

TOWNSHIP OF LOWER MAKEFIELD
SEWER AUTHORITY
MINUTES – FEBRUARY 23, 2017

The regular meeting of the Sewer Authority of the Township of Lower Makefield was held in the Municipal Building on February 23, 2017. Chairman Tyler called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Sewer Authority: Phil Tyler, Chairman
 Richard Gauck, Vice Chairman
 Scott Ferrante, Secretary
 Joseph Chirichella, Member
 Greg Hucklebridge, Member

Others: Terry Fedorchak, Township Manager
 Kelley Watson, Sewer Administrator
 Barbara Kirk, Sewer Authority Solicitor
 Fred Ebert, Sewer Authority Engineer
 David Fritchey, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Hucklebridge moved, Mr. Ferrante seconded and it was unanimously carried to approve the Minutes of January 26, 2017 as written.

ENGINEER'S REPORT

Mr. Ebert asked Mr. Fedorchak if he would like to provide an update on the meeting with Morrisville. Mr. Fedorchak stated the Morrisville Authority officials are saying that they are not going to institute a Joint Authority immediately. Ms. Kirk stated she had asked Mr. Ebert to send her the e-mail that was circulated yesterday indicating that Mr. Warendt was working on an outline for a Joint Regional Operating Authority. Mr. Ebert stated he feels Mr. Warendt's outline will be under Mr. Warendt's terms and conditions, and it would be an Operating Authority afterwards. Mr. Ebert stated this is a starting point for a Regional Operating Authority where there is proportionate representation.

Mr. Fedorchak stated he has a serious problem with that position, and he feels they are not going to allow Lower Makefield to participate in either the design of a new plant or the upgrade of the existing facility at this point. He stated he also does not believe that they are seriously considering an upgrade to the existing facility.

Mr. Fedorchak stated this means that Morrisville will go on their own; and when they feel like it they may provide Lower Makefield an update and \$120 million later, Lower Makefield will have to pay the bills. Mr. Tyler stated this is why Lower Makefield needs to have a voice.

Mr. Ebert stated he feels Morrisville had wanted to proceed with the Solvay site even though he had given them all the information on the Feasibility Study, the costs, and his concerns; and then Morrisville was no longer communicating with them. Mr. Ebert stated they advised Morrisville that the new plant would not be feasible because of the costs, the unknowns, and the timeline. Mr. Ebert stated Morrisville now concurs with this opinion, and they have dropped the Solvay Site; however, they are now looking at the U.S. Steel site, although they have not identified an exact parcel. Mr. Ebert stated he advised Morrisville that the existing site has to remain since that is the only viable site they have to work with at this time. Mr. Ebert stated if a new plant could be done on an equally-viable basis or even 10% higher that would be fine.

Mr. Ebert stated he is most concerned that Morrisville is pursuing “mythical Grants;” and while they may be available, you cannot start planning on an unknown. Mr. Ebert stated Lower Makefield’s power is in the 537. Mr. Ebert stated a Regional Authority would provide guidance and give an equal say that positions the design to the mutual benefit of every Township. Mr. Ebert stated Mr. Warena has made it very clear that the only option he is considering is a new Plant; and Lower Makefield has made it clear that while a new Plant is a feasible option that they will fully evaluate, they will not give up on the existing Plant.

Mr. Fritchey stated it does not appear that they have moved one inch from January, 2016; and all they have done is instead of focusing on the Solvay site which they do not own, they are now talking about some other site that they do not own. Mr. Ebert stated he feels they are getting to the point where Morrisville will be able to release information on the proposed site, but nothing has been released yet. Mr. Fritchey stated he feels they have done nothing, and they want to remain exclusively “in the driver’s seat;” which he feels is unacceptable.

Mr. Ebert stated he has shared information with Morrisville on the costs for upgrades to the existing site, and they have concurred with the costs; however, Mr. Warena has indicated that the numbers do not make any sense if he is able to get Grants and get Falls Township in. Mr. Fritchey stated they will not be able to get Grants until they own a property.

Mr. Ebert stated they are going to have two disagreeing 537 Plans. Mr. Ebert stated he agrees with Mr. Fedorchak that there should be a Regional Board in place that gives direction to the engineers so that they end up in the same place, and there is a common objective which they do not have at this time.

Mr. Fedorchak stated Bucks County Water & Sewer is interested in the same property that Morrisville is interested in, and he will do his best to get information on that issue. He stated at this moment he believes, on the little bit of information that he has received, that there has not been any serious negotiations between MMA and U.S. Steel. Mr. Tyler stated he feels Bucks County Water & Sewer would be having serious discussion with U.S. Steel. Mr. Fedorchak stated based on the limited information he currently has, he feels Bucks County Water & Sewer would have a better chance to get the property than MMA does.

Mr. Tyler stated Morrisville still has to do some upgrades to the existing Plant, and he asked if they ever did anything with the filters. Mr. Ebert stated the filters will be completed in approximately two weeks, and this will get them three to five years. Mr. Ebert stated this will be a long process; and until something else goes through, they will be making improvements to the existing Plant. Ms. Kirk stated it was always her concern that she did not want the Township to get into an Agreement if they are going to go with a different option. Mr. Tyler stated they do not want to keep putting money into the existing Plant if they are then going to have to float a Bond to get more money for a new Plant.

Mr. Ebert stated he feels they need to schedule a meeting with Morrisville to find out where they are. He stated they should agree to fully flesh out the existing Plant with all the vendors. He stated they would then have a known number that they mutually agree upon as to costs. Mr. Fedorchak asked Mr. Ebert if he is at that point yet, and Mr. Ebert stated he is. Mr. Fedorchak stated he feels that should be the topic for the meeting. Mr. Ebert stated he would like to get Morrisville's engineer on board with this as well so that they come to the same conclusions. Mr. Fedorchak disagreed; and he stated if Mr. Ebert has the information, they should present it to Morrisville formally at an official meeting where there will be Minutes. Mr. Fedorchak stated Mr. Ebert could also bring in some of the representatives from the vendors. Mr. Ebert agreed.

Mr. Fritchey stated Mr. Ebert has not made a secret of the fact that he has had discussions this with the vendors, and Pennoni is aware of this; and Mr. Ebert agreed. Mr. Fritchey stated he does not feel Pennoni is being paid to do an objective analysis of appropriate alternatives; rather they are being paid to support whatever MMA wants to do which is to build a new Plant, so he feels meeting with Pennoni to get them on board is futile. Mr. Tyler agreed. Mr. Fritchey stated Morrisville seems to be making no effort to establish refurbishing the old Plant as an alternative.

Mr. Tyler stated it seems that Mr. Ebert is doing more work for Morrisville than Morrisville's engineer is doing. Mr. Ebert stated he feels Morrisville picked a site that was not feasible.

Mr. Fedorchak asked why Morrisville is not interested in upgrading the existing facility. Mr. Ebert stated he feels it is more of an entrepreneurial spirit in that Morrisville is limited at the current site; and he feels that they want to become a vast Regional Authority, and they cannot do it at the existing site. Ms. Kirk stated Morrisville wants to take over and be the Bucks County Water & Sewer Authority.

Mr. Fritchey stated he does not feel Morrisville can compete with Bucks County either financially or politically.

Mr. Fedorchak stated at the conclusion of their meeting with the MMA officials, he advised them that unless Morrisville has \$100 million available, they are going to have to go out and get financing; and at some point in time they are going to need Lower Makefield Township to sign off on that. Mr. Fedorchak stated Mr. Jennings immediately replied that "there are a million ways to scuttle this project."

Mr. Ebert stated the strategy may be that by Lower Makefield forcing the re-creation of the existing Plant, they will form a Regional Authority so that they can evaluate the other option.

Mr. Fedorchak asked Mr. Ebert to let him know when he is ready to meet; and when Mr. Warena returns, Mr. Fedorchak will set up a meeting to which everyone is invited.

Mr. Tyler asked if Yardley Borough is getting involved. Mr. Watson stated he feels they are thinking about by-passing Morrisville and going right to Lower Bucks.

Mr. Fedorchak stated he did task Mr. Ebert to look at re-directing all the flows and taking them from the Yardley pump station, going to the west end of the Township, and tying into Big Bucks. Mr. Fedorchak stated he knows that they have issues with the Neshaminy Interceptor and DEP, but he feels at some point in time that will be fixed. Mr. Fedorchak stated given all the resistance coming from MMA, he feels this may prove to be a valuable option in the future.

Mr. Ebert stated he understands that DEP has released 2015 EDUs, and part of the reason for that was the presentation he made of the Corrective Action Plan which he presented last month. He stated he also did a similar one for Northampton Bucks County and PennDel. He stated this gave DEP enough confidence that while they have not reached anything on the Amendment to the Agreement, everyone proactively has a plan together to solve this so they gave 2015 EDUs which helps Lower Makefield.

Mr. Fritchey asked what level of urgency does DEP have with regard to correction at Morrisville since he feels if they had a sense of urgency, they would force a re-do of the existing footprint because that could be accomplished sooner since they own the land, rather than building a new plant where they have not even begun negotiations for purchase of any land. Mr. Ebert stated DEP's drive was concerns with the EPA stepping in because of the non-compliance. Mr. Ebert stated the fact that they put in the tertiary filters has satisfied the EPA for the time being. Mr. Ebert stated Cosmo left, and they have been in a state of upheaval; and they have been focusing internally since November, and have not gone back out to look at what the tributary Municipalities are doing. Mr. Ebert stated Ms. Jennifer Fields sent him an e-mail last week asking him to update her on where they were with Morrisville; and Mr. Ebert stated that topic will get "hot" before the summer. Mr. Ebert stated he did call Ms. Fields and did provide an update.

Mr. Fritchey stated the old plant could be refurbished a lot sooner, and Mr. Ebert agreed. Mr. Ebert stated Pennoni did lay out a good plan for this although the costs are off. He stated building a new plant would have huge Bonding implications and would have tremendous "rate shocks;" although Morrisville would not be concerned with that as they send one bill, and it is the Township that has to bill the residents.

Mr. Ebert stated with regard to the Corrective Action Plan he had another meeting with DEP, and he gave them an outline which they responded to with only two comments one being how they would measure for success. Ms. Kirk asked when this has to be submitted; and Mr. Ebert stated he would like to make a presentation to the Sewer Authority in March, and then formally submit it to DEP adding it is part of the 537 Plan.

Mr. Ebert stated with regard to the Chapter 94 report they will submit it to Bucks County the first week in March. He stated he went over the flows with the Sewer Authority last month. He stated Lower Makefield is in good shape compared to the other tributary Municipalities. He stated the flows did go up by 7,000 gallons a day, and he had thought they would go down since it was a dry year and they did not make that many connections. He stated they did identify through Mr. Watson's work a lot of areas that they can address; and as soon as the Grant announcement is made, they can then Bid the Buck Creek Interceptor line, and they will start to implement the Corrective Action Plan which they have Budgeted for.

Mr. Ebert stated they had previously discussed the Stackhouse Pump Station, and he and Mr. Watson did look at this further. He stated the only place they could put a pump station would require a significant taking of the one adjoining property, and it would be taking half of that property in the front yard. Mr. Tyler stated the other option was putting in grinder pumps in all the yards, and they would have to be replaced every five years.

Mr. Fedorchak stated a number of grinder pumps were put in Robinson Place, and those residents embraced the project since it was the most cost-effective way of doing it. Mr. Fedorchak stated in this case, the Township will be paying.

Mr. Tyler stated the Sewer Authority agreed last month that this project was a priority because Mr. Watson indicated he cannot get parts for it anymore. Mr. Ebert stated he has firmed up the costs for this, and they need direction from the Sewer Authority and the Board of Supervisors to approach the residents involved and go ahead with the design. Mr. Ebert stated he estimated it to cost \$550,000 which is more than what was Budgeted for the Pump Station upgrade by approximately \$150,000, but this will eliminate the long-term maintenance of that Pump Station and the I & I. Mr. Fedorchak asked the number of homes involved, and Mr. Ebert stated it is thirty-four homes. Mr. Fedorchak asked how old is the system, and Mr. Watson stated it was installed in 1963. Mr. Ebert stated this project will cost the property owners nothing, and it will be a Township/Authority project. Mr. Tyler stated it may come in less than anticipated when it goes out to Bid. Mr. Fedorchak asked if there were any Grant opportunities for this; and Ms. Kirk stated she was tasked to research that, and there is nothing available. Mr. Fedorchak asked how long the existing Pump Station will last, and Mr. Watson stated it will not last long. He stated he has been saying this for a number of years. He stated they are running half of the Station because he does not have parts for the other half. Mr. Ebert stated they do need to move on this since there is no other feasible option.

Mr. Ebert stated he feels they need to get rid of the rest of the pump stations where possible in the Township, and either go to gravity or low-pressure systems. He stated this will also help the I & I.

Mr. Gauck stated years ago they knew the direction was to do exactly what they are planning to do now, and the decision to delay was because of the cost.

Mr. Tyler asked when this project would start. Mr. Fedorchak stated they need to meet with the residents first, and this could take two to three months. He stated they will also need Permits. He stated if the Sewer Authority agrees with Mr. Ebert's recommendation, he would recommend that they authorize Mr. Ebert to start with the design. This was acceptable to all Sewer Authority members. Mr. Ebert stated he feels this will be a spring, 2018 construction.

Mr. Ebert stated he and Mr. Watson had also discussed Maplevale which is a much lower priority project. He stated it may make sense to do a similar project there and to phase out that pump station as well. Mr. Tyler stated they should work on one pump station at a time. Mr. Ebert agreed and noted they will learn a lot through the Stackhouse Pump Station project. Mr. Ebert stated the problem at Stackhouse is access, while at Maplevale it is more a matter of what is the most economical.

Mr. Ebert stated with regard to the Buck Creek Interceptor line project they are working on this, but the Grant requires that they not Bid or award prior to the Grant award. He stated whether they are successful or not with the Grant, they will be ready to Bid the project out; and this is important to getting the flows down going to Morrisville.

Mr. Ebert stated with regard to St. Ignatius they had provided him with an approval letter they had received some time ago. Mr. Ebert stated St. Ignatius now realizes that they need to do what Mr. Ebert had indicated because the system that had been approved was not going to work, and St. Ignatius agreed to comply with what he had indicated they should do.

Mr. Ebert stated at Edgewood Village he believes the majority of the construction is almost complete adding there were some field issues they had to resolve, but the developer communicated very well with the Township.

Mr. Ebert stated with regard to the Scudders Falls Bridge, they have agreed to comply with the Conditions he had in his review letter to them.

Mr. Ebert stated there are a number of other Plans in for review right now as well. He stated the release of the 2015 EDUs is the first positive thing they have had at the Neshaminy Interceptor in two years. Mr. Ebert stated he did not get a letter about this although he did hear about it from a number of people. Mr. Ebert stated it is important for the Township to tell the developers that are on the list.

Mr. Ebert stated as part of the Chapter 94 he is also working on proactive projections, and they are internally tracking the connections much closer. He stated previously he does not feel they were really doing any projections moving forward.

SOLICITOR'S REPORT

Ms. Kirk stated the only task she was assigned was to look for Grants for the Stackhouse Pump Station, but no one is accepting Applications at this time. Ms. Kirk stated she and her Associate continue to work with Mr. Ebert on a number of items.

NEW BUSINESS

Ms. Kirk stated since one of the Sewer Authority members will become a Township employee, the Authority will need to appoint new Vice Chairman this evening.

OLD BUSINESS

Mr. Tyler asked if they determined who owns the Grey Nuns line, and Mr. Watson stated it is owned by Bucks County Water and Sewer. Mr. Ebert stated Bucks County Water and Sewer will need to fix the line or move the meter pit since Lower Makefield is paying for the I & I which is the most significant area they have identified to date.

Mr. Fedorchak stated he feels they need to have Ms. Kirk craft an official letter advising Bucks County Water and Sewer that this is their line so that this is on the record. Ms. Kirk stated she will draft this and circulate it to Mr. Fedorchak and Mr. Ebert before sending it out.

OTHER BUSINESS

Mr. Tyler stated they will need to advertise for a new member of the Sewer Authority since Mr. Hucklebridge will be an employee of the Township and will need to resign from the Sewer Authority.

Mr. Tyler moved, Mr. Chirichella seconded and it was unanimously carried to appoint Richard Gauck as Vice Chairman of the Sewer Authority.

There being no further business, Mr. Hucklebridge moved, Mr. Ferrante seconded and it was unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully Submitted,

Scott Ferrante, Secretary