

**LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY  
BOARD MEETING MINUTES  
February 21, 2007 - Revised**

The Board Directors of Lower Bucks County Joint Municipal Authority held their monthly meeting on Wednesday, February 21, 2007, 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.

**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  
   Deborah Magro, Administrative Secretary  
   James A. Downey, III, Solicitor  
   Gary Tosti, WWTP Plant Manager  
   Susan Wallover, Pretreatment Coordinator  
   William Ottey, Superintendent, WTP  
   Vince Capaldi, Asst. Superintendent, WTP  
   Robert Serpente, P.E., Consulting Engineer

Absent:                                    Dr. Vijay Rajput, Director of Operations  
   Phil Smythe, Field Technician

**Public Participation**

At this time no one in the audience wished to address the Board.

**Approval - Payment of Accounts Payable - February 2007  
Motion**

Mr. Verduci made a motion, seconded by Mr. Chase, to approve the Accounts Payable for February 2007 as presented.  
Motion carried unanimously.

Mr. Verduci questioned the following invoice:

1.     Professional Pest Control  
       Invoice Admin 01-2007  
       \$1,000.00  
       January 2007 Cleaning Services

Mrs. Keyser stated that this company is the cleaning service that is paid \$250.00 per week. Mr. Verduci asked if this is bid out in January. Mrs. Keyser responded that it is not, it is a professional service, therefore, it is not necessary. Mr. Downey verified that professional services are not required to be put out for bid.

**Approval - Board Meeting Minutes – January 17, 2007**

**Motion**

Mr. Verduci made a motion, seconded by Mr. Chase, to approve the Board meeting minutes of February 21, 2007 as presented.

**Roll Call on the Motion**

Mr. Adams	Aye
Mr. Chase	Aye
Mr. Monahan	Aye
Mr. Verduci	Aye
Mr. Czyzyk	Abstain (not present at the January 17 <sup>th</sup> Board meeting)

Motion carried 4 Aye votes – 1 Abstention

**Request for Pretreatment Variances**

Mrs. Wallover reported on the following requests for Pretreatment Variances.

**Tullytown Pub & Grille – 363 Main Street, Tullytown - Permit #142-2005 (10/18/2005-10/17/2006). Robert Campanaro, Owner Present**

This facility was granted a variance by the Board Directors on October 15, 2003 to install a 50-gallon interior trap and perform quarterly sampling for BOD, TSS, and O&G. Mrs. Wallover stated that Board direction is needed for permit renewal.

**This facility has Three (3) Violations**

- BOD Discharge violations occurred on 4/19/06 and 6/14/06.
- O&G Discharge violations occurred on 4/19/06, 6/14/06 and 6/28/06.
- TSS Discharge violation on 6/28/06.

Mr. Campanaro is requesting a variance for an exterior 1,000 gallon grease trap. Mr. Campanaro explained to the Board that the reason for the two (2) failures was the person that usually performs the testing broke his collarbone and someone else was sent in his place and the testing was not done properly.

Mrs. Wallover stated the facility has been sampled three (3) other times since the above tests have been taken and have passed them all. Mr. Czyzyk asked Mrs. Wallover what Mr. Campanaro was here for this evening. Mrs. Wallover replied that this Board had previously granted this facility a variance on October 15, 2003 with quarterly monitoring for all parameters because he has an interior grease trap. When there are that many violations the facility must appear before the Board Directors then the Board needs to make a decision regarding whether the current sampling changes, or the facility will need to obtain a larger grease trap. If the Board agrees to discontinue his permit back to what it was with quarterly monitoring, a new permit would need to be issued.

**Motion**

Mr. Czyzyk made a motion, seconded by Mr. Adams, to grant Tullytown Pub & Grille – 363 Main Street, Tullytown, PA. a variance for quarterly monitoring.  
Motion carried unanimously.

**Magic Touch Carwash – 16 Cinder Lane - Mr. Grzesnikowski (owner present)**

The facility was required to perform a 12-hour sample for TTO and all local limits, as well as attending the February Board meeting with the results.

Mr. Grzesnikowski stated that he had the water sampled on Friday, February 16 2007; however, he does not have the results tonight. It takes 10-14 days to get the results from the lab. Mr. Grzesnikowski stated that he went through several different labs to find one that would be willing to take the tests required.

Mr. Grzesnikowski asked if he could have a copy of all allowable limits that he is being tested for. He would like to have something that he can compare his results too. Mrs. Wallover responded that this information has already been given to him; it is called our Local Limits. There are many parameters that you are required to test for and that there is no established effluent discharge limitations. Mr. Grzesnikowski asked Mrs. Wallover how it is determined whether the testing is good or bad if there are no established limits. Mr. Verduci stated that the Authority does have them. Mrs. Wallover responded not for everything. The TTO is typically a combination of many parameters that cannot exceed 2.13 mg per week, so it is a total of all of those parameters. Mr. Downey stated that the Resolution has everything listed. Mr. Grzesnikowski stated that it does not have everything. It does not have everything broken down the way the actual test was broken down. Mr. Grzesnikowski further stated that he would like to have a list of all the tests that are required. He would like to know as he goes down the list whether he is or is not in compliance.

Mr. Grzesnikowski stated that is not acceptable. It has to be in black and white. Mrs. Keyser stated that he is looking for a pass or fail number. Mrs. Wallover responded, not when it comes to TTO's. Anything higher than 0.01 mg per liter you have to test and monitor for. Right now we are trying to establish of those 126, is anything going to be higher than 0.01 mg per liter. This does not include effluent discharge limitation.

Mr. Downey suggested that maybe it is a breakdown in communication. Mrs. Wallover stated it is not really a breakdown in communication, it is more you need to understand what the TTO is. It is not a single chemical. It is comprised of 126 chemicals, and of that, as a total, you cannot exceed 2.13. Mr. Downey asked if there is a list of the 126. Mrs. Wallover responded yes. Mr. Chase stated that what Mrs. Wallover stated is that there is no breakdown for each chemical. TTO is the 126 that have already been provided to you. Mrs. Wallover stated that she has to add each one up to insure that the 126 do not exceed 213. Mrs. Wallover stated that after last month's Board meeting she contacted Mr. Grzesnikowski to schedule a time where he could come into her office to go over everything but he refused. Mr. Grzesnikowski replied that he just wanted to make sure he was getting the right test done. Mr. Grzesnikowski further stated that if he is given the list of 126 different materials to test there should be a limit on every one. Mrs. Wallover replied the Authority is not given a limit from DEP nor EPA, however, we do need to be aware that these parameters could effect our treatment and have a negative effect on our discharge.

Mr. Adams asked Mr. Grzesnikowski if Mrs. Wallover invited him to come into her office so that she could explain things to him and he chose not to. Mr. Grzesnikowski replied that he chose to have what he needed to be tested for clarified. Mr. Adams responded that he is sure that Mrs. Wallover would have handled this situation if he had chosen to meet with her. Mr. Adams further stated that this Board has been working with him since 2005, and we are having difficulty getting anything accomplished with you. You stated that Mr. Downey did not get in touch with you, and he told you right to your face that he was in touch with you. Susan Wallover told you the same thing and you stood right there and said she did not.

**Motion**

Mr. Czyzyk made a motion, seconded by Mr. Chase, to wait until the March 21<sup>st</sup> Board meeting with Mr. Grzesnikowski returning with the results in order for the Board to make a decision.  
Motion carried unanimously.

**Magic Touch Carwash of Fallsington - 1001 Trenton Road - Temporary Permit #009-2007 (1/2/2007 - 4/1/2007) Mr. Patel owner present.**

Facility is requesting a reduction from sampling and testing requirements. Right now the facility is required to sample monthly for pH & Phenol and perform Local Limit and TTO analysis before the March 7<sup>th</sup> Board meeting. A pH and Phenol test was performed on 1/18/07 and was within permit limitations, however, the sample collection was only over a 3-hour period. The permit requires sampling from 7:00 AM to 7:00 PM, 12-hour test as directed by the Board at the September 2005 meeting.

Mr. Patel stated that he has contacted the same lab company that the previous owners used and they informed him that they could not perform the 12-hour testing. They told him they could do a 4-hour test. That testing was done and forwarded to Mrs. Wallover. After trying several other facilities, Mr. Patel was still unsuccessful in obtaining a company to perform the 12-hour testing. Finally the same company agreed to do the 12-hour test that would be over \$600.00. With business being slow due to all of the rain, it will be difficult to pay that much money for a 12-hour test. Mr. Patel asked the Board to accept the 4-hour test that cost \$225.00.

Mrs. Wallover stated that in September 2005 the Board required the previous owner to sample. It is a 24-hour carwash. The Board then required in lieu of the 24-hours that a 12-hour test be performed. Any paperwork to him is for the 12- hour test. He did do a sample, but it was over a 3-hour period. During that 3-hour period it was successful, however, it did not meet the criteria of his permit.

No motion is needed at this time.

**Solicitor's Report**

**Executive Session**

At 7:31 P.M. Mr. Downey requested an executive session. The regular Board meeting reconvened at 9:17 P.M. with Mr. Downey stating that during the executive session potential litigation, present litigation, and personnel matters were discussed.

Mr. Downey stated that due to a report made by himself and Mr. Tosti, Plant Manager, in the executive session, a motion that employee #144 be terminated based on an investigation conducted by himself, as well as Dr. Rajput and Mr. Tosti, for violations that employee # 144 committed against the Commonwealth of Pennsylvania, Department of Environmental Protection, mandated Standard Operations Procedures and for violations of federal regulations, as well as violating the Authority's Risk Management Plan that is imposed on the Authority by the federal government.

Mr. Downey stated that the Board Directors took a position that the Authority is responsible for this employee, and is virtually compelled to terminate this employee #144 for violations of the law based on prior acts of representations made by himself, and the Chairman, Mr. Monahan, to the Commonwealth of Pennsylvania Department of Environmental Protection on the Boards behalf. The actions committed by this employee jeopardized the plant function, the life of himself, another employee, the life of others, possibly others in the community. This employee should be terminated forthwith.

### **Motion**

Mr. Chase made a motion, seconded by Mr. Monahan, to terminate employee #144 for the violations committed based on an investigation conducted by Mr. Downey, as well as Dr. Rajput and Mr. Tosti, for violations that employee # 144 committed against the Commonwealth of Pennsylvania, Department of Environmental Protection, mandated Standard Operations Procedures and for violations of federal regulations, as well as violating the Authority's Risk Management Plan that is imposed on the Authority by the federal government.

### **Questions/Comments**

Mr. Czyzyk addressed Mr. Downey. Over the past year we have terminated several employees and we have been told that the reason that we have to terminate them is that the DEP requires us to terminate them for violating SOP's, Clean Water Act, etc. You told us in there (executive session) that we are **compelled** to terminate this employee because of certain statutes. Mr. Downey stated that you (Board Directors) are compelled to do so. Mr. Czyzyk further stated that he would like to request of Mr. Downey and the Managing Director to contact those agencies that are compelling us to do this and have them at least send him a letter that we are compelled to terminate this person and people we terminated before in the past, whoever, the EPA, DEP is requiring it. Mr. Czyzyk further stated that he accepts what Mr. Downey is saying, he also accepts what the Director is saying, but his reaction is trust but verify. Mr. Czyzyk wants a letter from them stating that this has to be done. Mr. Downey responded that in one fashion or another such a letter has been sent, but he will secure another. Mr. Czyzyk stated that he wants it coming from the agencies that are compelling us to terminate that person and other persons that we terminated within the past for those types of violations. Mr. Downey stated that the Authority received a letter directed to the Chairman from the Regional Manager of the Department of Environmental Protection dated January 22, 2007. Mrs. Keyser stated that it was presented to all of the Board Directors during the executive session. Mr. Czyzyk stated that he was not there. Mr. Downey stated that he met with the Chairman.

The Agency requested and required that this Board advise it in writing no later than February 1, which both I and the Chairman complied with the steps that this Authority is taking to ensure that this same employee's (144) continued presence and employment at the Wastewater Treatment Plant does not compromise the Wastewater Treatment Plant operations, and is in compliance with all of the legal obligations that this Authority is mandated to. In other words, we had to justify to them why this employee was not fired. I tried to do so and as I reported nine (9) days later certain actions and activities that have taken place which compel that this employee be fired. Mr. Downey stated that he will attempt to secure this letter. Mr. Czyzyk stated that he just wants it on the record that we are told by an agency outside of us that we must fire this person and other persons that we fired in the past year for those violations because every time we have problems we hear "we must fire them" because in effect then they are running this Board and we are not.

Mr. Downey responded that's right sir, and you sir could be subjecting yourself and the others individually and as a group to scansions under the criminal law. Mr. Czyzyk stated that is what he wants to see them put in the letter. Mr. Downey stated that those would include such things as violations of EPA regulations and the clean Streams Act. Mr. Czyzyk stated that he will feel very comfortable with those letters.

**Roll call on the Motion**

Mr. Verduci	stated that due to appearance of impropriety, I cannot cast a vote.
Mr. Adams	Aye
Mr. Chase	Aye
Mr. Czyzyk	Abstain until reports from the above agencies are obtained
Mr. Monahan	Aye

Motion carried.

Due to the above motion result, Mrs. Keyser requested a second executive session at 9:22 PM. The regular Board meeting reconvened at 9:27 PM. Mr. Downey stated that personnel matters were discussed.

Mr. Downey stated he would respectfully request a motion from the Board Directors that the particular employee #144 in question remains on an unpaid suspension until the next Board meeting, which is on March 21, 2007.

**Motion**

Mr. Czyzyk made a motion, seconded by Mr. Chase, to continue to keep employee #144 on an unpaid suspension until the next Board meeting that is scheduled for March 21, 2007.

Mrs. Keyser stated that this motion be expanded since the motion ended that the employee be on suspension until March 21<sup>st</sup>, that could be taken where then he is off suspension after that date. Mr. Downey stated the motion should be expanded until the Board Directors make a decision on discipline.

**The Motion will now read:**

Mr. Czyzyk made a motion, seconded by Mr. Chase, that employee #144 is to remain on an unpaid suspension until the Board Directors makes a decision on discipline.

**Roll call on the Revised Motion**

Mr. Verduci	Stated due to appearance of impropriety I cannot cast a vote
Mr. Adams	Aye
Mr. Chase	Aye
Mr. Czyzyk	Aye
Mr. Monahan	Aye

Motion carried 4 Aye votes (1 vote could not be given).

**Managing Director's Report**

Mrs. Keyser reported on the following items:

**Customer Spring Newsletter Committee  
(Volunteer Committee)**

Our Newsletter Committee consists of the following employees; Bill Ottey, Victoria Bleistein, Jennifer Smythe, Vince Capaldi, Dr. Rajput, Phil Smythe, Debbie Magro and me. The committee has met several times and is presently completing the Newsletter that is scheduled to be mailed out to our customers in early April 2007. Mrs. Keyser wanted to commend all of the above employees for again performing a great job on the Authority's behalf.

**LBCJMA's Web Site**

The Board Directors were advised last month that the Authority's web site no longer existed due to being deleted by an outside source. It was also found that the outside source was utilizing the Authority's website for other purposes, as well as utilizing the Authority's licensing for its own personal behalf. Two (2) administration employees; Deborah Barnes and Laureen Marterella, have corrected this. Both employees spent quite a few hours in research and by working with the licensing company. Mrs. Keyser stated that both Deborah Barnes and Laureen Marterella should be commended for going beyond their normal duties on behalf of the Authority.

In order to develop a new Authority website Mrs. Keyser stated that her feelings were that the Authority would need to hire an outside firm that would be an expensive cost to the Authority, not in just developing the website but also maintaining it. While discussing this with several administration office employees, it was suggested by them that they would volunteer to develop and maintain the website. These employees are Deborah Barnes, Jennifer Smythe, and Victoria Bleistein.

All three (3) employees have been attending classes at Bucks County Community College, on their own time, Saturday afternoons, in order to educate themselves so that they can perform this work.

Again, Mrs. Keyser stated that these three (3) employees be commended on volunteering to take this task on with an end result of saving the Authority thousands of dollars. Mrs. Keyser stated that she is certain the Board Directors and Authority employees will be very proud of their web site once it is up and running.

### **St. Patrick's Day Parade Committee**

The St. Patrick's Parade Committee is again asking permission from the Board to utilize the Authority's Administration office front parking lot as their reviewing stand for this year's parade scheduled for March 10<sup>th</sup>. Mrs. Keyser stated that she is in receipt of the committee's required insurance documents.

### **Motion**

Mr. Chase made a motion, seconded by Mr. Adams, to grant permission for the St. Patrick's Day Parade Committee to utilize the Authority's Administration office front parking lot as their reviewing stand for this year's parade scheduled for March 10<sup>th</sup>.

Motion carried unanimously.

### **New Vehicle – Meter Reading Department**

A request is being asked of the Board to approve the purchase of a new vehicle for the Meter Reading Department. The new vehicle will be replacing the Meter Reader's 1997 Chevy Blazer that presently has 102,072 miles on it. The 1997 Chevy Blazer is going to need extensive mechanical work that will be in the thousand of dollars range. Considering this vehicle is 10 years old, as well as the amount of mileage on it and the mechanical repairs that are needed, it is not worth keeping.

In researching a new vehicle for the Meter Readers under the State Consortium Bid, a new vehicle will cost approximately \$24,000. Mrs. Keyser asked the Board to approve by motion the purchase of a new vehicle for the Meter Reading Department.

### **Motion**

Mr. Chase made a motion, seconded by Mr. Monahan, granting permission to the Managing Director to purchase a new vehicle for the Meter Reading Department under the State Consortium Bid.

Motion carried unanimously.

**Director of Operation's Report**

Mrs. Keyser stated that Dr. Rajput had a personal issue to handle and could not be at tonight's meeting. A copy of his report has been distributed to the Board Directors.

**Old Business**

There was no old business brought before the Board at this time.

**New Business**

**Employee Acknowledgement**

Mr. Monahan wanted to take this opportunity to thank Michael Wallover, Meter Mechanic for his assistance with a customer last week who resides in the Birch Valley section.

**Maintenance Repairs to Plant Vehicles**

Mr. Monahan stated that every year the Board rotates where the plant vehicles are taken for repairs. Mr. Czyzyk suggested this year the Authority send the Sewer Plant vehicles for repair to John's Auto and the Water Filtration Plant to Robert's Auto in Tullytown. Mr. Verduci stated that we have been using Suder's and Robert's Auto and it has been working out well with costs being down.

**Motion**

Mr. Czyzyk made a motion, seconded by Mr. Monahan, to send the Sewer Plant Vehicles to John Beck Auto for repairs and the Water Plant vehicles to Robert's Auto in Tullytown for repairs.

**Question on the Motion**

Mr. Chase stated that he has nothing against Robert's Auto and that he did a good job for us but wondered if there was any reason we do not move around to other facilities. There is an auto repair shop in Tullytown Borough, George Kane's, who is very respectable, a very honest young man and they do a nice job.

**Roll Call on the Motion**

Mr. Verduci	Nay
Mr. Adams	Aye
Mr. Chase	Nay
Mr. Czyzyk	Aye
Mr. Monahan	Aye

Motion defeated 3 Aye votes – 2 Nay votes.

The existing vehicle repair shops will remain the same with the Sewer Plant vehicles going to Suder's Automotive and the Water Plant vehicles going to Robert's Auto.

**Presentation to Board Member**

Mr. Czyzyk stated that Mr. Armstrong served the Board for a number of years and he feels that it would only be right and proper to draw up a letter thanking him for his service and maybe inviting him here next month to present it to him.

**Motion**

Mr. Czyzyk made a motion, seconded by Mr. Verduci, to draft a letter to Mr. Armstrong thanking him for his years of service and presenting it to him at the March Board meeting.  
Motion carried unanimously.

**Public Participation**

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There was no one from the Public that wished to address the Board.

**Adjournment of Board Meeting**

Mr. Czyzyk made a motion, seconded by Mr. Chase, to adjourn the Board meeting at 9:45 P.M.  
Motion carried unanimously.

Respectfully Submitted by:

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James Chase  
Secretary

DM/