

**MINUTES OF THE
EASTON AREA JOINT SEWER AUTHORITY BOARD**

March 15, 2021

- ❖ The regular monthly meeting of the Easton Area Joint Sewer Authority Board was held at 6:00 p.m. on Monday, March 15, 2021. Due to the Covid-19 pandemic, the meeting was held via Zoom video conference, and telephone option. The meeting was open to the public. Each attendee of the meeting could hear each other attendee and be heard by each other attendee.

- ❖ The meeting was called to order by Chairman, Robert Lammi, who ordered the roll to be called at 6:00 p.m. Board Members were in attendance via Zoom video conference or telephone option.

#	Member	Municipality	Term Expires	Present	Absent	Time entered
1	Robert Blanchfield	Palmer Township	12/31/2020	X		*
2	Dave Hopkins Vice-Chairman	City of Easton	12/31/2022	X		6:04 PM
3	Paul James	West Easton Borough	12/31/2024	X		*
4	Robert Lammi Chairman	Palmer Township	12/31/2024	X		*
5	Joseph Mauro	City of Easton	12/31/2020	X		*
6	James McGowan Treasurer	Wilson Borough	12/31/2024	X		*
7	Charles Peterson	City of Easton	12/31/2023	X		*
8	Steven Riegel	Tatamy Borough	12/31/2024	X		*
9	John Van Arman	City of Easton	12/31/2024	X		*
10	Tim Weis	Forks Township	12/31/2024	X		*
11	Robert Werner	City of Easton	12/31/2020	X		*

* Beginning of meeting

** adjournment of meeting

❖ **The following personnel were in attendance via Zoom:**

Mr. Michael Gaul (Solicitor), (Mr. Jeff Morgan, (SC Engineers), Ms. Alex Hoffman, (IPP Manager/Assistant Operations Manager of WWTP), Mr. John Schimmel, (Accountant), Mr. Chuck Wilson, (Operations Manager of WWTP, and Ms. Jennifer Reed (EAJSA Recording Secretary).

❖ **Minutes Approval:**

A motion by Mr. James, seconded by Mr. Riegel to approve the minutes of the February 16, 2021 regular meeting was passed by a voice vote (10-0). Mr. Hopkins was not in attendance at the time of the vote. **Motion Carried.**

❖ **Courtesy of the floor:**

Mr. Tony D'Angelo was in attendance as the potential new representative for the City of Easton.

Ms. Hoffman confirmed that the Authority offices had not received any correspondence through the mail for public comment at the meeting.

SOLICITOR'S REPORT

Attorney Gaul, EAJSA Solicitor, requested that the Board approve the form of the proposed Addendum No. 1 to the 1988 Sewage Treatment Service Agreement, which had been prepared and circulated to the Member Municipalities, in accordance with discussion at the Board's January meeting, and also sent to Authority Board members in advance of this meeting.

Mr. Blanchfield made a motion, seconded by Mr. Van Arman, to approve the proposed Addendum No. 1 to the 1988 Sewage Treatment Service Agreement in the substantial form presented and to authorize the Chairman or Vice Chairman to execute and deliver the Addendum, with such modifications as he may deem appropriate, necessary, or convenient, in consultation with the Authority Solicitor. The motion was passed by a voice vote (11-0).

Motion Carried 2021-03-15 A

ACCOUNTANT'S REPORT

Mr. Schimmel had nothing to report tonight.

Mr. Lammi has received notice that an invoice from Standard & Poor's is currently 55 days past due. Mr. Lammi proposed approving a motion at this meeting to pay Standard & Poor's invoice out of the General Fund, and subsequently reimbursing the General Fund when settlement occurs on the bond issue.

Mr. Gaul asked the Board to hold this agenda item until later in the meeting, while he researches the IRS requirements for a Reimbursement Resolution.

A motion was made by Mr. Weis, seconded by Mr. James, to approve the March 2021 bills, and passed by a voice vote (11-0).

Motion Carried 2021-03-15 B

ENGINEERING COMMITTEE REPORT

Mr. Hopkins reported smooth operations at the WWTP.

Mr. Morgan reported on three items related to the Disk Filter System Project.

❖ **ITEM 03-01-2021 Approval to Issue Notice of Intent to Award for Electrical Contract for Disk Filter System Project**

Mr. Morgan reported that the electrical contract for the project was rebid. Three electrical bids were received, ranging from \$324,000 to \$334,300. The low bidder was Wind Gap Electric. All of Wind Gap Electric's information and documents were in order. This company is known to and has worked for other entities in the area. Mr. Morgan requested the Board approve the issuance of a Notice of Intent to Award the Electrical Contract for Disk Filter System Project to Wind Gap Electric.

A motion was made by Mr. James, seconded by Mr. Peterson, authorizing the issuance of a Notice of Intent to Award the Electrical Contract for Disk Filter System Project to Wind Gap Electric. The motion passed by a voice vote (11-0).

Motion Carried 2021-03-15 C.

❖ **ITEM 03-02-2021 Budget Increase for BCM Engineers for Disk Filter System Project**

The RBC demolition portion of this project was assigned to BCM after the original contract was in place, resulting in a budget increase. A second budget increase resulted from extra work which was required to obtain the DEP Construction Permit. A third increase was for BCM's support during construction, reviewing shop drawings and designs.

For the above three items, the budget is \$99,400 (\$20,200 for extra work required for the design: \$79,200 for BCM's construction support). At the recommendation of the Engineering Committee, Mr. Morgan requests approval of this budget increase at tonight's meeting. In response to a question from Mr. Werner, Mr. Morgan clarified that all increases are part of Item #03-02 and would be approved together.

A motion was made by Mr. Werner, seconded by Mr. James, to approve the budget increases. The motion passed by a voice vote (11-0).

Motion Carried 2021-03-15 D.

❖ **ITEM 03-03-2021 Proposal for Construction Observation for Disk Filter System Project**

The DEP Permit requires an on-site construction inspector. Mr. Morgan reported that his firm's inspector is booked for all of 2021. D'Huy Engineers of Bethlehem, PA has performed inspections in the past when his firm's inspector has been unavailable. Mr. Morgan has confidence in D'Huy and their inspector John Tench, who is supported by Matt Evans, both of whom have performed inspections at the WWTP for four or five years. Their proposal for the on-site inspection from April 2021 – October 2021 is \$94,000. The Engineering Committee has recommended approval of this budget item at tonight's meeting.

A motion was made by Mr. Hopkins, seconded by Mr. Peterson, to approve D'Huy Engineering's proposal for construction phase service, dated February 24, 2021, in the contract amount of \$94,000. The motion passed by a voice vote (11-0).

Motion Carried 2021-03-15 E.

Mr. Morgan also mentioned that he has received a notice regarding the American Rescue Plan, which includes \$500 million for states to devote to water and sewer improvements. Mr. Morgan hopes some of the funds will be invested in our successful H2O Program.

Mr. Morgan was asked by the Board if we have received an answer from the PUC regarding our challenge of the NOV. Mr. Morgan reported that the hearing would be held the following day, i.e.: 9 a.m. on Tuesday, March 16, 2021. Mr. Morgan's intent was to participate in the meeting and mount a defense against the NOV on the basis that we have no sewer lines in the defined area, and never received a mark-out ticket.

PRETREATMENT COMMITTEE REPORT

Mr. Lammi reported that Mr. Mauro is the new Chair of the IPP Committee.

Mr. Mauro had nothing to report at the time of the meeting.

Ms. Hoffman reported that the EPA annual report for the EAJSA was submitted in the first week of March, 2021. She also reported that we have received the call for our audit, which is scheduled for March 25, 2021. Ms. Hoffman has been in correspondence with our auditor, supplied all necessary documentation, and

received positive feedback. The audit will take place via Zoom on March 25, 2021.

FINANCE COMMITTEE REPORT

Mr. McGowan and Mr. Schimmel had nothing to report.

AD HOC DOCUMENT REVIEW COMMITTEE REPORT

Mr. Hopkins remarked that following February's meeting, the Board seemed to agree with the bylaw changes suggested by Mr. Gaul. Mr. Gaul reported that he is still reviewing the by-laws. Mr. Gaul referenced a 1995 lawsuit which resulted in changes to the Authority's Articles of Incorporation. Mr. Gaul stated some of the by-laws should have been changed at that time, to remain consistent with the changes to the Articles of Incorporation. The Authority's records from the time of the 1995 lawsuit may provide some guidance on the drafting of the new amended by-laws. Mr. Gaul will notify the Board if he finds any additional changes to the current draft amended by-laws is necessary. He further clarified that any changes to the by-laws would be approved by the Board, and not the Member Municipalities. Mr. Gaul emphasized that, nonetheless, the by-laws would have to be consistent with the Articles of Incorporation, as amended, which are subject to the approval of the Member Municipalities.

OPERATIONS REPORT

Mr. Wilson reported that operations at the WWTP are running smoothly. The VFDs at South Delaware require repairs to parts under warranty. Jim Hadik from BSI has been working to complete that repair. All hoists have been inspected and repaired. Mr. Wilson reported that a new barcode check-in system is working well for the Operators, providing a digital record of their rounds as well as the ability to record photos and notes for download to a database and spreadsheet.

ACCOUNTANT'S REPORT CONTINUED

Mr. Gaul, referring to the business of the unpaid invoice for Standard & Poor's, had researched the IRS rules for Reimbursement Resolutions. Mr. Gaul said that a decision to pay by invoice tonight could be approved, if necessary, without a reimbursement resolution. Mr. Gaul was unsure, however, if there would be a problem reimbursing the funds as part of the bond closing or getting it paid out of a trust indenture. He advised stipulating that the payment be made conditionally upon review by the Bond Counsel.

Mr. Lammi asked for a motion approving payment of the invoice of \$22,500 to Standard & Poor's Global tonight, asking Mr. Gaul to continue his research with

the Bond Counsel on repaying the amount to the General Fund through a Reimbursement Resolution.

A motion was made by Mr. Werner, seconded by Mr. James, to approve the payment of the Standard & Poor's bill, subject to Bond Counsel review. The motion passed by a voice vote (11-0).

Motion Carried 2021-03-15 F.

❖ **New Business**: Mr. Gaul encouraged the Board to be aware of federal funds that may be available to us. Discussion continued about the nature of federal grants and stimuli, how they have been used in the past for water and improvement projects, and how best to use any funds available to us currently.

❖ **Old Business**: None

❖ **Unfinished Business**: None

The meeting was adjourned on a motion by Mr. Riegel and seconded by Mr. Weis at 6:55 p.m.

Respectfully submitted,
Jennifer Reed, EAJSA Recording Secretary