

**LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY
BOARD MEETING MINUTES
January 17, 2007**

The Board Directors of Lower Bucks County Joint Municipal Authority held their monthly meeting on Wednesday, January 17, 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 and a moment of silence for our men and women who are supporting our country, may God protect them all.

Roll Call

Mr. Verduci, Assistant Secretary, took roll call as follows:

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

Board Member's Absent: Mr. Edward Czyzyk (sick)

Also Present: Janet A. Keyser, Managing Director
 Donna Farris, Asst. to the Director
 James A. Downey, III, Solicitor
 Dr. Vijay Rajput, Director of Operations
 Gary Tosti, WWTP Plant Manager
 Susan Wallover, Pretreatment Coordinator
 William Ottey, Superintendent, WTP
 Vince Capaldi, Asst. Superintendent, WTP
 Robert Serpente, P.E., Consulting Engineer

Introduction of Newly Appointed Board Director

Mr. Monahan introduced Mr. James Chase from Tullytown Borough, and welcomed him as a newly appointed Authority Board Director.

Mr. Chase thanked the management staff for taking the time to meet with him so he could hit the ground running. Mr. Monahan stated that with Mr. Chase's experience he will be an asset to the Board.

Reorganization – Board Directors

Chairman

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

Vice Chairman

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

Treasurer

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

Secretary

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

Assistant Treasurer

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

Assistant Secretary

Due to their only being five (5) Board Directors at this time, the position of Assistant Secretary will remain vacant.

Retirement – James Martino

Mr. Monahan thanked Mr. Martino for his many years of dedicated service to the Authority.

Mr. Martino thanked everyone saying that it is hard because he really does not want to leave the Authority. He has spent his whole life here. Everyone has been so good coming up through the years. Everyone has always been there with a helping hand. Once again Jim thanked all for their help and friendship through the years.

Public Participation

Mr. Tosti acknowledged and thanked Joe Zuchero, Bill Zuchero, Scott Andrews, Dan Costello who assisted and stayed with a fellow employee when he suffered a seizure at the WWTP on January 16th.

Approval - Payment of Accounts Payable – January 2007

Motion

Mr. Chase questioned the following invoice:

1. Unifirst Corporation
Invoice #12-06 WWTP
\$594.19
December 2006 Uniforms

Invoice #12-06 WTP
\$703.10
December Uniforms/Mats

Mr. Chase questioned why the invoice for the Water Plant was higher than the Wastewater Plant's invoice since the Wastewater Plant has more employees. Mrs. Farris responded that the Water Plant rents mats along with their uniform rental, and recently have added several new employees to their roster.

Mr. Verduci questioned the following invoice:

1. Aqua Waste Management
Invoice #65416
Liquid Sludge Removal
\$3,631.40

Dr. Rajput stated that the Authority has a contract with Perma Waste who several months ago merged and changed their company name to Aqua Waste Management which was bought out by Aqua Wastewater.

Motion

Mr. Verduci made a motion, seconded by Mr. Chase, to approve the January 2007 accounts payable as presented.
Motion carried unanimously.

Approval - Board Meeting Minutes – December 20, 2006

Motion

Mr. Verduci questioned if the December 20, 2006 minutes the Authority's Insurance Broker, indicated that out of the three (3) insurance policy options that were presented by Mr. Patton, that the Authority chose the \$0 deductible policy. Mrs. Keyser stated that the Authority did pick the \$0 deductible insurance policy and that this portion of the minutes will be revised to reflect that.

Mr. Chase had the following question:

Mr. Chase asked Mr. Downey if he should abstain from voting since he was not present at the December meeting. Mr. Downey responded that he can, he would just need to state for the record why he is abstaining.

Mr. Verduci made a motion, seconded by Mr. Adams, to approve the Board meeting minutes of December 20, 2006 as presented with the one (1) revision regarding the Authority's insurance to be added.

Roll Call on the Motion

Mr. Adams	Aye
Mr. Chase	Abstain (Not a Board Director during the month of December)
Mr. Monahan	Aye
Mr. Verduci	Aye

Motion carried.

Request for Pretreatment Variances

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

Magic Touch Carwash - 6 Cinder Lane - Pete Grzesnikowski - Owner Present

This facility does not have a permit and has been notified several times to perform sample analysis on the wastewater discharge. The facility has been issued a Show Cause Order to attend LBCJMA's January 17th Board meeting. The owner needs to demonstrate why Enforcement Action should not proceed against the facility.

Mr. Grzesnikowski stated that he was before the Board approximately 1 year ago with regard to some issues on what needed to be done. Mr. Grzesnikowski informed the Board Directors that he is prepared to do whatever needs to be done to get the situation rectified, he is just asking for some understanding on what exactly needs to be done. Mr. Grzesnikowski indicated that he did complete an application and sent it in last year. He stated he has never heard back from anyone. He did speak with Mr. Downey and he sent a copy of the resolutions and again tried to contact the Authority to get clarification. Mr. Downey stated that they had spoken several times and has written at least four times to Mr. Grzesnikowski indicating that he needed to contact Mrs. Wallover.

Mr. Monahan asked Mr. Grzesnikowski if he has spoken to Mrs. Wallover. Mr. Grzesnikowski responded that they spoke a couple of times. Mrs. Wallover responded that she has sent him three (3) certified letters requiring and stipulating what needed to be done. Mr. Grzesnikowski stated that he does not have any certified letters from Mrs. Wallover.

Mr. Grzesnikowski stated that his whole situation is what exactly is he being asked for regarding testing. He does not understand what he's being asked to test for. The problem is that he doesn't know, and he doesn't understand what he needs to be tested for. Mrs. Wallover stated that Mr. Grzesnikowski had a laboratory call her and she in turn faxed the information to them. Mrs. Wallover stated that Mr. Grzesnikowski had to receive the letters because they are signed for. Mr. Grzesnikowski stated that all his paperwork is in here (indicating a file folder) and that he did have a lab call Mrs. Wallover and this is where the issues are. The tests that he is being asked to perform he doesn't fully understand why or what the reasoning is for them. Mr. Monahan stated that the Authority has rules and regulations that they need to follow. Mrs. Wallover stated that this goes back to July, 2005. Mrs. Wallover further stated that she was made aware that the facility was sold to Mr. Grzesnikowski) July 7, 2005 and that nothing has been done since then. A year and a half has passed and we are still looking for the same sample analysis. Mr. Grzesnikowski asked for someone to explain exactly what analysis is being requested and the frequency of the testing. Mr. Grzesnikowski stated that he understands that he is being asked to test for approximately 150 different pollutants. Mrs. Wallover responded probably. Mrs. Wallover stated if the Board Directors are going to continue to allow it, Mr. Grzesnikowski is going to have to do it at least one (1) time, that would then be reviewed and the Board would make a decision as to the frequency of the testing.

Mr. Verduci asked if Mr. Grzesnikowski has anything right now, a separator, anything like that. Mr. Grzesnikowski responded that he has grease traps, separators, and baffles. Mr. Verduci informed Mr. Grzesnikowski that he is going to have to get the testing done and come back to the Board with his test results. Mr. Grzesnikowski stated that he needs to know, if it's a one time test fine, or if it's something that he has to test 4 times a year. This test is about \$2,000, \$10,000 a year. Mr. Grzesnikowski stated that the carwash on Trenton Road has sold 4 times in the last two and a half years because of this testing. He can't financially sustain the cost of this.

Mrs. Keyser stated that the Board cannot make a decision until Mr. Grzesnikowski goes through with his first testing and brings back those results. Depending on those results the Board will make a decision on how often you will need to perform testing. Mrs. Keyser suggested that Mr. Grzesnikowski meet with Mrs. Wallover and she can give him exactly what he has to do.

Mrs. Wallover responded that Mr. Grzesnikowski received the paperwork which is very explicit indicating the samples, the time of the samples, where the samples need to be taken, if they are grabs or if they are composites. Mr. Grzesnikowski stated he spoke to both the EPA and the DEP and they say the same thing; it seems extreme what they're asking for, it seems very extreme for a carwash. The EPA does not consider carwashes a significant industrial discharger.

Mr. Chase stated that the Authority has a responsibility to protect the customers as well as the integrity of our system this is our main concern. If something at your carwash comes through our system, we may end up being cited because it disrupts our plant.

Dr. Rajput stated that if you discharge you must comply. Dr. Rajput explained that we need to comply with the EPA & DEP. The Board developed a Resolution in which all the requirements are listed. These requirements are there to protect the plant, and as Mr. Chase pointed out, we have an obligation to protect our customers. There are chemicals that can hurt the plant, therefore we need to know what you are discharging.

Mr. Downey stated that we are just talking in circles. You can get a general answer from the EPA, you can get a general answer from the DEP, but Mrs. Wallover has sent to you the limits of what we require. She sends that to everybody. She has sent that to other carwashes and they have complied by doing one set of complete tests. Mr. Downey further stated that there is no way that this Board can analyze that which the customer may be discharging unless and until that test is performed otherwise we just keep going in circles. Mr. Downey stated that he has repeatedly advised Mr. Grzesnikowski to contact Ms. Wallover. He contacts the EPA. Ms. Wallover calls me and says Mr. Grzesnikowski has never contacted her. Mr. Downey wrote Mr. Grzesnikowski a letter telling him to contact Ms. Wallover, he doesn't contact her, he chooses to follow a path of least resistance as opposed to the rules that Dr. Rajput has told him to comply with. As we have to comply with them as Mr. Chase pointed out, we have to answer to the EPA, we have to answer to the DEP and we are not permitted any exceptions, we can't say Magic Touch Carwash on Cinder Lane doesn't understand the rules, therefore, we don't expect them to test, it doesn't work that way. Mr. Downey stated that he has explained that to Mr. Grzesnikowski for more than a year. It is Mr. Grzesnikowski's responsibility to comply with our rules just as it is his responsibility to comply with the motor vehicle code, no exceptions. You can't keep putting up hurdles that you perceive are inappropriate. We have to comply, therefore you have to comply. As Mr. Chase has told you, as the Chairman has told you, as Dr. Rajput has told you and Ms. Wallover has told you, we have no way to answer any of your questions until you do one set of tests. I don't understand what the problem is sir. You can't keep putting up hurdles that don't exist, it's that simple. So, does it cost a lot of money, yes sir, it does, but that sir is the cost of doing business. Other people have carved out exceptions but only unless and until they have presented one set of tests.

Mr. Adams stated to Mr. Grzesnikowski that Mr. Downey has what is required, and I think that is what you have to do, your either going to work with us or work against us, and from what I can see since '05 you haven't been cooperating.

Mr. Monahan asked Mrs. Wallover how long it takes for the results to come back, could he have them by next meeting? Mrs. Wallover responded yes. Mr. Monahan directed Mr. Grzesnikowski to have the tests taken and return with the results to the February 21st. Board meeting.

Mr. Grzesnikowski asked if there were copies of prior test results from his facility. Mrs. Wallover stated that the Authority has tried to do that with the previous owner Mr. Harm. Mrs. Wallover was told initially that Mr. Harm had sold both facilities but when she went to the facility on Cinder Lane she was lead to believe it hadn't changed, then found out a month later that Mr. Grzesnikowski actually did buy the property.

A gentlemen that was present with Mr. Grzesnikowski asked if that means that the business has been operating for forty years without tests? Mrs. Wallover replied, yes, that's what it means. Does that mean that the owner was never cited or penalized for that? Mrs. Wallover explained that the Authority as a whole started doing carwashes as early as 1991-1992. Mr. Monahan asked if there were any test results from then and Mrs. Wallover responded not from that particular carwash. Mr. Downey added that when the Authority called Mr. Harm on it he sold the business. It was stated that Mr. Grzesnikowski is prepared to fully cooperate, he just wanted to make sure that what you're asking and what he needs to do is fair and reasonable, and based on some of the research it just looked like some of the testing's were extensive in terms of the elements that were being asked to test for. Mr. Downey responded that we do not pick these parameters they are given to us. Dr. Rajput, Ms. Wallover, Mr. Tosti and all the people that work at the Wastewater Treatment Plant are responsible to comply and when they don't comply we have to answer to the DEP. If we are off one iota we get fined then we have to stand up to the ratepayers and try to explain why we got fined, because we weren't doing our job, that's not going to happen sir. The DEP is very strict and I assure you your client is not new to this. We have spoken at least a half dozen times.

Mr. Grzesnikowski's guest asked if the test results are public knowledge. Mr. Downey stated that under the Right to Know Law you have the right to come to this office fill out the request form and we have so much time in which to comply and under the Right to Know Law you are charge per page for whatever is reproduced.

Reappointment of Consulting Engineer for the year 2007

Motion

Mr. Chase made a motion, seconded by Mr. Verduci, to continue using D&B Guarino Engineering as the Authority's Consultant Engineer for the year 2007.

Motion carried unanimously.

Question on the motion

Mr. Verduci asked if the Authority has been billed for the months the firm has been working for us, I would just like to see what has been charged to us for the work that has been done. Mrs. Marterella reported that she has not received a bill from D&B Guarino. Mrs. Keyser asked Mr. Serpente to fax a copy of the bill over in the morning.

Approval of the 2007 Operating Budget with 4% Across the Board Increase effective April 1, 2007

Mrs. Keyser stated that the 2007 Operating Budget was presented to the Board in November 2006 for approval in December 2006. At that time Mr. Armstrong stated that since the new Board member was appointed to the Authority that he felt that the new Board member should have the right to vote on the 2007 budget and suggested that the approval of the 2007 Budget be presented for Board approval at the January 07 meeting.

Question

Mr. Chase made a motion, seconded by Mr. Verduci, to adopt the proposed 2007 Operating Budget with 4% across the board increase effective April 1, 2007 as presented.
Motion carried unanimously.

Solicitor's Report

Executive Session

At 7:44 P.M., Mr. Downey requested an executive session. The regular Board meeting reconvened at 8:53 P.M. with Mr. Downey stating that personnel matters, pending litigation and litigation were discussed. As a result of the executive session Mr. Downey would like to propose the two (2) following motions for the Board to consider.

1. Employee Termination

For violation and significant violation of work rules. The professional opinions recommendation is that Employee No. 515 employment with the Authority be terminated immediately.

Motion

Mr. Chase made a motion, seconded by Mr. Verduci, to immediately terminate Employee No.515 for SOP violations and significant violations of work rules.
Motion carried unanimously.

2. PADEP

It is recommended to accept a recommendation that was received on January 3, 2007 by the Board Directors from a Commonwealth Agency regarding operation of the Wastewater Treatment Plant so that this matter can be closed.

Motion

Mr. Verduci made a motion, seconded by Mr. Chase, to accept the recommendation that was received on January 3, 2007 by the Authority from a Commonwealth Agency regarding operation of the Wastewater Treatment Plant so that this matter can be closed.
Motion carried unanimously.

Managing Director's Report

Mrs. Keyser stated that majority of her report was presented to the Board during executive session.

Personnel

On her written report Mrs. Keyser stated the first few pages pertain to personnel and asked the Board Directors to read this information to keep themselves updated.

Tullytown Fire Company

Mrs. Keyser stated that attached to her report is a letter from Tullytown Fire Company thanking the Authority in assisting them in December 2006.

Pennsylvania Municipal Retirement System (PMRS)

PMRS has finally forwarded the revised updated Resolution regarding the employee's and supervisor's pension benefits that were agreed upon during contract negotiations effective January 1, 2006 through December 31, 2008. This will need approval by motion of the Board Directors.

Motion

Mr. Chase made a motion, seconded by Mr. Verduci, to accept and approve the revised plan benefits with Pennsylvania Municipal Retire System (PMRS) updated Resolution regarding the employee's and supervisor's pension benefits that were agreed upon during contract negotiations effective January 1, 2006 through December 31, 2008.
Motion carried unanimously.

Assistant to the Director's Report

Mrs. Farris reported that her report was distributed to the Board Directors for informational purposes.

Director of Operation's Report

Dr. Rajput reported on the following items.

Contract No. WWTP-259: Furnish and Install Cured In Place Sanitary Sewer Pipe Lining in Highland Park Area Wastewater Collection System

This contract is a part of our ongoing Infiltration/Inflow control program. As per PADEP's regulations under the Watershed Management Program and Wasteload Management Program, the Authority is required to develop and implement a program on control of Infiltration/Inflow within the wastewater collection system. The Authority is required to submit a report on sewer system monitoring, maintenance, repair and Infiltration/Inflow control to PADEP annually under the Annual Wasteload Management Report (Chapter 94 Report).

As a part of this program, Phil Smythe, Field Technician, has been working to identify and prioritize the areas of the collection system that need rehabilitation for Infiltration/Inflow control. In this regard, we have determined that the first area that needs rehabilitation is the Highland Park area. Under this contract, approximately 10,000 linear feet of sanitary sewer pipes ranging in sizes from 8" to 15" diameter pipes, will be rehabilitated using cured in place sewer pipe lining technology. D&B/Guarino Engineers, LLC, are assisting us in putting together contract documents for bidding. We are planning to receive bids during the month of March 2007. The approximate estimated cost of this contract is \$450,000.00. We are planning to utilize our field personnel as much as possible to perform most of the preliminary work involving TV inspection and cleaning of sewer lines depending upon other scheduled and emergency work. During the course of this work we will also be checking other sources of Infiltration/Inflow such as sanitary cleanouts, roof drains and sump pump connections.

Vermillion Hill Elevated Water Storage Tank Project

As discussed, one of the alternatives to demolishing the existing Vermillion Hills elevated storage tank is to continue utilizing as a storage tank. Under this alternative the tank will also help in controlling sudden pressure drops in the Pump Station. The tank can store approximately one (1) million gallons of water. Presently the tank is unusable due to the high pressures in the water distribution system. This problem can be overcome by providing a small packaged pump station with a power generator and electrical controls. The tank will work as an automatic floating tank within the system. During an incident of sudden power loss or problems at the pump station, the tank will automatically provide water supply and pressure.

In this regard, we have requested D&G/Guarino Engineers, LLC, to perform a structural evaluation of the tank and submit the evaluation report once complete.

The remainder of Dr. Rajput's report is for informational purposes and may be read at the Board's leisure.

Old Business

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

New Business

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

Public Participation

Mrs. Lipsack a member of the audience asked the Board when they were approving the 2007 Operating Budget that Mrs. Farris made a statement about a 4% increase, is this a ratepayer increase and is it on water or sewer or both? Mrs. Farris replied that the increase was a ratepayer 4% across the board increase that included customer's water and sewer rates.

Adjournment of Board Meeting

Mr. Verduci made a motion, seconded by Mr. Chase, to adjourn the Board meeting at 9:04 P.M.
Motion carried unanimously.

Respectfully Submitted by:

James Chase
Secretary

DM/