

MUNICIPAL AUTHORITY MINUTES

The Municipal Authority of the Borough of Bedford met on the above date with members Chris Bullington (via phone), Larry Myers, Jim Gonsman, Michael Meehan, Allen Harr and Jack Pencil in attendance.

Borough Manager Barbara Diehl, Assistant Borough Secretary Misty Hizer, Water Plant Superintendent John Whitmore, Wastewater Treatment Plant Superintendent John Flick, Public Works Superintendent Bo Ford, Tim Cooper, P.E. of Stiffler McGraw, and Solicitor Dean Crabtree were also present.

Authority member Allen Lassinger was absent.

Authority Chairman Bullington called the meeting to order at 8:01 a.m.

Motion was made by Mr. Meehan, seconded by Mr. Harr, to approve the Minutes of the February 7, 2024 Meeting. Motion carried by unanimous vote (6-0).

Motion was made by Mr. Meehan, seconded by Mr. Harr, to approve the list of unpaid Municipal Authority Fund 10 Invoices from February 8, 2024 to March 6, 2024. Motion carried by a vote of 5-0-1, with Jack Pencil abstaining due to a conflict of interest.

Motion was made by Mr. Meehan, seconded by Mr. Pencil, to approve the March 6, 2024 Treasurer’s Report. Motion carried by unanimous vote (6-0).

Motion was made by Mr. Meehan, seconded by Mr. Gonsman, to approve Requisition #03-2024 Water – Fund 10 to 6 in the amount of \$100,000.00 and Requisition #03-2024 Sewer – Fund 10 to 8 in the amount of \$150,000.00. Motion carried by unanimous vote (6-0).

Solicitor Crabtree updated the Authority on the status of a refund request for the solar panel project. An email and letter were sent on March 5, 2024 to RER and Bedford Solar 57 regarding a refund request.

ENGINEER’S UPDATE (Tim Cooper/John Clabaugh):

WASTEWATER

1. CONSENT ORDER & AGREEMENT (COA)/ CSO REMOVAL PROJECT

- For reference, below is the timeline for the Amended Consent Order Agreement (COA):

<u>Task</u>	<u>COA Date</u>	<u>Status</u>
Complete Testing/Replacement of Laterals	August 31, 2023	Ongoing
1 st Round of Wet Weather Metering	November 30, 2023	Ongoing
Construct Improvements Based on Metering and/or Require BTMA Testing Program	January 31, 2024	Ongoing

2 nd Round of Wet Weather Metering	May 31, 2024
Construct Improvements Based on Metering	September 30, 2024
Design of Abandoned CSO Facility	January 31, 2025
Obtain Permits for Construction	June 30, 2025
Complete Construction, Abandon CSO	December 31, 2025

- The tasks and dates above have been updated to reflect the information included in the Sanitary Sewer Lateral Program Description that we were required to provide to support our request for the COA Amendment. The Amendment required that a renewal application for the treatment plant's NPDES permit be submitted. The amended NPDES permit has been issued by DEP.

2. FLOW METERING AT BTMA CONNECTION POINTS

- We have continued to monitor the flow at the BTMA connection points.

3. BTMA AREAS 5 & 6- CARA HTS./SUNRISE TERRACE & SUNNYBROOK/ HAFER

- BTMA decided not to move forward with the project at this time but could in the future if grants can be obtained. They are now considering the construction of just the Cara Heights portion of the project since some of this work will be in the project area for the proposed storm water detention basin to be constructed by the Township Supervisors.

WATER

1. J.C. SMITH RESERVOIR DAM

- Property owners impacted by the property acquisition requests have been made aware of the requests by the Authority solicitor. We are currently awaiting acquisition of the necessary properties which is also being handled by the Authority solicitor. Any updates regarding progress on this matter would be appreciated.

- A grant application through the ARPA H2O Water Supply, Sanitary Sewer, and Storm Water program was submitted in December 2022. Unfortunately, the project was not selected for a grant when the announcements were made in December 2023. We cannot apply to PENNVEST until all permits are in hand.

- During the Pennsylvania Historical and Museum Commission (PHMC) review of the project plans, they identified a "known archaeological site," namely the historical African American neighborhood informally known as "Little Africa." As a result of these findings a Phase 1 Archaeological Survey was required. We gained access to the impacted properties and commissioned the necessary study. Representatives of Christine Davis Consultants completed the initial field work and reported on 9/20/2023 that significant artifacts had been found. Their representatives inquired about the potential to avoid the flagged area. Unfortunately, the identified area directly conflicts with the proposed embankment and cannot be avoided.

As such, representatives from Christine Davis Consultants provided the scope of an “expanded Phase 1 Survey” along with cost estimates and timelines associated with clearing the site for construction. The Expanded Phase I Archaeological was authorized and has been completed. The results of the extended Phase I Survey cleared the remainder of the site but left an area of concern on the area of the dry-laid stone-lined feature. The existence of that feature necessitates a Phase II Survey on the feature itself. Christine Davis Consultants has completed a draft Phase II workplan which was submitted to SMA for review. It has been submitted to SHPO for review and will require approval prior to authorization to proceed is granted.

2. HIGH HAZARD POTENTIAL DAMS GRANT PROGRAM

- MABB received a grant agreement from PEMA that confirmed a **\$612,323 grant** (with a \$329,713 match required) toward the cost of design of the Smith Dam and this agreement has been executed. A second grant agreement also came confirming a **\$144,300 grant** (with a \$77,700 match required) to be used toward the design of the Todd Springs Dam and it was also executed. Both grants came from the Fiscal Year 2021 allocations. The amount for Todd is significantly less than the amount requested. However, MABB previously opted to utilize the available funds to complete Phase 1 of the design.

- A second round of grant applications was submitted on behalf of MABB to support construction activities associated with the Smith Dam and the remaining design costs for the Todd Springs Dam. Additional information to support this application was provided to DEP in October.

- A representative from DEP reported that MABB was approved an additional \$196,271 in grant funds for their 2022 HHPD application. Like the 2021 grant, we have requested but received no formal notice of these grant funds aside from emails, but we have been completing the quarterly updates as required for the grant and as requested by DEP.

- Based on this information, the Todd Reservoir Dam has reportedly received funding support during the 2021 and 2022 cycles in the following amounts.

2021 HHPD Grant Amount	\$144,300
2021 HHPD Match Amount	\$77,700
2022 HHPD Grant Amount	\$196,271
2022 HHPD Match Amount	\$105,684
Total Grant + Match Amounts	\$523,955

MABB approved an engineering services agreement to begin the design process for the Todd Springs Dam, in order to utilize the grant funds. Funds from the 2021 cycle must be utilized by 9/14/2024.

- In late-December, DEP indicated that FEMA will be providing another round of grants for High Hazard Dams in 2024. Like the previous high hazard grants, they allow for a request wherein 65% is provided via grant and 35% requires an owner match. Both the Smith and Todd Reservoirs are eligible. As such, we have provided the grant documentation to DEP. The Smith Reservoir request includes all remaining construction, contingency, and engineering / inspection, totaling to a grant request of \$4,824,925 and a match of \$2,598,047. The Todd Reservoir request included all remaining, non-construction-related, engineering, totaling \$206,729 request and a \$111,316 match. The period of performance for the 2024 grant opportunity will expire prior to any construction related activities at the Todd Reservoir.

3. CHEMICAL FEED AT WTP

-A response to the preliminary technical review letter received from the Pennsylvania DEP has been prepared has been submitted. The Department issued a 10-day time extension to allow for submission of the responses. The final permitting deadline for the project is March 8, 2024, at which point a permitting decision is expected to be issued or imminent.

-Aside from work on the response to the DEP letter above, SMA has continued to pause any work on the project as instructed. We will continue this holding pattern until given further notice by the Authority.

-MABB received a Categorical Exclusion eligibility letter from the Department on January 2, 2024. The letter outlined the Authority's eligibility for a Categorical Exclusion from the State Environmental Review Process, which will eliminate the need for a detailed environmental evaluation of the project. Subsequently, the Department reviewed a draft public notice which must be circulated in the local newspaper as part of the Categorical Exclusion process. The draft notice was also reviewed and approved and we plan to publish the notice in the Gazette soon.

4. DEP REGULATORY ASSISTANCE

- SMA staff continues to assist the MABB operational staff with updating and generating several reports and plans required by the DEP. Among the things we have been working on are:

- Emergency Response Plan Update. Draft copy submitted to MABB staff for review and additional information input.
- Annual Water Supply and Distribution Reports. Working with MABB staff to compile, evaluate and submit all compliance reporting by March 31, 2024.

5. CAST IRON PIPE REPLACEMENT- PHASE 1

- No PENNVEST requisition was prepared for this month since there were no expenses.

- PENNVEST has allowed us to move \$34,550.64 to the "Other" line item and these funds can be used toward the paving of the impacted streets next year. The money cannot be requested until we have paving invoices. So, the financing will need to be kept open until the paving is completed.

6. CAST IRON PIPE REPLACEMENT- PHASE 2

- Construction on the project is ongoing with Continental Construction crews working various areas of the Borough. Continental has submitted Pay Estimate No. 6 in the amount of **\$462,416.75** for the Authority's approval. Construction has been proceeding according to schedule with no major issues to date.

Motion was made by Mr. Meehan, seconded by Mr. Gonsman, to approve Continental Construction's Pay Estimate No. 5, in the amount of \$462,416.75 for the Cast Iron Phase 2 Project. Motion carried by a vote of 5-0-1, with Jack Pencil abstaining due to a conflict of interest.

- PENNVEST Requisition No. 6 has been prepared to reimburse the Authority for construction, interest and Engineering costs for this month. The amount being requested from PENNVEST is **\$541,989.88**. A copy

of the Project Budget Status sheet is attached to this report. We will need the Authority to approve the submittal of this requisition.

Motion was made by Mr. Meehan, seconded by Mr. Harr, to approve PENNVEST Requisition No. 6, in the amount of \$541,989.88, for the Cast Iron Phase 2 Project. Motion carried by a vote of 5-0-1, with Jack Pencil abstaining due to a conflict of interest.

7. LSA GRANT APPLICATION

- Grant applications for a wheel loader and the Barclay Waterline Replacement were submitted in November. Award announcements are expected in September 2024.

8. TODD SPRING DAM IMPROVEMENTS

- An initial survey plan has been developed with input from SMA and Rizzo. Field work is expected to commence next week (weather dependent).

STORMWATER

1. SOUTHWEST BOROUGH STORM SEWER PROJECT

- A planning consultation meeting was held with PENNVEST to discuss funding opportunities on June 22nd at the Borough office. Based on the conversations with PENNVEST and DEP representatives at that time, the potential project would score very high and there is potential to be eligible for a significant amount of grant funding if the stormwater fees are set at the PENNVEST target rate of ¼% of the median household income. That would result in a residential fee of \$142.95 per year, or slightly under \$12 per month. As with other projects, the design and permitting for the project must be completed before an application can be submitted to PENNVEST. **The Authority will also need to implement the stormwater fees before the PENNVEST application is submitted.**

- MABB directed SMA to begin work on the design of the improvements outlined in the recent study performed on the southwest portion of the Borough, with a goal of submitting for PENNVEST funding. It was anticipated that permit applications would be submitted in January, but unfortunately, we have been delayed because of the numerous utility conflicts that we are trying to work around. We expect the design to be completed this month and permit applications can be submitted.

- We are continuing to coordinate with the Township Engineers regarding the proposed stormwater improvements in the Borough and the detention basin being proposed by the Township. After a recent discussion with Supervisor Chairman Greg Crist, it appears that the project is not likely to take place until 2025 or 2026. The deadline to spend the funds they have in place is 2026. We have agreed to work together so the projects will complement each other.

2. NORTH STREET/ORCHARD WAY STORMWATER

- We received a letter from the Township Engineer describing how they examined this area and they do not believe that the Township is significantly contributing to the storm water issues. We looked at this area again during heavy rain events. Based on what we saw, and took pictures of, we do not necessarily agree

with the Township Engineer's assessment. However, the runoff from the Township should continue to be monitored in this area. The Authority has identified this as the next phase of storm water improvements following completion of the southwest portion of the Borough.

SUPERINTEDEMENTS' REPORTS:

- Public Works Superintendent Bo Ford noted the department is currently performing winter maintenance on equipment and flushing of lines is planned.
- Water Superintendent John Whitmore noted the water treatment plant is running well. Additionally, a quote was received from Guyer Brothers, in the amount of \$204,000 regarding remediating the stormwater and sewer issues in the E. Pitt Street/Central Way/Mini-Mall area. Discussion occurred regarding allocation of costs associated with any work completed on private lines. Solicitor Crabtree noted that private property owners need to be made aware of the proposed project and that MABB will be looking at recouping a portion of the cost from the private property owners. Solicitor Crabtree added that an agreement between MABB and the private property owners can be drafted. Additionally, it was noted that due to anticipated cost of the project, it will need to go out to bid.
- Wastewater Treatment Plant Superintendent John Flick noted that the wastewater treatment plant is running at approximately 75% and they are experiencing some filament issues. Issues with fats, oils and greases are also prominent. Methane is causing component issues with the boiler, but parts will be replaced. Recent storms caused an increase in flow, but the cause was unable to be located. An update on the industrial discharge program was included in the packet.

BOROUGH MANAGER'S REPORT:

- As of March 4, 2024, 1,051 out of 1,456, or 72.2%, sewer laterals have had a successful pressure test and 50% surcharges of \$3,390.42 have been collected so far. 75% surcharges will be added to the April 2024 bills for those who remain non-compliant.
- Motion was made by Mr. Meehan, seconded by Mr. Gonsman, to formally approve the replacement of the effluent pumps VFD's (3), Contactors (3), and overload protection, including start up, in the amount of \$7,928.00, as previously approved via email. Labor for installation will be performed by Mortimer Electric and billed separately. Motion carried by unanimous vote (6-0).
- Manager Diehl noted that a letter will be drafted to BTMA regarding implementation of a sewer lateral program for their customers.
- Manager Diehl also noted that tours of the water treatment plant and wastewater treatment plant will be scheduled for later in March and April, respectively.
- Information from Mike Taylor was included in the meeting packet regarding flow charts.
- Manager Diehl reminded the Authority of an upcoming joint meeting between MABB and BTMA, currently rescheduled for April 24, 2024 at 4:30 p.m.
- Manager Diehl requested an executive session to discuss potential litigation and personnel.

Executive session was entered into at 8:22 a.m.

John Whitmore, Bo Ford, John Flick and Tim Cooper exited the meeting at 8:41 a.m.

Chris Bullington exited the meeting at 8:53 a.m.

Executive session was exited at 9:03 a.m.

Motion was made by Mr. Meehan, seconded by Mr. Gonsman, to authorize Solicitor Crabtree to prepare Resolution 2024-01S, which authorizes the taking of permanent and temporary easements for a sewer line manhole and related facilities on the property of Craig D. and Heidi J. Press, as recorded in Bedford County Record Book 1091, page 853; Tax Map #E9-D4-38. Motion carried by unanimous vote (5-0).

There being no further business, a motion to adjourn was made at 9:04 a.m.