

THE REGULAR MONTHLY MEETING WAS HELD BY THE VIRTUAL MEETING ZOOM PLATFORM AND IN PERSON ON WEDNESDAY, DECEMBER 17, 2025, AT 6 PM, IN THE CONFERENCE ROOM AT 711 BIRKBECK STREET, FREELAND, PA. PRESENT WERE MR. KAVITSKI, MR. FISHER, MR. THOMAS, MR. KUKLIS, ATTORNEY MALASKA, THE ENGINEER, THE TECHNICAL MANAGER (via Zoom) AND THE SECRETARY.

SALUTE TO THE FLAG – MOMENT OF SILENCE

CITIZENS PARTICIPATION

One citizen present via Zoom under the name of Michael G but did not participate.

APPROVE MINUTES

Mr. Kuklis made the motion to approve the First Executive Meeting Minutes dated November 14, 2025, and Mr. Thomas second. Vote 4-0.

Mr. Kuklis made the motion to approve the Second Executive Meeting Minutes dated November 14, 2025, and Mr. Fisher second. Vote 4-0.

Mr. Fisher made the motion to approve Regular Meeting Minutes dated November 19, 2025, and Mr. Thomas second. Vote 4-0.

Mr. Kuklis made the motion to approve Continued Meeting Minutes dated November 20, 2025, and Mr. Fisher second. Vote 4-0.

APPROVE NOVEMBER PAID INVOICES

Mr. Thomas made a motion to approve November paid invoices for the Water Division totaling \$350,550.97, and the Sewer Division invoices totaling \$205,712.16, and Mr. Kuklis second. Vote 4-0. (Reference 2700-A).

CURRENT INVOICES

Mr. Thomas made a motion to approve payment of the current Water Division invoices totaling \$250,888.96, the Sewer Division invoices totaling \$126,565.98, and the Sandy Run invoices totaling \$204.23, and Mr. Kavitski second. Vote 4-0. (Reference 2700-B).

FINANCIAL STATUS

The Secretary reviewed the Financial Status as outlined in Reference 2700-C.

2026 Proposed Water Budget with price increase as follows flat fee increase of \$4.00; hydrant/fire increase 16%; Sandy Run increase \$7.50, Mr. Fisher made the motion to approve and Mr. Thomas second. Vote 4-0. (Reference 2700-D).

ENGINEERING REPORT

Mr. Brenden Miller of HRG, Inc., presented the Engineering Report. (Reference 2700-E).

**Sewer Area**

**-SIUA and IPP Items** – Chris Ferdik of HRG (via Zoom) discussed this area of the report. Since meeting with Citterio, a response letter was sent from Atty Malaska on 11/26/2025. Zoom Meeting with EPA Region 3, FMA and Legal Counsel on 12/1/2025. There was discussion with Legal Counsel and Citterio Counsel regarding ramifications of continued TDS noncompliance on 12/10/2025. Rettew's December deliverable proves to be in favor of the Authority's direction with Alternative 2C. Mr. Kavitski questioned the use of the existing DAF, especially if they want increased flow. Chris Ferdik stated we do need clarification of the use of the DAF unit. Chris Ferdik suggested another meeting with Citterio in early January. Mr. Kavitski said he has concerns about the pounds per day mass loading; Citterio does not seem concerned about this situation at all. Mr. Kavitski stated they need to look at the future for the sizing of their pretreatment plant.

Mr. Thomas stated all points are very valid.

Chris Ferdik will prepare a technical response to send to Citterio, and the Board all agreed.

Atty Malaska stated he spoke with Atty McCaulley regarding another meeting.

Mr. Kavitski said the week of January 12<sup>th</sup> for another meeting with Citterio.

Atty Malaska stated he has had discussions with Atty Pompo and then with Atty. McCaulley regarding money cost recovery. It seems that if deadlines are given Citterio does deliver. Costs and penalties are to be recovered; and Citterio will be cutting a 6-digit check to the Authority. Citterio deliverable seems okay to me not to schedule hearings at this time.

Mr. Kavitski inquired if the Authority will ever see any money and Mr. Fisher inquired about the total amount of money Citterio was informed of.

Atty Malaska stated when he and Atty Pompo spoke they were going with the 367 number.

Mr. Fisher and Mr. Kavitski both said the figure should have been 560. Atty Malaska stated that it was with the 190-figure added in. Atty Malaska stated they did not inform Citterio of the 190-figure added in.

Atty Malaska was not sure if Citterio was made aware of the TDS violation figure yet. Chris Ferdik needs to go over the violations, but the figure is more around 177; and no civil penalties were assessed yet for TDS. Atty Malaska said there may be a global settlement. Mr. Kavitski said the penalties for TDS should be assessed. Chris Ferdik said he is comfortable using the 177K for all TDS violations from July 2024 to September 2025. Chris Ferdik stated we need to wait until end of January 2026 to use the fourth quarter of 2025. Atty Malaska and the Board had a discussion regarding the penalty amount. The Board was not happy with the amount Atty Malaska was suggesting. Mr. Kavitski stated Citterio had the violations and should pay for the violations not just to be able to walk away from the Civil Penalties.

Atty Malaska recommends when Chris Ferdik puts the technical letter together the TDS violations should be included and Citterio needs to come back with a figure and a response to the demand. If we schedule hearings, I do not know what a Judge in the Court of Common Pleas would award the Authority either.

Mr. Kavitski inquired about having the EPA be part of the appealed hearings.

Atty Malaska is concerned about what a Judge in Luzerne County would give for the Authority demand and you need to be braced for that.

Mr. Kavitski stated the case would show they have been in violation for years and years, what Judge would turn around and say you should not do that. The documented IPP prepared for compliance with the Environmental Protection Agency and the penalty is written in the IPP.

Atty Malaska stated I cannot guarantee you will get the number you are anticipating.

Mr. Thomas stated if we take it to court there is a chance we will lose.

Atty Malaska stated you will get something, but what you are demanding is another story.

Mr. Thomas stated to give them the figure and if they do not like it, to start the proceedings.

Mr. Fisher stated if we get half of the civil penalties we are ahead and Mr. Kuklis stated the Authority should expect more than hundred thousand.

Mr. Kavitski stated the Authority should expect more than fifty percent. We seem to be wasting our time with the IPP Program, if it is not going to be enforceable. We are not going after them for dream money. They are legitimate problems from Citterio and the program requires enforcement.

Atty Malaska stated you can request the money I just want to manage your expectations about the ability to recover it.

Mr. Kavitski stated I understand you are concerned about Wilkes-Barre. I am looking at if we go to court and the Judge awards something ridiculous than we appeal it and where does it go.

Atty Malaska stated appeal goes to the Pennsylvania Commonwealth Court and from there the Pennsylvania Supreme Court and the time could take up to 1-1/2 to 2 years, and the Supreme Court is not obligated to hear the case. I think we should make a formal demand and then we will know if we need to schedule a hearing.

Mr. Kavitski stated they should be told the entire number and say we are willing to accept 75% of that.

Mr. Kuklis questioned it was 85% last time and Mr. Kavitski apologized and stated yes, we did offer the 85% last time.

Atty Malaska informed the Board we have not given Citterio a written demand yet and let them give a counter in writing.

Mr. Kavitski stated we will gather the revised figure and let them give a written response back with a deadline. The figure will be \$552,000.00 (as of 12/5/25) and let them counter.

Chris Ferdik inquired about the permit extension for Citterio, should we extend it to October 30, 2026.

Atty Malaska stated if it cannot be resolved at the next meeting, we need to schedule hearing. The next Board Meeting is January 21, 2026, and it can be voted on at that meeting.

Mr. Kavitski stated Erin Desandro of EPA wants extension to go by the original permit date.

Chris Ferdik stated we can draft a resolution to extend their permit and vote on at the meeting.

Atty Malaska stated we still can cite them or even terminate the permit if needed and October extension gives the Authority time if we need to schedule hearings.

Chris Ferdik informed the Board the permit can go up to 2028, no permit can be longer than five years.

A new permit would need to be made, and new application completed again prior to 2028.

Atty Malaska inquired if the timeline for Citterio Treatment Plant Upgrade is reasonable and Chris Ferdik said it seems more reasonable, but they have 6 months allocated for capacity which may be longer.

Atty Malaska informed Chris Ferdik to ask for all information you want.

Mr. Kavitski stated make sure the DAF, FOG, TDS and pounds per day are all addressed in the letter. The expansion should not be discussed until this is settled.

Atty Malaska stated once everything with Citterio is worked out, how does PA American fit into all of this. Mr. Fisher inquired about the TDS; they are out of compliance whether we are applying penalties or not. Chris Ferdik stated the 177K is for the out of compliance for the TDS which are assessed quarterly if they continue being out of compliance. The penalty is \$2000 per day but it could be as high as \$25,000 per day. Atty Malaska stated Citterio may come to the Authority with an offer of x amount of dollars for every violation as they are building their plant.

Mr. Kavitski stated we tried to negotiate the last time, and it got the Authority nowhere so we will see where this letter goes.

Chris Ferdik stated a stipulated penalty agreement would work.

Mr. Kavitski stated stipulated penalty unless they start violating are effluent limits and then the penalty agreement will be off the table.

Chris Ferdik stated a NPDES violation is a totally different story.

Mr. Kavitski stated we need to watch what the Authority agrees to, because it could hurt us badly.

**-Sludge Dewatering Project** – One last Payment Request still waiting on a Change Order Approval from PENNVEST and DEP. Hoping to have the last Request completed for January.

The quotes for platform retrofit are from COSTARS vendors – Kappe Associates and PSI Pumping Solutions. The Kappe Associates will have a subcontractor - JP Environmental - with a quote substantially less and includes labor.

Once HRG reviews the quote from Kappe Associates, the Authority could have a special meeting to approve the quote.

Mr. Kavitski asked Brenden Miller for HRG to split the cost of the platform retrofit.

Brenden Miller said he will present to the higher management people in HRG for a decision.

Mr. Kavitski asked Ryan Smith about the polymer for the sludge press. Ryan Smith stated feeding the polymer at a lower rate and it is doing better, no longer on the primary tank. The platform is critical and needed asap because there is buildup on that side of the press. PSI was in to do the filters and have the proper flow and 100% better, which was all no charge.

**-NPDES Permit Renewal** – Chris Ferdik stated Cyanide testing will be completed by early January 2026.

Mr. Kavitski inquired about a third round of public comment for the NPDES Permit and if the Cyanide comes back as non-detect we need to request it to be removed from the permit.

Chris Ferdik stated the 10 weeks of data is needed to make a determination on the Cyanide.

**-ACT 537 Special Study** – HRG is waiting for the PAWC Agreement to be finalized.

**-Chestnut Street Sewer Project** – Last month the Recommendation for Payment was approved by Board pending receipt of all closeout documents. All items were received by HRG and forwarded to the Authority and payment can be released to Leiphart Construction.

#### **Water Area**

**-Oak Street Water Storage Tank** – Job conference meeting December 4<sup>th</sup> virtual, Cathodic Protection and Tank Filling were discussed. Change Order Quotes Linde and Noto for approximately \$61,000 for the Cathodic Protection to be installed. The tank must be drained for the installation. Linde would like to complete Cathodic Protection first than fill tank in February or March, they will be providing a tank filling plan. PENNVEST contract ends in May.

Mr. Fisher stated after Cathodic Protection the welds must be painted or coated and we need warm weather to protect the weld.

Mr. Thomas inquired about the warranty on paint after the Cathodic Protection installation. Brenden Miller will look over the warranty information.

There are two AFPs for both Contractors and PENNVEST Payment Request.

Mr. Fisher inquired about ice falling from the tank and onto the building below.

Brenden Miller will check the top of the building.

**-SRBC Water Conservation Grant** – Meeting on December 10<sup>th</sup> and hoped the Board liked the presentation of the Digital Twin. Brenden Miller said he will provide Meeting Minutes once all the questions are answered.

Funding Reimbursement is ready for submittal. Total Cost went over by \$1,000, stated Brenden Miller.

Mr. Kavitski stated there is a lot of data that needs to be inputted into the system yet.

Brenden Miller stated since the meeting the historical data was imported into the Digital Twin.

**-Sandy Run Corrosion Control Study** – Ryan Smith reached out to DEP regarding the study, and it is under technical review by DEP currently.

**-Iron and Manganese Treatment** – Grant Application was prepared and submitted in November. A pipe was shown from Well 9, the pipe was from the Well Head Area. Work started prior to grant award it cannot be reimbursed to the Authority.

Atty Malaska and Ryan Smith have a meeting scheduled with Mr. Eachus regarding the PFAS Settlement this coming Tuesday. PFAS levels are present.

**-ARPA Grant Administration** – No update.

**-CFA Small Water & Sewer Grant** – The Grant for the Upper Lehigh Water Main Relocation and Tank Demolition will be awarded in Fall 2025, either by a special CFA meeting or at their November meeting. The Grant was submitted in April 2025 for the Water Main Piggings with the anticipated award date of March 2026.

**-SRBC Grant Application** – A proposal for a grant application to be submitted for the purchase of water meters/AMI Towers is attached to the Engineer's Report for Board's consideration. A meeting will be set for discussion regarding the number of meters with the towers for automatic reads into the Digital Twin Software. The additional meters will be needed. This will be a three-year phase plan.

#### SEWER DIVISION

Schedule Hearings – Euro Foods, Inc., DBA Citterio USA Corp., hearings will not be scheduled at this time awaiting next meeting with Citterio to see how things progress.

#### PAWC – Camera Reports & Smoke Testing

The camera reports were sent to the Authority. Mr. Kuklis stated the reports show a lot of broken caps for the clean outs. Mr. Fisher inquired if the reports showed the entire system. Mr. Kavitski inquired with Ryan Smith if the entire system was completed.

Ryan Smith said the entire system was smoke tested, but the Authority is still awaiting the camera reports. There was a discussion among the Board regarding the smoke testing results.

Mr. Kavitski stated we need to find where the extra million gallons of water comes from during heavy rain. Ryan Smith agreed and confirmed camera reports were not given to the Authority.

Atty Malaska questioned if the camera results were sent. Answer is no. The smoke test results: did they give any indication of where the I & I problems are.

Mr. Kavitski stated if the sewer clean outs are at a low point and water flows in from there it could be significant but if it is above not so much.

Atty Malaska stated then the Authority needs their camera reports.

Mr. Kavitski stated PAWC should be disclosing to the Authority the report results and what is their next step and what are they going to do because the clean outs are on private property.

Ryan Smith stated the ownership of the system should be disclosed to the Authority.

Mr. Kavitski stated the Authority needs to know what PAWC is going to do.

Mr. Kavitski inquired about an Authority employee going with PAWC during the smoke testing.

Ryan Smith stated they were spot checked only; the Authority could not dedicate the full three days.

Mr. Fisher inquired again if the entire system was done.

Atty Malaska inquired if PAWC is paying in a timely manner and the answer is yes.

#### WATER DIVISION

Mr. Kuklis made the motion to approve Oak Street Water Storage Tank Contract #24-03 General Construction Pay App #10 – Linde Corporation in the amount of \$163,528.76 and Mr. Thomas second. Vote 4-0. (Reference 2703-A).

CO Proposal Linde Corp in the amount of \$50,933.56 for Cathodic Protection with installation of Permanode System, Mr. Thomas made the motion to approve and Mr. Kavitski second. Vote 4-0. (Reference 2703-B).

CO Proposal Linde Corp in the Amount of \$11,989.00 for the Fabrication and Installation of Entrance Gate, Mr. Kavitski inquired about the placement of the gate. Mr. Kuklis made the motion **not** to approve the proposal and Mr. Fisher second. Vote 4-0.

Mr. Thomas made the motion to approve Oak Street Water Storage Tank Contract #24-04 Electrical Construction Pay App #3 – G.R. Noto in the amount of \$18,540.00 and Mr. Fisher second. Vote 4-0. (Reference 2703-C).

Mr. Kavitski inquired if the RTU was installed yet and what amount is left in the project for electrical.

Brenden Miller stated he needed to check on the RTU installation, and the amount left in the project budget for electrical is \$51 thousand.

Mr. Thomas made the motion to approve CO #2 Electrical Construction G.R. Noto in the amount of \$5,832.00 for Cathodic Protection Power and Control and Mr. Kuklis second. Vote 4-0. (Ref. 2704-A).

Mr. Thomas made the motion to approve the PENNVEST Payment Request #12 in the amount of \$210,452.06 for the Oak Street Tank Project and Mr. Fisher second. Vote 4-0. (Reference 2704-B).

HRG Proposal in the amount of \$5,700.00 for submittal of the 2025 SRBC Grant Application for Water Meter Project, Mr. Kuklis made the motion to approve and Mr. Fisher second. Vote 4-0. (Ref. 2704-C).

Discussion for 2023 SRBC Grant Costs to Date and Submission was covered in the Engineers Report.

#### MANAGER REPORT

Ryan Smith presented the Technical Manager report. (Reference 2704-D ).

Ryan Smith stated he will follow up with owner for update on repairs at the 185 South St property.

The issues with the GMC truck regarding when the plow is connected to the truck. A fuse box and plow harness were installed, and truck has the same issues.

Mr. Kavitski inquired if Powell's was going to remove the new items which did not correct the problems. The issue is the temperature gauges increase, check engine light comes on, and truck loses power with the throttle pressed stated Ryan Smith. The truck has issues when the plow was connected, that is why it was taken to Powell's and now Powell's is stating it is a GMC issue.

Mr. Kavitski suggested that the electrical system be checked to see if it interferes with the temperature sensor on the truck.

Mr. Kuklis inquired about taking the truck to the closest GMC dealer.

PFAS results are above the EPA limits but not DEP limits but the Authority will qualify for the 3M and Dupont Settlements. The historical results for Well 12 will be used because it is still offline.

The Water Tank Repair will be revisited later in 2026 for a future budget.

Kohl Bros is working on the quotes for the increase capacity at Well 10, pipe, motor etc.

Mr. Kavitski inquired if the TDS sensor was installed in the effluent and Ryan Smith stated yes, and the Authority has data. The sensor right now is showing 650 mg per liter currently.

Mr. Kavitski inquired if it is connected to the SCADA for recording and Ryan Smith said no it has an internal logger and Authority staff use a USB stick to pull the data.

Mr. Kavitski requested a copy of the TDS information be sent to him.

Discussion on the primary skimmer tank plug valve slotted pin, Ryan Smith stated it has been replaced twice since he has been here. He located a higher grade of stainless steel rolled pin for replacement this time and it will be repaired tomorrow.

1117 Walnut Street sewer connection tap was completed today and 710 Walnut Street connection fee for the Sewer Tap. 710 Walnut Street connection wants to schedule excavation right before the holiday and Ryan Smith informed him, we were short-staffed Monday and Tuesday right before the holiday. The customer wants to complete the excavation himself and be refunded the \$500 for the tap fee and Ryan Smith wanted the Board's thoughts regarding this matter.

Mr. Fisher inquired if Authority staff would be present during the customer's completing of the tap connection.

Ryan Smith said Authority staff would be present. The customer paid \$2,200.00 for the tap connection fee and \$500 was included for the backhoe excavation fee. The customer is asking for the return of the \$500 for the backhoe excavation fee since the Authority cannot complete. The Board agreed to refund \$500 to the customer for him doing the excavation but the Authority will need to have staff present and will tap the main.

The Aeration VFD Quote from Martin's Electrical a COSTARS quote for two WEG VFDs installation and travel but does not include modification to the SCADA System if needed, \$18,965.00. The Black Birch Engineering Quote, which is not COSTARS, was for two Allen Bradley for the cost of \$24,375.00, the other quote did not include support for SCADA. Mr. Kavitski stated the Martin's Electrical quote you will need additional money for SCADA Support, and will the WEG work with our SCADA System.

Ryan Smith said he was assured the WEGs would work with the Authority SCADA System.

Mr. Kavitski inquired if this was budgeted and Ryan Smith said no, we are running the plant by the other three additional drives and blowers, only two were lost. Mr. Kavitski recommends putting this off until next year and inquired if the parts are in stock and the answer was yes.

North East Technical Sales DO Probe Quote for \$2,351.52, is being tabled currently until the new year.

## ENGINEERING INVOICES

Mr. Thomas made the motion to approve HRG Invoice #201283 \$700.00; Invoice #201284 \$663.50; Invoice #201285 \$1,903.20 and Mr. Kuklis second. Vote 4-0. (Reference 2705-A).

## ATTORNEY REPORT

Atty Malaska submitted his Legal Report. The only item is the changes from the CBA last month, a full new CBA must be completed, it was revised and circulated. The CBA was already approved, Atty Malaska wanted the Board to sign and send to the Union.

Mr. Kavitski stated the Union signs the CBA first and then the Authority. Atty. Malaska stated a copy has been sent to the Union this morning.

Atty Malaska will draft letters to PAWC and Citterio for the Board's review prior to sending.

## OPEN/OTHER ACTIONS

Rainfall for the month was 1.33"

2026 Meeting Calendar – The Board agreed to keep as designed. (Reference 2705-B).

Retirement Letter from Mr. John Yefchak, Mr. Kuklis made a motion to accept and Mr. Thomas second. Vote 4-0. (Reference 2705-C).

Mr. Fisher made a motion to adjourn the meeting and Mr. Kuklis second. Vote 4-0.

*These minutes are certified true and correct to the best of my knowledge.*



Paul Thomas, Secretary



Carlene Troell, Non-Member Secretary