

DATE: Wednesday, October 30, 2024

The regular monthly meeting of the Womelsdorf-Robeson Joint Authority was held Wednesday, October 30, 2024, at 7:00 p.m. in the Womelsdorf Borough Hall. The regularly scheduled meeting of Wednesday, October 24, 2024, was postponed due to a conflict with the Chairman's schedule.

It was noted that in order to assist in the preparation of the meeting minutes, the Secretary records the meeting. The recording is deleted following the approval by the Board and no permanent recording is kept by the Secretary.

The following members were present:

Steve Bright	Ralph Honigmann	Matthew Miller	Rod Lebo
Mark Spotts	Jack Morris	Barbara Orth	

Sr Operations Specialist, Jason Coyle, Solicitor Jestyn Payne, Dennis Miller and Jacob Sonnen (Authority Operators) were also in attendance.

The meeting was opened with the Pledge to the Flag of the USA.

Visitors:

Mountain Bikers – Nathan Werner, Kory Koehler, Michele Bare, Will Hawke and Chris Herbein signed in to talk about the recent rule of no bikes on the Authority's property. Tracy Rice signed in to talk about the potential conservation easement. Chairman Bright read guidelines for public comment.

Michele Bare, Robesonia, thanked the Board for its service. She serves the public also. She has used our land for the past 16 years and understands public land usage since her job has her dealing with this. The other week she had an issue during muzzle loading season and saw other non-hunters not wearing orange. She saw hunters also not wearing orange. She felt we should not be pointing fingers just at mountain bikers since likely everyone using the property is guilty of doing something they should not be doing. If going to restrict someone for breaking rules, you should restrict everyone.

Nathan Werner from Robesonia continued addressed hunters not marking tree stands. He commented on the bikers and asked if we would reconsider the ban.

Kory Koehler, Reinholds, didn't feel their voices weren't heard and they were not allowed to address the ban. He understands having to work on the land management terms. He has worked to have a good relationship. The signs came as a big shock, and he would like to continue to have a voice in discussions.

Chris Herbein, Birdsboro, is President of Berks Trail Works. He too was shocked by the ban. He felt the Board should have reached out first. Mr. Herbein inquired as to what was the culmination for banning bicycles? The Solicitor noted the Board will be discussing this topic at length later in the meeting. Ultimately, Mr. Herbein would like biking to be restored and come to an agreement. He has some suggestions and will be willing to share. Chairman asked if there were more to their group than just those attending. They responded they are the core group and that they never advertised online or in print about using our property as requested by WRJA.

Tracy Rice, Robesonia, spoke regarding the discussion of the conservation easement. She and her husband own property adjoining WRJA along Tract #3. She is a Member of Tulpehocken Creek Water Shed Association. Her husband and she want to support the conservation easement the Board is considering tonight. She works professionally in natural resource land management and is familiar with grants that support such an easement. The Authority has been protecting our water source for many decades. An easement would recognize our valuable work and would not change anything unless we chose to do so. She continued to comment on support and urged the Board to move forward with the easement. The Tulpehocken Creek Water Shed regularly samples and monitor water quality from approximately 2 dozen streams. Furnace Creek is one of the benchmark sites and has the highest quality of water in the basin, covering over 200 square miles in Berks and Lebanon Counties. If their monitoring data would help support a grant application, they would be happy to help and would also be willing to write a letter of support when seeking grants. She urged the Board to approve the easement and take advantage of any grants available which would be a benefit of work already being done. Money could offset the costs of capital improvement

projects. Chairman commented we will be talking about this later in the meeting.

Nick Schoener and Womelsdorf Council President Bruce Edwards attended to observe. Solicitor Payne thanked everyone for the civil process when speaking.

Secretary's Report:

The minutes of the meeting held Wednesday, September 25, 2024, were reviewed and approved on a motion by Rod Lebo, seconded by Jack Morris. Motion carried unanimously.

Correspondence:

- Certificate of Insurance from Diversified Technologies.
- 2 Arc News magazines – was given to Dennis Miller.

Treasurer's Report:

1. The Treasurer's Report showing a balance of \$2,479,708.27 was approved on a motion by Barbara Orth, seconded by Ralph Honigmann. Unanimously approved.
2. Bills in the amount of \$63,324.91 were presented for payment, which were ratified or approved on motion by Barbara Orth, seconded by Ralph Honigmann. Unanimously approved.
3. Edward Jones statements are available upon request.
4. Dropped off material with Auditor. The Treasurer noted that he would like to have the audit completed by year-end.
5. Maple Avenue Apartments – The Treasurer noted that the deficit in the expense fund is increasing, and the developer will be sending a check to be applied to the expense fund.
6. Furnace Hill – Jason Coyle said this has been closed for years. Should be Furnace Village. Need to review bills and transfer any balances. Mark Spotts said Furnace Hill is active. Jason will review.

Engineer's Report:

1. 2024 Project Discussion: Gold Spring Tank Painting Project.
 - Verified Grant: The Authority was not awarded either of the grants nor any explanations. SSM secured over \$1,700,000.00 this round but very few were awarded compared to the 2023 approvals. Board will need to discuss payment options for 2025 Gold Springs Project. Jason felt our balance was part of the problem. We are being punished for doing well. It is frustrating.
 - SSM is reviewing the Prevailing Wage requirements and the rates submitted within the proposals. SSM has prepared the bid package specifications and is ready for Board action to approve submissions. WRJA has added an internal stack pipe for mixing.
 - Jason notified Kappe that the Authority was not awarded the grant, and they will not need to include the Commonwealth as part of the proposal. SSM Structural Department would like to take better look at ladders, etc. Will be ready next month. Will also discuss with WRJA staffing. Steve pointed out that deadline is approaching and needs to happen by November.
2. 2025 Project Discussion: Furnace Creek Tank Project looking out for 2026.
 - Grant Application. Action Required. Does the Board want to discuss reapplying for 2025 grant applications? Mark suggested we should pursue it. Can we delay the application? Deadline to apply is November 30, 2024, and rewarded in September 2025. Can we reflect the expected cost for the Gold Springs Tank on the application? Jason will investigate. Ralph wondered if we could wait a year –Dennis stated per DEP once we get the one refurbished and the inspection done then it will be certified, and we can use it. Even if there may be a chance of cost increase, the grant would offset it. Ralph also noted upcoming election may change things. An authorization was made for SSM to continue with grant (subject to what Jason finds out) on a motion by Ralph Honigmann, seconded by Mark Spotts. Motion carried. If SSM thinks it is a waste of money to move forward, they will advise the Board.

3. Maple Ave: Improvements Agreement has been initiated. SSM met with Kozloff Stoudt to discuss the project and SSM provided specifications on materials. EDUs were purchased at the July Board meeting. To date the financial security escrow has not been met in the amount of \$95,708.40. Mr. Randler would like a letter verifying that the EDUs were purchased. Kozloff completed a draft approval agreement and sent it to WRJA officers and SSM/Jamie Lorah for review. The developer is pressing to get this finished. Solicitor is asking for authorization for the Chairman to execute improvements agreement and documents as soon as SSM makes their comments and additions. Solicitor mentioned escrow and cost to Authority may have to be tweaked. Jack Morris motioned for Chairman to move forward as stated, seconded by Ralph Honigmann. Motion carried. Dennis thinks they can get the meter pit in the state right of way.

4. East High Street Subdivision Update: Information was provided to Kozloff Stoudt to initiate the Improvements Agreement. SSM met with Kozloff Stoudt and exchanged the final information required to initiate the agreement. An open issue pertains as to the extent to which Cherry Alley has been opened by the Borough and the extent to which an Easement Agreement must be obtained by individuals who own property abutting the non-open portion of Cherry Alley. The Solicitor indicated that he would address this issue with the Borough Solicitor. Ralph Honigmann made a motion, seconded by Rod Lebo, that the Solicitor be authorized to prepare the Improvements Agreement and applicable Easement Agreements. The motion carried unanimously.

5. Jack Keener – Furnace Village II. Update: SSM survey reviewed the updates to verify the modifications. They have approved the changes made by HNT. Jason sent over the updated plans that were received to Jestyn. Steve Bright made a motion for Solicitor to work with Jason to complete documentation cleaning up Furnace Village II documents. Ralph Honigmann seconded. Unanimously approved.

6. Lead and Copper Spreadsheet updates. Spreadsheet were submitted and verified by DEP on October 11th. Affidavit from Glenn Eberly should be prepared and kept on hand.

7. Berks County HOP has been received. Jason has inquired on status of Lebanon Emergency HOP renewal.

Solicitor's Report:

1. Public Use of Authority's Property

The Solicitor began the discussion by presenting enlarged photographs showing damage to the Authority's property. Chairman noted our issue is damage to our land. Our responsibility is to take care of land. The Solicitor commented on the pictures and noted unauthorized timbering, as well as structures built without permission and damage done. The Solicitor noted that there are many other photographs that he had not enlarged. The Bikers in attendance addressed some issues and stated that Peter Schaeffer is responsible for many of the flags and damage done. They pick up trash and ribbons left by others. They did not realize these things were issues. That is why they are attending the meeting. Solicitor noted that Board members and operators followed up on complaints or comments regarding trails, damage, etc. A question was raised to Mark why he did not tell bikers that bridge was an issue? He stated that rules are posted, and they are clear what is and is not allowed. Building of structures is not allowed. This Authority was created as a water authority to provide clean, safe, and affordable water to our clients. Our efforts are geared toward water, and we have never been a public park or recreational facility. For financial reasons, it is important for the Authority to timber its land which it does responsibly. The income derived by the Authority from timbering is used to keep customers' water rates low. Mark noted that saplings and trees have been cut with chain saw. This hurts our future timbering. There are trails made that were never there before. There is also damage to the Authority's property from hunters. All of this results in more pressure on the Board to police its lands. Wernersville, Newmanstown, Richland, Heidelberg do not allow anyone on their property. It is not practical for the Board to hire property managers. It is not the function of the Authority's operators to police the Authority's property. Mark also noted the issue of increased liability to the Authority. Kory stated they wanted to cooperate, but no one reached out to them with complaints. There were many more comments. Bikers finalized asking is there anything they can do to fix the problem? Kory asked the Board to reconsider. Chairman again stated we must be responsible in taking care of WRJA land. Solicitor reviewed

some of the rules that are posted. He recognizes the bikers attending are good people. Unfortunately, it's not just the people attending. He noted that in the August agenda, the Chief Operator listed Land Use because he was concerned about damage done to our land. The Solicitor advised the Board that the Authority had complied with applicable law with respect to properly setting forth its August Agenda, but that he did understand how some people might not have realized that the Board might take action to revise its Rules based upon the Chief Operator's report of damage to Authority property. Accordingly, the Solicitor recommended that the Board ratify and readopt the Motion by the Board at its August 28, 2024, meeting regarding prohibition of bicycling on the Authority's property. The Motion was made by Ralph Honigmann, seconded by Matt Miller. The Motion was unanimously adopted.

Bruce Edwards, Womelsdorf Borough Council President stated that the Authority has been very gracious. He commented on the cost of policing and resources to keep the water shed in good condition. He urged everyone to be active in our communities. Kory is hoping sometime in the future bikes will be allowed back on the property.

2. Potential Conservation Easements

Subcommittee consisting of Mark Spotts and Barbara Orth (Ralph Honigmann could not attend) met on October 21, 2024, with Berks Nature's Larry Lloyd and Solicitor Payne at Kozloff Stoult. Looked at having all parcels in the easement but decided to move forward focusing on Tract #3 of 817.8 acres. Ralph had previously asked if we could split Tract #3? Larry said we could do that without doing another appraisal. \$4175. per acre would apply whether it's full tract or half tract. Biggest issue is looking at improvement zones which we may use to explore and potentially develop water sources. The issue is the original plan called for 2 - 1-acre parcels. This is unacceptable. The Authority needs unfettered right and access to develop and maintain wells and infrastructure. The Board needs to think about 50 to 100 years from now and consider new technology. Who knows what regulations or technology may develop? We received a sample forestry agreement. Mark sent our Forester, Joe Brackman, for review. Mark will email the Board. Established that the Pennsylvania Bureau of Forestry would be co-sponsor with us. Mark will reach out to their chief ecologist at William Penn Forest, who is our neighbor. Tracy Rice mentioned the Highland Grant application is open and is due December 30, 2024. We can sign the Memorandum of Understanding by December and should be ok. There are some costs we must pay. The committee asked Larry if we proceed slowly and just do Tract #3 or a portion of Tract #3 can we later do another tract without having to go through the whole process? Yes, we can do another tract by just amending the current contract. Mark noted by entering the conservation easement and selling rights to the property, we will be devaluing the property, in that the only thing the land is good for is conservation and water shed. Mark indicated that he is waiting back to hear from Larry as to how flexible they can be with regards to water development now or in the future. Mark and Barb are on board with Tract #3. Ralph was considering 1/2 of Tract #3. The Board will have to decide. If we pursue, Solicitor should markup contract with whatever language is in our best interest regarding water development. Solicitor will continue talking with subcommittee about language and terms and timbering. In addition, the Board needs to consider the possibility of future filtration requirements based on prevailing regulations. Motion to start working on documents made by Rod Lebo, seconded by Barbara Orth. Unanimously approved.

3. Lead and Copper Inventory Public Notice: Will proceed working with Glenn Eberly attesting to certain matters.

4. Insurance Bid: Marcie Kunkelman is working with The Zigmund Company on the bid package.

5. Hill Road Easement: Sent insurance requirements to Jeffrey Martin and Patrick Tragesur. Received documents from Martin's insurance company. Will be reviewing. Waiting for Mr. Tragesur.

6. Bethany Road Subdivision: Jason stated he was at the Newmanstown Water Authority Board meeting and the developer/CMJM thinks he can meet the first 3 homes through the existing Newmanstown Water Authority water main and service the remaining additional 7-8 lots with on-site walls. The Board will need

an interpretation for first right of refusal. Jason gave Solicitor set of plans. These plans will be updated. This plan seems to ignore the WRJA Right-of-First Refusal.

Operator's Report:

1. Fixed problem meters
2. Update on Well #1: Kohl Brothers will be coming back in the next few weeks. Will be pulling service to see what can be found.
3. Water supply – Lowered supply due to barn fire the other week. Doing better now. Need to look at this and have a conversation with the fire company. The initial hook up should have been the fire hydrants but after that, they should have accessed the nearby ponds. Because of this usage, will not have to do hydrant flushing.
4. PPL – Jeff Schatz gave us “In case of emergency” contact information.
5. Furnace Hill update: Freeman Street – all services are in. Need to do cul-de-sac area yet. Chairman's Report:

Personnel Committee – 2025 compensation issues: Should meet in November to discuss.

Other Board Member Comments:

Ralph Honigmann: Thank you to everyone, especially operators regarding the picnic. It was great fun especially for his family! Mark echoed the good job and was grateful to Glenn regarding the hayride. It was a big hit! Hope to do this again next year!

Motion to Adjourn at 9:05 PM by Steve Bright, seconded by Barbara Orth. Motion carried.

Next meeting: Tuesday, November 26, 2024, at 7PM at the Womelsdorf Borough Hall.

Respectfully submitted,

Barbara Orth

Barbara Orth
Secretary

Womelsdorf - Robesonia Joint Authority

A WATER AUTHORITY — SUPPLYING WOMELSDORF, ROBESONIA AND SHERIDAN, PA.

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Treasurer's Report SEPTEMBER 2024

Balance AUGUST 31		\$404,318.01	
Water revenue		\$30,963.12	
Certs		\$520.00	
Shut offs		\$100.00	
Meter Data Fee		\$2,001.00	
Other Income		\$283.61	
Total Income			<u>+\$33,867.73</u>
			\$438,185.74
September Disbursements	\$32,651.15		
			<u>-\$32,651.15</u>
			\$405,534.59
Treasury Notes			
Expires 02.15.27	2.250%	\$100,000.00	
Expires 08.15.28	2.875%	\$140,000.00	
Expires 05.15.29	2.375%	<u>\$105,000.00</u>	
		\$345,000.00	
			<u>+\$345,000</u>
			\$750,534.59
PLGIT		\$733,574.65	
Interest	5.26%	+3,162.06	
			<u>+736,736.71</u>
			\$1,487,271.30
Edward Jones account value of AUG 31-SEPT 27, 2024			
			<u>+\$1,992,436.97</u>
			\$2,479,708.27