samples across various Authority service areas. In addition, a review of water and sewer rates throughout the Lehigh Valley was provided, showing how the Authority's rates compare in the region. The proposed 2024 water and sewer rates were presented in more detail during the budget process that concluded in October.

There was some Board discussion about the makeup of the Allentown Division rates, and the Capital Cost Recovery Charge.

On a motion by Norma Cusick, seconded by Sean Ziller, the Board approved the 2024 Water & Wastewater Rates.

Ms. Gross noted that notification will go out to customers and any comments received prior to the end of the year will be shared with the Board in January.

2024 Board Meeting Schedule

Liesel Gross noted that the meetings scheduled in May 2024 will only be one week apart due to the Memorial Day holiday. Board approval of the schedule is requested so the Authority staff can move forward with advertising the schedule.

On a motion by Norma Cusick, seconded by Linda Rosenfeld, the Board approved the 2024 Board Meeting Schedule as presented (6-0).

Resolution No. 11-2023-1 PENNVEST Reimbursement for Lead Service Line Cycle 1 Project

Liesel Gross explained the Resolution is a standard form for the PENNVEST program that allows for PENNVEST funds to be used to reimburse the Authority for project expenses incurred prior to settlement on the loan or grant. As the project kicks off with design phase services and other work, the Authority will use its general funds to pay those expenses. The PENNVEST settlement is expected to occur in April 2024.

There was some Board discussion on the PENNVEST program and how funds are allocated to projects.

On a motion by Linda Rosenfeld, seconded by Norma Cusick, the Board approved Resolution No. 11-2023-1, PENNVEST Reimbursement for Lead Service Line Cycle 1 Project (6-0).

Lead Service Line Inventory Program & Compliance Planning - Allentown Division & Suburban Division

Chuck Volk provided an overview of the project to support compliance with the Lead and Copper Rule Revision, which requires water utilities to develop a detailed service line material inventory. A report on this inventory data must be submitted to the Pa. Department of Environmental Protection (DEP) and shared with the public before October 16, 2024. The Authority intends to hire a consultant to assist with the inventory. The authorization is shown as a single project with separate components to address the different needs of the Allentown Division and Suburban Division water systems.

There was discussion regarding the accuracy of the current inventory records and DEP guidelines. Mr. Volk stated that the inventory will help prioritize annual projects.

On a motion by Linda Rosenfeld, seconded by Brian Nagle, the Board approved the Capital Project Authorizations for the Lead Service Line Program Planning Phase to the Allentown Division in the amount of \$153,000.00 and the Suburban Division in the amount of \$68,000.00, which includes the Professional Services Authorization to GHD Engineering for the Allentown Division in the amount of \$108,000.00 and the Suburban Division in the amount of \$48,000.00 (6-0).

Lead Service Line Replacement Program Cycle 1

Chuck Volk provided an overview of the pilot project to support compliance with the Lead and Copper Rule Revision requiring the replacement of both public and private lead service lines. Cycle 1 of the project will replace approximately 150 lead service lines and include the investigation of approximately 450 service lines within the project area.

On a motion by Jeff Morgan, seconded by Norma Cusick, the Board approved the Capital Project Authorization for Lead Services Replacement Program Cycle 1 Design & Bid phase in the amount of \$225,700.00 which includes the Professional Services Authorization to Gannett Fleming, Inc. in the amount of \$125,700.00 (6-0).

Water Main Replacement Program Cycle 7

Jason Peters provided background of the main replacement project that will replace 1.22 miles of pipe in North Whitehall Township to replace developer-installed piping and appurtenances. He reviewed the site selection and bidding process, noting that the work will focus on replacing plastic water mains in this area, which has a high level of water loss due to the difficulty in performing leak detection investigations on plastic pipe material.

On a motion by Linda Rosenfeld, seconded by Norma Cusick, the Board approved the Capital Project Authorization for the construction phase, Cycle 7 in the amount of \$2,042,979.00 which includes the Professional Services Authorization for construction engineering services to Gannett Fleming Inc. in the amount of \$50,000.00, the Professional Services Authorization for construction inspection services to Keystone Consulting Engineers in the amount of \$75,000.00, and the contract award for general construction to PACT ONE LLC in the amount of \$1,767,979.00. (6-0).

LCA Sewage Transportation Agreement – Upper Macungie & Lower Macungie Townships

Liesel Gross gave an overview of the agreement between Upper Macungie and Lower Macungie Townships and the Authority for the Upper Western Lehigh Pump Station and Force Main project, which will address the flow-restricted area of the Western Lehigh Interceptor commonly known as the Trexlertown Bottleneck. The project will include a pump station and force main that will connect to an Upper Macungie Township trunk line. This will remove approximately 2.5 million gallons per day from the Western Lehigh Interceptor to relieve the bottleneck area. The project is only an interim solution. Phil Depoe noted that the project only addresses dry-day conditions, and does not address wet-weather conditions. The Act 537 plan will provide a long-term solution to this problem area. The Sewage Transportation Agreement has been developed between the Townships and the Authority to specify the terms of the Authority's use of the Upper Macungie Township trunk line during the interim period until a long-term solution is implemented. Lower Macungie Township is a party to the agreement because a portion of its sewage flows enters the same trunk line.

On a motion by Brian Nagle, seconded by Norma Cusick, the Board approved the Sewage Transportation Agreement with Upper Macungie and Lower Macungie Townships and authorized the CEO to execute a final agreement in substantially the same form presented, with such modifications she deems necessary and convenient in consultation with the Authority Solicitor (6-0).

Chairman Nagle asked what will happen to the interim pipeline after the long-term solution is implemented, and who will pay for its removal. Ms. Gross explained that the agreement includes a provision that the Authority has the option to either allow the pipe to remain in place or remove it, and it would be the Authority's cost to remove the piping if that is the preferred option at that time.

Lynn Township WWTP Final Clarifier Project

Chuck Volk described the project that will add a second clarifier to the Lynn Township Wastewater Treatment Plant (WWTP). The existing clarifier is in need of mechanical rehabilitation and is also undersized. The addition of a new final clarifier will facilitate rehabilitation and provide for much needed redundancy. There was some Board discussion about the sizing of the existing clarifier and the future capacity needs of the system.

On a motion by Norma Cusick, seconded by Sean Ziller, the Board approved the Capital Project Authorization for the Lynn Township WWTP Final Clarifier Project design phase in the amount of \$113,300.00 which includes the Professional Services Authorization for the design phase engineering service to D'Huy Engineering in the amount of \$93,300.00 (6-0).

Pretreatment Plant (PTP) Near-Term Facility Improvements

Albert Capuzzi provided a review of the project for preliminary design for critical improvements to the Pretreatment Plant. This project is intended to address near-term needs to address resiliency and redundancy concerns, and long-term needs will be addressed in the Act 537 plan. The Authority intends to retain AECOM for design related engineering services. AECOM was selected for their technical approach and their inclusion of elements of the 30 percent design requested by the Authority.

There was some discussion regarding design elements and selection of solutions for the PTP challenges.

On a motion by Norma Cusick, seconded by Linda Rosenfeld, the Board approved the Professional Services Authorization for preliminary design to AECOM in the amount of \$282,225.00 (6-0).

MONTHLY PROJECT UPDATES / INFORMATION ITEMS

Liesel Gross pointed out that the monthly Financial report and monthly Operations report are the only items on the agenda for the November 27th meeting, so that meeting may get canceled. She also highlighted items for the meeting in December along with updates to the Open Project list.

Amir Famili thanked the Board for their efforts in reviewing all the projects on today's agenda.

STAFF COMMENTS

Liesel Gross recognized Solicitor Mike Gaul for all his efforts and thanked him for his work serving the Authority.

Ms. Gross also reviewed last week's kick-off to the public communications program for the Kline's Island Sewer System Act 537 Plan, including the first municipal meeting on this topic that was held last week. Over the next few weeks, several presentations at other municipal meetings are scheduled. Any questions or comments should be directed to either Susan Sampson or Liesel Gross.

SOLICITOR'S COMMENTS

Solicitor Gaul stated that the amount of work that the Authority Board and management staff do for the benefit of the community is incredible. He said he feels the public spirit of the Authority is excellent.

PUBLIC COMMENTS / OTHER COMMENTS

None.

BOARD MEMBER COMMENTS

Chairman Nagle thanked Solicitor Mike Gaul for his service to the Authority, and stated that the Authority Board has been very happy with his performance over the years.

EXECUTIVE SESSION

None.

ADJOURNMENT

There being no further business, the Vice Chairman adjourned the meeting at 1:26 p.m.

Linda A. Rosenfeld
Secretary