

**LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY
BOARD MEETING MINUTES
January 16, 2008**

The Board Directors of Lower Bucks County Joint Municipal Authority held their monthly meeting on Wednesday, January 16, 2008, at the Authority's Administration office located at 7811 New Falls Road, Levittown, Pennsylvania, 19055.

Call to Order

Mr. Monahan, Chairman, called the meeting to order at 7:00 P.M., which was followed by the Pledge of Allegiance and a moment of silence for our US Soldiers overseas.

Roll Call

Mr. Chase, Secretary, took roll call as follows:

Board Member's Present: Mr. John Monahan
Mr. Richard Adams
Mr. James Chase
Mr. Anthony Verduci
Mr. Edward Czyzyk

Also Present: Janet A. Keyser, Managing Director
Pat Koszarek, Temp. Asst. to the Director
Deborah Magro, Administrative Secretary
Vijay Rajput, Director of Operations
Gary Tosti, WWTP Plant Manager
Vince Capaldi, Superintendent, WTP
Mike Perrone, Asst. Superintendent, WTP
Phil Smythe, Field Technician
Susan Wallover, Pretreatment Coordinator
James A. Downey III, Esquire

Appointment of Board Director

Mr. Downey stated that the first meeting of the year is traditionally a Reorganization Meeting at which time appointments are made to the various Board Director positions. As you are aware this Board has appointees from two (2) different Municipalities, Tullytown Boro and Bristol Township. Over the past several months there have been some votes taken, discord, and discussion by the Borough of Tullytown as to one (1) opening that occurred effective in 2008. There was in the month of December an appointment made by Council of the Borough of Tullytown which organization makes such appointments. And there was again at the Reorganization Meeting at Tullytown Borough's on January 8, 2008. Under the Borough code, Borough's are required to meet on the first Monday of the New Year and reorganize when their newly elected Council people are sworn in. It has been asked of me by several people about the potential conflict and now obvious conflict of the appointment to one (1) vacant seat to two (2) different people.

I have expressed to several different people, namely to the appointee in December, and the appointee in January, and to and I believe appropriate the Managing Director my opinion. My opinion is not ill founded and it is not based on personalities. There is literally a room full of case law on this very issue. There is direction from the Borough Code, from the Pennsylvania's Municipal Authorities Act (PMAA). I also received from Tullytown Borough a memo from Mr. Cutchineal, the Mayor of Tullytown, who said in so many words that he vetoed the appointment which occurred in December. I might note parenthetically that I also spoke to the new Solicitor of Tullytown, Mr. Michael Sellers. I don't know that Mr. Cutchineal's opinion or veto has any effect on what I'm about to say. I did have that researched thoroughly. The Mayor can veto laws, ordinances, resolutions passed by Council that are of a legislative type. This resolution, where two (2) appointments are made to one (1) seat is what the law calls Ministerial. The Mayor has no authority to react to those. Mr. Downey stated that first and foremost is the interest of his clients, the Board of Directors. I have no ability to speak for the Borough of Tullytown and I have no ability to speak for the Township of Bristol. However, there is a section, a portion of the Municipal Authorities Act that addresses this question. There are many cases decided in the Appellate Courts of the Commonwealth on this very point. Many of them are from the County of Bucks. They go back a number of years that pre-date recent amendments to the Municipal Authority's Act.

There are two (2) persons, Mr. Richard Adams who has served on the Board and who was appointed in December and Mr. Edmund Armstrong who has served on this board previously and was appointed on January 8, 2008 after the Re-organization Meeting. The appointment by the Council of Mr. Adams was not legal. At that time there was no vacancy. And they cannot make the appointment in anticipation of a vacancy to occur after the first of the year that is not legal. The appointment by the Council to this Board by Tullytown Borough of Mr. Armstrong is legal. Council who made the appointment in December is what is known in legalese and traditionally as a *Lame Duck*. They cannot make appointments in anticipation of what may occur. Mr. Downey further stated that he realizes that there will be reorganization this evening, but as of this moment, the person who can vote in the reorganization to whom the Secretary is to address votes and who can appropriately vote is Mr. Edmund Armstrong. I have told Mr. Armstrong this, I have advised Mr. Adams of this. Mr. Adams asked if he could address questions after a motion is made and seconded. My response was certainly he has rights under the first amendment of the United States Constitution. He is a member of the public, he is a rate payer to the Authority, but I submit that he cannot vote. Mr. Downey further stated that if there are any questions about his opinion he will gladly answer them.

Mr. Adams stated that number one (1), this was a real appointment for me and it wasn't an appointment. Number two (2) what is my course of action legally from here? Mr. Downey responded that assuming his advice is followed, and I suggest most strongly that it should be, this has been legated before of appointments made to this Board. You have to secure council. The only place to redress this is in the Court of Common Pleas of this County in Doylestown. I suggest to you that the issue has been set.

If you feel and the advice you receive that your re-appointment is legally proper and James Downey as Solicitor for LBCJMA opinion is without merit the only suggestion that exists, the only alternative that exists is to redress that in a court of law. Mr. Adams then asked Mr. Downey, when I go to Doylestown can I state my case then why Mr. Armstrong should not have been appointed. Mr. Downey responded yes.

Reorganization – Board Directors

Chairman

Mr. Czyzyk made a motion seconded by Mr. Verduci to appoint Edmund Armstrong for Chairman of the Board. Mr. Monahan made a motion to appoint James Chase. There was no second to this motion.
Motion carried unanimously to appoint Mr. Armstrong as Chairman.

Vice Chairman

Mr. Czyzyk made a motion, seconded by Mr. Monahan, to appoint Mr. Verduci as Vice Chairman of the Board.
Motion carried unanimously.

Treasurer

Mr. Czyzyk made a motion, seconded by Mr. Monahan, to appoint Mr. Chase as Treasurer of the Board.
Motion carried unanimously.

Secretary

Mr. Monahan made a motion, seconded by Mr. Chase, to appoint Mr. Czyzyk as Secretary of the Board.
Motion carried unanimously.

Assistant Treasurer

Mr. Czyzyk made a motion, seconded by Mr. Chase, to appoint Mr. Monahan as Assistant Treasurer of the Board.
Motion carried unanimously.

Assistant Secretary

This position has remained vacant due to LBCJMA Board Directors only having five (5) Board Directors not six (6).

Ratify/Approval of Payment of the December 2007 Accounts Payable

Motion

Mr. Monahan made a motion, seconded by Mr. Chase, to ratify approval of payment of the December 2007 accounts payable as distributed to the Board Directors.

Roll Call on the Motion

Mr. Armstrong	Abstain
Mr. Verduci	Aye
Mr. Monahan	Aye
Mr. Chase	Aye
Mr. Czyzyk	Aye
4 Aye Votes – 1 Abstention	

**Approval of Payment of the January 2008 Accounts Payable
Question/Comment**

Mr. Chase questioned the following invoice.

1. Wagner's Auto Service
Invoice# 36809
S-3 Service, Hose Clamp, Belt
Amount: \$307.78
2. Invoice# 12/28/07
S-14 Replace fuel pump
\$756.23

Mr. Chase stated that he has noticed a few times over the past year that vehicles are going to Wagner's Auto. Mrs. Keyser stated that the Board voted in previous years that if the repair was small the vehicle could go to Wagner's now and then.

Mrs. Keyser stated that the bill in the amount of \$307.78 for Vehicle S-3, was for an air pump belt, chemicals, and hose clamp. The bill in the amount of \$756.23 was for vehicle S-14 to replace fuel pump, towing and labor. Mr. Tosti stated that this vehicle broke down in the plant.

1. Coyne Chemical
Invoice #749687
12/06 deliver 72 bags Zetag
Amount: \$8,202.35
2. Invoice #749687
12/06 50 bags Zetag
98.00

Mr. Chase questioned that there were two (2) invoices for the delivery of Zetag both dated 12/06/07. One invoice is in the amount of \$8,202.35 and the other is in the amount of \$98.00. Mrs. Koszarek responded that it looks like the bill in the amount of \$98.00 was for a surcharge.

Motion

Mr. Monahan made a motion, seconded by Mr. Chase, to approve the payment of the January 2008 Accounts Payable as presented.

Roll call on the Motion

Mr. Armstrong	Abstain
Mr. Verduci	Aye
Mr. Monahan	Aye
Mr. Chase	Aye
Mr. Czyzyk	Aye

4 Aye Votes – 1 Abstention

Mr. Verduci also had a question pertaining to the repair of the vehicles. He stated we have three (3) mechanics this time, Robert's Auto, Wagner's Auto and Suder's Auto. Mrs. Keyser responded that the Authority only utilizes Suder's and Robert's and at times we utilize Wagner's as previously stated. Mr. Verduci also asked where the vehicles will be going this year, Mrs. Keyser responded that Robert's will service the Water Plant vehicles and Suder's will service the Sewer Plant vehicles. Mrs. Keyser stated that a motion is needed.

Motion – Vehicle Repairs

Mr. Verduci made a motion, seconded by Mr. Czyzyk, that Wastewater Treatment Plant vehicles are to go to Suder's Automotive and the Water Filtration Plant vehicles to Robert's Automotive for 2008.
Motion carried unanimously.

Approval - Board Meeting Minutes – November 28, 2007 (There was no Board Meeting held in December).

Motion

Mr. Chase made a motion, seconded by Mr. Monahan, to approve the Board Meeting Minutes of November 28, 2007 as presented.

Roll call on the Motion

Mr. Armstrong	Abstain
Mr. Verduci	Aye
Mr. Monahan	Aye
Mr. Chase	Aye
Mr. Czyzyk	Aye

4 Aye votes – 1 Abstention

Approval and Ratification of the Authority's 2008 Insurance Renewal Policies – Presented by J. M. Patton – M. Wilson

Jack Patton presented the Authority's 2008 Insurance Renewal Package. A copy of the complete 2008 Insurance Renewal Policies are attached to and made part of the minutes.

Motion

Mr. Czyzyk made a motion, seconded by Mr. Monahan, to approve the ratification of the placement of the Authority's 2008 insurance coverage as presented and recommended by J.M Patton. Motion carried unanimously.

Pretreatment Variances

Wal-Mart – Route 13 and Levittown Parkway Store #2068-005

Proposed facility is requesting approval to install floor drains in various areas. A conference call was held on December 4, 2007 to clarify several issues and the facility resubmitted a variance request along with a drawing.

Preliminary Notes

All fixtures that receive grease-laden waste are discharged into a 2,000 gallon 3-baffle exterior pre-cast grease interceptor prior to entering the waste water system.

Variance Request #1

All fixtures that receive grease-laden waste are discharged into a 2,000 gallon 3-baffle exterior pre-cast grease interceptor prior to entering the waste water system.

Reason for Variance Request #1

The area drains in the prep areas assist store operations with maintaining health and safety standards in areas where a clean environment is critical. Standard hoses are connected to wall mounted sanitizers with 140 degree maximum water for cleaning the areas. Degreaser and detergents are used along with a deck brush for cleaning and squeegee to move water to nearest area drain. Mops and buckets are used for intermittent spills.

After a discussion it was decided that in order to grant Variance Request No. 1 & 4 a tandem 1250 gallon baffled grease trap should be installed.

Variance Request #2

Variance request for installation of floor drains in mechanical rooms, pump rooms, and at water heater locations. Drains are FD1, FD3, or FS1 style. (These drains do not go into the grease interceptor. They are for maintenance in maintenance rooms, equipment items that discharge water as part of maintenance or as part of testing. They do not receive a large amount of water.

Dr. Rajput asked about the reverse osmosis system. Mr. Webb responded that the reverse osmosis system is for the ultra purification of water that is used for the produce misting system and also the dispenser where bottled water is sold. That drain is only used for water that is discharged during maintenance.

Mrs. Wallover added that right now the Authority does not have any data or analysis of that discharge, what it contains, what quantities. Mr. Webb responded that he did not have that information regarding the analysis with him but he would get the information.

Reason for Variance Request #2

The floor drains at locations of mechanical equipment are receptors for relief valves on hot water tanks, reverse osmosis water treatment system, and/or backflow preventers. The drains would receive periodic domestic water discharge during failure, testing maintenance, or replacement of the device. For proper installation of these safety devices, a floor drain in the area is recommended.

Variance Request #3

A request is being made for a variance for the installation of a trench drain in the dairy cooler. The drain is an FD7 style.

Reason for Variance Request #3

The dairy cooler trench drain assists store operations with maintaining health and safety standards in this area where a clean environment is critical. The cleaning process of the area is the same as #1 above.

Variance Request #4

A request is being made for a variance for the installation of a floor sink at the bakery pan washer. The drain is FS1 style.

Reason for Variance Request #4

The dishwasher utilizes 140 degrees maximum and the temperature is boosted to 180 degrees F by the equipment. The 180 degree rise cycle lasts 27 seconds and discharges 5 gallons. The waste is routed to the grease interceptor prior to entering the sanitary system. A food waste grinder is not used.

Mrs. Wallover suggested that they can go with either a chemical rinse or a high temperature rinse which both are permitted by the DEP.

Variance Request #5

A variance is being requested for the installation of a floor drain at the beverage/ice machines. The drains are FD1 of FD3.

Reason for Variance Request #5

The drain is a receptor for beverage spills, and melted ice from the beverage machine.

Mr. Webb asked with variance request No. 2 would it be possible to grant the variance for all floor drains with the exception of the one connected to the reverse osmosis system. If we could obtain a variance for the other individual water heater floor drains, etc. it would be easier for us to address the reverse osmosis system separately.

Mr. Armstrong asked Mrs. Wallover if Variance Request #5 is not applicable. Mrs. Wallover's response was not audible.

Motion

Mr. Verduci made a motion, seconded by Mr. Chase, to approve Variance Request #1, 3 and 4 to include two (2) 1250 gallon baffled grease interceptors for #1 and #4.
Motion carried unanimously.

Mr. Webb asked on Variance Request No. 2 would it be possible to grant a variance request for all other drains that are stated in the variance other than the floor drain in the area of the reverse osmosis system. Dr. Rajput stated that you are not going to discharge anything from the reverse osmosis system, is that correct. Mr. Webb responded that it was. We will either do something else with the reverse osmosis discharge or we will come back for an additional variance request for the reverse osmosis discharge.

Motion

Mr. Verduci made a motion, seconded by Mr. Chase, to approve Variance #2 to approve Variance #2 excluding the reverse osmosis.
Motion carried unanimously.

Shell Food Mart – 1205 East Lincoln Highway, Langhorne, Pa. – Jay Wetherby, Representative present.

This facility is currently operating a closed loop car wash with off-site disposal and is requesting permission to dispose of the car wash waste into the Authority's sewer system from car wash facilities.

Mr. Wetherby, representative of Shell Food Mart is requesting permission from the Board for Shell Food Mart located at 1205 East Lincoln Highway, Langhorne, Pa. to be able to hook up the carwash into the sanitary sewer system. It is currently hooked up to a closed loop system where the water is being hauled off site.

After further discussion the following motion was made.

Motion

Mr. Monahan made a motion, seconded by Mr. Czyzyk to table any decision until it can be reviewed further.
Motion carried unanimously.

Las Vegas Pizza – 1154 Oxford Valley Road – Temporary Permit F093-2007 (12/2007 – 06/04/2008).

This facility is requesting a variance from the installation of the minimum sized 1,000 gallon baffled grease trap and to be permitted to use an existing internal grease trap.

Mrs. Wallover stated that Barry Ballow who is representing Mr. Franco and Mr. Aquilone, owners of the establishment is requesting that any decision be stayed until the February Board meeting so that they can perform analysis. Mrs. Wallover has advised Mr. Ballow as well as his clients that he is under no requirement to perform analysis.

Executive Session

At 8:12 P.M. Mr. Downey requested an executive session. The regular Board meeting reconvened at 8:32 P.M. with Mr. Downey stating during the executive session both personnel, litigation and ongoing litigation matters were discussed.

George Schultz – Bristol Oxford Valley Road

Mr. Downey stated that for some time the Authority has been in discussions with Mr. Schultz on Bristol Oxford Valley Road. Mr. Schultz has been without water for years. Mr. Smythe has been working in an effort to extend the water line up to his house and that would enable the neighbors to along the block to tap into that line. Towards the end of the year, Mr. Downey and Mr. Smythe spoke to Mr. Light who is requesting an extension beyond December 31st.

Right now there are five (5) people that would like to connect into the line. Mr. Downey stated that if he requested of the Board to grant a motion to extension this deadline until the end of June in order to allow them to obtain the estimate and to complete the work needed.

Mr. Smythe wanted to remind the Board that we are more or less postponing the cost or defraying the cost of the permit fee, we are not actually waiving it so that when these people eventually sell their homes, the Authority will get the money back.

Motion

Mr. Monahan made a motion, seconded by Mr. Verduci, to extend the deadline that was originally slated for December 31, 2007 to June 30, 2008 to the Middletown residents (as stated above) to decide if they want to connect to the LBCJMA's water distribution system.

Motion carried unanimously,

Managing Director's Report

Mrs. Keyser reported on the following items.

Bristol Township Sewer Agreement

The Bristol Township Sewer Agreement has been sent to Russ Sacco, Solicitor for Bristol Township, as well as their Managing Director, Dick Smith, Engineer, and Council Members. We are still waiting for the signed document to be returned to the Authority.

Two (2) Open Utility Positions – Wastewater Treatment Plant

There are two (2) Utility Positions open at the Wastewater Treatment Plant. No existing employees signed for these positions. Mrs. Keyser is asking the Board to make a motion authorizing her to fill those positions.

Motion

Mr. Verduci made a motion, seconded by Mr. Czyzyk, authorizing the Managing Director to fill the two (2) vacant utility positions at the Wastewater Treatment Plant.

Motion carried unanimously.

Temporary Financial Assistant to the Director

Mrs. Koszarek reported on the following items.

2007 Budget

New Hires

- Michael Kane Wastewater Plant Utility Position
- Patricia Koszarek Temp Financial Assistant to the Managing Director

Transfers

- Robert Robbins Meter Reader, Administration

Employees on Disability Leave

- James Pirolli Wastewater Treatment Plant
- Donna Farris Administration
- Lawrence MacSherry Field Maintenance
- Andrew Bashada Wastewater Treatment Plant
- William MacSherry Wastewater Treatment Plant

Employees on Worker Compensation Leave

- Joseph Pollio Wastewater Treatment Plant

2007 Budget

Ms. Koszarek stated included with the 2007 Capital Budget and 2007 Operating Budget is a Memorandum indicating that a rate increase is being requested to support the Budget that is enclosed.

Mr. Verduci asked when the Authority implemented the last increase. Mrs. Keyser responded that a 4% increase was implemented in 2006, however, it did not take effect until April 2007. Mrs. Koszarek added that it really was a 3% increase. Mr. Verduci asked if another increase goes into effect, when our customers would see it. Mrs. Koszarek responded that it will not take effect until April 2008. The request is for a 5% increase; however, it would give you a realized gain of 3.75%. Last year's increase of 4% gave you a realized gain of 3%. Mr. Verduci suggested that he would rather give a 6% increase at one time like the Authority did two (2) years ago as opposed to giving an increase every twelve (12) months. Between surcharges that are being attached to our chemical costs, gasoline, fuel, oil, etc. every year in order to run a business your costs increase. If they increase, obviously we are going to have to initiate an increase. Mr. Verduci asked if we could project with Mrs. Koszarek responding that is what she has done with this Budget.

The Board Directors will review the information given to them and will respond at the February Board meeting.

Director of Operation's Report

Dr. Rajput reported on the following items:

Contract No. WTP-273: Furnish and Supply Powdered Activated Carbon for Water Treatment Plant

This contract is for the supply of Powdered Activated Carbon (PAC) for the Water Treatment Plant. The primary purpose of the use of this chemical is to remove tastes, odors and other organics form potable water. Bids were received on January 10, 2008 for the above contract.

Bidder	Total Bid Price
Norit Americas, Inc. 3200 University Avenue Marshall, TX 75670 Phone: (800) 641-9245 Fax: (903) 938-9701	\$0.64 per pound delivered

As can be seen from the above bid results, Norit Americas, Inc. was the only bidder who submitted a bid proposal. This product is manufactured in Marshall, Texas from domestically mined lignite coal. The PAC designated as HYDRODARCO complies with all applicable provisions of AWWA standard for PAC. After a review of all documents submitted it shows that the product meets the bid specifications. It is recommended awarding this contract to Norit Americas, Inc. for the bid price of \$0.64 per pound delivered or \$64.00 per CWT delivered.

Questions/Comments

Mr. Verduci requested that for comparison purposes if a product is out for bid and only one (1) bid is received and the product is used every year he would like to see the previous two (2) years bid results listed next to the current bid.

Motion

Mr. Chase made a motion, seconded by Mr. Monahan, to award Contract No. WTP-273: Furnish and Supply Powdered Activated Carbon for Water Treatment Plant to Norit Americas, Inc. 3200 University Avenue Marshall, TX 75670.
Motion carried unanimously.

Contract No. WWTP-269: Paving at the Wastewater Treatment Plant (Capital Project)

The contractor has completed approximately 50% percent of the work. Due to weather conditions, the remaining work will be completed during March and April 2008.

Dr. Rajput is asking the Board Directors to extend the contract completion time from December 24, 2007 to April 30, 2008 at no additional cost to the Authority. Dr. Rajput is also requesting the Board Directors to consider granting an approval to include additional paving work with a total cost not to exceed \$15,000 at the present contract unit price. This work will include constructing driveways to the D.D. Davis Building and a driveway behind the digester building.

Questions/Comments

Mr. Armstrong asked what the original contract price for the work performed. Dr. Rajput responded that it was approximately \$71,008.

Motion

Mr. Verduci made a motion, seconded by Mr. Monahan, to approve the additional paving work with a total cost not to exceed \$15,000 at the present contract unit price. This work will include constructing driveways to the L.D. Davis Building and a driveway behind the digester building. And to extend the contract completion time from December 24, 2007 to April 30, 2008 at no additional cost to the Authority.
Motion carried unanimously.

The remainder of Dr. Rajput's report is for Board Director's information.

Supervisors Reports

- Vince Capaldi, Superintendent Water Treatment Plant
- Mike Perrone, Asst. Superintendent Water Treatment Plant
- Gary Tosti, Plant Manager Wastewater Treatment Plant
- Phil Smythe Field Technician
- Nancy Burnell Meter Department Supervisor

Nancy Burnell – Supervisor Meter Department

Mrs. Burnell stated that the Meter Reading Department has been able to acquire two (2) new 5002 meter reading hand held's and a new radio read vehicle. Installation will be complete by January 28, 2008 with the help of our software company (CSI) and Sensus software support. The cost of the equipment was \$43,741.06 for the vehicle unit and new hand held's at no cost to the Authority. In the future, hopefully we will be able to make that earned money for the Authority by working with other Municipalities and contracting out various usages with that.

Mrs. Keyser added that the reason that the Authority received that piece of equipment free is due to the negotiating that Dennis Burnell did with the contractor and in doing so saved the Authority quite a lot of money.

Gary Tosti, Plant Manager WWTP

Mr. Tosti wanted to take this time to commend the Field Crew for the great job they did during a large (8 inch) water main break that occurred during the night at 413 and New Falls Road.

Old Business

There was no old business brought before the Board.

New Business

Palmer Avenue Pump Station

Mr. Czyzyk asked Mrs. Keyser to give an update regarding the Palmer Avenue Pump Station. Mrs. Keyser responded that the metering of the Pump Station went into effect January 1, 2008. Flow meters were installed which will enable us to meter the flow. For many years we were receiving anywhere from 800,000 gallons to maybe 1,000,000 gallons per day. Now in the new contract that we have with Bristol Township we have it capped at 500,000 gallons per day. If they exceed that amount there is then a surcharge.

Public Participation

There was no public participation brought before the Board at this time.

Adjournment of Board Meeting

Mr. Czyzyk made a motion, seconded by Mr. Verduci, to adjourn the Board meeting at 8:50 P.M.
Motion carried unanimously.

Respectfully Submitted by:

Edward Czyzyk, Secretary