



MINUTES

Regular Meeting

September 25, 2019

6:00 PM

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Regular Meeting

In Attendance:

Board:

J. Marc Kurowski, P.E., Chairperson
Crystal A. Skotedis, CPA, CFE, Vice Chairperson/Treasurer
Garvey Presley, Jr., Secretary
Andrew M. Enders, Assistant Secretary/Treasurer
Alisa E. Harris

Staff:

Charlotte Katzenmoyer, Chief Executive Officer
Douglas E. Keith, Chief Financial Officer
Michael T. Doweary, Director of Administration
Mike McFadden, Director of Water Operations
Michelle Mancuso, Operations Supervisor – Drinking Water
Kodi Webb, Water Quality Administrator – Drinking Water
Tammie Sheaffer, Office Manager
Karen McKillip, Archivist
Claire Maulhardt, City Beautiful H2O Program Manager
Tanya Dierolf, Sustainability & Strategic Projects Manager
Tremayne Terry, Diversity Program Manager
Sheri Berilla, Asset Manager
Julie Peters, Controller
Alesha Vonada, Accounting Manager
Carlesha Halkias, Human Resources Manager
Jeff Bowra, P.E., CRW Engineer

General Counsel:

Scott Wyland, Esquire (Salzmann Hughes, P.C.)

Others:

Ed Ellinger, P.E. (HRG)
Caleb Krauter, P.E., (HRG)
Michael Mehaffey, P.E., (Gannett Fleming)
Cindy Zawrotuk, P.E. (AKRF)
Paul Rosol (WRA)
Randall L. Henne, P.E., (CDM Smith, Inc.)
Tom Inge (Ward Burton Wildlife Federation)
Nicole Brown, P.E. (AECOM)
Kurt Knaus (Ceisler Media & Issue Advocacy)

Neil Grover, Esq. (City of Harrisburg Solicitor)
Westburn Majors (Resident/Harrisburg City Council)
Melanie Cook (City Resident)

I. Call to Order - Pledge of Allegiance - Roll Call:

The meeting was called to order by Chairperson Kurowski at 6:07 PM.

Chairperson Kurowski noted that all Board members are present.

II. Chairperson's Announcements:

- A.** An executive session under Section 708(a) of the Sunshine Act was held today at 4:00 PM to discuss personnel matters and potential claims against CRW with General Counsel.
- B.** The next Regular Meeting has been rescheduled for Tuesday, October 22, 2019 at 6:00 PM in the Locust Court Building, 212 Locust Street, Harrisburg, Pennsylvania, and is open to the public.

III. Committee Reports:

Budget and Finance Committee: Ms. Skotedis noted that the Budget and Finance Committee met earlier today, and highlighted the following:

- Met with our auditor earlier today on the 2018 Financial Statement and reported that CRW has a clean audit which will be released shortly.
- Recommendation to approve the engagement of JETPAY.com to provide credit card payment options to our customers, while reducing CRW's costs.

Personnel and Administrative Committee: Ms. Skotedis reported that the Committee met last week, and highlighted the following:

- CRW welcomed three new employees since our last meeting: Michelle Mancuso (Drinking Water Operations Supervisor), Shane Russell (GIS Analyst) and Shaunice Chism (Customer Service Rep. 1).
- CRW is also looking into alternative recruiting efforts for positions that appear to be difficult to fill.
- Several positions remain open and are available on CRW's website: Community Relations Manager, Metering Account Supervisor and a Service Person for Drinking Water and Facility Maintenance Supervisor for Drinking Water.

- Pension plan documents are being updated at the request of Pennsylvania Municipal Retirement System (PMRS). A presentation from Steve Vaughn of PMRS on the PMRS Master Prototype document will be provided at the October Board meeting.

Operations/Engineering Committee: Mr. Kurowski reported the Committee met last month with the focus on current capital improvement projects, including the Committee's recommendation for some of the items on tonight's Agenda.

Mr. McFadden introduced Michelle Mancuso, as the new Drinking Water Operations Supervisor.

Legal/Risk Management Committee: Mr. Enders reported that the Committee did not meet last month but will resume meeting in October.

Public Outreach / M/W/DBE Committee: Ms. Harris reported the Committee did not meet last month but reported that she would be introducing a motion later in the meeting to discuss CRW extending the public comment period on the implementation of the Stormwater Fee Plan. She reported that CRW conducted 47 meetings regarding the implementation of the Stormwater Fee, and based on the feedback from those meetings, CRW is being requested to extend the period for public comments to be received.

IV. Management Report:

The monthly Management Report was provided to the Board in advance of the meeting and posted on CRW's website.

There were no comments provided by any Board members.

V. Minutes of Previous Meetings:

A motion was made by Mr. Presley, seconded by Ms. Skotedis, that the Minutes of the August 28, 2019 Regular Meeting be approved as presented.

The motion was unanimously approved.

VI. Modifications or Deletions to the Agenda:

Ms. Harris recommended that the following motion be added to the Agenda under Executive, as Item C:

C. Extension of Public Review of the Stormwater Fee Proposal and Implementation

Plan:

Motion: The Board extends the public review of the Stormwater Fee Proposal and Implementation Plan, dated June 19, 2019, through October 22, 2019.

VII. Public Comment - Agenda Items (3 Minutes):

Melanie Cook (City Resident) thanked Ms. Katzenmoyer, Ms. Maulhardt and Mr. Keith for attending a meeting of the Riverside United Neighbors (RUN) and meeting with them on the Stormwater Fee assessment, as well as the efforts of the City's Administration to potentially sell the assets, including our pristine water source. She stated that Riverside Neighbors really came out that evening, including City Councilman Dave Madsen and Councilwomen Daniele Bowers, and she believes that CRW may have approximately 17 more community ambassadors signing up as a result of that meeting.

She appreciates the effort CRW is taking to extend the public comment period since a lot of the neighborhood meetings have not been well attended.

Westburn Majors (City Resident and Harrisburg City Council member). Also thanked Ms. Harris for introducing a motion to extend the public comment period on the Stormwater Fee. There are still a lot of questions about the impact of the Stormwater Fee by the City's residents. Harrisburg City Council has reached out to CRW's CEO and there is a meeting currently scheduled for October 15th in City Council Chambers. He is hopeful that the extension will be extended past October 15 in order for additional comments to be heard.

VIII. Old/New Business:

Executive:

A motion was made by Mr. Kurowski, seconded by Mr. Presley, that the following item be approved, Executive Item A.:

A. Community Outreach & External Affairs Agreement Extension with Ceisler Media & Issue Advocacy:

Motion: The Board authorizes a month to month extension of the Agreement with Ceisler Media & Issue Advocacy, to provide community outreach and external affairs assistance, as outlined in Ceisler Media & Issue Advocacy's Agreement, dated June 25, 2019, in an amount not to exceed \$6,500 per month for up to three months. Funding Source: Wastewater #80504541-54104 – Ww Engineering Services.

Ms. Katzenmoyer clarified that with the approval of this motion, the Board will not be required to vote on another extension of this Agreement. If a candidate is found before the three-month extension is over, the Agreement will be terminated. Board members expressed their appreciation for the services provided by Ceisler Media & Issue Advocacy.

The motion was unanimously approved.

A motion was made by Mr. Kurowski, seconded by Mr. Presley, that the following item be approved, Executive Item B.:

B. Resolution No. 2019-036 – Authorizing Third Addendum to the Purchase and Sale Agreement for Conservation Easement and First Amended Memorandum of Purchase and Sale Agreement:

Motion: The Board adopts Resolution No. 2019-036 authorizing (1) the Chairperson and Secretary to execute the Third Addendum to the Purchase and Sale Agreement for Conservation Easement extending the Agreement for an additional 12 months; and (2) authorizing the Chairperson and Secretary to execute the First Amended Memorandum of Purchase and Sale Agreement. Funding Source: N/A.

Ms. Skotedis inquired if Fort Indiantown Gap representatives had any concerns to the execution of the documents. Ms. Dierolf advised they are in agreement and that there could be some possible funding of ACUB funds which CRW intends to follow-up on.

The motion was unanimously approved.

A motion was made by Ms. Harris, seconded by Mr. Kurowski, that the following item be approved, Executive Item C.:

C. Extend Public Review of the Stormwater Fee Proposal and Implementation Plan:

Motion: The Board extends the public review of the Stormwater Fee Proposal and Implementation Plan, dated June 19, 2019, be extended through October 22, 2019.

CRW intends to accept public comments through and including at its Regular Board Meeting scheduled for Tuesday, October 22, 2019.

Mr. Kurowski stated that once the public comment period is closed, CRW intends to provide a listing of the public comments, questions that were asked, along with the responses to those questions, which will be made public at that time.

Ms. Harris stated there have been 47 meetings held so far, including others that are scheduled with the Mayor, Harrisburg City Council and the top 50 ratepayers. She thanked the staff and Community Ambassadors who are also out within the community attending the meetings to get the word out to the public.

The motion was unanimously approved.

Finance:

A motion was made by Ms. Skotedis, seconded by Mr. Kurowski, that the following item be approved, Finance Item A.:

A. Engagement of JETPAY.com:

Motion: The Board authorizes the CFO to execute the Merchant Application & Agreement with JETPAY.com to engage the services of JETPAY.com effective immediately, as outlined in the Merchant Card Processing Terms and Conditions. Funding Source: Administration: #10108581-58103 – Adm Treasury Merchant Fees.

Mr. Enders inquired if CRW reviewed the terms of the Agreement with JETPAY to see if they are PCI compliant and that the data relates to CRW's current cyber liability and insurance coverage is in force. Otherwise, he has no objections to supporting the motion. Ms. Skotedis advised that JETPAY asserted they are PCI compliant. The approval of this motion will allow customers to pay their invoices with CRW 24 hours a day.

The motion was unanimously approved.

Engineering:

A motion was made by Mr. Kurowski, seconded by Mr. Presley, that the following items be approved by consent, Engineering Items A. and B.:

A. Asylum Run Interceptor Rehabilitation Project – Change Order No. 1:

Motion: The Board authorizes the Director of Engineering to execute Change Order No. 1 with Joao Bradley Construction Co., Inc. in the amount of \$37,680.25 and no increase to the contract time. Funding Source: Wastewater #80800801-80100-00059 – Ww Asylum Run Interceptor Improvements.

- B. AWTF Primary Digester Rehabilitation Project – Contract 1 - Change Order No. 7:**
Motion: The Board authorizes the Director of Engineering to execute Change Order No. 7 with Eastern Environmental Contractors, Inc. in the amount of \$28,670.02 and no increase to the contract time. Funding Source: Wastewater #80800801-80100-00020 – Ww Anaerobic Digester Roof Repair.

The motion was unanimously approved.

A motion was made by Mr. Kurowski, seconded by Mr. Presley, that the following items be approved by consent, Engineering Items C., D., and E.:

- C. Task Order 2017-17-02: Engineering Services for Cameron Street Water Main Lining Project – Phase 2 with HRG:**
Motion: The Board authorizes the Director of Engineering to execute Task Order 2017-17-02 with HRG Engineering, Inc. as outlined in HRG’s Proposal, dated September 11, 2019, in an amount not-to-exceed \$206,500. M/W/DBE Commitment: \$0.00 / 0%. Funding Source: Water #60800801-80100-00081 – Wtr Cameron Street Water Main.
- D. Task Order 2018-02-03: Engineering Services for WSC Fluoride Conversion Project with Gannett Fleming:**
Motion: The Board authorizes the Director of Engineering to execute Task Order 2018-02-03 with Gannett Fleming in an amount not-to-exceed \$9,500. M/W/DBE Commitment: \$0.00 / 0%. Funding Source: Water #60800801-80100-00092 – Wtr Liquid Fluoride Chem Feed.
- E. Task Order 2019-18-02: Engineering Services for GIS Support with KCI Technologies, Inc.:**
Motion: The Board authorizes the Director of Engineering to execute Task Order 2019-18-02 with KCI Technologies, Inc., in an amount not-to-exceed \$60,684. M/W/DBE Commitment: \$0.00 / 0%. Funding Source: Wastewater #80504541-54104 – Ww Engineering Services and Water #60504541-54104 – Wtr Engineering Services.

Ms. Harris stated the reason there is no M/W/DBE participation on Items C., D., and E. is because they are existing contracts and CRW had already performed its due diligence. The additional services being requested are required to complete the projects and have been reviewed by the Outreach Committee.

Mr. Bowra also confirmed that the majority of the work relating to Item C is relating to Phase 2 of the project, not Phase 1.

Mr. Bowra stated that CRW has previously rejected all bids relating to Item D., so the costs pertain only to advertising and costs for rebidding the contract by Gannet Fleming. It was confirmed that the work has already been performed, and the approval of Task Order 2018-02-03 is due to Gannet Fleming being unable to absorb this within their budget allowance for the project.

Ms. Berilla stated that Item E. allows KCI to continue providing services to CRW until the end of the year. They are working with the new staff on training the new GIS Manager and GIS Analyst and scrubbing the GIS.

The motion was unanimously approved.

A motion was made by Mr. Kurowski, seconded by Mr. Presley, that the following item be approved Engineering Item F.:

F. Renewal of GIS Small Utility Term Enterprise License Agreement with ESRI:

Motion: The Board authorizes the Director of Engineering to accept ESRI's Quotation #Q-387359, dated July 26, 2019; and to execute a Small Utility Term Enterprise License Agreement with Environmental Systems Research Institute, Inc. in an amount not-to-exceed \$75,000. Funding Source: Wastewater #80211516-51600 – Ww IT Computer Software and Water #60211516-51600 – Wtr Computer Software.

Ms. Skotedis asked if there are cost savings to CRW entering into a three-year agreement vs. a one-year agreement? Ms. Berilla stated that ESRI issues their Enterprise License Agreements in three-year increments and that CRW will pay \$25,000 per year. CRW does not have the option for renewal on an annual basis.

The motion was unanimously approved.

IX. Public Comment - Non-Agenda Items:

Neil Grover (City Resident and City Solicitor). Mr. Grover made the following comments:

- While he is in favor of CRW going green, it is difficult for the public to comment on Agenda items when they can't see the Agenda in advance of CRW projecting it on the screen.

- By observation, the Incinerator issue started in the 1990's by well-intentioned people trying to satisfy notices on environmental violations without due diligence. He cautioned the Board to look at the lesson of the Harrisburg Incinerator, stating that while everyone has good intentions, the work is significant and really needs to be done by all sides, with a lot of due diligence and long-term planning with everyone at the table.
- He would like CRW to readdress the need for the conflict of interest waiver to allow McNees (McNees Wallace Nurick LLC) to represent the City as it relates to the privatization matter.

X. Board Comments:

Ms. Harris: No comments.

Mr. Enders:

- Encouraged the public to take the opportunity to provide feedback since the public comment for Stormwater Fees has been extended.

Mr. Presley:

- Thanked everyone who have attended our public comment meetings. While the crowds have not been large, the people who have attended the meetings have been very engaged in the process. He thanked CRW's staff for all of their assistance.
- He thanked and welcomed Michelle Mancuso for representing the women in this industry and offered his support.

Ms. Skotedis:

- Thanked CRW's staff for going way beyond the normal 8:00 AM to 4:00 PM office hours and for investing in CRW and our community by attending the 47 meetings that have been held to get the word out on the Stormwater Fee Implementation Plan.

Mr. Kurowski had the following comments in response to Mr. Grover's public comments:

- With respect to the comparison of the stormwater fee and that process to the incinerator. While he can understand there are some nominal similarities there are considerably more that are not the same. You have a far more well-intentioned group here. A group of folks here that have no fiduciary responsibility or interest in the outcome other than doing the best thing for the ratepayers, including the folks themselves that live here and pay the same rates. The caution is certainly heard and considered. Any perception by anybody in the City, or outside the City, that this has been anything less than a comprehensive evaluation by the Board, staff and

consultants for a significant length of time, and that there is more time to go before we get to the finish line is completely unfounded and off base.

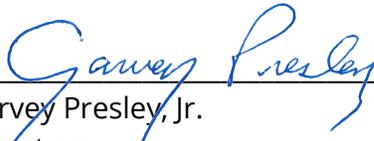
He heard Mr. Grover but stated this is not a comparable situation to the Incinerator. Mr. Kurowski stated he was around after the Incinerator deal was a problem and we had to deal with that situation. He stated he is concerned that there could be the perception that this is just a well-intentioned group but it is far more than that, but that is certainly a basis for how we act.

- He also feels compelled to speak on the conflict of interest waiver issue with the law firm of McNees. CRW is not looking to be obstinate or an obstructionist in that regard, with respect to the engagement of McNees by the City. It is purely that this is a situation that we are very likely to be in, which will in fact be adverse with the City. It is very challenging for this law firm to be representing both sides of this issue without there being significant concerns. It is not because CRW is trying to stick it to the City in any way shape or form. We have high respect for the law firm. They are a great firm, but it puts CRW in a difficult position to have that firm representing both sides in what is likely to be or could be an adverse situation. That was solely the conversation that led to that discussion regarding the conflict of interest waiver.

XI. Adjournment:

A motion was made by Ms. Harris, seconded by Mr. Presley, for the Board to adjourn the meeting at 6:43 PM. The motion was unanimously approved.

CAPITAL REGION WATER



Garvey Presley, Jr.
Secretary