

TOWNSHIP OF LOWER MAKEFIELD
SEWER AUTHORITY
MINUTES – JANUARY 26, 2017

The Reorganization meeting of the Sewer Authority of the Township of Lower Makefield was held in the Municipal Building on January 26, 2017. Chairman Tyler called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Sewer Authority: Phil Tyler, Chairman
 Greg Hucklebridge, Vice Chair
 Scott Ferrante, Secretary

Others: Kelley Watson, Sewer Administrator
 Barbara Kirk, Sewer Authority Solicitor
 Fred Ebert, Sewer Authority Engineer (joined
 meeting in progress)
 Kristin Tyler, Supervisor
 Richard Gauck, Sewer Authority Liaison

Absent: Joseph Chirichella, Sewer Authority Member
 David Fritchey, Supervisor Liaison

REORGANIZATION OF THE AUTHORITY

Mr. Ferrante moved, Mr. Hucklebridge seconded and it was unanimously carried to elect Phil Tyler as Chairman of the Sewer Authority for 2017.

Mr. Ferrante moved, Mr. Tyler seconded and it was unanimously carried to elect Greg Hucklebridge as Vice Chairman of the Sewer Authority for 2017.

Mr. Tyler moved, Mr. Hucklebridge seconded and it was unanimously carried to elect Scott Ferrante as Secretary of the Sewer Authority for 2017.

APPROVAL OF MINUTES

Mr. Ferrante moved, Mr. Tyler seconded and it was unanimously carried to approve the Minutes of December 15, 2016 as corrected.

SOLICITOR'S REPORT

Ms. Kirk stated after the last Sewer Authority Meeting, she had her Associate contact Mr. Tom Jennings with respect to the proposal that they move forward with the Joint Authority with Morrisville. Ms. Kirk stated her Associate was told that any decision to form a Joint Authority at this time would be premature. She stated they agreed that Lower Makefield should have a say in the decision-making process, but felt that all of that could be accomplished through better communication. Ms. Kirk stated there will be a future discussion about this when Mr. Fedorchak can be present.

Mr. Gauck stated he attended two of the Morrisville meetings, and they did not talk about coordinating with Lower Makefield's Authority or other Authorities. Mr. Tyler stated he believes they were surprised that Lower Makefield was sending a representative. Mr. Gauck stated while he was greeted at the first meeting he attended, it was not the same the second meeting he attended.

Mr. Ebert joined the meeting at this time.

ENGINEER'S REPORT

Mr. Ebert provided an update on flows to the Neshaminy Interceptor and where the Township is at as far as compliance. He stated there were only three days when the Township went over their maximum allowable daily flow. He stated they are still influenced by I & I. He stated they need to comply with the five-year average flow which is 761,000. He stated last year's average daily flow was 787,000 which is about 28,000 gallons higher. He stated if they accepted the Agreement the way it has been proposed, it would prevent the Township from getting EDUs until the flows were at that average.

Mr. Ebert stated they are working with Ms. Kirk's office to revise the Agreement to state that if we are in compliance with our Corrective Action Plan, even if the flows are over the five-year average, they are allowed to have additional connections. He stated DEP is allowing the Township to do this. Mr. Ebert showed a map of the Township showing the different areas of the Township that go to the Neshaminy Interceptor which have been set up into seven basins. Mr. Ebert stated the key to the Corrective Action Plan is that you must be in compliance with all the milestones. He stated Year One, they would meter; and they have identified sub-meters in the seven areas. He stated the purpose of a sub-meter is to identify the I & I potential in the areas. He stated once they do a year of metering, they will then put together a Budget. He stated when they identify a

problem through a particular meter, they will work with Mr. Watson to go out at night and plug lines to see where they are getting flow when there is no usage. He stated they can then televise these areas and work on resolving it.

Mr. Ebert stated this will give them time since in Year One he would basically just be metering Basin A1. He stated in Year Two, he would meter Basin A2, and do repair work in Basin A1. He stated he is not guaranteeing a result in the Corrective Action Plan, rather he is stating what he will do and what he will repair with an allocation of money which they have in the Capital Budget. He stated systematically they will work their way through until they get to the end.

Mr. Ebert stated Lower Makefield is only 3.6% over its allocation. Mr. Ebert specifically noted the Grey Nuns area where Mr. Watson did a great job of identifying a tremendous amount of I & I which is “low-hanging” fruit. He stated if the Township does this work, they would get the EDUs. Mr. Ebert stated that area is proposed to be done in Year Two. He stated it is also possible that Bucks County would be paying for that work. He noted areas on the map where he does not feel they will identify a lot of I & I unless it is the laterals. He noted other older areas where they know they have some I & I which can be removed.

Mr. Ebert stated he met with DEP and went over the Corrective Action Plan, and he advised them that this would be an eight-year Plan. He stated the overall goal is to be in compliance. Mr. Ebert stated in Year One, they will need to buy at least three or four new temporary meters. He stated they have some existing temporary meters that they are going to make permanent, and they have this in Budget. He stated once an area is identified, he can move the sub-meter to another area.

Ms. Kirk asked if DEP is approving this provision, and Mr. Ebert stated he presented this to DEP along with a similar one for Northampton; and they loved the concept. Ms. Kirk asked if Bucks County Water & Sewer would accept this as a term in the Agreement regarding the Neshaminy Interceptor, and she also asked if it would be binding on the City of Philadelphia in case they decide there are too many flows and want to impose a Moratorium. Mr. Ebert stated if someone imposes a Moratorium, the Township is “stuck” because it would be on anyplace downstream so that everyone upstream would be “stuck.” Mr. Ebert stated if there is a Moratorium, hopefully it will be above Lower Makefield. He also stated in lieu of a Moratorium, they could do a Connection Management Plan; and as part of that, if the Township complies and someone else does not, Lower Makefield would get the EDUs.

Mr. Ebert stated he wanted to do this by cash and areas rather than flow reduction which is tied to wet years. He stated he wanted this to be something that is controlled through our own actions of spending money. He stated in this way if we meter, we get EDUs; and if we meter and do repairs, we get EDUs.

Ms. Kirk stated in the Agreement they should probably Record a provision that if the DEP finds Lower Makefield in compliance, and there is no Moratorium but there is a Connection Management Plan, the Township should still be entitled to EDUs if requested. Mr. Ebert stated he agrees. He stated this is why he wanted to strengthen their position with DEP and not Bucks County. He stated the Township wanted to be controlled solely by DEP, and that way they can make their arguments to DEP and not to Bucks County Water and Sewer Authority. Mr. Ebert stated this is why he presented the Plan to DEP to make sure they were in favor of this. Mr. Ebert stated he has also included a provision that if there is a really dry year, he may hold off for a year; and he is actually outlining a ten-year plan. He stated there could also be a really wet year; and if they did a lot of work, and the following year, it was a dry year, he would not know if the improvement was because of the work or because it was dry. He stated he has therefore included two “pause” years so it is a ten-year plan with two years of work.

Mr. Ebert stated they have an allocation of \$50,000 to \$75,000 for repairs each year. Mr. Tyler asked if there is money in the Budget for the meters, and Mr. Ebert stated there is.

Mr. Gauck asked if there is a history of the Sewer Authority doing this already. Mr. Tyler stated he felt Mr. Hoffmeister did metering at the Grey Nuns. Mr. Tyler asked if they have determined who owns the Grey Nuns line. Mr. Watson stated Mr. Butler would not return his call today as to who owns that line. Ms. Kirk asked if this would have been Recorded in Doylestown, and it was noted it should be. Mr. Ebert stated he feels there should be an Agreement in the Township file if it was owned by them, and the Township took it over and started billing them; however, there is no such Agreement in the file. He added this may have been a policy decision that happened without an Agreement. Ms. Kirk stated they are trying to shift it away from Bucks County Water & Sewer and the Courts for resolving any disputes and instead rely on DEP. She stated if DEP is on board with what Mr. Ebert is proposing, the Township would have “stronger teeth” than if Bucks County Water and Sewer indicated they were not complying and could not get EDUs. Mr. Gauck stated he feels this is a good idea; however, he is concerned that they wasted a lot of money in the past. Mr. Ebert stated anything they did before was done with the “low-hanging fruit” which was good; however, any data five years older would not work at this point as things have changed.

Mr. Ebert stated what they are proposing is a strategic progression. He also stated they will be doing a lot more lining than grouting and more permanent repairs of manholes; and while it will be more expensive per unit, it is a more permanent repair. He stated instead of paying fines and sanctions, they would be getting EDUs.

Mr. Ebert stated next month he will provide a bullet point summary of what the Corrective Action Plan does and a copy of that Plan, and he will be looking for direction at either the February or March meeting to formally submit this to DEP. He stated he would like to refine this and meet with Ms. Hanks to make sure that everything that is written is implementable through the Agreement.

Ms. Kirk stated she and Mr. Ebert discussed that he would prefer to steer it to DEP since we have a good relationship with them, and then they do not have to rely on the Courts in Doylestown. Mr. Ebert stated if there is a dispute between the Township and DEP, they would go to the Environmental Hearing Board which is the technical board. Mr. Ebert noted one thing DEP is struggling with a little bit is at what point he would say that he is done in an area; and his response was that he has certain peak parameters that he has to comply with as part of the Agreement. Mr. Ebert stated he feels that if his flows in one area comply or his total flows comply, and he meets either one of them, he can go on to another Section.

Mr. Kirk asked if they are permitted to submit a ten-year plan; and Mr. Ebert stated the one he submitted for Northampton Bucks County, which is much larger than Lower Makefield, was an eighteen-year plan.

Mr. Ebert stated he would like to have approval on this from the Sewer Authority by the March meeting so that he can go to the Board of Supervisors since the Corrective Action Plan is actually closer to a Township document.

Mr. Ebert stated he would like to do the same thing in the rest of the areas of the Township as well, and they will learn a lot by doing this. Mr. Ebert stated in fifteen years they will know what the conditions were so that when they look back, they will be able to see if it got better or worse and why. He stated he has to submit semi-annual reports to DEP by doing a Corrective Action Plan; and this would be like the Chapter 94, which is a very useful document.

Mr. Tyler stated they are glad that Mr. Ebert is aggressive about this. Mr. Ebert stated the advantage he had was that by talking to DEP first, he is not suggesting something to the Authority that the DEP is not in favor of. He stated he wanted to do this before he presented the plan to the Sewer Authority.

Mr. Ebert stated the next topic he wants to discuss is the Stackhouse pump station. He showed an aerial view showing the location of the pump station behind two houses. He stated there is no access and no driveway. He showed pictures of the pump station and noted where it is falling away. He questioned how they would be able to replace this because they cannot drive into this location. Mr. Ebert stated he does not feel they should replace the pump station at that location where it cannot be maintained. He stated he is proposing getting rid of the pump station and going to a low-pressure sanitary sewer system. He stated what is in the Budget is approximately \$375,000 to replace the pump station; and what he is proposing would cost \$575,000 so they need \$200,000 more. He stated there would be a pay back in twelve to fourteen years, but he does not feel they should spend another \$375,000 at an area where they cannot operate and maintain a pump station. He added he is not sure they could actually build it since he would need to bring in a crane which he does not feel is possible; and there could be \$500,000 in change orders if they were to cave out because he could not stabilize the area.

Mr. Gauck asked about the soil, and Mr. Ebert stated it is loose fill, and it is eroding away.

Ms. Tyler asked if it would be unreasonable to go across the towpath into Macclesfield Park. Mr. Watson stated they would have to get DEP approval because of the Canal. Mr. Ebert stated it would also be more expensive, and they would have long-term operation and maintenance costs.

Mr. Ebert stated the residents do not have a pump, but all the sewer does go out to the front yard. He stated they have sewer today, and he cannot put them on a low-pressure system unless the Township pays for everything; and that is why the costs go up. He stated originally they felt it would involve eighteen to twenty homes, but there are thirty-two connected. Mr. Ebert stated the homeowners will have to accept that they will have a grinder pump in their front yard that they will have to maintain. He stated at this point Mr. Watson cannot maintain the current system. He stated the steel can is rotting out. Mr. Watson stated the can is original since 1964.

Ms. Kirk asked if there would be Grants available for the replacement of an antiquated system with a low-pressure system.

Mr. Ebert stated they put a \$1.1 million surplus fund in the Capital borrowing so they would take money out of Capital borrowing. He stated this was for a future pump station so there is money there. He stated the total amount for Sewer is \$7.5 million; and the only money they are committed to, which they may be deferring would be \$2.7 million to Morrisville. He stated they are committed to \$2.5 million to Yardley, and they have to do that. Ms. Kirk stated they would then be left with \$1.8 million. Mr. Ebert reviewed other projects that were budgeted. He stated they put \$70,000 a year in for the Corrective Action Plan he just discussed. He stated some of that could come out of Operating Expenses as opposed to coming out of the Capital loan.

Mr. Tyler asked how critical this is to do, and Mr. Ebert stated the pump station is “on its last legs.” Mr. Watson stated he has to buy special parts from an airplane company. Mr. Ebert stated to replace, he would have to take a crane over a residence since he has no other access. Mr. Tyler stated he will have to dig up everyone’s yards to put the grinder pumps in. Mr. Ebert stated it is the only solution he could come up with that is a permanent solution to resolve the problem. He stated there is no other land that he could buy to move the pump station. Ms. Kirk stated even if they just did the repairs to the pump station in fifteen to twenty years, they are going to be having the same discussion.

Mr. Tyler asked how reliable are the pumps that will go into the residents’ yards, and Mr. Watson stated they are the same ones they put in along the River by I-95. Mr. Ebert stated the homeowners are going to have to replace their pumps every seven to fifteen years. He stated the Township will pay for it initially, and then it will be the responsibility of the homeowners. He stated there are no long-term Township obligations.

Mr. Tyler asked if they put this project out to Bid, is it possible it could come in lower than the \$500,000 Mr. Ebert estimated; and Mr. Watson stated he feels it could. Ms. Kirk stated they should also look into whether there are Grants they could get because they are replacing an antiquated system. Mr. Ebert stated at some point they need to bring the homeowners in, and Mr. Tyler stated he feels they should first see if there are any Grants.

Ms. Tyler asked how much land they would need to replace the pump station, and Mr. Watson stated currently there is no available land there to do it. Mr. Watson stated the sewer line goes through the back yard of a home he showed on the Plan, and they will have to do something at that home. Mr. Ebert showed the low point. He stated there are no available lots in the area.

Ms. Kirk stated once they have all the information they should call a meeting of the Board of Supervisors, the residents, and the Sewer Authority and explain the situation. Mr. Tyler stated he feels they should first see if there is any Grant money available, and then they could have the homeowners come to a meeting. He stated they will then put it out to Bid to see if they can get it under \$500,000. Ms. Kirk stated if they go out to Bid, they need to be prepared to proceed in thirty days or the Bid price will expire.

Mr. Ebert stated at a certain point the pump station will be unrepairable, and then it will be an emergency Bid. Mr. Watson stated currently he has one spare valve.

Mr. Tyler stated they could ask if any of the residents want to give them a piece of land. Mr. Ebert noted his concerns with the slopes.

Ms. Tyler stated she would be in favor of looking for Grants, and also have Mr. Ebert look into if where he would put this if there were no houses there; and they could then see if there are specific people they could approach.

Mr. Ebert stated the next issue has to do with a situation at Oxford Valley and Stony Hill Roads. He stated certain residents in this area have asked for public sewers. He stated the Township was going to have this as part of their 2017 Road Paving Project, and they delayed it so that the Sewer Authority could look at providing public sewers to the area he showed on the Plan with phasing. He stated he looked at both gravity and low-pressure options. He stated for the gravity option, there are certain properties that would have problems with the grades, and he reviewed the elevations on the Plans. He stated serving twenty-two residences through gravity would cost \$632,000 so it would be slightly over \$30,000 per residence plus the tap-in-fee; and even then he feels some homes may still need a grinder pump.

Mr. Ebert stated if they were going to go with a low-pressure system, they would put in a 3" force main in the road and do stubs to everyone's property. He stated with a 10% contingency they would be at \$300,000 so it would be half the cost. Mr. Ebert stated each homeowner would still have to spend \$6,500 to buy their own grinder pump and connect it.

Mr. Ebert stated these are all individual on-lot systems with some in the front and some behind so a gravity connection may not work. He stated he feels a low-pressure system would be a much better way of doing this. Mr. Ebert stated Mr. Fedorchak asked him to discuss this with the Sewer Authority, and Mr. Benedetto has asked him to make this a priority as certain residents have brought this up.

Mr. Tyler asked how many of the twenty-two residences want to be hooked up to the sewer; however, Mr. Ebert stated he had no idea. Mr. Watson stated nine different people have called him about getting sewers in there. Mr. Ferrante stated he is aware of one person who is opposed to it. Ms. Kirk asked if the system is installed, is the Township going to make them connect. She noted a situation taking place in Northampton where there are now 150 people going to Board of View Hearings for a benefit assessment. Ms. Tyler asked if they are required to run the sewer line and is it a requirement to bring public sewers to everyone in the Township. Mr. Ebert stated the residents can go after the Township to force them to enforce the 537 Plan. He stated if these residents got organized and went to DEP, DEP could force the Township to enact the 537 Plan.

Mr. Ebert stated one of the reasons that this is being brought up now is that there are some cost savings in that they would not have to do a permanent road restoration because the Township is already going to do that, and he could do a temporary road patch. He stated if he does not have to do any permanent paving, it could reduce the \$300,000 by \$75,000 which would make it \$225,000.

Mr. Ebert stated the Board of Supervisors would have to decide if this would be a mandatory connection; and if it is a mandatory connection, what would be the grace period. He stated they also need to decide if certain residents could pay their share of the cost but not connect the sewers. He stated they would have to connect with a property transfer or they could mandate that they have to connect immediately.

Mr. Tyler stated when they did Edgewood, they charged 1 ½% interest.

Mr. Gauck stated he believes Mr. Fedorchak needs to get involved in this.

Mr. Ebert stated if the Board of Supervisors decides to force people to connect, he could build one section; and when those people pay, they could take those funds and build the next section, etc. Mr. Tyler stated that could take twenty years.

Mr. Tyler asked how critical it is to do this, and Mr. Ebert stated this was a request from a Supervisor for the Sewer Authority to investigate. He stated this has been brought to him three different times, and he was tasked to consider the feasibility and what it would cost; and then to bring that to the Sewer Authority for a recommendation to the Board of Supervisors. Mr. Tyler noted all the projects they have going on. Ms. Kirk stated she feels the Stackhouse pump station has to take priority, and Mr. Tyler agreed and also noted what they have to pay to Morrisville.

Mr. Ebert stated the Board of Supervisors did take out a \$7.5 million loan, and this project being discussed at Stony Hill and Oxford Valley was not part of that borrowing. He noted that \$375,000 of it was budgeted for Stackhouse.

Mr. Tyler asked if the lining was part of the borrowed money, and Mr. Ebert stated \$780,000 was. He stated the I & I removal plan at \$70,000 a year was also part of the borrowing. Mr. Ebert stated Stony Hill and Oxford Valley was never a concept of his when he did the Budget. Mr. Ebert stated Maplevale was part of the borrowing; and they may want to push Maplevale back five years, and use it here, although he is not recommending that.

Ms. Kirk stated in light of Stackhouse, she feels they should Table this until later on in the year to see where they are at. Mr. Tyler agreed that they should Table this because of the pump station, the lining, and the situation at Morrisville.

Mr. Hucklebridge asked what was the driving force for the project at Oxford Valley and Stony Hill Roads; and Ms. Tyler stated these roads came up on the Paving Program. Mr. Ebert stated they did not want to pave the roads, and then put in sewers two years later and have to rip up new roads. Mr. Ebert stated they felt this would be a way to reduce the cost to the residents since they could take the cost to \$225,000 if he could put in temporary paving. He stated the residents would still be have to pay another \$6,500 or more.

Mr. Ebert stated he will advise Mr. Fedorchak that the Sewer Authority is not interested in this project right now, even though the Board of Supervisors may override them. Mr. Tyler stated they are discussing a lot of other projects which will cost a lot of money, and he feels they need to be a little conservative. Mr. Tyler stated he feels the most critical project is the Stackhouse pump station, and all other Sewer Authority members agreed.

Mr. Ebert stated they have an issue with the development at St. Ignatius; however, there is nothing he can really do about it since it was approved by the previous Sewer Authority engineer. Mr. Ebert stated Moon Nurseries is done; and it has been televised. Mr. Watson stated they have still not gotten approval on the Easements. Mr. Ebert stated he has to review this with Mr. Garton because he was the Township solicitor at the time. He stated he has reached out to Mr. Garton twice on this, but he has not yet heard back. Mr. Ebert stated Ms. Kirk did a good job about bringing the problem to light with regard to the Easements.

Mr. Tyler asked about the Bridge Commission project. Ms. Kirk stated the sale went through for the Administrative Building. Mr. Ebert stated they have been following up diligently with him for his Final review comments. Mr. Ebert stated he would like some calculations for the pump station even though it is private so they are at

a stalemate on this. He stated he just wants to make sure the pump is big enough to convey the flows, and he is not concerned about what brand it is. Ms. Kirk suggested that Mr. Ebert send them an e-mail to that effect, and Mr. Ebert agreed to do so. Mr. Ebert stated he has not seen anything yet on the Administrative Building.

Mr. Ebert stated with regard to the Matrix Development, they were told that because they are in the Neshaminy Interceptor they needed to do a full Planning Module; but there are no EDUs available today. Mr. Ebert stated Ms. Ellison just sent out that letter today. Ms. Kirk asked Mr. Ebert if he knows not to do anything on the third section of Matrix that came in as a Sketch Plan until they get the Professional Services Agreement, and Mr. Ebert stated he is aware of that.

Mr. Ebert asked if they got the Professional Services Agreement yet for Artis; however, Ms. Kirk did not know. Mr. Ebert agreed to look into that.

Ms. Tyler stated they have gotten a little push back on the Development Agreements for Sketch Plans and the \$7,500 up front; however, Ms. Kirk stated she does not see why the taxpayers should pay for the professional services for reviewing development plans.

NEW BUSINESS

Mr. Watson stated Bucks County Water and Sewer has come in with a list of jobs they will do for the Township including taking care of the pump stations and mowing the grass. He stated there is a list of prices, and they have indicated that they would not have to put anything out to Bid because they are on the State Bid. Mr. Watson stated he advised them that he would bring this to the Authority for their comments. Mr. Watson stated he feels the Township could get local contractors and bid jobs faster and better.

Mr. Ebert stated the Township can also then control the “wallet.” Mr. Ebert stated with Bucks County Water and Sewer, they are doing it for a lump sum so they have no motivation to do it correctly. He also stated an “extra” in all their Contracts is emergencies. He stated he feels they would do the bare minimum maintenance required; and if you then get emergency call outs, they would get extra money for those. He stated there is no incentive to do preventive maintenance the way Mr. Watson and his crew do it.

Mr. Tyler stated he feels the Township would lose money in the long run.

Mr. Ebert stated they do not want to be in a position like the position the Township is in now with Morrisville where Morrisville did not do the required maintenance, and they are now looking at a significant bill. Mr. Ebert stated since he has been involved he has seen minimal expenses related to the pump stations since the Township crew does a good job and they do preventative maintenance. Mr. Ebert stated Bucks County runs Richland Township which is having so many issues right now that it has gone past the DEP and the EPA, and the Department of Justice is now involved because of their overflows.

It was consensus of the Sewer Authority that the Township should not proceed with this and should stay with what they are doing.

Ms. Tyler stated with regard to the Oxford Valley and Stony Hill issue, she felt they had an existing 537 Plan that requires the Township to sewer the whole Township. Ms. Kirk stated she does not know all the components of the 537 Plan. Ms. Tyler asked Mr. Ebert to look into this to see if they have a time line.

OLD BUSINESS

Mr. Tyler stated they had discussion previously about purchasing collars to put on the manholes; and Mr. Watson stated they purchased them, but when you put them in the street, the lids stick up and they hit them with the snowplow. Mr. Ebert stated other clients are having this same problem. Mr. Watson stated they are working great in the easements, but they cannot put them in the streets.

There being no further business, Mr. Ferrante moved, Mr. Hucklebridge seconded and it was unanimously carried to adjourn the meeting at 8:50 p.m.

Respectfully Submitted,

Scott Ferrante, Secretary