

MUHLENBERG TOWNSHIP AUTHORITY
MINUTES OF A REGULAR MEETING OF THE BOARD

A regular meeting of the Board of Muhlenberg Township Authority, Water and Sewer Projects, was held on Thursday, October 5, 2023, beginning at 7:00 p.m., at 3711 Oak Street, Temple, Muhlenberg Township, Berks County, Pennsylvania, pursuant to notice both advertised and posted according to law.

The following members of the Board were present:

Scott Lehr
Richard Heffner
Otto Voit, III
Rick Hoffmaster
Jim Kelly

In attendance were Authority General Manager Timothy Feltenberger, Thomas A. Rothemel, of counsel, and Darryl Jenkins, PE, of Spotts, Stevens and McCoy (SSM), consulting engineer to the Authority. Also present were Authority Assistant Distribution Superintendent Jeff Krick, Jaime Nace, and Jeffrey Calpino. Commissioner Steve Wolfinger, Township Liaison to the Authority, appeared. Members of the public were also present, as indicated on the Meeting Sign-In Sheet appended to these Minutes.

The meeting was called to order at 7:00 p.m. by Chairman Lehr. Mr. Lehr announced that the Board had met earlier in executive session to discuss matters involving personnel and litigation.

Mr. Voit made a Motion to approve the Minutes of the previous regular meeting of the Board held on September 7, 2023, and the Minutes of the special meeting of the Board held on September 21, 2023. That Motion was seconded by Mr. Heffner, and passed unanimously.

Chairman Lehr addressed the Township's proposed termination of the Authority, which was precipitated by the Township, at its meeting on September 18, 2023, authorizing publication of an ordinance serving to dissolve the MTA. Mr. Lehr remarked that a positive change in events had recently occurred, which signaled an opportunity for the MTA and Township to move forward without an impending takeover. Commissioner Wolfinger was asked to comment in that regard from the Township's perspective. Commissioner Wolfinger stated that the Township's concerns regarding the MTA were acted upon, which was further evidenced by the detail contained in Mr. Lehr's long-term plan regarding MTA projects and initiatives, which document was recently circulated to the Commissioners. In addition, Commissioner Wolfinger commented that the Township took notice of the multiple action items contained in the MTA Agenda for this meeting, which was indicative of the Authority's commitment to progress. Commissioner Wolfinger therefore confirmed, unequivocally, that the Commissioners would not vote to dissolve the Authority at the October 16, 2023 Township meeting. Commissioner Wolfinger also confirmed that the

Township would not consider dissolving the Authority for at least another six (6) months. During that timeframe, the Township would expect to see continued improvement. In addition, Commissioner Wolfinger indicated that the Township may seek to expand the MTA Board from five (5) members to seven (7) members. The additional two (2) seats would likely be filled by Township Commissioners. Overall, Commissioner Wolfinger expressed that the Township wants to move forward, and wants to work together with the MTA. Lastly, Commissioner Wolfinger commented that it is his opinion that an independent municipal authority, such as the MTA, is a desired format to run water and sewer operations of the Township.

In response to Commissioner Wolfinger's remarks, Mr. Voit noted that while the commitment to the MTA was appreciated, he questioned whether the Township ordinance would be rescinded. Commissioner Wolfinger responded by stating, "no", but offered to convene a meeting to further discuss that request.

Under the first public portion, various members of the public commented regarding the potential Township takeover, and the proposed installment of two (2) Township Commissioners on the MTA Board. There was added discussion regarding the stormwater issues facing the Township. In response to that topic, Chairman Lehr noted that the MTA has no jurisdiction over stormwater. Nonetheless, the Board remains committed to assisting the Township in solving that longstanding issue, and, the MTA will continue efforts to alleviate effects of stormwater runoff that negatively impacts MTA customers. Mr. Lehr additionally commented that enhanced communication with customers is a primary goal of the Authority, and improvements in that regard have already been made. While the Board may not agree with the Township's view of its operations, Mr. Lehr confirmed that the Board will continue to make improvements to all facets of the business with the solidary aim of best serving the ratepayers. Many significant improvements have already been made, many are scheduled, and the MTA will do a better job of communicating the same to its ratepayers. The MTA Board appreciated the public participation on these various issues of concern, and welcomed further public involvement at future meetings.

Next, Mr. Jenkins of Spotts, Stevens and McCoy provided a formal report of the Authority's consulting engineer for work completed September 1, 2023 through September 30, 2023. Mr. Jenkins referenced a four (4) page report of SSM that had been circulated to the Board in advance of the meeting. The report provides a narrative of the status of each of the fourteen (14) projects of the Authority on which SSM is currently engaged.

With regard to the damaged water main located in Laurel Run Creek, Mr. Jenkins confirmed that SSM prepared and submitted an amended emergency permit to DEP to allow entry into the stream for purposes of cutting and capping the pipe, with removal of the damaged pipe section. Mr. Jenkins confirmed that, due to multiple redundancies in that area of the water distribution system, there would be no water pressure issues resulting from capping the broken main. At this point, SSM awaits permit approval from DEP. On Motion of Mr. Kelly, seconded by Mr. Hoffmaster and unanimously approved,

SSM was authorized to engage a contractor to cut and cap the existing pipe and remove the damaged section of pipe upon issuance of the DEP permit. As part of this project, Mr. Jenkins noted that the Township may be interested in working within the permitted area to remove debris and trash from the creek bed. Mr. Feltenberger will contact the Township to coordinate those efforts.

Mr. Jenkins confirmed that applications for Local Share Account (LSA) Grant funds are due November 30, 2023. Mr. Jenkins was authorized, on Motion of Mr. Voit, seconded by Mr. Heffner and unanimously approved, to: (i) design water system improvements in the Reading Crest distribution system; (ii) prepare and submit an LSA grant application for the water system improvements; and (iii) submit an LSA grant application for enhanced hydrant connectors.

As part of the July 2023 floodwaters, manhole 1948 in Laurel Run Creek was exposed. The pipe leading to the manhole was scoured, but there is no leakage. Mr. Jenkins recommended that the exterior of the manhole be sealed and that approximately 40 feet of exposed clay pipe be replaced with ductile iron pipe. In addition, SSM recommends that the sewer line encasement be reinforced at the next downstream manhole. In performing this work, DEP permitting will be required. Mr. Hoffmaster made a Motion to authorize such work to manhole 1948 and its attached sanitary sewer lines, as stated. That Motion was seconded by Mr. Kelly and unanimously approved.

With respect to GIS mapping, Mr. Jenkins noted that SSM continues to work with staff to update the database for compliance with DEP lead and copper service line inventory. The inventory report is due in October 2024. Mr. Jenkins estimates that the report is approximately 40% complete, and anticipates completion in approximately six (6) months. Once the inventory report is complete, SSM will be able to discern those customer service lines that may need replacement. In or around September 2024, Mr. Jenkins anticipates that the MTA will be in a position to offer replacement options to those affected customers. On Motion of Mr. Voit, seconded by Mr. Heffner and unanimously approved, SSM was authorized to continue working with MTA staff to update the GIS system to prepare the lead service line inventory for submission to the DEP.

Regarding the Maiden Creek interconnection, SSM was authorized, on Motion of Mr. Voit, seconded by Mr. Heffner and unanimously approved, to continue work on that project with completion of technical design in conjunction with Maiden Creek's engineer. Further discussion regarding the status of the Maiden Creek interconnect project was held under the Solicitor's report.

Extensive discussion ensued regarding the Eagles Landing pump station and those residents in that area who were affected by the July 2023 storm. SSM, with the assistance of MTA personnel, continued over the past month to conduct testing and investigate the sewage collection system in that particular area, with those issues precipitated by excess inflow from highly-condensed stormwater runoff. Based on review of data and follow-up investigations, SSM confirmed that the sewage collection system was fully operational during the July 2023 storm. However, excess inflow due to the uncontrolled stormwater

flows taxed the system in certain problems areas. It is therefore SSM's recommendation that to address the potential for future problems in this portion of the sewage collection system, installation of sewage backflow prevention valves be considered on laterals of homes affected by the flooding. [Note: policy initiatives regarding sewage backflow valves was discussed under New Business.] In addition, SSM recommends that remediation efforts be undertaken in the River Road area of the collection system to further reduce stormwater inflow/infiltration and improve flow, including installation of manhole inserts to keep water out, televised inspection and cleaning of lines, relocation of the Eagle Landing pump station force main, and realignment of sewer lines to improve flows. Regarding the manhole upgrades, Mr. Jenkins noted that once that work is completed, the system will be tested to determine whether a parallel sewer main line may still prove necessary. If the manhole inserts prevent excess stormwater runoff from entering the sanitary sewer system, that may reduce the taxing of the system that is otherwise fully operational. After hearing Mr. Jenkins' report and recommendations in this regard, the Board collectively expressed full commitment to moving forward with all efforts to address the stormwater inflow and infiltration issue. Mr. Voit made a Motion to authorize SSM to proceed with all action, as requested by Mr. Jenkins. That Motion was seconded by Mr. Hoffmaster and unanimously approved. The Board further directed Mr. Jenkins to focus on other flood prone areas of the Township for purposes of implementing similar system enhancements and protections.

Mr. Jenkins reported that one (1) of two (2) pumps at the River Road pump station is currently out of service and is scheduled to be replaced. In order to provide continuous service at this location, which is necessary for the public health and safety, Mr. Jenkins recommended emergency action be taken to provide for bypass pumping pending installation of the replacement pump. The work will entail installation of a bypass valve and use of a bypass pump in the event the second pump experiences a failure. Mr. Feltenberger noted that he is currently securing quotes for two (2) new pumps, which he anticipates will be in the range of approximately \$150,000. Mr. Feltenberger also expects a fourteen (14) week lead time on delivery. Regarding the emergency bypass work, Mr. Feltenberger expects completion within a period of two (2) weeks. Mr. Voit made a Motion to approve the emergency bypass work to the existing force main, which Motion was seconded by Mr. Heffner and unanimously approved. Mr. Feltenberger will proceed to contact contractors for purposes of scheduling the bypass valve installation work as soon as possible.

There being no further active projects on which to report, and no additional questions posed by the Board, the report of the Mr. Jenkins concluded. Mr. Hoffmaster made a Motion to accept the Engineer's Report as presented. That Motion was seconded by Mr. Kelly and unanimously approved.

Mr. Feltenberger presented the Operations Report for the preceding month, a full copy of which has been appended to these Minutes. No main breaks occurred in September. Crews repaired a fire hydrant at Riverview Drive, and replaced a hydrant at Fairview Drive. Bollards were installed at the Amazon warehouse facility to protect the hydrant from damage. Mr. Feltenberger noted that hydrant stock is being replenished. Crews continue to perform concrete work at sites of service repairs, and continue to address

punchlist items generated in response to the DEP site inspection. Sewer laterals were cleaned or checked at multiple locations throughout the Township, five (5) of which were customer owned. Mr. Feltenberger reported that the vacuum truck was used a total of eight (8) man hours over the past month, at an equivalent labor cost of \$2,840. To date, the vacuum truck was used the monetary equivalent of \$73,838, excluding the cost of disposal fees that the Authority no longer pays. Of note, over the past month, the vacuum truck was used to inspect and vacuum the River Road trunk line and no obstruction was found. The Operations Report then concluded.

Engineering bills for the preceding month were reviewed. Mr. Voit made a Motion to approve the engineering bills for payment. That Motion was seconded by Mr. Hoffmaster and unanimously adopted.

The accounts payable for both the water and sewer departments for the preceding month had been distributed prior to the meeting, a full listing of which has been appended to these Minutes. Mr. Voit made a Motion to approve payment of the accounts payable for both the water and sewer departments, as presented. That Motion was seconded by Mr. Heffner and unanimously adopted.

Under the Solicitor's Report, Mr. Rothermel advised that a meeting was convened on September 14, 2023 with the MTA, the City of Reading Engineer and its Solicitor, to review and discuss the content of the Exhibit I reports. The Exhibit I reports, which are a required submission under the City of Reading Intermunicipal Agreement (IMA), provide detail with respect to payments made to the City by various municipalities for sewage treatment, and the allocation of such funds. The meeting was beneficial with respect to clarification of the allocation of funds not only remitted by the MTA, but other participating municipalities. Mr. Rothermel additionally noted that the City did not provide a substantive update with respect to the status of the reconciliation reports. Mr. Rothermel will follow up with the City in that regard.

With regard to a potential water supply interconnection with Maiden creek Township Authority ("Maiden creek"), Mr. Rothermel reported that per Maiden creek's Solicitor, the joint project was now on hold by virtue of the Township's publication of the ordinance terminating the MTA. While Maiden creek remains committed to the joint project, and terms of a Memorandum of Understanding were pending finalization, Maiden creek is now seeking assurance from the Township prior to moving forward. Mr. Rothermel provided Commissioner Wolfinger with the name of Maiden creek's Solicitor so that the Commissioners may consider providing assistance to the MTA in resuming this longstanding and necessary project.

Mr. Rothermel reported that the developer of Restaurant Depot in the Penn Plaza on N. 5th Street Highway, RD America, LLC, provided an executed Municipal Improvements Agreement for Board review. It was also confirmed that Mr. Feltenberger received financial security for the proposed improvements, escrow was adequate, and proper insurances were provided. Mr. Heffner made a motion to approve the Municipal Improvements Agreement with regard to the Restaurant Depot development. That Motion was seconded by Mr. Voit and unanimously adopted. Mr. Rothermel will provide the fully

executed Agreement to the developer. In addition, Mr. Rothermel will prepare the requisite easement and dedication documents for Board review at the conclusion of the scheduled municipal improvements.

Mr. Rothermel confirmed that the Board previously established a Citizens' Advisory Committee at the August 2023 meeting. The Board deferred action on approving Resolution No. 2023-2, which details implementation of the committee, until after the Township's October 16, 2023 meeting.

The Muhlenberg Township Fire & Rescue organization performed training at the quarry property on September 28, 2023. Mr. Feltenberger reported that it was a successful event, and well-received by those in attendance. Mr. Rothermel reported that all participants provided a signed waiver and proper insurances were in place. Mr. Voit made a Motion to ratify approval of quarry access to the Muhlenberg Township Fire & Rescue organization for purposes of conducting a rescue training event on September 28, 2023, contingent on receipt of waiver and insurances. That Motion was seconded by Mr. Hoffmaster and unanimously approved.

Regarding engagement of special counsel, Mr. Voit made a Motion to authorize special counsel to take all requisite and necessary action, including without limitation, commencement of litigation, to protect the ratepayers, Authority, and implement the intent of Resolution No. 2023-4, expressly subject to and contingent on, the Township's actions on and after the October 16, 2023 meeting. That Motion was seconded by Mr. Hoffmaster and unanimously approved.

No further questions were posed to Mr. Rothermel. The Solicitor's Report was approved by Motion of Mr. Hoffmaster, seconded by Mr. Heffner and unanimously approved.

The Treasurer's Report was presented, as detailed in in the four (4) page report of Mr. Hoffmaster. On Motion of Mr. Heffner, seconded by Mr. Voit and unanimously adopted, the Treasurer's Report was accepted, as presented.

Under New Business, the Board, on Motion of Mr. Hoffmaster, seconded by Mr. Kelly, unanimously voted to amend the Agenda to include an action item under New Business, which was precipitated by discussion regarding personnel conducted during Executive Session.*

New Business:

- Mr. Voit made a Motion to authorize Mr. Feltenberger to increase employee compensation of the Assistant Distribution Superintendent. That Motion was seconded by Mr. Hoffmaster and unanimously approved.
- A proposal of Diversified Technology Corp. totaling \$600 for billing support and training was unanimously approved, on Motion of Mr. Voit, seconded by Mr. Heffner. These services will start immediately.

- Mr. Voit made a Motion to approve a proposal of Datastorm Technology, LLC for website development (\$750 one-time charge) and web hosting (not to exceed \$50 per month). That Motion was seconded by Mr. Heffner and unanimously approved. The website changes and web hosting services will be implemented immediately.
- An Engagement Letter of Transcend Finance, LLC was approved for controller consulting services, on Motion of Mr. Voit, seconded by Mr. Hoffmaster and unanimously approved. The controller consulting services will commence immediately.
- Mr. Feltenberger reported that a pressure valve issue has arisen in Laureldale. In consulting with SSM, it is recommended that a pressure pit be installed in place of a gate valve that is currently being used to throttle pressure. Mr. Feltenberger anticipates that MTA crews will be able to perform much of the work, but outside contractors may have to be utilized for certain aspects of the job. Mr. Heffner made a Motion to authorize Mr. Feltenberger, by and through consultation with SSM, to proceed with the project as stated. That Motion was seconded by Mr. Hoffmaster and unanimously approved.
- Chairman Lehr reviewed current billing practices with respect to billing, penalties, shutoff notices, and cessation of service. After receiving customer feedback over the past several months, and recognizing the difficult economic situation facing many in our community, Mr. Lehr recommended that the standard billing process for water and sewer be revised to be less burdensome to the ratepayers. Specifically, billing would now be due forty-five (45) days from the end of the quarter, instead of the thirty (30) days currently due; any bill will be considered late five (5) days after the due date, instead of immediately after the due date; and shut-off procedures will occur following two (2) successive delinquent bills, instead of one (1) as is the current practice. The Board was in full agreement with making these changes. Mr. Rothemel noted that final details and implementation of this policy would have to be confirmed by amendment to the MTA Rules, which could be considered at the November 2023 Board meeting. On Motion of Mr. Voit, seconded by Mr. Kelly, the Board unanimously approved revised billing practices as presented by Chairman Lehr, contingent on final approval at the November 2023 meeting. Lastly in this regard, a question arose with respect to restoration of service following a shutoff. Mr. Feltenberger confirmed that in that instance, service is fully restored within an hour of when the outstanding bill is paid.

- Mr. Jenkins reported on the use of sewage backflow valves for designated Authority customers in those problem areas of the Township. Mr. Jenkins commented that backflow valves, while not 100% effective in all instances, will certainly provide better protection to the customer than having nothing in place at all. He recommended that the backflow valve be installed on the customer side of the lateral, which would be less problem-prone and potentially more effective. The customer would be required to provide periodic maintenance to ensure that the valve is functioning properly. Mr. Jenkins estimated an average installation cost of between \$3,000 to \$5,000, in addition to cost of the valve valued at approximately \$300. After hearing Mr. Jenkins' report, the Board directed he and the Solicitor formulate a policy for implementation. The Solicitor preliminarily noted that the Authority would not perform any installation or maintenance work, rather, the customer would be responsible for submitting appropriate documentation to the Authority for review and approval, together with responsibility of the customer for maintenance and repair. In addition, the Board noted that the program would be limited to those customers who have experienced a sewage backup situation in those designated problem areas of the Township. Mr. Jenkins will contact several local plumbers to determine an average price range for purposes of the Board considering its level of reimbursement. Mr. Rothermel additionally noted that the MTA Rules would require amendment to account for any such policy. Mr. Voit made a Motion authorizing the implementation of a sewage backflow valve reimbursement policy, subject to final Board review and approval. That Motion was seconded by Mr. Hoffmaster and unanimously approved. The Board expects to review the policy and MTA Rule change at the November 2023 meeting. Lastly, Chairman Lehr noted that while this is not a guarantee of success in preventing a future occurrence in the event of flooding associated with highly-condensed stormwaters, the MTA is committed to providing assistance to its customers where possible. As noted previously, Mr. Lehr expressed a commitment of the MTA to work with the Township in solving the overriding issue of excess stormwater flows.
- The Board identified a surplus of unanticipated interest income from delayed payment of scheduled sewer expenses. The interest income was earned on those funds paid by ratepayers. For that reason, the Board voted unanimously, on Motion of Voit, seconded by Mr. Heffner, to issue a one-time credit of \$50 on each sewer customer's bill. The one-time credit will be reflected on the customer's next scheduled sewer bill after November 1, 2023.
- Resolution No. 2023-3 was presented to the Board regarding approval of a Resolution to honor and commemorate Jeffrey Calpino on his forty-four (44) years of service to the MTA. Mr. Calpino's last day at the MTA is October 6, 2023. That Resolution was unanimously approved on Motion of Mr. Hoffmaster, seconded by Mr. Voit.


Lastly under New Business, Mr. Feltenberger reported that the vacuum truck and garage door were damaged and are in need of repair. Mr. Feltenberger has opened an insurance claim. Further details will be provided to the Board at the November 2023 meeting.

No Executive Session was called.

There were no comments under the second public portion.

Under the Member and Staff Comments portion of the meeting, Mr. Feltenberger recommended that the Authority provide a military discount, similar in nature to the existing 10% senior discount. The Board was in agreement. The Board, on Motion of Mr. Hoffmaster, seconded by Mr. Voit, unanimously approved, voted to amend the Agenda to include an action item for implementation of a military discount policy.* Thereafter, Mr. Voit made a Motion to implement such policy initiative, subject to final review and approval at the November 2023 Board meeting. That Motion was seconded by Mr. Heffner and unanimously approved. In addition, Mr. Heffner proposed that the MTA Rules be amended to provide further accommodation to those residential customers who experience unknown leaks. The Board was receptive to that proposed revision. The Solicitor was directed to prepare such revision for review and consideration at the November 2023 Board meeting.

There being no further business of the Board, the meeting was adjourned at 9:10 p.m. on Motion of Mr. Voit, seconded by Mr. Kelly, and unanimously approved. The next regular meeting of the Board of the Muhlenberg Township Authority will be held at 7:00 p.m. on Thursday, November 9, 2023, in the Authority Maintenance Facility main meeting room, 3711 Oak Street, Temple, Muhlenberg Township, Berks County, Pennsylvania 19560.


Title: _____

* An Amended Agenda was posted to the Authority office building and to the Authority website on October 6, 2023.