

**Regular Meeting (Conducted In-Person and via GoToMeeting)**

In Person Attendance:

Board:

J. Marc Kurowski, P.E., Chairperson  
Andrew M Enders, Vice Chairperson and Secretary  
Nathan W. Davidson, Treasurer  
Karen M. Balaban, Assistant Secretary/Treasurer

Staff:

Charlotte A. Katzenmoyer, Chief Executive Officer  
Douglas E. Keith, Chief Financial Officer  
David W. Stewart, P.E., Chief Technical Officer  
Michelle Bethel-Miller, Chief Administrative Officer  
Jess Rosentel, Chief Operations Officer - Wastewater  
Chad Bingaman, Chief Operations Officer - Drinking Water  
Tanya Dierolf, Chief Strategy Officer  
Claire Maulhardt, City Beautiful H2O Program Manager  
Sean Sauro, Community Outreach Manager  
Rebecca Laufer, External Affairs Manager  
Karen McKillip, Archivist (Recorder)  
Bob Lipscomb, Document Specialist

General Counsel:

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

Others:

Ilyse Kazar (Community Ambassador)  
Frederick Douglas (Cosmos Technology, Inc.)  
Amber Blaylock (Community Council)

Virtual Attendance:

Staff:

Jeffrey Bowra, P.E., Vice President of Engineering  
Sheri Berilla, Asset Manager  
Jarvis Brown, Diversity Program Manager  
Bryon Maze, Procurement Manager

Others:

Caleb Krauter, P.E. (HRG Engineering, Inc.)  
Sarah Folk, P.E. (Gannett Fleming)  
Taslim Hossain (HRG Engineering, Inc.)  
Matt Crow, P.E. (Hazen and Sawyer)  
Garvey Presley, Jr. (Community Ambassador)

## **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 all four Board members were present in person.

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](http://capitalregionwater.com) on Thursday, April 25, 2024.

## **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, May 22, 2024, at 6:00 p.m. and will be held in-person and virtually.

## **III. Presentation - City Beautiful H2O Plan, Alternatives Analysis, and Financial Capability Analysis – Public Feedback Session**

(6:08 – 6:33 p.m.) - Claire Maulhardt – Alternatives Analysis

(6:33 – 6:57 p.m.) - Douglas Keith – Financial Capability Assessment (FCA)

(6:57 – 7:00 p.m.) - Tanya Dierolf – Public Engagement and Participation Kickoff

Ms. Maulhardt announced that CRW submitted the Alternatives Analysis Report to US EPA on March 31, 2024. CRW is looking to obtain a meeting with US EPA soon regarding its submission.

Mr. Enders asked how many consultants were involved with CRW's submission of the Alternatives Analysis Report. Ms. Maulhardt confirmed there were three consultant teams. Mr. Enders noted that CRW's staff had assistance from multiple consultants in compiling the analytic data for this report. He thanked everyone involved for their hard work.

Ms. Dierolf announced that tonight kicks off a four-month public comment period. The public engagement portion of the meeting transitioned to the CRW Conference Center at 7:00 p.m. She announced the four public comment events are:

- 4/24/2024 - Begin Public Comment Period at Monthly Board Meeting
- 5/30/2024 - Second Public Engagement Opportunity - MS4 Townhall
- 7/01/2024 - Third Public Engagement Opportunity - Stormwater Week
- 8/06/2024 - Final Public Engagement Opportunity - National Night Out
- 8/28/2024 - Close Public Comment Period at Monthly Board Meeting

There will be several other events where CRW will also inform our customers of the information presented at the board meeting and allow public comment before closing the public comment period.

#### **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.

- Since Garvey is not here to give his personal, heartfelt thanks, I have the honor of recognizing today as Administrative Professionals' Day. This is another opportunity to say thank you to the full team that supports so many of us at CRW. They may work behind the scenes, but they are integral to our successes across the organization. So, a shout out to Angie Leyva, Brenda Rohrer, Janice Miller-Zerbe, Tammie Sheaffer, Karen McKillip, and Bob Lipscomb. These individuals have responsibilities far greater than the title of administrative assistance implies and we appreciate all they do for the CRW.
- Some reminders about our Advanced Metering Infrastructure project or AMI.
  - Capital Region Water is modernizing its operations and metering infrastructure for an improved customer experience and continued accuracy for customer billing purposes. An Advanced Metering Infrastructure (AMI) Project will replace 20,000 water meters across the service territory.
  - Customers can expect to receive direct notification to schedule an appointment for meter replacement.
  - Lenegan Plumbing & Heating, a licensed plumbing company, is performing this work on behalf of CRW. Lenegan's authorized staff will have CRW issued ID and will only need about 30 minutes.

- Customers are required to have meters replaced. There is not an option to opt-out.
  - o Meters are a joint responsibility between CRW and customers connected to the public drinking water system. Meters are provided and installed for each connected property. CRW monitors meter functions and will replace meters as required. Customers are expected to prevent freezing or other negligence and provide CRW meter access as required.
- Customers will have greater access to usage data through the existing customer billing portal and a new meter (i.e., Neptune 360) option. Customers can track usage and set alerts, including notifications for high use or when going out of town.
- Because access to the inside of your property is needed, please schedule for your convenience by visiting <https://go.oncehub.com/LENEGANPLUMBING> or calling 855-892-3820. All resources are also available on CRW's website or by calling our Customer Service Center 888-510-0606.
- **Please be sure to schedule and tell your neighbors.**
- If you make your appointment soon, Lenegan will also be able to record the service line material inside your home to save you the hassle of completing the service line material survey.
- Updates to ongoing projects:
  - Broad Street Market IDIQ Repairs: Rogele continues to replace the sewer main in Verbeke Street. Next week, they will begin replacement of sewer in the Broad Street Market Plaza. The contractor is also replacing the water and sewer mains in James Street (between Verbeke and Calder Streets). The current schedule reveals pipe work completed by the end of May with restoration activities in June. *CRW is not aware of any stakeholder or customer complaints.*
  - 22<sup>nd</sup> and Kensington Street IDIQ Repairs: Installation of the 42-inch casing pipe in the downstream direction will be completed by May 1, 2024. Aaron Enterprises has experienced two weeks of delay due to excessive rain and obstructions encountered during the boring. The contractor plans to complete the upstream boring in late May. Installation of the new 12-inch sewer main and restoration activities will extend into June. *CRW is not aware of any new or recent customer complaints.*

There were no questions or comments from the Board.

## **V. Committee Reports**

**Budget and Finance:** Mr. Kurowski reported the committee met April 18, 2024.

- Mr. Keith provided the financial update through March 2024 and shared a graph showing quarterly balances for CRW's accounts receivable balances over 30 days past due. He reported the accounts receivable balance was \$9,672,000 as of March 31, 2024. He also reported that \$3.5M is attributable to balances transferred from the City to CRW at the

time of the transition. He also reported that \$1.4M of the total accounts receivable balance is attributable to the non-payment of stormwater fees by the Commonwealth of Pennsylvania which continues to accrue about \$35K per month.

Mr. Kurowski reported the committee also discussed the following matters.

- Intermunicipal Agreement update and the engagement of Raftelis.
- Status of the PENNVEST loans and the PENNVEST closing to be held on April 25, 2024.
- Human resources recruiting engagements.
- AMI update.
- Status of the Broad Street Market Alliance deferred payment agreement and status of the Memorandum of Understanding with Kessler and the City of Harrisburg.
- Mr. Keith reported Governor Shapiro announced \$274M in funding for investments in wastewater infrastructure projects is coming to 22 counties in the Commonwealth. There was only one award in Dauphin County and that was awarded to Capital Region Water. CRW received a \$13.3M loan for Green Infrastructure Programmatic Pro-Fi Financing through our recent application with PENNVEST. This will be a loan, not a grant.

There were no questions or comments from the Board.

**Personnel and Shared Services:** Ms. Balaban reported the committee met on April 15, 2024, and highlighted items listed below.

- IT provided project updates.
- Ms. Balaban thanked CRW's staff and consultants for the hard work they put into the Alternatives Analysis Report and the public outreach and engagement. CRW realizes the financial stress our customers are under as we work very hard at both internal and external ways to keep the costs down for our customers, while continuing to be in compliance with mandated timelines to the Modifications to the Partial Consent Decree.
- Mrs. Bethel-Miller reported customer service updates as follows.
  - There were 1,620 calls handled in March. The average speed of answer was 13 seconds. The average talk time was three minutes five seconds.
  - There were 4,564 credit card transactions totaling \$876,400.37 for March 2024.
  - There were 227 MoneyGram transactions totaling \$34,717.60 for March 2024.
  - There were 181 drive-thru customers and 187 walk-in customers for a total of 368 customers serviced in March 2024.
- The Customer Assistance Program (CAP) update was provided. CRW has approved 78 applications with three opt-ins from the Low-Income Household Water Assistance Program (LIHWAP). There are currently eight applications still being reviewed. CRW closed out the 2023 applications by March 31, 2024. In 2023 there were 302 approved applications with 45 opt-ins from LIHWAP for a total of 347 applications, and for the second year in a row, no applications were rejected.

- She reported Customer Assistance Program updates as of March 31, 2024, regarding the categories listed below.

**Reporting numbers as of March 31, 2024:**

- CRW's Customer Assistance Program	\$21,450.00	
- CAP Opt-in Coupons	\$900.00	
- Drinking Water Service Line Assistance	\$24,724.00	
- Wastewater Lateral Line Assistance	\$4,250.00	
- CAP Party Line Assistance	<u>\$10,390.00</u>	
Total Internal Customer Assistance Program		\$61,714.00

Other combined customer assistance received in 2024:

- Emergency Rental Assistance Program (ERAP)	\$ .00	
- Low-Income Household Water Assistance Program (LIHWAP)	\$17,861.44	
- City of Harrisburg CARES (COH CARES)	\$ .00	
- Pennsylvania Homeowners Assistance Fund (PAHAF)	<u>\$4,657.50</u>	
Total Other Combined Assistance		<u>\$22,518.94</u>

**YTD Total of funds provided to customers in 2024: **\$84,232.94****

- Ms. Balaban reported there was one new hire, one promotion and one separation in March.
- There are currently six open positions at CRW. Open positions are posted at <https://capitalregionwater.com/about/careers/>.
- Ms. Balaban announced Mike Kneasel, Field Maintenance Worker II for the Wastewater Department, is being recognized as the April Employee of the Month.
- CRW discussed the engagement of an HR recruiting firm to seek candidates for the Project Engineer position.
- Mr. Rosentel advised that a PIE Award was awarded to the Contract Waste Hauling Revenue Improvement Project Team. The team consisted of Raymond Hoke, Jared Shireman, Charles Snyder, Jack Borden, Brandon Anderson, Mark Wilfong, Matthew Orndorf, Brenda Rohrer, Brian Hart, Jeff Wahosky, Ron Grove, Richard Crosson, Chuck Shireman, John Cheeseboro, Keith Zimmerman, Reese Witmer, Lilian Dolan and John Shipe. This team received their pies in March 2024, for their effort resulting in annual tipping revenues of over \$1M in 2023. This total smashed the previous record from 2019 and more than doubled the total from 2022. This enormous increase in non-rate revenue will offset future rate increases and will increase funds available to CRW's Customer Assistance Program to help our residents in greatest financial need. The team handled this huge increase in work without a single complaint and understood how important achieving this goal would be in helping CRW's ratepayers.

There were no questions or comments from the Board.

**Operations and Engineering:** Mr. Kurowski reported the committee met on April 11, 2024, and highlighted the items listed below.

- The following task orders, change orders or bid awards, along with several others not listed below, were vetted and a number of these are on the Board agenda for approval.
  - Task Orders for engineering services for a small sewer separation project and the 2023 Sewer Improvements project with HRG.
  - Task Order with Brown and Caldwell regarding the AWTF Energy Recovery Improvements project, and a future Task Order for additional work related to the Inflation Reduction Act (IRA) that was not included in Brown and Caldwell's initial proposal.
  - PA Habitat Improvement Contract with the Ruffed Grouse Society/American Woodcock Society and Appalachian Forest Consultants, LLC and a Grant Agreement with the National Audubon Society Inc. Last month CRW approved a Grant Agreement with the Appalachian Forest Consultants. This is a partnership agreement between all of these entities at the DeHart facility which ultimately will have CRW reimbursed for all work with the exception of approximately \$7,000. This is a perfect example of collaboration at the DeHart Reservoir.
  - CRW was able to negotiate a Mediation Agreement with Eastern Environmental Contractors (EEC) regarding the Front Street Pumping Station Improvements project and the AWTF Primary Digester Rehabilitation project.
  - Claire Maulhardt brought the committee up to date on the public engagement campaign of the City Beautiful H2O Program Plan which was presented earlier tonight.
- Mr. Bingaman reported there will be a delay in the delivery of the DeHart emergency generator for the Water department. It is currently on a barge and is delayed due to the Maryland bridge collapse.
- Mr. Bingaman also reported that the Water department received the operations permit from PADEP regarding the lime slurry project. They are bidding chemicals again and he will keep the Board updated when the project is in service.
- Mr. Rosentel reported that the digester is currently mixing properly and is producing a lot of gas for the facility.

There were no questions or comments from the Board.

**Legal and Risk Management:** Mr. Enders reported the committee met on April 4, 2024, and highlighted items listed below.

- Ms. Gonzalez-Siegel provided an update on open and settled insurance claims.
- An update was provided on legal matters related to stormwater fees.

- Mr. Enders stated that a Mediation Agreement has been negotiated with Eastern Environmental Contractors and that is on tonight's agenda for the Board's approval pending legal review.
- Updates were discussed regarding the PEMA Lease and Uptown Partners/Governor's Square.
- An item that was being discussed with the committee for some time regarding the Enclave at Elmerton has finally been resolved. He thanked the CEO for negotiating this issue on behalf of CRW and is happy to see that this issue will be resolved shortly after discussions with General Counsel.
- Mr. Enders stated that CRW recently issued an RFP for property valuation consultants regarding detailed inventory of our infrastructure and assets. Several firms submitted responses and during the interview process one vendor was able to suggest additional work within their quoted price. Mr. Enders stated this detail is very important as CRW will be required to report on a bi-annual basis as to the statement of values on our infrastructure and assets, so that detail will now be required as the insurance companies have been requesting this detail.
- CRW has been working on an RFP for special legal counsel regarding our suburban partners.
- He announced that CRW took swift action once a published article was brought to our attention to protect our assets and the community from a former waste hauling entity to no longer allow them to deliver material to the Advanced Wastewater Treatment Facility.

Mr. Davidson stated that while he was unable to attend the April meeting, the RFP for property valuation has been discussed in committee for several months. A lot of work went into that, and he wanted to thank everyone who had submitted a response. There were pros and cons to each proposal, and after vetting, he is happy to see this issue has been resolved and for the great work by Ms. Gonzalez-Siegel.

There were no questions or further comments from the Board.

**Public Outreach and M/W/DBE:** Mr. Enders reported the committee met on April 17, 2024, and highlighted items listed below.

- Jarvis Brown provided a Biannual Program Summary on CRW's M/W/DBE Program. In 2023, the Business Diversity Program committed to biannual reporting on professional service contracts and capital improvement project spending. It was a program goal to develop a system for capturing M/W/DBE utilization for professional services to ensure reporting was comparable with tracking of capital improvement projects. CRW's goal for 2023 has been completed.
- CRW's encourages 15% M/W/DBE participation on professional service contracts.



- The Business Diversity Plan applies to all construction contracts that exceed the bidding threshold established in Pennsylvania in 2024 of \$23,200.
- The committee was updated on the statistics from the Customer Assistance Program for March 2024.
- Community outreach was busy through March. Discussion on the AMI meter upgrade project was addressed at a Community Ambassador meeting, along with questions on billing and collections.
- A meeting was conducted at the Historic Harrisburg Association – Community Council, and a presentation on the AMI meter upgrade project was provided to address questions.
- Notifications relating to our lead risk mitigation measures were distributed, and the committee was updated on the Lead RMM Report for the month of March.
- The committee is very focused on the AMI project right now and the project is running behind where they thought it would be. The committee discussed ways to provide incentives to encourage customers to schedule their appointments to have their water meters replaced. One incentive is that once you schedule your appointment and have your meter replaced, the employees of Lenegan Plumbing will have access to your property to perform the [Service Line Survey](#), as required by a recent US EPA Lead & Copper Rule Revision. Mr. Enders encouraged all customers to talk to your neighbors and encourage them to schedule their appointments after letters are received to assist CRW in meeting our goal.
- The public engagement strategy plan for the Alternatives Analysis/Long-Term Control Plan kicked off tonight at the beginning of the meeting. There will be three more public engagements hosted by CRW.
- Frequently Asked Questions regarding the AMI project are available on CRW's website.

There were no questions or comments from the Board.

## **VI. Minutes of Previous Meeting**

A motion was made by Ms. Balaban, seconded by Mr. Enders, that the Minutes of the March 27, 2024, Regular Meeting be entered into the record as presented.

The Board unanimously approved the Minutes.

## **VII. Modifications or Deletions to the Agenda – None.**

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

## **IX. Old/New Business**

## Administrative

A motion was made by Mr. Enders, seconded by Mr. Davidson, that the following item be approved, Administrative Item A.

**A. Property Valuation Appraisal for Insurance Purposes**

**Motion:** The Board authorizes the CEO to execute a professional services agreement with HCA for property appraisal services, as outlined in HCA's Proposal, dated April 8, 2024, for insurance purposes in the amount of \$39,500, plus any additional services selected by the CEO, as outlined in HCA's Proposal. M/W/DBE Commitment: \$0.00 / 0.00%. Funding Source: Water #60504541-54104 - Wtr Engineering Services and Wastewater #80504541-54104 - Ww Engineering Services.

The Board unanimously approved Administrative Item A.

## Drinking Water

A motion was made by Mr. Kurowski, seconded by Mr. Davidson, that the following items be approved by consent, Drinking Water Item A.(1) and A.(2).

**A. Forest Management Services Habitat Improvement Contract with the Ruffed Grouse Society and Grant Agreement with the National Audubon Society, Inc.**

**(1) Motion:** The Board authorizes the Chief Strategy Officer to execute the Pennsylvania Habitat Improvement Contract between the Ruffed Grouse Society/American Woodcock Society, Appalachian Forest Consultants, LLC, and Capital Region Water, dated April 8, 2024, for direct payment related to forest management and habitat improvements at the DeHart Property for up to \$30,000. Funding Source: Water #60504541-54105 - Wtr Forest Management Services.

**(2) Motion:** The Board authorizes the Chief Strategy Officer to execute the Grant Agreement between National Audubon Society, Inc., and Capital Region Water, dated April 10, 2024, for disbursement of funds related to forest management and habitat improvement at the DeHart Property for up to \$19,000. Funding Source: Water #60504541-54105 - Wtr Forest Management Services.

Mr. Davidson stated he is very happy to see the collaboration between CRW and these environmental organizations.

The Board unanimously approved Drinking Water Items A.(1) and A.(2).

## Wastewater

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

**A. Task Order 2022-15-02: Engineering Services for 2023 Sewer System Improvements with HRG Engineering, Inc.**

**Motion:** The Board authorizes the Chief Technical Officer to execute Task Order 2022-15-02 with Herbert, Rowland and Grubic, Inc., as outlined in Herbert, Rowland and Grubic, Inc.'s Proposal, dated April 5, 2024, in an amount not to exceed \$92,760. M/W/DBE Commitment: \$2,798 / 3.0% MBE. Wastewater #80800801-80100 00127 – Ww Sewer PV \$21M – Phase 1.

The Board unanimously approved Wastewater Item A.

A motion was made by Mr. Kurowski, seconded by Ms. Balaban, that the following item be approved, Wastewater Item B.

**B. Task Order 2024-12-01: Engineering Services for AWTF Energy Recovery Improvements with Brown and Caldwell**

**Motion:** The Board authorizes the Chief Technical Officer to execute a Basic Ordering Agreement, upon legal review and approval, and Task Order 2024-12-01 with Brown and Caldwell, as outlined in Brown and Caldwell's Proposal, dated March 29, 2024, in an amount not to exceed \$1,301,570. M/W/DBE Commitment: \$183,750 / 14.1% MBE. Wastewater #80800801-80100 00023 – AWTF Energy Recovery Improvements.

The Board unanimously approved Wastewater Item B.

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

**C. Settlement Agreement for Front Street Pumping Station Improvements Project and AWTF Primary Digester Rehabilitation Project with Eastern Environmental Contractors**

**Motion:** The Board authorizes the Chief Executive Officer to execute a Settlement Agreement with Eastern Environmental Contractors for the Front Street Pump Station Improvements project and AWTF Primary Digester Rehabilitation project upon legal review and approval. Funding Source: Wastewater #80800801-80100-00025 – Ww Front Street Pump Station and #80800801-80100-00020 – Ww Primary Digester Rehabilitation.

The Board unanimously approved Wastewater Item C.

## **Stormwater**

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

**A. Task Order 2024-11-01: Engineering Services for 2025 Small Sewer Separation Project with HRG**

**Motion:** The Board authorizes the Chief Technical Officer to execute Task Order 2024-11-01 with Herbert, Rowland & Grubic, Inc. (HRG), as outlined in HRG's Proposal, dated April 5, 2024, in an amount not to exceed \$50,000. M/W/DBE Commitment: \$5,625 / 11.25% WBE. Funding Source: Stormwater #90800801-80100-00129 – Small Sewer Separation.

The Board unanimously approved Stormwater Item A.

**X. Public Comments - Non-Agenda Items (3 Minutes)** None.

**XI. Board Member Comments**

Ms. Balaban stated that she recently had her water meter replaced and the process is very simple and quick.

Ms. Balaban also stated that each Board member receives a subscription to "The Authority" magazine published by the Pennsylvania Municipal Authority Association (PMAA). CRW's General Counsel, Scott Wyland, Esq. of Salzman Hughes, P.C., authored an article in the Solicitor's Corner in this month's issue titled "Navigating Governance: A Primer for New Municipal Authority Board Members." This has been a very helpful article for CRW's Board members. A copy of the article will be attached to the minutes as Exhibit "A".

Mr. Enders congratulated Mr. Davidson on his recent win in the primary election.

He encouraged customers to schedule their appointment with Lenegan Plumbing to have their water meter replaced as soon as possible. Scheduling this appointment allows you to have your [Service Line Survey](#) completed at the same time.

CRW is mandated to have all 20,000 service lines identified through the [Service Line Survey](#) process by October 16, 2024. Once that happens, it opens opportunities for CRW to pursue grants to assist customers in replacing their service line which is the customer's responsibility once a full system inventory of the service lines identifying galvanized piping has been completed.

He also thanked the staff at the AWTF for their constant and consistent monitoring of materials that are delivered to our facilities, and for quickly identifying the issue that was recently reported in the newspaper regarding the delivery of materials. He thanked CRW's staff for swiftly revoking that privilege to the former waste hauling entity as soon as the information was made public to CRW so we can continue to generate non-ratepayer revenue for the benefit of CRW's Customer Assistance Program.

Mr. Davidson stated he recently participated in the Great Harrisburg Litter Cleanup Event on Saturday, April 20<sup>th</sup>. He was impressed to see all the residents and CRW staff and vehicles working for the betterment of the community. Thank you to everyone who came out to help.

He also thanked the public for their patience while CRW continues to work on sewer lines adjacent to the Broad Street Market. The temporary structure is expected to open soon, and the market will be up and running and everything will be back to normal.

Mr. Davidson thanked his wife and announced that on April 2, 2024, the Davidson's welcomed the birth of their second child, a son named Walter William Davidson. Mom and baby are healthy, and everyone is doing well.

Mr. Kurowski congratulated Mr. Davidson on the primary win and on the birth of his son. CRW is very conscientious of our spending and while we may not receive a lot of attendance at our meetings, he is hopeful that customers may follow CRW by reading our minutes. While the Board awarded a \$1.3M contract tonight which is part of the \$25M AWTF Energy Recovery Improvements project, it is also aware that down the road, the AWTF Energy Recovery Improvements project is expected to raise significant non-ratepayer revenue in the future. That revenue will be accessible for use as part of CRW's Customer Assistance Program in the future. So earlier in the meeting when Mr. Keith was showing the charts as part of the Financial Capability Assessment, this shows just how much staff is always thinking ahead as to how they can raise non-rate revenue through projects while still being able to be in compliance and mindful of the impact on those customers who may not be able to afford their water and sewer bills. He thanked Claire Maulhardt, Doug Keith and Tanya Dierolf for their presentation tonight and encouraged the public to get involved and attend the public engagement sessions throughout 2024.



**XII. Adjournment**

A motion was made by Mr. Enders, seconded by Mr. Davidson, for the Board to adjourn the meeting at 8:15 p.m.

The motion was unanimously approved.

CAPITAL REGION WATER

A handwritten signature in blue ink, appearing to read "A. M. Enders", is written over a solid horizontal line.

Andrew M. Enders  
Secretary

# Navigating Governance: A Primer for New Municipal Authority Board Members

By Scott T. Wyland, Esq., Senior Shareholder, Salzmann Hughes, P.C.

As newly appointed municipal authority board members in Pennsylvania, you step into roles of significant responsibility, entrusted with the welfare of your community. **Your duties extend beyond mere attendance at meetings; they encompass ethical conduct, financial transparency, effective management, consensus-building, and strategic decision-making. This article offers introductory guidance on five critical issues you will encounter in your tenure: adhering to ethical standards, filing financial disclosures, supporting professional management, fostering consensus, and prioritizing the long-term health of your authority.**

If you have not yet served in a public position, the transition from private enterprise to public service may include some practices and sensibilities you may not have expected. For example, many new authority board members express some surprise with the detailed requirements of letting contracts for construction or materials only through a public bidding process and having to choose the lowest responsible bidder rather than the most experienced or highly qualified contractor – if they differ. Others may bristle at having to disclose some aspects of their private financial life on public forms. And building a working relationship with other board members or the authority's professional staff may present new challenges. PMAA offers here some entry-level guidance for your success.

### **Adhering to Ethical Standards: Understanding the Pennsylvania Public Officials Ethics Act**

The cornerstone of public service lies in upholding ethical standards. In Pennsylvania, the Public Officials Ethics Act provides rules for identifying and managing conflicts of interest. Before any vote in a public meeting, it is imperative to disclose potential conflicts and resolve them transparently. By doing so, you uphold the public's trust and ensure decisions are made in the community's best interest.

The definition of "conflict of interest" in the Ethics Act is your starting place. The Act prohibits authority board members from using the power of your office or any confidential information you may receive through your office for the private pecuniary benefit of yourself, your immediate family members, or a business in which you or your immediate family member is associated. If you feel uncertain, consult your authority's solicitor, whose duty it is to help you identify and manage your conflicts of interest. But do so before the meeting and vote, not after.

The main takeaway regarding conflicts of interest is to disclose a conflict of interest in writing before a vote is to be taken on the item, at which time you must abstain from voting. The advance disclosure requirement obligates you to review the agenda in advance and discuss and resolve your potential conflicts of interest before meeting time. There are more complexities involving the operation of the Ethics Act and voting, but your

initial concern is knowing the Act applies to you and working with the authority's solicitor to manage the situation properly. There are serious penalties for mismanaging your obligations under the Ethics Act, so avail yourself of the opportunity to make timely and sound decisions.

**The Municipalities Authorities Act ("MAA") has an additional conflict of interest provision that other codes, like the Borough Code and the First Class Township Code, do not have. Per Section 5614(e) of the MAA, no authority board member may directly or indirectly be a party to or be interested in any contract or agreement with the authority. Such a contract would be void, and criminal penalties may apply to anyone evading the MAA's requirements on this point. In practice, this means you may not abstain from a vote due to your conflict of interest and allow the board to approve a contract that benefits a business in which you have an interest.**

While both the Ethics Act and MAA are little more than common sense rules against acting in your self-interest, there can be complexities requiring close analysis. It is best to recognize and address potential issues promptly and forthrightly.

### **Filing Financial Disclosures: Navigating the Complexities**

Municipal authority board members are required to file annual statements of financial interest, a process governed by written instructions.

*Continued on page 55.*

These forms demand meticulous attention to detail, as errors can lead to legal ramifications. Take the time to understand the nuances of the filing process and seek guidance when needed. Remember, transparency in financial matters is essential for maintaining public confidence.

The main trouble spot for new filers of the statement of financial interest is recognizing that the form and the instructions must be read carefully. Do not attempt to fill out the form quickly during a meeting. The instructions ask for specific types of information. Reading the form alone does not allow you to fill out the form correctly. You must read the instructions closely and provide the information requested. For example, the heading for Section 8 asks you to list "real estate interests." The balance of the heading and the instructions make clear, however, that only real estate involved in a transaction with the Commonwealth must be listed. Also note that you file the form by May 1 each year for the preceding year. And you must file one after you leave office for that last year of your service. The Ethics Commission does check from time to time to be sure these forms are in order, and penalties have been applied for incorrect forms.

### **Supporting Professional Management: Empowering Your Full-Time Manager**

Most authorities are operated by full-time, professional staff. Your authority's paid manager plays a pivotal role in day-to-day operations. As part-time volunteers, it is crucial to support rather than micromanage their efforts. Trust in their professional judgment and empower them to execute their duties effectively. By doing so, you foster a culture of respect and enable efficient decision-making within the authority.

New authority board members should learn about the systems they help oversee. Take a tour. Learn from operators but respect the hierarchy of management and the important supervisory power you granted to management. Some authority board members find themselves advocating for employees and inadvertently undermining the role of the manager. Be mindful of the gap between offering helpful advice and interfering.

In dealing with many authorities over many years, I have noted that the best authorities choose good managers, and then allow the managers to manage. Disruption prevails if authority board members undermine their managers, even unknowingly. That said, it is the duty of the authority board

members to see that is well address any management that may guidance or the operation run and to problems with and operations need their firm redirection. An effective authority board member listens quite a bit before acting. Being thoughtful and sensitive about the nuances of management is a good starting point.

### **Fostering Consensus: Building Unity Among Board Members**

Effective governance hinges on the ability to build consensus among diverse perspectives. Respectfully engage with fellow board members, valuing differing opinions as integral to informed decision-making. Seek

common ground and prioritize the collective goals of the authority and the community it serves. Through open dialogue and collaboration, you can navigate challenges and achieve meaningful outcomes.

Some authority board members unfamiliar with serving on a multi-member board may find the rules of procedure (nearly always Robert's Rules of Order) daunting or cumbersome. Study up if you are new to the process.

When board members do not agree on an issue, the board may have a split vote with some members in the minority. Remember that building consensus is an art. **Deliberation is to be done at public meetings, not in private, but use the time for discussion before voting to offer**

**sound arguments for your position, delivered persuasively and respectfully.** Maintain decorum and accept the occasional defeat of your position with grace. Often a divisive issue is resolved with just one

board member changing position. A well delivered argument can sway a vote and an outcome. I have observed that many successful authority board leaders are able to restate and respect the views of those in opposition and gently build consensus through sound logic discussed calmly.

### **Prioritizing Long-Term Sustainability: Balancing Community Needs and Fiscal Responsibility**

As appointed board members, you possess the unique opportunity to prioritize the long-term health of your authority's operations. While unpopular decisions may arise, such as rate increases for infrastructure improvements, consider the broader impact on the community's well-



# LOCAL GOVERNMENT