The regularly scheduled meeting of the Wyoming Valley Sanitary Authority was held on Tuesday, March 19, 2019 at 5:30 p.m. at the WVSA plant located in Hanover Township, PA

I. Call to Order
   Mr Guesto, Chairperson

II. Pledge of Allegiance

III. Roll Call
   Mr. Latinski, Secretary

**Members Present**
- Dante Bovani, Jr.
- Samuel T. Guesto, Jr.
- Jeff McLaughlin
- James A. Conahan
- James Hankey
- John Sopp
- Gerald Cross
- Phillip Latinski
- Thomas Wall
- Betty Ann DeRoberto
- Bob Linskey
- James Zarra
- Anthony Glazenski
- Joseph Mazur

**Members Absent**
- Russell Singer (excused)

**Others Present**
- Jim Tomaine
- Bernie Biga
- Rob Krehely
- Sandy Bartosiewicz
- Atty. Bill Finnegan Jr., (Solicitor)
- Kim Bilbow
- Edward A. Volack
- Tim Holden (Penneastern)
- Citizens Voice
- Jennifer (Times Leader)
- Luella Reese

IV. Announcements
   Mr. Guesto, Chairperson
   No announcements.

V. Public Comment Period
   Mr. Guesto introduced Mr. Manta from Jackson Township. Mr. Manta said he was at Lehman Township Meeting last night and they are applying for a waiver. He said a question arose and he brought it to the meeting and asked who is the representative for the back mountain area on this board? Mr. Guesto said the only representatives on this Board are from the founding municipalities.’ Mr. Manta said the second question is the Solicitor. Mr. Finnegan was asked if he represented this whole Board and Atty. Finnegan said that is correct. Mr. Manta said the question that arose in Lehman is do you represent any other Boroughs in the Stormwater and Atty. Finnegan answered, yes I do. Mr. Manta asked if that is a conflict of interest? Atty. Finnegan said no it is not there was an independent Attorney brought in to represent each of the individual municipalities so it would not be a conflict. Mr. Manta said that is why I am asking. There is no representation for the people in the Back Mountain as far as any Board Member here and
how did they approach the people in the back mountain to sign a contract without an Attorney. All the Municipalities in the region were invited to a meeting two and one half or three years ago at Genetti’s when we rolled this program out. Representatives from every municipality were invited to attend. They were asked at that time if they were interested in joining the program. Sandy collected the responses and I believe no one said no because frankly if the municipalities didn’t want us to do this we wouldn’t be here doing it. They unanimously said yes we want you to do it so we began the process. We prepared agreements and ordinances and sent them to all the municipalities and their solicitors to independently review the documents. Any municipality that desired to join passed the ordinances and signed the agreement to commit to the program. Mr. Manta said so all the people that were involved in this in the beginning signed on the dotted line saying we are signing for all the people in our towns. They are the governing bodies signed onto this to have us do the program instead of them doing it themselves. Gerry Cross said this was done with the approval of each individual solicitor from each municipality and their elected officials. Mr. Manta said you never got a vote from the people. Gerry said it is called Local Government Representation in a democracy. You elect Borough Officials, Supervisors and, City Councilmen to act in the best interest of the municipality at large. Mr. Manta asked again if it ever got to the vote of the people? Gerry said binding referendum is not allowed in the State of Pennsylvania. Municipal government cannot off load their decisions to citizens by a vote. They cannot say do you want to vote yes or no to join the Wyoming Valley Sanitary Authority Stormwater Mission. It had to be done by an elective Board. That is the way we operate in Pennsylvania. Tom Wall said if you don’t like it next time they are up for election, don’t vote for them. Mr. Manta said exactly. He said he is not trying to degrade anybody. He just wants to find answers in his mind to satisfy his mind. To say that this was done in democracy. Gerry said we represent like 200,000 people here. Mr. Manta said that is my point there was no representation from the Back Mountain. Gerry said there is a Municipal Steering Committee that meets. Gerry said don’t confuse the two operations. One is the sanitary sewage treatment. Mr. Manta said he doesn’t have a problem with the sanitary part. Back in the 60’s the back mountain did not join the collective effort of the valley municipalities to construct the joint treatment plant. Gerry said I represent Plains. Plains joined in 1962. We did not put sewers in until 1978. Meanwhile for those 16 years my town guaranteed the debt and it guaranteed the building of this plant and all the connection lines. There were fourteen municipalities that joined together to do that. Towns like West Wyoming, towns that were a little bit up the mountain like Wilkes-Barre Township, Ashley, they did not join the original contract. Nonetheless, their citizens had to treat sewage so they joined us as customers. The same way as stormwater is now. Stormwater had to be treated on a regional basis. We offered a co-operative program and towns signed on, but that does not mean they get representation on the board. To join this board now they would have to pay equity to be distributed to the municipal members since 1962. You don’t have representation through this board but you have representation through the Municipal Steering Committee. Mr. Manta said Stormwater and Sanitary are separate. He said everyone is represented from one side of the house. Gerry said our Authority is composed by fourteen members under our charter. Our charter is set up pursuant the Municipality Authorities Act. The Authority gave us the ability to impose the Stormwater fee for the benefit of all the people who wanted it on a regional basis. The towns that are not second class townships can’t levy the fee so they have to look either to a second class township or an authority structure to levy the fee. Our authority is already in place on a regional basis, otherwise if
it wasn’t here to handle stormwater, we would form one like they are talking in York County. Mr. Manta said so the consequences are if they didn’t join this regalia they would have done it on their own. Gerry said it won’t go away because it is required by the Department of Environmental Protection. Mr. Manta said his last question is the unfunded mandate. He said tell me what that is about. Mr. Guesto said DEP and EPA has imposed the unfunded mandate. DEP came to all of our towns and prepared a Pollutant Reduction Education Plan for every town here and the other 18 towns that are a part of it, so basically that is why we formed this regional approach. One of the things you have to realize is you still are the permittee.

You can look at the post by Lehman Townships Supervisor about a 3 million dollar unfunded mandate. This whole initiative is 8 million dollars. Mr. Mana explained that no one from Lehman has spoken with us. Mr. Manta said when he was at Lehman’s meeting he told them that. Mr. Guesto asked if their supervisors were there and Mr. Manta said No. There are a couple people here from Lehman but this is the wrong place to debate. We are here doing this as a regional approach administering the permits for the towns.

Mr. Linskey asked if he could speak a minute? He introduced himself as representative from Jenkins Township and that he is also a Jenkins Township Supervisor. He said Jenkins Township takes in about $600,000 a year in property taxes. We have an engineering study that said it would have cost Jenkins Township $500,000 annually to do this to satisfy the requirements of the MS4 on our own, so I voted for this regional effort to save Jenkins Township money. He said they would have had to double their property taxes to implement the requirements of this MS4 Permit so this was the right thing to do. Mr. Manta said he is debating and he has nothing to do with Jackson Township as they are doing nothing to help the people. Mr. Manta said Mr. Gregory (Lehman Farmer) was at the meeting last night and spoke about all the water coming from the Back Mountain.

Mr. Guesto said they should have someone at our next meeting. Mr. Wall asked when their next meeting is as he would like to attend. They said it will be the 4th Monday in April. Mr. Manta said you have to lead them by the hand and explain everything. Mr. Guesto thanked Mr. Manta

Brian Shiner, Kingston – Questions and Comments – March 19, 2019

Mr. Guesto called on Brian Shiner who gave his address as 97 W. Walnut Street, Kingston. Mr. Shiner said he has a few questions. He was reviewing the Stormwater Budget that he found online. I have some questions about it. It says here in previous meetings, meetings elsewhere and tonight that the Wyoming Valley Sanitary Authority and the Regional Stormwater Management Program that there are two separate operations. Is that true that they are two separate operations? Atty. Finnegan said there is the Sanitary Division and the Stormwater Division. Mr. Shiner said Mr. Cross said earlier that they were separate operations. Gerry Cross explained to Mr. Shiner the operations are separate, one is Sanitary Sewage Treatment which is a NPDES requirement of all Municipalities and the other one requires the MS4 requirement under DEP. We house them here under one operation administratively with different people assigned to different things. The tasks are separate but we have common equipment so in our budget it is considered a cost allegation basis. But our operations are unique and distinct. You wouldn’t confuse them with Sanitary Sewage. However, they are all part of the water cycle and that is kind of what we do. Mr. Shiner said on the Budget it says Stormwater Loan 2017 – 0. But you have a budget of almost 9 million dollars. 8.88 million. So where did the money come from? Was there a loan? Gerry Cross said I am the Finance
Chairman, if you would like, I will answer the question. The Sanitary Division, at that time the Sanitary Authority, because of the interest of the group and because of the need to get wrapped up quickly because DEP was not giving the municipalities an extension of time to form a regional group, we had to do this on our own. We essentially pre-funded from our capital reserve a loan to the Stormwater Division with the requirement from the Board that it would be re-paid over a period of time including interest so that the sanitary and stormwater would all be separate. We have to levy fees and by that we keep the stormwater separate from the Sanitary without mixing the two so we have a rate basis that we can defend. The loan has not yet been paid. As a matter of fact the loan was for the seed money so we could get all the engineering off the ground, to get the mapping off the ground and everything that had to be done and establish a rate and get the DEP individual Permits for an application for 32 Municipalities on a single permit. Someone had to fund that from somewhere. Our Authority, after we received 32 Agreements stepped up and put 3 million dollars from capital reserve on a loan that we memorialized by the action of our Board. It is essentially an inter company loan between the two divisions. Mr. Shiner said he saw on our website that it said all stormwater fee’s will be placed in a dedicated fund to be only used for Wyoming Valley Sanitary Regional Stormwater Program and again we talked about keeping everything separate. Mr. Shiner said on February 19th that he had been here at the January meeting and I know you had a small turn out that evening but one of the things I took away from it was that the stormwater fee was going to be extended until March 15th, but the way I understood it the sewer bill was still due on the 19th, if we wanted to pay it on time. So I went to pay on the 19th of February. I went to pay my sewer bill and I was told I couldn’t. I was told by the office in Kingston that any money I gave them would be applied to the stormwater fee first and then everything else would be applied second to the sewer bill. Now if everything is going to be separate and the meetings I have been to and Finnegan was there, even at the Flood Protection Authority everything has been maintained as two separate things. How can you tell me which bill I wish to pay or which portion of it? In most viewings, if you go to pay a bill, you get to pay the bill and if the company refuses to take your money the bill is considered paid. But with you guys you want to put it toward Stormwater no matter what we say. So if I wrote my check out to Wyoming Valley Sanitary Authority Sewer Bill you are still going to take the Fifty Seven Dollars and change and put it on stormwater against my wishes. Something is not right with this. Now I understand why you are probably doing it that way but the reason doesn’t necessarily make it the right thing to do. I think you need to re-look at this and see what you are doing. I spoke at length with Mr. Tomaine a couple of weeks ago and he said the billing would be changed for next year. I think this is appropriate, protecting his program and I understand that and I also feel the regional approach is the better way to go. You can get a lot of things done a lot cheaper when you regionalize. I think Luzerne County needs to look at that mode of doing things in a lot of other area’s also. I find it very disturbing when you are telling what I can pay and what I can’t pay when you maintain that it is two separate operations. Gerry said he didn’t know they extended the due date for sewage. Sandy said it was extended for both because it was one bill. Gerry said he thought it was publicized. Motion was made to publicize for 1st quarter due date for sanitary and stormwater to be extended to March 15, 2019. Gerry said our Rules and Regulations for the enforcement of the stormwater fee require that the office apply the first dollar of every bill to the stormwater fee and when that bill is satisfied for that bill the second dollar goes toward the sanitary bill. That is part of the Rules and Regulations with the Intergovernmental Cooperation Agreement. Mr. Shiner asked if that is in the Rules and Regulations. Gerry said our Rules and
Regulations were adopted here. Gerry said you have 32 Municipalities that are gathered together under the trust of us that we considered their interest first when we are collecting fees from stormwater. We are saying that the 32 Municipalities charter members come before the fourteen charter member group. The other way we grab our money first, the stormwater doesn’t get done, sorry, tough, sorry you are out of luck. It is not going to work that way. Regional approach requires regional trust and regional cooperation. Your first dollar goes to stormwater so we can meet our obligations under the Intergovernmental Cooperation Contact. Our existing business, the sanitary sewers we are going to allow to go forward secondly because we have an enforcement on the fees we can protect our interest better.

Mr. Shiner said yeah because you can shut our water off. Gerry said you have to remember the municipalities have no recourse against the fine saying you didn’t collect enough stormwater, you guys didn’t do what you were suppose to do, you didn’t accomplish the requirements, then every Municipality gets a fine. That is the balance you are trying to strike here. How do you protect the interests of 32 municipalities on a regional approach which we all agree is a good one versus the periodical approach of fourteen Board Members required to operate a huge plant that takes care of sanitary sewers for DEP and EPA. It is a tough question. We have been doing this for three years. There are a lot of moving gears, lots of cogs, one of the cogs is fee’s, one of the cogs is fee collection mechanism, one of the cogs is cost allocation among an Authority, which is how you get your cost from realization and the other one is effectively doing what you are told to do when you are under an unfunded mandate. So far our process has done every one of those. So the regional effort here shouldn’t be the subject of gabfest and nit picking when no one has paid attention for three years. You are saying what are the quirks now and why do we do it that way? If we can’t live up to the explanation on how we did it for the last three years, we will change it. We are listening now and yes it does sound like a sneaky thing when you say sewer comes second and stormwater comes first, but how else can you protect the interests of 32 Municipalities. You can’t do it.

This Sanitary Authority here, when we built the plant was a model for the commonwealth. Our plant handles responsibilities that we didn’t have to update. Other towns had to spend 10 to 20 million dollars to increase their nitrogen pollution department. We didn’t have to because our plant was big enough and we had enough area to do that. We saved people money every year. We don’t get any credit for that. Do you follow me? The alternative to realization in 1962 was 32 Sewer Plants. Where the heck was Pringle going to put their sewer plant? In Kingston, the riverfront would have fifteen sewer plants, You wouldn’t have a portal along the river, you would have fifteen sewer plants. Instead we have one huge sewer plant and one huge expensive network of pipes. Thirty years from now the stormwater will be in the same situation. It will be an expensive network and somebody has to get it started no and that is kind of what we are going. I appreciate what you are saying and that you are seeing the decisions we had to make we made them in a vacuum with 32 Municipalities standing and this Board. How else do you do these hard things? Mr. Shiner said he hopes in the future the people of this County will come forward during the planning stage instead of waiting until the bill hits them in the pocket. Gerry said you and I both know that. Gerry said everybody is for regionalization until a fee is issued and then it is run for the hills. Looking for every way to get out of it instead of saying we have to stick together. I wouldn’t want to be in a battle with some of these people. Mr. Shiner asked to make a comment. He said he doesn’t mind paying money to clean up the Susquehanna River. It is a shame that it got into the terrible condition that it is in. You also have to look at the fact you are getting push back from the people because
they look at all of the raw waste and raw chemicals being discharged up in Binghamton and that nothing is being done about it and they look at all the acid mine water going into the river and now we need all this money to just get rid of some nitrogen phosphorus and sedimentation. What difference does that make when you have all the acid mine water and chemicals running into the river? It doesn’t really make much difference. Tom Wall said he thinks it is being treated. If you go down to Hanover Township on Route 29 they put in a treatment location for acid mine water. I think this is another step in the right direction along with previous steps to try and clean things up. Probably in our time we won’t see it but maybe my grandchildren will see a cleaner river. Jim Tomaine said not to worry about the next permit cycle but under this MS4 Permit (the current permit cycle) we have to locate those acid mine falls and document and it would lead you to think once located they would be in line for the next round of treatment. Mr. Shiner said Kingston Borough for a couple years now has had Wyoming Valley West Students come into a presentation and work with the MS4 Program and we got hit with a pretty stiff fine along with Wilkes-Barre. Jim said this goes back to Gerry when he said how do we guarantee control of the towns interest because if we don’t guarantee them the Feds can come in and make huge fines on the municipalities which is what we are trying to avoid. Mr. Shiner said thank you. Mr. Guesto thanked Mr. Shiner and Mr. Cross for their words.

VI. Approval of February 19, 2019 Minutes.
Motion by Mr. Wall
Seconded by Mr. Mazur
Motion carried unanimously.

VII. Municipal Engineering Report
Mr. Zarra, Chairperson
Mr. Zarra made a motion to adopt Resolution #8 of the Wyoming Valley Sanitary Board of Directors approving the retention of Barry Isett and Associated (Engineers) to complete Stormwater planning, design, preparation of plans and specifications and construction oversight for projects.
Seconded by Mr. Latinski
Gerry Cross abstained.
Motion carried unanimously.

Mr. Zarra made a motion to approve service order 2-c Amendment 1 (attached) with Penn Eastern Engineering to assist WVSA in the location of existing MS4 municipal Stormwater assets, including but not limited to Stormwater Best Management Practices (BMP’s), outfalls, manholes and delineation points of combined systems. Approved Standard rates will be utilized and this amendment will not exceed $10,000. These Services support on-going municipal mapping efforts as required by Municipal MS4 Permits.
Seconded by Mr. Linskey
Motion carried unanimously.

VIII. Operations and Infrastructure Report
Mr. McLaughlin, Chairman.
Mr. McLaughlin made a motion to enter into an Agreement with Material Matters to prepare an application for renewal of coverage under PADEP’s General Permit for the beneficial use of WVSA’s biosolids for a price not to exceed $6,500.00.
Seconded by Mr. Mazur
Motion carried unanimously.

Mr. McLaughlin made a motion to award a contract to Pumping Solutions for Diversion Chamber Maintenance and Emergency Response Work in the low bid amount of $73.00 per hour.
Seconded by Mr. Conahan
Motion carried unanimously.

Mr. McLaughlin made a motion to enter into a contract with PSI Pumping Solutions, Inc. in the low bid amount of $42,700.00 to perform the upgrade of Pump Station #4K located on the corner of Chester Street and Wright Avenue, Kingston Borough. WVSA Capital Project #02-19
Seconded by Mr. Latinski
Motion carried unanimously.

Mr. McLaughlin made a motion to execute final close out Change Order #2 with Doli Construction Corporation in the amount of $301,503.31 for additional work associated with the North River Street Interceptor Replacement Project and to provide all as built documents and releases as required by contract documents.
Seconded by Mr. Conahan
Motion carried unanimously.

Mr. McLaughlin made a motion to extend the contract with Taylor Consulting and Contracting for an additional 5-year period. Taylor will continue to act as an energy consultant and broker for the natural gas and electric accounts of Wyoming Valley Sanitary Authority.
Seconded by Mr. Sopp
Motion carried unanimously.

Mr. McLaughlin made a motion to enter into an Agreement with Hughestown Borough for the Standard Municipal Collections Maintenance Agreement.
Seconded by Mr. Linskey
Motion carried unanimously.

Mr. McLaughlin made a motion to enter into an Agreement with US Army Corp of Engineers for a 50% matching Mapping Assistance Grant in the amount of $200,000 for the year 2019.
Seconded by Mr. Mazur
Motion carried unanimously.

IX. Payment of Operating Budget Bills.
   Mrs. Bartosiewicz, Budget and Finance Director
Mr. Cross made a motion that the Operating Budget Bills be paid.
Seconded by Mr. Sopp
Motion carried unanimously.

X. Payment of Capital Budget Bills.
Mrs. Bartosiewicz, Budget and Finance Director

Mrs. DeRoberto made a motion that the capital budget bills be paid.
Seconded by Mr. Conahan
Motion carried unanimously.

XI. Payment of Special Project Bills.
Mrs. Bartosiewicz, Budget and Finance Director

Mr. Cross made a motion that the Special Project Bills be paid.
Seconded by Mr. Mazur
Motion carried unanimously.

XII. Payment of Cash Refunds.
Mrs. Bartosiewicz, Budget and Finance Director

Mrs. DeRoberto made a motion that the cash refunds be paid.
Seconded by Mr. Cross
Motion carried unanimously.

Mr. Cross asked what were the refunds on Stormwater for?
Sandy said for people whose tiers were changed and they had already paid and requested a refund or the yearly percent off.

Mr. Conahan asked if credits were included?
Sandy said yes, if a payment was made before the on site, they might request a refund or reduced bill.

XIII. Old Business

XIV. New Business
Gerry Cross made a motion to authorize the Stormwater Committee to evaluate available action and make appropriate decisions relative to 1st quarter Stormwater penalty and interest Policy in accordance with program objectives.
Seconded by Mr. Latinski
Motion carried unanimously.

XV. Next Meeting
The next meeting of the board is Tuesday, April 16, 2019 at 5:30 p.m.

XVI. Adjourn
Motion by Mr. Wall
Seconded by Mr. Latinski