



Luzerne County Flood Protection Authority

300 Laird Street, Suite #A-1

Wilkes-Barre, PA 18702

Minutes

February 15, 2022 Reorganization & 2022 Regular Session

Call to Order

On February 15, 2022 at 1:05 P.M., the Luzerne County Flood Protection Authority Board convened their reorganization and regular monthly meetings at the Luzerne County Flood Protection Authority Administrative Offices, 300 Laird Street Suite A-1 Wilkes-Barre. It was noted that all meetings are electronically recorded.

Mr. Yannuzzi, Chairman, called to order the February 15, 2022 meeting.

Pledge of Allegiance and Moment of Silence

Present

Mr. Dominic Yannuzzi, P.E., Chairman
Mr. William Hardwick – Via Telephone
Mr. Richard Adams
Mr. Gordon Dussinger
Mr. John Maday

Also Present

Christopher Belleman, P.E., Executive Director
Christopher Slusser, LCFPA Solicitor
Amy Grevera, CPA, Grevera and Associates
Laura Holbrook, Mitigation & Outreach Specialist
Deana Prochaska, Administrative Assistant (Recording Secretary)

Reorganization- Election of Officers

Executive Director Mr. Christopher Belleman was appointed Chairman pro-tem.

Motion By: Mr. Yannuzzi

Second by: Mr. Maday

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Mr. Belleman requested nominations for the position of Board Chairman.

Mr. Maday nominated Mr. Yannuzzi, Second by: Mr. Hardwick.

Mr. Dussinger nominated Mr. Adams. Second by: Mr. Adams.

No other nominations.

Motion was made to close nominations.

Motion by: Mr. Adams

Seconded by: Mr. Maday

Vote for Chairman was indicated in Roll Call.

Roll Call Vote:

Mr. Yannuzzi indicated his vote was for Mr. Yannuzzi

Mr. Adams indicated his vote was for Mr. Adams

Mr. Hardwick indicated his vote was for Mr. Yannuzzi

Mr. Dussinger indicated his vote was for Mr. Adams

Mr. Maday indicated his vote was for Mr. Yannuzzi

Mr. Yannuzzi was elected as Chairman by a vote of 3-2. "AYES" – YANNUZZI, HARDWICK, MADAY. "NAYS" – ADAMS, DUSSINGER.

Mr. Yannuzzi requested nominations for Vice Chairman.

Mr. Yannuzzi nominated Mr. Hardwick. Second by: Mr. Maday.

Mr. Adams nominated Mr. Dussinger. Second by: Mr. Dussinger.

No other nominations.

Motion was made to close nominations.

Motion by: Mr. Maday

Seconded by: Mr. Yannuzzi

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Roll Call Vote:

Mr. Yannuzzi indicated his vote was for Mr. Hardwick

Mr. Adams indicated his vote was for Mr. Dussinger

Mr. Hardwick indicated his vote was for Mr. Hardwick

Mr. Dussinger indicated his vote was for Mr. Dussinger

Mr. Maday indicated his vote was for Mr. Hardwick

Mr. Hardwick was elected as Vice Chairman by a vote of 3-2. "AYES" – YANNUZZI, HARDWICK, MADAY. "NAYS" – ADAMS, DUSSINGER.

Mr. Yannuzzi requested nominations for Secretary.

Mr. Yannuzzi nominated Mr. Maday. Second by: Mr. Hardwick.

No other nominations.

Motion was made to close nominations.

Motion by: Mr. Maday

Seconded by: Mr. Dussinger

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Vote for Secretary was indicated in Roll Call.

Roll Call Vote:

Mr. Yannuzzi indicated his vote was for Mr. Maday

Mr. Adams indicated his vote was Mr. Maday

Mr. Hardwick indicated his vote was for Mr. Maday

Mr. Dussinger indicated his vote was for Mr. Maday
Mr. Maday indicated his vote was for Mr. Maday

Mr. Maday was elected as Secretary by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Mr. Yannuzzi requested nominations for Treasurer.

Mr. Yannuzzi nominated Mr. Dussinger. Second by: Mr. Adams.
No other nominations.

Motion was made to close nominations.

Motion by: Mr. Maday

Seconded by: Mr. Hardwick

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Vote for Treasurer was indicated in Roll Call.

Roll Call Vote:

Mr. Yannuzzi indicated his vote was for Mr. Dussinger

Mr. Adams indicated his vote was Mr. Dussinger

Mr. Hardwick indicated his vote was for Mr. Dussinger

Mr. Dussinger indicated his vote was for Mr. Dussinger

Mr. Maday indicated his vote was for Mr. Dussinger

Mr. Dussinger was elected as Treasurer by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Mr. Yannuzzi requested nominations for Assistant Secretary/Treasurer.

Mr. Yannuzzi nominated Mr. Adams. Second By: Mr. Maday.
No other nominations.

Motion was made to close nominations.

Motion by: Mr. Yannuzzi

Seconded by: Mr. Maday

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Vote for Treasurer was indicated in Roll Call.

Roll Call Vote:

Mr. Yannuzzi indicated his vote was for Mr. Adams

Mr. Adams indicated his vote was Mr. Adams

Mr. Hardwick indicated his vote was for Mr. Adams

Mr. Dussinger indicated his vote was for Mr. Adams

Mr. Maday indicated his vote was for Mr. Adams

Mr. Adams was elected as Assistant Secretary/Treasurer by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Public Input

None.

Regular Meeting

Motion was made to ratify the minutes of the Authority meeting held on January 18, 2022.

Motion by: Mr. Dussinger

Second by: Mr. Maday

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

LCFPA Activities/Projects

A. Staff Activities/Project

B. Board Activities/Project

Bills and Communications

Motion was made to approve the payment of the bills as presented.

Motion by: Mr. Maday

Second by: Mr. Yannuzzi

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Report of the Treasurer

Motion was made to submit the report of the Treasurer into the record as stated.

Motion by: Mr. Maday

Second by: Mr. Hardwick

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

New Business

Postponed until March BOD Meeting: Status update presentation by Jim Weil, Development Manager, Infiniti Energy, on the "Breslau Reservoir Photovoltaic Project, Hanover Township".

2021 Levee Fee Collections Update.

Motion was made to request permission to approve the "Intergovernmental Cooperation Agreement between the Luzerne County Flood Protection Authority and the Borough of Duryea". The agreement has been approved by the Borough and the Authority's articles of incorporation have been amended to allow the Authority to take over O&M responsibilities of the Duryea levee system upon eventual FEMA accreditation.

On the question:

Mr. Adams: I was asked to be put on this flood authority a number of years ago, to really do away with what appears to me, injustice, for the people of the 12 or 13 communities along the river paying for this entire operation and it seems to me that this agreement is going contrary to that.

This would be a good time with the money coming down from covid to turn this whole operation over in terms of the final management to the County just like they did with the prison, or any of those other organizations in the County so that the funding could be spread to all members of the County not just the people in the 12 communities along the river. I've said this many times, the County owns 26 miles of roads in the Back Mountain area that the County pays for maintenance and it's not just the people in the Back Mountain who pay for it. So, to me this is an expansion instead of a contraction of what we should be doing as an organization. I really think it's an opportunity with this covid money to really pull this entire organization back in with the County, it would be \$7 or \$8 dollars I understood in additional taxes for every tax member to take away these fees from people who live in the flood authority. So, from that point of view, I am going to vote against and oppose this agreement.

Mr. Dussinger: I have a couple questions about it myself. Being the newest member even though I've been here a few months, I've heard this thing go back and forth 4 or 5 times at least. This is the way I understand it and correct me if I'm wrong, people who are paying these fees that we just talked about are the people that are in those towns along the Susquehanna River and the people who don't live in there don't pay any fee. If we have a flood, it impacts everyone in Luzerne County. If we were going to build a stadium tomorrow because we were going to put some kind of team together and I know that's not even in the making or anything like that, I don't want to be misunderstood, everyone would pay. I don't think it's fair, because if Wyoming Valley gets flooded everyone is impacted, people from no matter which direction you go in. So, with that unless somebody straightens me out on that I am also voting against this because I represent people in those 13 communities but actually I thought I represented the whole county. So, I also disagree and will not go for it.

Mr. Yannuzzi: With those comments I just want to clarify with Mr. Belleman a few items regarding this item on the agenda. Duryea Borough has approached the Luzerne County Flood Protection Authority to first have their mitigation application reviewed and approved by the USACE; and for the LCFPA and Mitigation Board to approve the study and analyzation of their unaccredited levee system. Correct?

Mr. Belleman: It's not a study. Greenman Pedersen Inc. (GPI) is performing the necessary engineering, surveying, and permitting work to address the deficiencies.

Mr. Yannuzzi: To put it out for bid?

Mr. Belleman: Correct. The goal is to complete the engineering and to have a shovel ready project to apply for grants to fund the construction.

Mr. Yannuzzi: And that was around how much?

Mr. Belleman: The total cost of GPIs services is about \$450,000. At their completion we will help Duryea to apply for grants.

Mr. Yannuzzi: So, that money the \$450,000 will not be coming out of the operations fund. It will be 100% coming out of the mitigation fund?

Mr. Belleman: Yes.

Mr. Yannuzzi: Any administration cost such as yourself, Laura, Deana, Amy or our solicitor are paid out of mitigation funds is correct also?

Mr. Belleman: Yes, if we work in support of a mitigation project our time gets paid out of the mitigation fund. We document our time on spreadsheets which is provided to Amy at the end of each quarter. Amy then performs a cost transfer between the two funds.

Mr. Yannuzzi: Also, I want to clarify that the Wyoming Valley system protects 12 or 13 municipalities?

Mr. Belleman: 12 communities.

Mr. Yannuzzi: OK so out of the levee fees paid by those 12 communities, they are not paying for Duryea's engineering, study, or mitigation project. It is 100% being paid out of mitigation, correct?

Mr. Belleman: That's correct.

Mr. Yannuzzi: OK furthermore, Duryea Borough came to us and said that now the project is going to move forward, we have concerns that we won't be able to maintain this system in accordance with USACE standards. They asked if LCFPA would partner with them to help them maintain the future accredited system so that they could stay accredited, and their flood risk would go down. They asked us because in a sense the LCFPA and its employees are experts in doing that. Is that correct?

Mr. Belleman: Yes. Right now, their system is not accredited. With the preliminary FEMA Luzerne County flood maps becoming effective in late 2022 or early 2023, without having this pathway to accreditation, the properties located behind the Duryea levee would go from "Zone X" to "Zone D" and their flood insurance premiums would increase dramatically.

Mr. Yannuzzi: Also, according to this agreement Duryea Borough has agreed that upon completion of GPI's levee rehabilitation design, they will have to apply for more funds to do the improvements to their levee system. Upon eventual FEMA accreditation of their rehabilitated system, Duryea will pay the LCFPA an annual fee to maintain and operate their system, and those fees will be separate from the operations fund, correct?

Mr. Belleman: That's correct.

Mr. Yannuzzi: So, the 12 municipalities will not be paying for those improvements, correct?

Mr. Belleman: Correct.

Mr. Yannuzzi: Then, finally once those improvements are completed, Duryea Borough indicated they will reimburse per agreement the cost associated with LCFPA to maintain and operate it. LCFPA will not own it, we will just operate it and maintain it and they will pay us a fee. And those moneys will come from Duryea Borough and not from the 12 municipalities, correct?

Mr. Belleman: Correct.

Mr. Hardwick: I guess I would have to say I agree with both Richard and Gordon, I fully believe that the entire County should have some responsibility regarding the fees with the levee system. The challenge and the problem are that this was litigated, and it was ruled against. So, at this point we can't collect fees from the entire county, only those properties that were affected in the 1972 flood. With that said the reason I support this is when a community who isn't currently in the levee system reaches out and says, "*hey we need help and you folks know what you're doing as the FPA and we could utilize your expertise*" and plus help a bunch of citizens within our boroughs, municipalities or towns, I find it hard to say no we won't help them. So that is why I am moving forward with Duryea and I'm sure other communities like West Pittston and Exeter may in the future reach out and we'll have the substance for an agreement that we've done once, and we'll be able to build upon that with other communities in the future and help as many as we can along this river. That is why I'm voting in the affirmative.

Mr. Adams: So far I think that is the most ridiculous argument going, West Pittston is already part of this facility of the flood protection. Can you imagine there's an agreement that there's no amount of money or any formula for how we are going to get reimbursed with Duryea. I've asked this a hundred times and I never got an answer "*what is the risk in Duryea?*" no one seems to answer that. Chris, I will ask you now, how much money have we logged in effort to get to this point with Duryea? Just to illustrate how difficult this is going to be, what if we say they owe \$100,000 and they say they only owe \$10,000, where do we go with that? And when you read this agreement it's an amount to be agreed upon and that is so ludicrous. I cannot believe Hardwick, Maday, Dussinger or Adams wouldn't vote to get this back to the County where it belongs. Let the County do it.

This mitigation money oh yeah, it's not coming directly from the fees the people in the flood plain pay but it's still our money we could use in mitigation and who knows where we might use it in the future. Now we're giving it to Duryea, and I think the risk is low, there is only 69 people in Duryea who buy flood insurance. Now we will be spending hundreds and hundreds of thousands of dollars for 69 people, it might be cheaper to go and buy all these properties from the 69 people. Chris, do we know how much money we have spent or how much effort yet on this project?

Mr. Belleman: We have the number; I don't have it in front of me right here, but we have it through the end of last quarter.

Mr. Adams: Yeah, because I don't even know how you would calculate the time spent even today in terms of cost, staff members here, you're here, lawyers here. I don't know why this can't go back to the County and let the County do it like they should. We could still be an organization like this but under the auspices of the County. Even a reimbursement I'm not sure we ever resolved that issue. I was told early on that to get reimbursement on a flood scare it has to go through units of government not the Authority, is that still true or not?

Mr. Belleman: Well, if there's a public emergency the Authority would manage our response to that. If the disaster or emergency is sufficient enough, federal assistance may be required. The Authority will work with Luzerne County EMA to help coordinate the response and post-flood recovery reimbursements.

Mr. Adams: Yeah, so if there's a risk like there was at Christmas all that money that might be reimbursed from the USACE has to go through County government and not through us.

Mr. Adams: Those of us who live in this flood area, we should not have to pay this alone. So again, I'm just opposed to it, and I think it's for good reason.

Mr. Yannuzzi: I understand, but in my thoughts, I don't think it's in our power to expand fees to the whole entire county. I think that's outside our realm.

Mr. Adams: When this first started the whole idea was to get this back to the County. Right now we have 4 out of 5 board members who live in the flood zone. We need people who live in the flood authority area, so they get a feel for what's going on when these bills come out and these people pay this and the unfairness. It needs to be corrected and the only way it's going to be corrected is through us going to the County and say listen take this back over, fund it through your general budget and we will still do what we're doing.

Mr. Yannuzzi: Richard we were appointed by the County Council and which again we are all honored to be appointed by the County Council, to be here to adhere to the laws of the Authority and the rules of the County Charter. So I believe what we are doing here is in accordance with the County Charter. Also, we have provided our articles of incorporation in front of the County in numerous meetings, explained it to the County, and had their solicitors review it and they have concurred with what we have presented here today to get to this point. In no way, shape, or form throughout all those meetings did anybody ever come and say we are going to just make the whole County take this over.

Mr. Adams: Well, there are 4 people on the County Council who voted against changing it, so it wasn't unanimous. It's not a matter of being illegal don't get me wrong, I know it's not illegal but in my mind its very, very poor policy. It needs to be changed, if we went now to the County and said "*hey lets change this, keep the structure except the funding source has to change*", I think that would be justice for the people in the flood plain.

Motion by: Mr. Hardwick

Second by: Mr. Maday

Motion passed by a Roll Call Vote of 3-2. "AYES"- YANNUZZI, HARDWICK, MADAY.
"NAYS" – ADAMS, DUSSINGER.

Motion was made to approve Change Order #6 in the amount of \$12,667.50 to the agreement with Fabcor Inc., 1205 Mid Valley Drive, Jessup, PA on the "Closure Structure Modifications Project".

Motion by: Mr. Maday

Second by: Mr. Yannuzzi

Motion passed by a vote of 5-0. "AYES"- YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Motion was made to request permission to approve the distribution of 2021 end of year deferred compensation to staff as follows:

- Peter Bacumpas; \$2,125.00
- Laura Holbrook; \$2,125.00
- Deana Prochaska; \$750.00
- Levee maintenance technicians; additional one (1) personal day.

Motion by: Mr. Yannuzzi

Second by: Mr. Dussinger

Motion passed by a vote of 5-0. "AYES"- YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Motion was made to approve the list of LCFPA projects to be submitted to Luzerne County Council for consideration to be funded through the "American Rescue Plan Act of 2021" (ARPA). Should the LCFPA receive ARPA funds in support of any or all projects on the approved list, the LCFPA Board will provide a rebate to the levee fee ratepayers in the six (6) property categories. The size of the rebate will be determined later upon consideration of the ARPA funds received and other factors. The above to be memorialized in the attached Resolution.

Motion by: Mr. Yannuzzi

Second by: Mr. Maday

Motion passed by a vote of 5-0. "AYES"- YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

End of meeting comment:

Mr. Adams: Just wanted to add; regarding the votes of the County Council I think it was 6-4 or 7-4, I can't remember now, but 2 of those people 1 lives in Hazleton and 1 lives in Mountain Top, weren't in the flood zone so if you put them in the flood zone it changes the whole concept of approval of this change of our bylaws.

Next Regular Meeting

March 15, 2022 at 1:00p.m.
300 Laird St. Suite A-1
Wilkes-Barre, PA 18702

Adjourn

Motion was made to adjourn the February 15, 2022 meeting of the Luzerne County Flood Protection Authority Board.

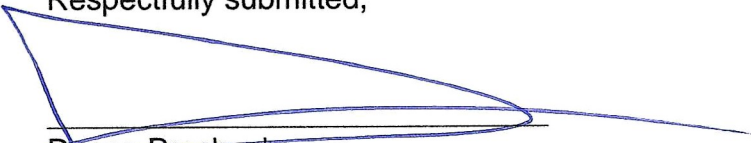
Motion by: Mr. Maday

Second by: Mr. Yannuzzi

Motion passed by a vote of 5-0. "AYES" – YANNUZZI, HARDWICK, ADAMS, DUSSINGER, MADAY.

Meeting adjourned at 2:13 P.M.

Respectfully submitted,



Deana Prochaska
Recording Secretary