

**LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY
BOARD MEETING MINUTES
September 24, 2009
REVISED**

The Board Directors of Lower Bucks County Joint Municipal Authority held their monthly meeting on Thursday, September 24, 2009, at the Authority's Administration office located at 7811 New Falls Road, Levittown, Pennsylvania, 19055.

Call to Order

Mr. Verduci, Chairman, called the meeting to order at 7:00 P.M., which was followed by the Pledge of Allegiance and a moment of silence.

Roll Call

Mr. Czyzyk, Vice Chairman, took roll call as follows:

Board Member's Present: Edmund Armstrong
John Monahan
Susan DeRosier
James Chase (arrived late)
Anthony Verduci

Also Present: Janet A. Keyser, Managing Director
Pat Koszarek, Finance Director
Vijay Rajput, Director of Operations
Gary Tosti, Plant Manager
Phil Smythe, Field Technician
Vince Capaldi, Superintendent, WTP
Mickey Perrone, Asst. Superintendent, WTP
Nancy Burnell, Supervisor, Meter Department
James A. Downey III, Esquire

Public Participation

There was no public participation.

Approval of payment for the September 2009 Accounts Payable as presented to the Board of Directors.

Motion

Mr. Monahan made a motion, seconded by Mr. Armstrong, to approve the payment of the September 2009 Accounts Payable as presented to the Board of Directors.
Motion carried unanimously.

Ratification and Approval of the July 2009 Accounts Payable as Presented to the Board of Directors.

Mr. Monahan made a motion, seconded by Mr. Czyzyk, to approve and ratify the payment of the July 2009 Accounts Payable as presented to the Board of Directors.

Motion carried unanimously.

Ratification and Approval of the August 2009 Accounts Payable as Presented to the Board of Directors.

Mr. Monahan made a motion, seconded by Mr. Czyzyk, to approve and ratify the payment of the August 2009 Accounts Payable as presented to the Board of Directors.

Motion carried unanimously.

Approval of the June 25, 2009 Minutes as Presented to the Board of Directors

Motion

Mr. Armstrong made a motion, seconded by Mr. Monahan, to approve the Board meeting minutes for June 25, 2009 as presented to the Board of Directors.

Motion carried unanimously.

Approval of the Financial Statements/Audit for the Year Ending December 31, 2008 as Presented by Peter Place, CPA, to the Board Directors

Mr. Armstrong made a motion, seconded by Mr. Monahan, to approve the Financial Statements/Audit for the year ending December 31, 2008 as presented by Peter Place, CPA.

Motion carried unanimously.

Pretreatment Variances

Tullytown Bar & Grille – 363 Main Street, Tullytown. Temporary Permit F142-2008 (12/30/2008 6/30/2009) Owner Robert Campanaro present.

Mr. Campanaro was previously granted a variance for an internal 40 Lb grease trap with quarterly monitoring for TSS and O&G. Due to sample analysis failures, the Board granted a temporary permit with sampling. The following is a list of sampling that was taken during a course of three (3) months. Board direction is needed.

- 03/05/2009 O&G analysis was 420 mg/L - maximum allowable is 130.9 mg/L.
- 04/22/2009 TSS analysis was 372 mg/L - maximum allowable is 1000.1 mg/L.
- 04/22/2009 O&G analysis was 58.6 mg/L.
- 06/24/2009 TSS analysis was 77 mg/L and O&G analysis was 46.7 mg/L.

Mr. Campanaro stated that his facility passed all sampling and is now asking for a new permit.

Mrs. Wallover reported that the Board had initially given Mr. Campanaro a variance with quarterly sampling providing there were no failures, however, there were failures. Mrs. Wallover addressed this again at the February 2009 meeting at which time the Board granted a temporary permit and required quarterly analysis - two (2) samples.

Motion

Mr. Monahan made a motion, seconded by Mr. Armstrong, to grant the request made by Robert Campanaro of Tullytown Bar & Grille 363 Main Street, Tullytown to renew his permit with quarterly monitoring.
Motion carried unanimously.

Philly Soft Pretzel Factory – 4216 Woodbourne Road, Permit F163-2008 (09/30/2008 – 09/29/2009)

This facility was previously granted a variance for an internal 30 Lb grease trap with quarterly monitoring for TSS and O&G. This facility is requesting a reduction in samples from quarterly to semi annually.

Motion

Mr. Armstrong made a motion, seconded by Mr. Monahan, to grant the request by Philly Soft Pretzel Factory – 4216 Woodbourne Road, to reduce their testing from quarterly to semi annually.
Motion carried unanimously.

Nonna’s Pizza & Restaurant – Levittown Shopping Center.

This facility is requesting a variance to install floor drains in the kitchen for sanitary maintenance. The submitted drawings show floor drains and mop sink discharge to exterior grease trap. The drawings also show a three (3) bay sink with no dishwasher, and the refrigeration/freezer condensation will not be discharged to the sanitary sewer. The facility has a 1250 gallon exterior grease trap.

Motion

Mr. Armstrong made a motion, seconded by Mr. Czyzyk, to grant Nonna’s Pizza & Restaurant, Levittown Shopping Center, a variance to install floor drains in the kitchen for sanitary maintenance.
Motion carried unanimously.

Popeye's NNA's Pizza & Restaurant – Levittown Shopping Center

This facility is requesting a variance to install floor drains in the kitchen for sanitation purposes. Drawings have been submitted showing floor drains and mop sink discharge to an exterior grease trap. Drawings also show a three (3) bay sink with no dishwasher. The drawings do not specify where the refrigeration/freezer walk-in condensate will discharge to; however, the ice machine condensate specifies an "indirect waste" discharge. The Resolution does not allow condensation to be discharged to the sanitary sewer.

Mrs. Wallover indicated that the drawings that were sent to the Board showed that the condensate was tied in. Shortly before the Board meeting this evening, Mrs. Wallover was given revised drawings showing the ice machine now has new equipment and is separated.

Motion

Mr. Armstrong made a motion, seconded by Mr. Czyzyk, to grant the variance request to install floor drains in the kitchen for sanitation purposes. Motion carried unanimously.

Presentation by Dale Frazier – Levittown GOAL

Mr. Frazier introduced himself to the Board of Directors. Mr. Frazier became interested in cleaning up the community while he was walking around some of the greenbelts that separate the different sections of Levittown. He would pick up the trash while walking. After some time, Mr. Frazier realized that it was too much work for one person so he started (GOAL) Greenbelt Overhaul Alliance of Levittown. They are in the process of becoming a non-profit organization. At their first clean-up that was held on May 16th there were sixty-three people that showed up to help. They are also trying to raise funds to remove some of the invasive species of vegetation that cause damage. They are preparing power point presentations to bring to the different schools in the area in an effort to educate the students.

Mrs. Keyser asked Mr. Frazier what purpose he had at tonight's meeting. Mr. Frazier replied that it is to show an update of what GOAL has been doing in the community. Mr. Frazier is also hoping for a letter of support from the Board of Directors showing that the Authority is behind his efforts.

Motion

Mr. Armstrong made a motion, seconded by Mrs. DeRosier, to draft a letter of support to Levittown GOAL and also allow them the use of the Authority's property where our Birch Valley Sift Station is located to place a dumpster within the fence area while they are cleaning up the canal and surrounding area. Motion carried unanimously.

Note: Mrs. Keyser stated that for insurance purposes waiver forms would need to be filled out and delivered to the Authority prior to anyone entering the Birch Valley property and prior to the dumpster being dropped off.

Solicitor's Report – James A. Downey III, Esquire

Executive Session

At 7:39 P.M. Mr. Downey requested an executive session. The regular Board meeting reconvened at 9:15 P.M. Mr. Downey stated that during the executive session personnel matters and potential litigation were discussed.

Motion

Mr. Armstrong made a motion, seconded by Mr. Czyzyk, that for the employee bearing ADP #1082, and the employee bearing ADP #1068, that both employees be allowed to return to work at such time that they are cleared by BEACON as having successfully completed the program that BEACON has recommended, and that the time that has lapsed from the time of their suspension until that time that they return to work be their time served and will be their punishment.

Roll call on the Motion

Mr. Czyzyk	Aye
Mr. Verduci	Aye
Mr. Armstrong	Aye
Mr. Chase	Aye
Mr. Monahan	Nay
Mrs. DeRosier	Aye

Motion passed 5 Aye votes – 1 Nay vote.

Managing Director's Report

Mrs. Keyser reported on the following items:

Bristol Township Municipalities/Sewer Authority

Mrs. Keyser stated that she received a letter from Russ Sacco, Solicitor for Bristol Township. In his letter regarding the Sewer Agreement between Bristol Township and LBCJMA, Mr. Sacco requested the following changes:

1. 5% Surcharge: In the agreement, Bristol Township is to pay a 5% surcharge for any flow that exceeds the daily limit of 500,000 gallons. The agreement further states that after January 1, 2009, the flow history would be reviewed with the hope of lowering the average daily flow limit. Bristol Township has invested a considerable amount of money in their I & I study and is requesting that the Authority consider that the 5%

surcharge be decreased as the Township continues to attempt to remedy the flow problem.

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2. 20% Rate Increase: The entire rate increase is being charged to Bristol Township. When the rate per thousand gallons was determined it was discussed and agreed that the rates should reflect LBCJMA/s cont to maintain its facility. The collection system costs were not to be considered since the Township bears all the cost to maintain and repair the collection system. It is the Township's position that the rate increase charged to Bristol Township should only reflect increased costs to the facility not the collection system.
3. Collection System Purchase: Bristol Township is in the initial stage of determining the value of its Collection System (Palmer Avenue Station). Since it appears that it would be too costly to divert the flow currently going to LBCJMA, the Township would like to determine the LBCJMA's interest in purchasing this portion of the collection system.

The Authority's Board Directors stated at this time they have no interest in revising the current Sewer Agreement with Bristol Township or any interest in purchasing any portion of the Township's sewer collection system.

**Debby Lamanna, Director of Parks & Recreation
Middletown Township**

Mrs. Keyser received a letter from Debby Lamanna, Director of Parks & Recreation Middletown Township. Middletown is in the process of applying for a water permit for its new Veteran's Memorial Park. Middletown is asking LBCJMA to consider waiving the permit fee for this project as they try to create a place to honor the men and women who have given unselfishly to our country.

Motion

Mr. Armstrong made a motion, seconded by Mr. Czyzyk, to waive the water permit fee for the new Veteran's Memorial Park.
Motion carried unanimously.

D&B Guarino Engineers, LLC

Mrs. Keyser stated that she received a letter from Robert Serpenti, the Authority's Consulting Engineer, providing the Authority with D & B Guarino Engineer's Wage Rate & Title Listing for 2009.

Tower One Partners

Mrs. Keyser stated that Mr. Downey received a letter from Tower One Partners. They would like to meet with the Authority to discuss how Municipalities can generate revenue through a partnership with Tower One. Mrs. Keyser stated that this has never worked out in the past, not to say it might not in the future, however, this is more or less a sales pitch.

The Board, at this time showed no interest in a partnership with Tower One.

Identity Theft Prevention Program

The Authority was advised that all utilities are required to comply with this regulation. A proposed Identity Theft Prevention Program Policy for the Authority was included in the Board packets for their review and approval by motion at tonight's meeting.

Motion

Mrs. DeRosier made a motion, seconded by Mr. Armstrong, to approve the Identity Theft Prevention Program Policy as presented to the Board of Directors.
Motion carried unanimously.

Right to Know Open Records Law Amended

Amendments to the Pennsylvania Right to Know Open Records Law have been signed into law by the governor. One significant change in the new law reverses the burden of proof to the government entity of whether a record is public or not. Due to the amendments to the act, an updated Resolution is being presented to the Board Directors for their adoption and approval. Mrs. Koszarek added that the Board will need to establish rates. This rate will include the copies, time, etc. The recommended rate for copies is between \$.10 and \$.25 per page. Mrs. Koszarek recommended .15 per page.

Motion

Mr. Chase made a motion, seconded by Mr. Armstrong, to approve the updated Resolution for the Right to Know Open Records Law as presented to the Board Directors and to approve the charge of \$.15 per page for copies made.
Motion carried unanimously.

New Vehicles – Capital Purchase – Wastewater Plant

Mrs. Keyser stated that vehicle S-7, a 1990 Ford F350 truck, currently being used by the Lift Station employees has been replaced and asked the Board for permission to place this vehicle up for sale and to also ratify the

purchase of the replacement vehicle. The cost of the replacement vehicle is under the State Bid pricing at \$45,861.00
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Motion

Mr. Chase made a motion, seconded by Mrs. DeRosier, giving permission to Mrs. Keyser to place the 1992 Ford F350 Pickup truck (S-7) out for sale to the highest bidder and permission to purchase through the State Bid Contract a new utility truck for a cost of \$45,861 to be used by lift station personnel. Motion carried unanimously.

New Vehicle Wastewater Plant – Capital Purchase - Camera Truck

A request has been made by Gary Tosti, Plant Manager, for the purchase of a freight liner diesel camera truck under the State Bid pricing of \$160, 776.80.

Motion

Mrs. DeRosier made a motion, seconded by Mr. Chase, giving permission for the purchase of a freight liner diesel camera truck under the State Bid pricing of \$160, 776.80. Motion carried unanimously.

New Vehicle – Water Filtration Plant

A request to purchase a new 2010 Ford F150 4X4 at a cost of \$22,017. is being made for the Water Filtration Plant. This will replace vehicle W-4, a 1993 Ford F150 utility truck.

Motion

Mr. Monahan made a motion, seconded by Mr. Chase, granting approval for the purchase of a new 2010 Ford F150 4X4 at a cost of \$22,017.00, to replace vehicle W-4, a 1993 Ford F150 utility truck at the Water Filtration Plant. Motion carried unanimously.

Windows – Wastewater Treatment Plant

The Wastewater Treatment Plant has approximately six (6) large casement windows that were purchased approximately ten (10) years ago, however, they were never installed at the plant. Since it would not be cost effective to try and retrofit them into any of our buildings, and rather than discarding them, Mrs. Keyser recommended that the Authority advertise and try to sell them to the highest bidder through advertisement in the BC Courier Times and/or through Municibid.

Motion

Mr. Armstrong made a motion, seconded by Mr. Czyzyk, to advertise through the Municibid site the sale of the six (6) large casement windows and all the retired vehicles as well as advertising in the BCCT which would be meeting the public notice requirement.
Motion carried unanimously.

Finance Director - Salary Increase

Mrs. Keyser asked the Board for an hourly salary increase for the Finance Director.

Motion

Mr. Chase made a motion, seconded by Mr. Czyzyk, to increase the Finance Director's pay to \$39.00 per hour, subject to half of it this year and the second half in six (6) months.
Motion carried unanimously

Finance Directors Report

Insurance Increase

The Board received reports regarding insurance increases for its Dental and Medical benefits. Part of our problem is that the period ending for these benefits is in September. Contract agreements are dated January to December. Mrs. Koszarek is recommended when the time comes for the next contract negotiations that a committee be set up to start investigating these benefits and costs so the Union has some input on possibly changing the insurance.

Returned Checks

Mrs. Koszarek has previously brought the issue of returned checks to the Boards attention. In June we had 19 returned checks, in July there were 25 returned checks and in August there were 32 returned checks totaling \$11,413.00.

Capital Projects

Since the Authority did not receive the money from Pennvest, Mrs. Koszarek feels the Board needs to consider what capital projects need to be taken care of that will benefit the Authority most.

One of the main projects Mrs. Koszarek is recommending is the sewer relining project. Devise a five (5) year plan and this way the Board can make a decision on what will be spent each year.

Motion

Mr. Chase made a motion, seconded by Mr. Czyzyk, that Dr. Rajput be empowered to put together a study with estimated costs of a five year plan of relining our sewer lines/mains.

Priority Projects

Mrs. Koszarek stated that she will compile a list of priority projects based on information provided to her by the Superintends and Dr. Rajput. One of these projects will be the purchase of a workshop/garage for the Meter Reading Department. This is needed due to the expansion of the metering department. Last year we received a quote of \$150,000. We are hoping this year, with the economy the way it is, the price will come down.

Motion

Mrs. DeRosier made a motion, seconded by Mr. Chase, for the purchase of a workshop/garage for the Meter Reading Department to be located at the administration building.
Motion carried unanimously.

Lightning Strike/Water Plant - Damage

Mr. Chase brought to the attention of the Board that the accounts payable for June reflected charges in excess of \$6,000 in repairs that were spent all due to a lightning strike causing damage at the Water Plant. Mr. Chase asked if we attempted to collect any of this money from the insurance company. Mrs. Koszarek informed the Board that because close tabs were kept on the money being spent due to the lightning strike the Authority will be receiving several check reimbursements from their insurance company.

Board Meeting Dates

Mrs. Keyser stated that due to the change in day from the 3rd Wednesday to the 4th Thursday of each month, the November Board meeting date falls on Thanksgiving Day and the December Board meeting date falls on Christmas Eve. A motion would be needed from the Board to change the meeting dates.

Motion

Mr. Chase made a motion, seconded by Mr. Czyzyk, to advertise the change in meeting dates for the November and December 2009 Board meetings. November's meeting will be changed from Thursday, November 26th to Wednesday, November 18th, and the December meeting will be changed from Thursday, December 24th to Wednesday, December 16th.
Motion carried unanimously.

Director of Operation’s Report

Dr. Rajput reported on the following items:

Contract WWTP-303: Furnish and Deliver Rock Salt (Sodium Chloride) for the 2009-2010 Season

The Authority participated with the Bucks County Consortium’s salt bidding. Bids were opened on Wednesday, September 16, 2009. Attached is a copy of the bid results.

BIDDER	BID AMOUNT	
	Delivered Price Per Ton	Undelivered Price Per Ton
International Salt Company, LLC 655 Northern Blvd, Clarks Summit, PA 18411 888-388-4726	\$57.85	\$57.00
Oceanport, LLC P.O. Box 608, Claymont, DE 19703 800-288-7974	\$60.07	\$60.00
Eastern Salt Company, Inc 134 Middle Street, Suite 210, Lowell, MA 01852 978-251-8553	\$69.50	\$69.50

After review of the bid results, it is recommended awarding Contract WWTP-303: Furnish and Deliver Rock Salt for the 2009-2010 Season as per the specifications and general conditions contained in the bid documents of Bucks County Consortium–Salts to **International Salt Company, LLC, 655 Northern Blvd, Clarks Summit, PA for unit bid price of \$57.85 per ton delivered.**

Motion

Mr. Chase made a motion, seconded by Mr. Monahan, to award Contract WWTP-303, Furnish and Deliver Rock Salt for the 2009-2010 season as per the specifications and general conditions contained in the bid documents of Bucks County Consortium–Salts to **International Salt Company, LLC, 655 Northern Blvd, Clarks Summit, PA for unit bid price of \$57.85 per ton delivered.** Motion carried unanimously.

Contract WTP-292 Furnish and Supply Ferric Chloride – Price Reduction

On August 31, 2009, Michelle Poulin, Sr. Account Manager for Kemira Water Solutions, Inc. (our contractor for ferric chloride), informed us that Kemira is passing on a price **decrease** to the Authority under the present contract.

Kemira is honoring the requirements contained in the form of proposal of the contract which states; "Should the prices decline during the period of the contract, Lower Bucks County Joint Municipal Authority shall be given immediate advantage of such lower prices commencing with the effective date of decline." As per the attached letter, Kemira has decreased the present contract price from \$0.55/dry lb to \$0.28/dry lb effective September 1, 2009. As a result the Authority will realize a significant saving of about 49%.

Motion

Mr. Armstrong made a motion, seconded by Mr. Chase, to accept Contract WTP-292, Furnish and Supply Ferric Chloride, price reduction as presented above by Dr. Rajput.
Motion carried unanimously.

Contract C-274 Furnish and Supply Chemicals

Univar USA Inc., contractor for Fluorosilicic Acid, supply through a letter dated August 27, 2009, informed the Authority of their intent to increase the price of fluorosilicic acid by \$0.03 per pound effective September 15, 2009, which is an increase from the current price of \$0.381 to \$0.384 per pound. Dr. Rajput contacted Jayanna Yeakle, a representative of Univar USA Inc., and informed her that Univar USA, Inc., is not able to increase the price without the Authority's approval. Dr. Rajput also informed Ms. Yeakle that his review of the information submitted does not meet the contract requirements for the price increase. Dr. Rajput further stated that he will present her request to the Board of Directors at their scheduled meeting on September 24, 2009, however, his recommendation will be to not grant the proposed price increase as it does not meet the contract requirements. Ms Yeakle agreed not to increase the price without the Authority's approval.

Motion

Mr. Armstrong made a motion, seconded by Mrs. DeRosier, to reject Univar USA, Inc., intent to increase the price of fluorosilicic acid by \$0.03 per pound effective September 15, 2009, which is an increase from the current price of \$0.381 to \$0.384 per pound, due to not conforming to the bid specifications for Contract C-274; Furnish and Supply Chemicals to LBCJMA.
Motion carried unanimously.

Early Warning System Agreement

During the month of July 2009, the Authority received an agreement for adoption for participation in the existing Early Warning System. The City of Philadelphia Water Department is the manager of the Delaware Valley Early Warning System. On July 30, 2009 we met with James A. Downey, III, Esquire, and gave him a copy of the agreement for review.

Adjournment of Board Meeting

Mr. Czyzyk made a motion, seconded by Mr. Chase, to adjourn the Board meeting at 10:10 P.M.
Motion carried unanimously.

Respectfully Submitted by:

Susan DeRosier, Secretary

DM/