

Regular Meeting (Conducted In-Person and via GoToMeeting)

In Person Attendance:

Board:

J. Marc Kurowski, P.E., Chairperson
Andrew M Enders, Vice Chairperson
Garvey Presley, Jr., Secretary

Staff:

Charlotte Katzenmoyer, Chief Executive Officer
David W. Stewart, P.E., Chief Technical Officer
Jess Rosentel, Chief Operations Officer - Wastewater
Chad Bingaman, Chief Operations Officer - Drinking Water
Tammie Sheaffer, Office Manager
Karen McKillip, Archivist
Julie Peters, Vice President of Finance
D. Tom Bernstein, Environmental Compliance Inspector

General Counsel:

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

Virtual Attendance:

Board:

Karen M. Balaban, Treasurer

Staff:

Douglas E. Keith, Chief Financial Officer
Jeffrey Bowra, P.E., Lead Engineer
Rebecca Laufer, External Affairs Manager
Jarvis Brown, Diversity Program Manager

Others:

Caleb Krauter, P.E. (HRG Engineering, Inc.)
Matt Crow, P.E. (Hazen and Sawyer)
Sarah Folk Ehrman, EIT (Gannett Fleming)
Caitlin Cavanagh, EIT (AECOM)

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

The meeting was called to order by Chairperson Kurowski at 6:05 p.m.

Chairperson Kurowski stated that three Board members were present in person, Ms. Balaban was participating virtually, and Mr. Davidson was excused.

General housekeeping items were addressed by the chairperson advising that CRW is using the GoToMeeting platform for virtual meetings for the public. Under CRW's rules of decorum, all persons participating virtually must sign in with their name to properly identify themselves.

CRW posted the agenda 24 hours in advance on the website and accepted public comments via email until 4:00 p.m. today. The chairperson reported that CRW did not receive any public comments, therefore, no comments were read into the record.

The chairperson advised that the meeting was being recorded and will be posted on CRW's website at capitalregionwater.com on Thursday, August 24, 2023.

II. Chairperson's Announcements

- A.** An executive session under Section 708(a) of the Sunshine Act was held at 5:00 p.m. to discuss personnel matters and potential claims against Capital Region Water with General Counsel.
- B.** Today's regular meeting was advertised in accordance with the Sunshine Act.
- C.** The next regular meeting is scheduled for Wednesday, September 27, 2023, at 6:00 p.m. and will be held in-person and virtually.

III. Committee Reports

Budget and Finance: Mr. Kurowski reported the committee meeting was held on August 17, 2023, and requested Mr. Keith provide the financial update.

- Mr. Keith provided the financial update for CRW through July.
- He reported CRW continues to receive favorable interest earnings on investments and the ladder portfolio approach has been very beneficial in 2023.
- Mr. Keith shared the chart revealing the accounts receivable balance as of July 31, 2023, was \$8,609,000. CRW is out of the moratorium now and going through our normal collection processes. He reminded everyone that the Commonwealth of Pennsylvania continues to have a large accumulation of the outstanding accounts receivable balance due to their non-payment of stormwater fees. CRW continues to pursue the Commonwealth of Pennsylvania stating the stormwater fee is a fee not a tax, and that the fees are due and payable to CRW.
- During the committee meeting, Wendy Shollenberger provided an update on CRW's collection efforts relating to a tax upset sale to be held on September 11th with approximately 1,500 properties that have a total outstanding balance of \$3.5M.

- CRW filed 15 municipal liens in 2023 totaling approximately \$175,000.
- Ms. Shollenberger provided an update on the process that CRW follows if properties are identified for termination based on non-payment. At the beginning of April 2023, CRW filed termination processes for 81 customers totaling under \$250,000. Reminder, CRW does not want to terminate water service for our customers, and out of necessity, a very extensive process is followed before water service is actually shut off. Customers are provided with numerous notices and opportunities before water service is terminated. Out of the 81 original customers, 28 customers had their water service terminated. At the time of the Budget and Finance Committee meeting, 13 of those customers had paid sufficient balances and/or have arranged for payment plans in order to have their service restored. To date, 15 services remain off.
- As CRW enters the 2024 Budget process, an evaluation of CRW's Ready-to-Serve fee is being analyzed with Raftelis.

There were no questions or comments from the Board.

Personnel and Shared Services: Mr. Presley reported the committee meeting was held on August 17, 2023, and highlighted items listed below.

- IT issues were discussed, and penetration testing continues.
- Replacement of laptops continues.
- Mrs. Bethel-Miller reported Customer Service updates as follows:
 - There were approximately 1,900 calls received in July. The average speed of answer was 29 seconds and average talk time was three minutes 32 seconds and an average handle time was four minutes 2 seconds.
 - There were 187 drive-thru customers and 197 walk-in customers in July.
 - Comparing July 2023 data to prior years, it was noted that both cash and credit card payments in July have declined. There were 3,878 credit card transactions in July.
 - There were 195 MoneyGram payments in July.
- The Customer Assistance Program update was provided. CRW has approved 213 applications, including 30 Low Income Household Water Assistance Program (LIHWAP) applicants. There are 16 applications under review. No applications have been rejected this year. CRW has received a total of 229 submitted applications.
- Total combined assistance of customer service to date totals nearly \$73,199.20, comprised of \$35,400 for CRW's internal Customer Assistance Program, LIHWAP in the amount of \$9,750.63 and PAHAV Program \$22,248.57. Mrs. Bethel-Miller stated LIHWAP was extended through August 18, 2023, but it could take the Pennsylvania Housing Financing Agency (PHFA) an additional month to process the additional applications that came in during the extended period. CRW is hopeful to have a final accounting regarding LIHWAP assistance, and that CRW's customers continue to take advantage of these programs.

- There was one new hire, and five separations in July.
- Open positions are posted at <https://capitalregionwater.com/about/careers/>.
- A class action grievance for time accumulation for 12-hour shift employees is being heard by Human Resources.
- A wellness survey was distributed to the staff to identify staff interests for upcoming activities.
- Flu shots will be offered in October for CRW employees.
- A Human Resource investigation will be followed up with committee members at the September committee meeting.
- Mr. Presley announced Kendrick Maholtz, GIS and Data Analyst (Engineering department) is recognized as the August Employee of the Month. D. Tom Bernstein, Environmental Compliance Inspector (Wastewater department) was also nominated.

There were no questions or comments from the Board.

Operations and Engineering: Mr. Kurowski reported the committee meeting was held on August 10, 2023, and highlighted the items listed below.

- All task and change orders, including procurement items on tonight's agenda were vetted.
- Task Order 2021-12-02 (2022 Water System Improvements project) was discussed related to additional engineering services with HRG Inc. for the construction inspection services. The total cost is \$89,240 with a \$39,000 or 44% WBE participation with Monaloh Basin Engineers.
- Task Order 2023-16-01 (2024 Water System Improvements Project) was discussed related to the portion of work to be performed that was originally removed from the 2022 Water System Improvement project. The total additional engineering services with HRG, Inc. for the construction inspection services totals \$308,700 with a \$66,000 or 21% MBE participation for BFW Group and \$10,000 or 3.3% WBE for Act One for additional survey and base mapping.
- Task Order 2023-11-01 (CCTV Inspections Phase 7 with Brown and Caldwell) was discussed relating to work for cleaning, televising, and documenting the condition of the sewer collection system. The total additional engineering services with Brown and Caldwell is \$500,000 with a \$50,400 or 10% DBE commitment with USG for traffic control. CRW has previously worked with Brown and Caldwell on Asset Management projects.
- Right of Entry work with the Department of General Services (DGS) regarding the Arsenal Boulevard Sewer Improvements Project. This document provides for CRW to have access to the DGS property to perform our work. There are no costs associated with this document and it is another example of CRW working with other agencies for the benefit of our ratepayers.

- Project Number 2023 - 208 (a/k/a Plumbers Maintenance Contract for Trenchless work). All bids were rejected at last month's meeting as received by PennBid. CRW authorized this project to be rebid and is now known as Project Number 2023 - 212, and upon receipt of bids, and after discussion, CRW is recommending an award to the one bid that was submitted by Trinity Subsurface. Prices were provided on a per linear foot basis. Mr. Kurowski reminded everyone that this project is to be used as part of CRW's Customer Assistance Program where CRW will be able to provide a plumber to our customers to assist with this type of work. CRW continues to mitigate additional challenges that our customers may incur.
- Stormwater Operations & Maintenance Agreement with Tri County Housing Development Corporation, Inc. was vetted.
- Memorandum of Understanding with Dauphin County regarding dredging of Wildwood Lake at Wildwood Park. This is a Dauphin County project where the County contacted CRW to assist them with dredging at Wildwood Lake. Upon confirmation from the CEO, Dauphin County will be paying for all consultants. Again, this is another example of additional intergovernmental cooperation between Dauphin County and CRW.
- Project Number 2023 - 209 DeHart Dam Back-up Generator Replacement was vetted and recommended that CRW purchase a back-up generator from G.R. Sponaugle.
- Procurement of a PONDUS System with Centrisys at the AWTF was vetted. This is associated with the Advanced Wastewater Treatment Facility (AWTF) Energy Recovery Improvements Project. The project will include enhanced thickening of Waste Activated Sludge (WAS), alkaline thermal hydrolysis (of thickened WAS), biogas compression and conditioning to pipeline quality, receiving and equalization facilities for high-strength waste, and on-site emergency power generation. This equipment is being purchased and qualified for Inflation Reduction Act (IRA) funds and is critical in timing to be compliant with IRA timing and requirements. This project is also known as the AWTF Energy Recovery Improvements Project.
- An additional Resolution No. 2023-014 is also on the agenda tonight regarding CRW's request to utilize PENNVEST funds from Loan ME #75376 relating to the AWTF Energy Recovery Improvements Project. Mr. Kurowski requested clarification that CRW wants to be able to use funds from its Sewer Revenue Fund first to construct the AWTF Energy Recovery Improvements Project, and then to request reimbursement of those funds from the financing to be received from the Pennsylvania Infrastructure Investment Authority (PENNVEST) Loan ME #75376 once that closing is held. Mr. Kurowski stated the information discussed in committee indicated a \$1M cap, but the costs are identified now as \$2.3M and inquired how is the difference to be paid? Mr. Stewart indicated that the PENNVEST closing is scheduled for March 2024. CRW is expecting to incur approximately \$950,000 in expenses prior to closing in March 2024, after which the equipment will be assigned to the general contractor (low bidder). CRW is requesting to be reimbursed from the overall PENNVEST loan and those expenses that CRW incurs prior to the signing of

the contract. This is officially called a "Letter of No Prejudice" or "Pre-Closing Letter" that is required by PENNVEST to clarify CRW's intention. Mr. Kurowski thanked Mr. Stewart for clarifying his questions.

- General updates were provided by Mr. Bingaman and highlighted the items listed below.
 - Window project at the Filter building at the Water Services Center has started.
 - Lime Slurry system is two to three weeks from completion.
 - DeHart Dam roof project is completed.
 - Zinc Orthophosphate System is completed. CRW was waiting on the Operational Permit at the time of the meeting.
 - The Salt Shed Rehabilitation project was discussed regarding foundation issues identified by Gannett Fleming.
- General updates were provided by Mr. Rosentel and highlighted the items listed below.
 - Front Street Interceptor Project Rehabilitation Phase 2 - Insituform is still lining. Only one odor complaint was received.
 - 2023 Sewer System Improvements project - Standard Pipe Services is lining pipe on Sycamore and Senaca Streets. No odor complaints have been received by CRW on this project.
 - AWTF Energy Recovery Improvements project - All updates were covered during the project's presentation earlier in the committee meeting.

There were no additional questions or comments from the Board.

Legal and Risk Management: Mr. Enders reported the committee meeting was held on August 14, 2023, and highlighted items listed below.

- Ms. Gonzalez-Siegel provided an update on insurance claims.
- Ms. Gonzalez-Siegel continues to research whether there are any grants to fund the Automatic External Defibrillators (AEDs) to be distributed throughout CRW as part of our Medical Response Action Plan.
- The committee was updated on the issue of stormwater fees with the Commonwealth of Pennsylvania and pending litigation in the Commonwealth Court system.
- Discussion on PFAS continued. CRW continues to monitor PFAS within CRW's system, and while PFAS are not appearing in our drinking water system, they have appeared in our wastewater system. CRW continues to monitor other water authorities throughout the country, along with litigation that has occurred with larger corporations and settlement agreements.
- Mr. Keith provided an update on the Uptown Partners/Governor Square legal matter regarding the large number of rental properties involved in this bankruptcy transaction.

- An update on the discussions with our partners at Dauphin County and the City of Harrisburg regarding the Paxton Creek Interceptor project was provided. Like the Memorandum of Understanding regarding Wildwood Lake and dredging, both of these governmental agencies continue to be engaged and open to discussions for cooperation agreements with CRW within our community. Mr. Enders thanked both agencies for continuing to work with CRW.
- There was an extension on the Amicus Brief regarding the West Chester Stormwater litigation and briefs are now due September 14, 2023. CRW will continue to monitor this litigation. While CRW may not be actively involved in the litigation, CRW is certainly mindful of the impact it could have.

There were no questions or comments from the Board.

Public Outreach and M/W/DBE: Mr. Enders reported the committee meeting was held on August 16, 2023, and highlighted items listed below.

- Jarvis Brown reported the Camp Curtin Big Green Block project closed out at approximately \$640,000 with a final M/W/DBE participation level of 25.9%. Mr. Enders recommends if you haven't seen this project, take a walk around the back side of the Camp Curtin YMCA in Uptown Harrisburg. The wall looks great and will continue to grow.
- The committee was updated on the Customer Assistance Program (CAP) regarding the Low Income Household Water Assistance Program (LIHWAP). As previously reported, there were 21 approved payments to CRW through this program amounting to \$17,353 after the LIHWAP program was extended to August 18, 2023. There were 12 pledges in process at the time of the committee meeting.
- He commends CRW's Customer Service Representatives who continue to get the information out to our customers regarding these Customer Assistance Programs.
- Ms. Dierolf reported that there were four community events in July.
- Two community meetings were held, the monthly meeting with CRW's community ambassadors, and an environmental justice listening session which included the Pennsylvania Department of Environmental Protection's Secretary and was supported by some of CRW's community ambassadors.
- CRW provided 10 courtesy notifications to customers related to the Front Street Interceptor project and the Water System Improvement project. This includes the installation of the green stormwater infrastructure placards in areas along Third Street.
- He noted that while there may be intermittent odors due to the pipe lining on Front Street, customers in those areas are being made aware by CRW and the odors do not last long.

- Mr. Enders stated that while running on Front Street, he saw the new Combined Sewer Overflow (CSO) placards that are along Front Street identifying our CSO outfalls. He is very happy to see that the CSO's are prominently identified and that the public knows who to contact in the event of an emergency or if they have concerns.
- CRW did not have any emergency notifications for the month of July.
- The Board was notified today that a press release was posted on social media that the Modifications on the Partial Consent Decree was signed today. Thank you to CRW's social media team for getting this information out to the public as quickly as possible.
- The committee was updated on new rule revisions to the Lead and Copper Rule. As part of CRW's quality control process, CRW follows strict guidelines under the Lead and Copper Rule and he is happy to report that CRW's Drinking Water system is free of lead, copper and PFAS. CRW actively monitors and tests our water, which is also reflected in the Consumer Confidence Report (CCR), a/k/a the Annual Water Quality Report. CRW continues to be proactive in thinking ahead before issues come up rather than reactive to keep our drinking water safe.
- He also noted the committee was updated on the potential project regarding the Paxton Creek Improvements project involving Dauphin County and the City of Harrisburg.

Mr. Presley thanked community ambassador, Rafiqya Muhammad, for her continued dedication to the Camp Curtin Big Green Block project.

There were no questions or further comments from the Board.

IV. Management Report

The monthly Management Report was provided to the Board in advance of the meeting and posted on CRW's website. Ms. Katzenmoyer provided the following additions to that report.

- Yesterday, the United States Department of Justice entered a motion in Federal Court here in Harrisburg to seek approval of a modification to CRW's Partial Consent Decree that we have been negotiating with state and federal agencies for many months.
- A consent decree is a formal agreement created to resolve a dispute without fault. It's a court order that establishes an enforceable plan for improvement. In 2015, after decades of infrastructure neglect and inaction by previous City administrations, a formal complaint against Capital Region Water and the City of Harrisburg, and an agreed-upon Partial Consent Decree were filed in court. The 2015 Partial Consent Decree required specific compliance measures to control discharges from the sewer system, which consists of the combined and separate sanitary sewer collection systems, conveyance and treatment systems, and the municipal separate stormwater sewer system (MS4) within Harrisburg. The intent of the Partial Consent Decree was to allow sufficient time

for Capital Region Water to develop an approvable Long-Term Plan; however, it was acknowledged that the inherited system suffered from decades of neglect and disinvestment.

- Under the Modification to the Partial Consent Decree, Capital Region Water will seek to achieve full compliance with pollution and stormwater permits. An updated Long-Term Control Plan (LTCP) for combined sewer overflow (CSO) capture will be developed and submitted by December 31, 2024. This plan will evaluate the best means to control CSO activity to comply with the Clean Water Act.
- Capital Region Water looks forward to meeting its clean water obligations, as it has since its inception, ensuring that customers and stakeholders are partners in the process.
- Mrs. Bethel-Miller presented the July Pie Award on July 19, 2023 to the following employees: Maribet Maldonado, Cathie Thomas, Nacole Johnson, Jamie Meily, Tiffany Harris and Nanette Burnett (Customer Service Team - Shared Services department) for always providing superior customer service by meeting the needs of our customers in a timely, efficient and courteous manner, all while ensuring the safety of all involved. The Call Center wait time averaged less than one minute during the month of July, and it is worth noting this was done while being down one Customer Service position.
- Mr. Bingaman presented the August Pie Award on August 16, 2023 to the following employees: Amy Borden (Drinking Water department), Sean Sauro, Rebecca Laufer and Cj Rosa (Strategic Initiatives department) as they were part of the Consumer Confidence Report (CCR) Team. This team worked together to get the CCR into as many hands as possible within the community. The CCR is important information for our consumers and helps in building consumer confidence in our drinking water. The CCR was delivered to every CRW customer. Packets also went to the Pennsylvania Department of Environmental Protection (PADEP) and the United States Environmental Protection Agency (USEPA), all while being fiscally responsible with the distribution.

There were no questions or comments from the Board.

V. Minutes of Previous Meeting

A motion was made by Mr. Presley, seconded by Mr. Enders, that the Minutes of the July 26, 2023, Regular Meeting be entered into the record as presented.

The Board unanimously approved the Minutes.

VI. Modifications or Deletions to the Agenda – None.

VII. **Public Comment - Agenda and Non-Agenda (3 Minutes)** – None.

VIII. **Old/New Business**

Drinking Water

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

A. Task Order 2021-12-02: Engineering Services for 2022 Water System Improvements with HRG

Motion: The Board authorizes the Chief Technical Officer to execute Task Order 2021-12-02 with HRG as outlined in HRG's Proposal, dated August 4, 2023, in the amount not to exceed \$89,240. M/W/DBE Commitment: \$39,360 / 44.1% WBE. Funding Source: Water #60800801-80100-00226 – Water System Improvements (PENNVEST).

The Board unanimously approved Drinking Water Item A.

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

B. Task Order 2023-16-01: Engineering Services for 2024 Water System Improvements with HRG

Motion: The Board authorizes the Chief Technical Officer to execute Task Order 2023-16-01 with Herbert, Rowland & Grubic, Inc., as outlined in HRG's Proposal, dated August 4, 2023, in an amount not to exceed \$308,700. M/W/DBE Commitment: \$65,960 / 21.4% MBE and \$10,310 / 3.3% WBE. Water #60800801-80100-00015 – Water Main Replacement.

The Board unanimously approved Drinking Water Item B.

A motion was made by Mr. Kurowski, seconded by Mr. Presley, that the following item be approved, Drinking Water Item C.

C. Project Number 2023 – 209 – DeHart Dam Back-up Generator Replacement from G. R. Sponaugle

Motion: The Board authorizes the Chief Operations Officer – Drinking Water to award Project Number 2023 - 209 – DeHart Dam Back-up Generator Replacement for the Drinking Water department to G. R. Sponaugle, and to execute the Agreement in the amount not to exceed \$71,664. Bids and notifications for M/W/DBE were solicited via the PennBid system. There were no M/W/DBE commitments returned at the time of the award. Funding Source: Water #60800803-80300-00361 – DeHart Dam Back-up Generator.

Mr. Enders requested clarification regarding the size of the generator and the information was provided by Mr. Bingaman from the floor.

The Board unanimously approved Drinking Water Item C.

Wastewater

A motion was made by Mr. Kurowski, seconded by Mr. Enders, that the following item be adopted, as amended, Wastewater Item A.

A. Resolution No. 2023-012 – Right of Entry with Department of General Services for Arsenal Boulevard Sewer Improvements Project

Motion: The Board adopts Resolution No. 2023-012 which authorizes the Chief Technical Officer to execute the Right of Entry Agreement, pending legal review, with the Department of General Services for the Arsenal Boulevard Sewer Improvements Project. Funding Source: N/A.

Ms. Balaban requested minor adjustments be made to the Right of Entry Agreement for consistency prior to the document being executed by CRW.

The Board unanimously adopted Wastewater Item A, as amended.

A motion was made by Mr. Kurowski, seconded by Mr. Enders, that the following item be adopted, Wastewater Item B.

B. Resolution No. 2023-014 - PENNVEST Loan ME #75376 - Reimbursement Resolution for Project Costs for AWTF Energy Recovery Improvements Project

Motion: The Board adopts Resolution No. 2023-014 which approves its Declaration of its intent to Reimburse its Sewer Revenue Fund used to construct the AWTF Energy Recovery Improvements Project with financing received from the Pennsylvania Infrastructure Investment Authority (PENNVEST) Loan No. ME #75376.

The Board unanimously adopted Wastewater Item B.

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

C. Task Order 2023-11-01: Engineering Services for Sewer Pipe CCTV Inspections - Phase 7 with Brown and Caldwell

Motion: The Board authorizes the Chief Technical Officer to execute Task Order 2023-11-01 with Brown and Caldwell as outlined in Brown and Caldwell's Proposal, dated August 3, 2023, in the amount not to exceed \$500,000. M/W/DBE Commitment: \$50,440 / 10% (DBE). Funding Source: Wastewater #80800801-80100-00065 - Other Multi-Modal CCTV Investigation.

The Board unanimously approved Wastewater Item C.

A motion was made by Mr. Kurowski, seconded by Mr. Enders, that the following item be approved, as amended, Wastewater Item D.

D. Procurement of PONDUS System with Centrisys

Motion: The Board authorizes the Chief Technical Officer to authorize procurement of the PONDUS system with Centrisys in the amount of \$2,342,011 pending legal review. Funding Source: Wastewater #80800801-80100-00023 - Ww AWTF Energy Recovery Improvements.

Ms. Balaban stated that this is a sole source provider due to its uniqueness, and asked if this system has been proven. Mr. Stewart stated that yes, there are a few installations of the PONDUS system and briefly explained the process behind the project regarding the removal of water and the process to create biogas.

Mr. Kurowski noted that because this is for the procurement of equipment, he requested clarification regarding bonding and insurance requirements. Mr. Stewart stated that both bonding and insurance requirements are being provided by both the manufacturer of the equipment and by the general contractor.

Mr. Presley stated that he had some apprehension on this issue during the committee process, however he wanted to clarify that he was referring to a different process which is a similar program.

Mr. Rosentel stated he too had received a similar inquiry from another employee at Derry Township noting it is a different type of hydrolysis and not the PONDUS system.

Mr. Kurowski thanked everyone for their comments.

The Board unanimously approved Wastewater Item D, as amended.

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

E. Project Number 2023 - 212 - Maintenance Contract for Sewer Service Line Rehabilitation with Trinity Subsurface, LLC

Motion: The Board authorizes the Chief Technical Officer to award Project Number 2023 - 212 - Maintenance Contract for Sewer Service Line Rehabilitation to Trinity Subsurface, LLC, and to execute the Agreement based on estimated quantities in the estimated amount of \$29,214.43. Bids and notifications for M/W/DBE were solicited via the PennBid system. There were no M/W/DBE commitments returned at the time of the award. Funding Source: Wastewater #80610641-64103 - Ww Service Line Repair.

The Board unanimously approved Wastewater Item E.

Stormwater

A motion was made by Mr. Kurowski, seconded by Mr. Enders, that the following item be adopted, Stormwater Item A.

A. Resolution No. 2023-011 - Stormwater Operation and Maintenance Agreement with Tri County Housing Development Corporation, Inc.

Motion: The Board adopts Resolution No. 2023-011 which authorizes the Chairperson and Secretary to execute the Operations and Maintenance Agreement for Stormwater Facilities and Best Management Practices with Tri County Housing Development Corporation, Inc. for the North 4th Street Townhomes in the City of Harrisburg, Dauphin County, Pennsylvania. Funding Source: N/A.

Ms. Balaban questioned whether this means the property owner will not be paying a stormwater fee because of these improvements for stormwater runoff? Mr. Stewart stated the property owner will still be responsible for a stormwater fee, but they will benefit from a reduction of their stormwater fee based on the improvements they are making, along with the guarantee they will maintain the property as identified in the operation and maintenance agreement. This is CRW's authorization that the owner's improvements are approved, and their fee will be reduced based on their improvements. Ms. Balaban thanked everyone for clarifying how property owners are acknowledged for their financial investment of mitigating stormwater runoff. Mr. Stewart confirmed all customers are impacted by a stormwater fee, there are no exceptions, just reductions on their fees if they work through this approval process.

The Board unanimously adopted Stormwater Item A.

A motion was made by Mr. Kurowski, seconded by Mr. Presley, that the following item be adopted, Stormwater Item B.

B. Resolution No. 2023-013 - Wildwood Park Dredging - Memorandum of Understanding with Dauphin County

Motion: The Board adopts Resolution No. 2023-013 which authorizes the Chief Executive Officer to execute the Memorandum of Understanding between Capital Region Water and Dauphin County. A copy of the Memorandum of Understanding shall be attached as Exhibit "A".

Mr. Kurowski stated numerous discussions have been held with Dauphin County as to CRW's role regarding this project. Dauphin County has worked with CRW to accommodate CRW's recommendations, while still permitting Dauphin County to achieve their goal.

Board members are very excited about the collaboration with the County. Ms. Balaban voiced concern about CRW's reimbursement for CRW's expenses. Mr. Wyland stated that CRW does not have a formal dispute resolution process since this is only a Memorandum of Understanding so negotiations would have to be made since this is not a formal Intergovernmental Cooperation Agreement. Ms. Balaban is confident CRW and the County want to achieve the same goals, however, she wants it known that CRW expects to be made whole for our expenses. Mr. Wyland stated negotiations would need to occur with the assumption that CRW be made whole up to that point, if that occurs. Mr. Kurowski thanked Ms. Balaban for her comments.

The Board unanimously adopted Stormwater Item B.

IX. Public Comments - Non-Agenda Items (3 Minutes) – None.

X. Board Member Comments

Ms. Balaban noted that many board members also sit on other boards or committees that typically take a break over the summer months. CRW's Board does not slow down over the summer months, and she is very proud to sit on this Board and that CRW has a very supportive staff that keeps the Board members well informed.

Mr. Presley congratulated D. Tom Bernstein for his promotion to Operator III at the AWTF. Mr. Bernstein is the same employee who ran a program for other CRW staff members to prepare for the certification classes for their operator certification. To date, 11 staff members have been certified. CRW is very fortunate to have this many certified operators (male and female) amongst our staff. Thank you for assisting your fellow CRW employees.

Mr. Enders stated that it is ironic that the Modification to the Partial Consent Decree was just filed in Federal Court. The Consent Decree dictates the level of work that CRW must do, including deadlines and very specific and thorough updates with all parties involved. CRW has started the work, must work through the deadlines and bringing this work to fruition is very labor intensive. Congratulations to CRW in getting us to this point and having the Modification to the Partial Consent Decree filed in Federal Court. CRW continues to need all of these partnerships with the City of Harrisburg, other local municipalities and utilities, County and State levels to effectuate all this work.

He is thrilled that the community has continued to stay involved and has been supportive of everything being done within the community. This work will certainly be seen in the near future.

Mr. Kurowski stated that with all of the obstacles CRW has overcome to get to this point, it almost seems anticlimactic, but we are here. Thank you to everyone involved and now it's time to implement our strategy. He also stated that CRW is very fortunate to have the cooperation of all these agencies, Mr. Keith with PENNVEST, a number of CRW staff members who have tirelessly worked with PennDOT, and numerous engineering staff who have worked with neighboring municipalities regarding the Paxton Creek. This type of work doesn't happen all the time and this type of cooperation is so beneficial to all the ratepayers. Thank you to Dauphin County for this most recent opportunity to work with CRW.

Mr. Kurowski also noted that CRW continues to pursue our efforts to collect stormwater fees from the Commonwealth of Pennsylvania. The Commonwealth owes CRW approximately \$400,000 per year in outstanding stormwater fees. The Commonwealth of Pennsylvania is one of the largest impervious covered customers within the City of Harrisburg, with the largest outstanding accounts receivable balance, which is really impacting CRW. The Commonwealth is approximately \$1.2M in arrears and climbing.

He thanked Yesenia Banes of Banes Strategies and Ms. Katzenmoyer who recently attended a meeting with Senator Scott Martin in Stroudsburg to express CRW's discontent on CRW's ratepayers being impacted by the Commonwealth's decision to not pay these stormwater fees. CRW's position is that they are fees, not taxes.

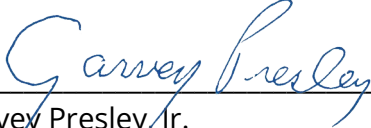
He also thanked Nanette Burnette who was a recipient of a July Pie Award tonight because he received an email from someone who told him that Nanette had recently assisted him with a real estate closing and thanked her for her good work in efficiently assisting him. Thank you, Nanette, for assisting Larry Kluger of Property Management, Inc. (PMI). It is rare that we receive complimentary comments from our customers. We usually only hear from our customers when there are problems.

XI. Adjournment

A motion was made by Mr. Presley, seconded by Mr. Enders, for the Board to adjourn the meeting at 7:33 p.m.

The motion was unanimously approved.

CAPITAL REGION WATER



Garvey Presley, Jr.
Secretary