

**TOWNSHIP OF LOWER MAKEFIELD
SEWER AUTHORITY
JANUARY 28, 2010**

The regular meeting of the Lower Makefield Township Sewer Authority was held on Thursday, January 28, 2010 in the Lower Makefield Township Municipal Building. Mr. Gauck called the meeting to order at 7:30 p.m.

Those Present:

Sewer Authority **Richard Gauck**
 Robert Archibald
 Phil Tyler
 Jeff Shanks

Others **Ernest Closser, Curtin & Heefner**
 Danielle Farrell, Remington Vernick
 Stu Rosenthal, Gilmore Associates
 Hank Hoffmeister, Sewer Administrator
 Greg Caiola, BOS Liaison

REORGANIZATION OF AUTHORITY FOR 2010

- A) **Nomination & Election of Chairman**
Richard Gauck was nominated as Chairman. Nomination was seconded and carried.

- B) **Nomination & Election of Vice-Chairman**
Jeffrey Shanks was nominated as Vice-Chairman. Nomination was seconded and carried.

- C) **Nomination & Election of Secretary**
Phil Tyler was nominated as Secretary. Nomination was seconded and carried.

CONSULTANT APPOINTMENTS

- A) **Ratify appointment of Gilmore & Associates as Engineer Consultant**
Mr. Closser advised the proper order would be to ratify the appointment and thereafter accept the resignation as submitted. Mr. Gauck explained that Gilmore & Associates has accepted a position as Yardley Borough Engineer and felt it would be a conflict to continue as Lower Makefield's Sewer Engineer.

Motion made ratifying appointment of Gilmore & Associates as Engineer Consultant for 2010.
Motion seconded and carried.

Motion made accepting resignation of Gilmore & Associates as Engineer Consultant for 2010.
Motion seconded.

It was noted that Gilmore & Associates had the option to turn Yardley Borough down and Mr. Rosenthal was asked why they did not do so. Mr. Rosenthal stated Gilmore & Associates was approached a short time ago and it was most related to the Authority Solicitor who has a long term professional relationship with Gilmore & Associates, who requested they consider the appointment. Thereafter Gilmore & Associates went through the process which leads to the acceptance of that appointment. After the appointment was offered it became a business decision. The previous Sewer Engineer for the Borough was Boucher & James. Mr. Rosenthal advised that Yardley Borough had made the decision to make a change before Gilmore & Associates was asked to submit their proposal. This appointment was made last week.

Mr. Hoffmeister advised the Sewer Authority has to ratify the appointment of Gilmore & Associates by the Supervisors which took place prior to Gilmore & Associates accepting the position with Yardley Borough. Thereafter the Authority would accept Gilmore & Associates resignation.

Mr. Caiola advised he will inform the Board of Supervisors of the acceptance of Gilmore's resignation. He also asked the Sewer Authority for a recommendation for Sewer Consultant which he can take to the Board of Supervisors prior to their next meeting.

Thereafter motion carried.

Mr. Rosenthal stated the resignation is with regret and, as he advised Mr. Hoffmeister, he is at the service of Lower Makefield with respect to any questions or follow up on any matters. He noted one good thing is that Gilmore & Associates was not involved in any long term or extensive projects so the transfer should not be difficult. All of the work performed by Gilmore & Associates for Lower Makefield Township has been completed.

Mr. Gauck stated the Authority will think about a recommendation to the Supervisors. He asked Mr. Hoffmeister if temporarily they should do something with Remington Vernick. Mr. Hoffmeister suggested this be discussed under "New Business".

B) Ratify Appointment of Curtin & Heefner as Solicitor

Motion made ratifying appointment of Curtin & Heefner as Solicitor. Motion seconded and carried.

ENGINEER'S REPORT

A) Present Falls Meter Report Findings

The Authority members received this report under a letter dated December 8, 2009. As previously advised, Falls Township charges Lower Makefield Township \$5.78 per 1,000 gallons which is 85% of their direct customer charge. Mr. Hoffmeister has asked John Solecki of Gilmore & Associates to do the study. Previously Lower Makefield installed portable meters in two locations going to Falls Township. Originally three were to be installed however there was not enough flow at the third location to justify the use of the meter. The other two locations have been used to generate the average sewage flow of 18,960 gallons per day. Currently the Township uses water meter readings as the basis for the unmetred areas going to Falls

Township. Based on the most recent of those were approximately 2,000,000 per day. Therefore, 18,000 gallons is a significant reduction. Mr. Hoffmeister stated he has previously indicated to Falls Township that Lower Makefield was doing this and once it was done and established a base unmetered flow to be added to the flows that were metered at the Derbyshire meter pit, this would become the basis for Lower Makefield paying Falls per quarter.

Mr. Hoffmeister noted that Lower Makefield is already paying Yardley Borough on the basis of 23,000 gallons per day as an unmetered base flow. It is obvious that because there are some newer pipes going into Falls Township the daily flow will be slightly lower. This includes flows from the Woodlands on Stony Hill Road; a portion of Yardley Crest; as well as some single family homes on Ferry Road which currently are not metered. He noted this is not a significant number of homes. Also there is a meter on Big Oak near Norman Drive but the number of homes is probably only 15 homes. Mr. Hoffmeister advised there are approximately 90 homes which are not being metered and 18,000 gallons per day is probably consistent with the gallons in the newer pipes.

Mr. Hoffmeister advised he will be submitting the Meter Report Findings to Falls Township as the basis for flows to be paid for unmetered areas beginning with the first quarter of 2010. He stated this meter was in place from the first week of April 2009 through the end of October 2009, during which time there was a significant rain fall. He believes the report is fairly accurate, noting the meter was calibrated and checked every two weeks. The Authority also received a copy of a map showing the meter locations. Mr. Hoffmeister believes this is appropriate for the Authority's information so they know what he is going to do with Falls Township. He noted this will result in a fairly significant savings to Lower Makefield Township for the Falls Township contract area.

Mr. Gauck asked if Mr. Rosenthal will need to continue to work on this with him. Mr. Hoffmeister felt the only way he would ask Gilmore & Associates to do that is if Falls requests additional time to implement these numbers. Mr. Gauck asked if the Supervisors would have a problem with seeing this happen and Mr. Caiola advised they would not. In the past, previous engineers have completed open items, which the Board of Supervisors prefers. Mr. Rosenthal noted Gilmore & Associates may be constrained by their obligations to Yardley Borough and doesn't want to commit himself at this time. Mr. Hoffmeister noted the area in question is one which Yardley Borough is not even involved with. Mr. Rosenthal agreed, but noted he may not be the final word.

Mr. Hoffmeister stated he does not anticipate any issues with Falls Township, noting that he already informed them that the Township was doing his study and results would not occur until the first quarter of 2010. Last week he approved the submittal of the unmetered billing to Falls Township of approximately \$11,000.

Mr. Rosenthal apologized about an error on the attached map, noting that the meter numbers were reversed. Corrected maps were provided to the members. Mr. Rosenthal also stated that in the course of the metering they saw some spikes in the waste water flow. There is some inflow in the system and they are seeing sharp rainfall related spikes in the flow. From the metering they couldn't determine the cause without going into the neighborhoods and doing a more comprehensive study. Mr. Hoffmeister advised this is due to old pipe. On Big Oak Road clay

pipes were installed in 1966-1967; in Yardley Crest this would be caused by cracked pipes because these are fairly new.

No action is required by the Authority.

NEW BUSINESS (continued)

A) End of Year Certificate

Mr. Rosenthal advised the Authority has received a copy of the End of Year Certificate with respect to their obligations under the lease agreement with the Township. This is standard and in the same format as past years. No questions were raised by the Authority.

Mr. Hoffmeister advised, as the present as well as past Sewer Engineers have pointed out, that the only item which is noticeable is the insurance certificate because DVIT has a tendency to delay their concurrence/agreement of coverage until at least January or February. While they have indicated so, nothing formalized will be received until at least next month. However, he believes everything else is standardized and has been presented to the Authority in previous years through any one of the engineers. Mr. Hoffmeister recommended the Authority accept the statement of the consulting engineers for the Year 2009 as presented by Gilmore & Associates.

Motion made accepting the End of Year Certificate prepared by Gilmore & Associates. Motion seconded and carried.

Mr. Rosenthal advised Gilmore & Associates would be happy to help with the transition to a new engineer, at no cost to the Township.

SOLICITOR'S REPORT

A) Yardley Status

Mr. Closser noted they were aware Yardley Borough was looking for a new solicitor. They also heard rumors the Borough was looking for a new engineer and understands there has been a change there. It would appear that Yardley Borough now has its professionals in place and this may be a good time to make some progress and reopen the dialogue and get negotiations going to resolve the issues between the two municipalities. He also noted that Dave Truelove knows the new solicitor.

Mr. Closser was asked about the Township's relationship with Gilmore & Associates and whether his knowing Lower Makefield's position with respect to Yardley Borough creates a conflict. Mr. Closser agreed this is a legitimate issue, acknowledging that Mr. Rosenthal has heard he and Mr. Hoffmeister talk about the situation. Although it was Remington Vernick who did the analysis, Mr. Rosenthal may have been present when that report was given to the Authority. He confirmed it does raise a concern in his mind that, if not a conflict, there is at least some sensitivity as to the inside information Mr. Rosenthal may have received while he was consultant for the Authority. Mr. Gauck asked what direction the Authority should take, noting

the Township may have to ask Yardley Borough Sewer Authority not to involve Gilmore & Associates in any of the negotiations with the agreement. Mr. Closser stated this would be the most drastic thing the Authority could do but would need to think about it.

It was suggested they go back through their notes to see what he was involved in because he has information which could be used against the Township. Mr. Hoffmeister felt the fastest way to do this would be to go through the minutes from 2009 as to where the discussions were. There were meetings where Mr. Rosenthal was not present, but Ms. Farrell was. There may not be as much conflict as they feel may be.

NEW BUSINESS

B) Retention of Sewer Engineer

Mr. Hoffmeister requested this be changed to a recommendation to the Board of Supervisors as to an engineer for the balance of 2010. He stated he spoke with Mr. Caiola on Monday to inform him about the letter of resignation from Gilmore & Associates. At that time they discussed the type of recommendation the Sewer Authority could or should make to the Board of Supervisors. Mr. Hoffmeister stated it is his recommendation that the Sewer Authority recommend to the Board of Supervisors that Remington Vernick be retained as the Sewer Authority Engineer for the remainder of 2010 for the following reasons: time involved with undertaking to verify credentials of a new engineer; Remington Vernick has been working on the 537 Study which included Edgewood Village as well as working on sewerage of Elm Lowne. He noted that regardless of what the Supervisors determine to do, this is something which has been worked on for the last 8 to 9 months.

Motion made recommending to the Board of Supervisors that Remington Vernick be retained as the Sewer Engineer for the remainder of 2010. Motion seconded and carried.

Mr. Hoffmeister advised the Supervisors meeting is next Wednesday, February 3, 2010 and, as pointed out by Mr. Caiola, something should be in to the Supervisors as quickly as possible. He suggested that either the Chairman or the Secretary of the Authority address a letter to either Mr. Caiola or Mr. Smith, who is the Chairman of the Board with the recommendation.

C. Authorize Preparation of 2009 Chapter 94 Report

This item was postponed until retention of Sewer Engineer for 2010. Mr. Hoffmeister advised that Bucks County Water & Sewer has requested that all of Lower Makefield's Chapter 94 information be provided to them by March 1, 2010. He asked if it would be inappropriate if the Authority authorize Remington Vernick to prepare the Chapter 94 Report pending approval by the Board of Supervisors. Mr. Closser advised this could be done contingent upon Board of Supervisors appointment.

Motion made recommending that Remington Vernick prepare the Chapter 94 Report pending approval and recognition of the Board of Supervisors. Motion seconded and carried.

D. Set 2010 Meeting Dates

The 2010 Sewer Authority meetings will be held the fourth Thursday of every month. Mr. Hoffmeister will have this advertised.

OLD BUSINESS

A) Act 537 Special Update

Mr. Hoffmeister advised this is actually a special study inasmuch as DEP is not considering this a formal 537 revision or update.

Ms. Farrell advised that a little over one year ago they started with the DEP on doing a special study regarding the 537 Plan which stated that by 2009 Lower Makefield would have the six unsewered areas sewerred. Two have been sewerred – River Road/Robinson Place and Hillside/Spring Lane. These two areas no longer have to be included in the study.

Two of the four remaining areas are Yardley-Newtown Road near Cultipacker Road; West Afton Avenue. It is suspected Yardley-Newtown Road will end up just being included in a sewage management plan where they will likely remain on on-lot systems and be monitored. Mr. Hoffmeister explained this includes the nine homes going up Afton Avenue from Lehigh to Schyuler as well as the 1500 block of Yardley-Newtown Road (Rt 332), which is across from the old Willow Wisp Farm. Remington Vernick has developed a Township wide mapping of all of the on-lot disposal systems throughout the township. This is a part of the Sewage Management Program which the DEP will require Lower Makefield to have in place. These two areas will be moved into this program. Mr. Gauck asked if this avoids requirement of sewerred these areas. Ms. Farrell agreed and noted it also puts a timeline commitment in place with triggers. Therefore this could be a 20 to 30 year timeline and/or trigger of, for example, should 90% of the systems be in a failing condition.

The remaining two areas are Delaware Rim Drive and Edgewood Village. Ms. Farrell advised that Delaware Rim Drive currently has development proposed in the area. In June or July Remington Vernick reviewed that development and asked the developer to include some infrastructure and easements to make it easier for the Township and/or Sewer Authority to provide sewer to that area should a 20 to 30 years time period come into place and/or triggers. No response has been received from the developer to know whether they do or do not accept the additional requests. Remington Vernick has requested a gravity sewer come as far down Delaware Rim Drive as the slope will allow and easements through the property to tie in Sunnyside Lane. She noted they do not, unfortunately, have any leverage to require the developer to respond. Mr. Gauck asked if it would be the provisions of the elevation of the developer's system that Lower Makefield would set low enough to be able to extend the sewer up as far as possible on Delaware Rim. Ms. Farrell advised the developer's system is primarily a low pressure sanitary sewer system. Originally this system was only comprised of a low pressure sanitary sewer system which did run in front of homes currently unsewerred, where gravity sewer could have been extended. At first Remington Vernick required gravity sewer is extended to connect the homes which the developer was bypassing. Thereafter the developer was requested to extend further in another direction which does not benefit his development but ties in the adjacent properties which face another street. This would also meet the requirements the Township is under or the requests that the Township is under by the DEP. A request was not

made of the developer to put the infrastructure in place, but merely to provide the easement through the property so that should the area on Sunnyside ever get tied in the Township would have the this easement to go through.

Mr. Gauck asked if DEP still honors Remington Vernick's on-site evaluation of the systems on Delaware Rim. Mr. Hoffmeister advised they do. This was done in 2004 which DEP is accepting. They are not, however, accepting the 1999 CKS evaluation of Edgewood Village because they felt it is too old. DEP admits that since 84% of the systems at Delaware Rim are functioning properly there is no need to force the issue. However, Edgewood Village presents a different scenario. There is also a developer who is proposing a large subdivision on the Flowers Tract which will tie into the existing system on Edgewood Road near the old Grange Hall. This was part of the problem between Gilmore and Remington Vernick in that Remington Vernick was doing it as an overall sewer plan for the entire area and Gilmore was looking primarily at only the Flowers subdivision as well as the subdivision directly across the street. Now that Gilmore is no longer involved this issue has been resolved.

With respect to Edgewood Village, Ms. Farrell reported that this is completely designed and almost completely permitted. There are two issues: 1) as part of the DEP permitting requirements all downstream entities need to sign off on Chapter 94 consistency. Boucher & James refused Chapter 94 consistency for Yardley Borough Sewer Authority on the basis that Lower Makefield is exceeding their flows. This has been found to be unfounded as well as it did not answer Lower Makefield's request. The request had nothing to do with the 1964 transportation agreement. The request had to do with the Chapter 94 report which needs to be submitted annually to the DEP. The question was is the project within or not within the Chapter 94 report in capacity and Boucher and James indicated no. Lower Makefield will need to go back to Yardley Borough and request they reevaluate the request based upon what was requested, not the 1964 transportation agreement. Mr. Gauck asked if Boucher & James did this because some of the flows from Edgewood Village will be going to a line that needs to be upgraded. Mr. Hoffmeister advised this is not the case. This has everything to do with Yardley Borough's pump station capacity, etc. Lower Makefield has, via the 1964 agreement, 2,880 unit availability. The agreement also indicates this is based on edu's unless there is future ways to determine the flows. Lower Makefield has not exceeded its flows through the Borough and has not exceeded the edu's because Lower Makefield is probably 250 to 275 units less than what the agreement calls for. Mr. Hoffmeister was asked what Yardley's justification is. Mr. Hoffmeister advised Yardley Borough (Boucher & James) is citing the 1964 agreement rather than the Chapter 94 consistency. Ms. Farrell advised Boucher & James had a four week flow meter study which they extrapolated. Yardley Borough however decided to go upstream one manhole further and install a flow meter. Therefore nothing agrees, however the one installed by Lower Makefield is more in favor of the Township but Yardley Borough extrapolated the information from their one meter and stated that all of Lower Makefield's flows exceed the agreement. Mr. Hoffmeister advised that in 2006 Yardley Borough agreed to have their calibrationist go with Lower Makefield's calibrationist and their calibrationist advised that Lower Makefield's calibrationist was doing the job properly. This cost Yardley Borough \$1,500 because they had to pay both calibrationists.

Mr. Gauck questioned if Yardley Borough may be using this as a caveat to get Lower Makefield to agree to upgrade some other lines. Mr. Hoffmeister felt they probably want Lower Makefield to upgrade the Buck Creek Line and the Brock Creek Line. Primarily they are interested in the Buck Creek which is the one they say has a large crack in it. Yardley Borough wants to open cut

it and Lower Makefield wants to cure it in place. However, Yardley has not agreed to this yet because Lower Makefield also suggested they dovetail onto Bucks County Water & Sewer and they decided to bid the project to see if the bid prices would be better than Bucks County Water & Sewer, which they weren't. Mr. Hoffmeister noted that Lower Makefield has dovetailed on Bucks County on two jobs and paid less than what it would have been if the jobs were billed. Mr. Gauck felt the entire situation may improve now that Yardley Borough has a new solicitor as well as a new engineer. Mr. Hoffmeister noted Yardley may still send this back to Boucher & James because they were involved from the beginning.

Mr. Gauck noted that Lower Makefield is in good shape, time wise, with respect to working within DEP's guidelines. Ms. Farrell agreed, but noted that not having any leverage over the developers is difficult. She stated a meeting was held with PennVest the end of July to see about funding for Edgewood Village. The challenging part of the project is the roads are State roads and therefore all the trenches need stone backfill which is very expensive. The lines are also very deep because they are running them out to pick up the developer's parcel located at the far end of the job. For the Township to do the work is very expensive and PennVest has determined there will be no funding. Ms. Farrell emphasized this really needs to be put onto the developer. Mr. Hoffmeister stated the cost will be around \$1.9 to \$2 million dollars. Ms. Farrell was asked if the developers are ready to go forward. Although she does not believe it is any indication of his timing, Ms. Farrell indicated the developer was very cooperative and actually did the survey in order for Remington Vernick to do the design. The developer did the survey; Remington Vernick did the design and thereafter provided it back to the developer. Mr. Caiola advised Cam Triolo, the developer, is closer than ever to starting development. There have been some recent meetings to review various things in the Village. Mr. Caiola advised that on Monday Mr. Santarsiero will hold a meeting and there may be discussion about money for sewers. Mr. Caiola will obtain additional information and advise Mr. Hoffmeister. He noted that there are many people in the village who would like to see the sewerage come to fruition.

Ms. Farrell advised the item still open is to get Yardley on line. She and/or the Authority can ask Gilmore to have them check their 94 Report and provide a letter indicating that Lower Makefield Township is consistent.

Mr. Gauck stated he has been in touch with a Yardley Sewer Authority member on an on-going basis and inquired if he should discuss this issue with him. The Authority agreed this discussion should take place.

It was noted that Yardley Borough's participation in this matter and signoff is strictly procedural. Ms. Farrell advised they need to review their reports and make sure they are consistent. This is a requirement as part of the application. This has already gone to Mr. Hoffmeister as well as the Borough of Morrisville, who has already returned it to the Township. The report has also gone to the Health Department whose comment is that the sign off from Yardley is needed. This has gone through all the agencies who have all indicated the report is acceptable except that it needs the signing off of Yardley. Once this is obtained from Yardley, a resolution will be needed. The project has already been advertised for public comment. She noted the developer actually has a permitted design to put in.

Mr. Caiola stated there has been discussion about getting the sewers installed by trying to find Economic Development money. This is the first step in getting the project underway. It is not just about sewers but about redeveloping the area and spurring the economy. However, no funding was made available to Lower Makefield. Mr. Hoffmeister confirmed this, noting this is also what they were told from PennVest. Mr. Hoffmeister stated the biggest problem is Lower Makefield has too high of a medium income.

B) Inflow Spikes

Mr. Shanks asked if the Authority should be acting proactively with respect to the inflow spikes. Mr. Hoffmeister stated he needs to take a better look at this matter. They are probably talking about a very small percentage on Big Oak Road. Looking at the balance of the areas which are unmetered, they are all 15 to 18 years old or less. He does not feel this is a critical factor. There are bigger spikes in the Derbyshire Road meter. Mr. Shanks asked if this is an issue where the inflow is coming from or whether there is damaged pipe. Mr. Hoffmeister stated, as they have found in other areas, this is probably an inflow down through the manholes. It is not infiltration, although there are some infiltration problems. He felt this is instantaneous where the rain flows through the manholes and a day to one and a half days later you see a spike and then a drop-off. This is seen in the metered flows, particularly in Derbyshire. In this area you see the metered flow through the Derbyshire meter pit you get a spike and then it drops off. Even though the piping is old they are not seeing the infiltration as much as the inflow because of where the manholes are.

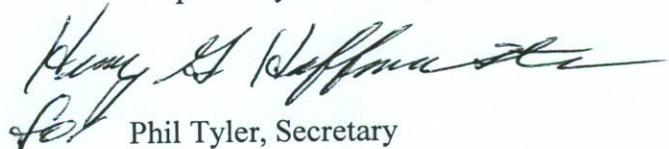
C) Metering Study

Mr. Shanks asked Mr. Hoffmeister about the cost savings from the metering study. Mr. Hoffmeister advised he doesn't have an exact figure but the savings are significant. These meters were also put at River Road going into Yardley Borough but there wasn't enough flow to get a reading. This is another reason they didn't use the third meter.

Mr. Shanks advised he has a draft memo for an engineering feasibility study for sewage development on Oxford Valley Road which he requested Mr. Hoffmeister review, noting this will likely go out soon to get some signatures and thereafter come back to them. Mr. Hoffmeister noted this is from the residents near Kol Emet. He will review the memo and get back to him

There being no other business motion was made to adjourn. Motion seconded and carried. The meeting adjourned at 8:35 p.m.

Respectfully submitted,


Phil Tyler, Secretary