

TOWNSHIP OF LOWER MAKEFIELD  
SEWER AUTHORITY  
MINUTES – APRIL 27, 2017

The regular meeting of the Sewer Authority of the Township of Lower Makefield was held in the Municipal Building on April 27, 2017. Chairman Tyler called the meeting to order at 7:30 p.m.

Those present:

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

Others:                                      Kelley Watson, Sewer Administrator  
   Greg Hucklebridge, Public Works Director  
   Barbara Kirk, Sewer Authority Solicitor  
   Fred Ebert, Sewer Authority Engineer  
   David Fritchey, Supervisor Liaison

APPROVAL OF MINUTES

Mr. Ferrante moved, Mr. Gauck seconded and it was unanimously carried to approve the Minutes of March 23, 2017 as written.

ENGINEER'S REPORT

Mr. Ebert stated he made a presentation to the Board of Supervisors on April 5 and discussed the Morrisville Treatment Plant, the Heacock force main break, the low-pressure system for the Stackhouse service area, and the Yardley Act 537 Plan.

Mr. Ebert noted page 7 of engineer's report he had provided to the Sewer Authority which includes an update on the treatment processes they are looking at and the manufacturers. He reviewed the different processes as noted on the report.

Mr. Ebert stated the goal is to get costs together and have a meeting with

Morrisville to discuss what they could do at the existing Plant. He stated he also needs to reach out to Morrisville as to where they are at with U.S. Steel.

Mr. Ebert stated Bucks County Water & Sewer Authority reached out to all the wholesale customers on the Neshaminy Interceptor to meet with Congressman Fitzpatrick, and the purpose of the meeting was to explore new Grant opportunities.

Ms. Ebert stated the Congressman advised that they are dealing with health care fire, then tax cuts, and then a \$1 trillion infrastructure package; and they are hoping that the health care program will pay for the tax cuts, which will then generate money for the infrastructure so it has to be done in a sequential manner.

Mr. Ebert stated he had suggested that rather than all of the wholesale customers fighting for individual Grants, they should do a larger Grant and proportionate it so that the Neshaminy Interceptor would get a Grant; and then they would each get a proportionate amount.

Mr. Ebert stated he did submit to them a copy of the Three-Year Capital Plans of items they would like to have done individually apart from any Grant that would be applied for through Bucks County.

Mr. Tyler asked if Bucks County is still looking at a U.S. Steel site, and Mr. Ebert stated the did not any questions about this at the meeting.

Mr. Ebert stated the Executive Director of Morrisville send out a request for all the addresses of their customers. Mr. Watson provided this evening a copy of the letter that Morrisville plans to send out to all of their customers. Mr. Ebert stated he feels Morrisville has one customer which is Lower Makefield Township, and he does not feel that Morrisville should be sending out information like this to Lower Makefield Township residents. Mr. Tyler stated the Township residents do not send payments to Morrisville. Mr. Chirichella stated the Township residents would not understand why they are getting this letter when their sewer bill is paid to Lower Makefield. Mr. Watson stated Bucks County Water and Sewer does their billing, and he would refer any questions to them. Mr. Ebert asked if the Authority wants to take action on this since they now have knowledge of Morrisville's intention or if they want to wait until Mr. Fedorchak returns.

Ms. Kirk stated a Right-To-Know request was submitted by Mr. Warena the day before Mr. Fedorchak left for vacation, and he wanted a list of all the Township sewer customers. Ms. Kirk stated a 30-day extension can be requested, and this is what was done. Ms. Kirk stated after discussing this matter tonight, she would propose that the best response would be to provide the customer as "Lower Makefield Township – 1100 Edgewood Road," and that technically the Township is the only customer of Morrisville Municipal Authority which would comply with their Right-To-Know request. Ms. Kirk stated she is not sure Mr. Warena is allowed to get all of the information he has requested, and one her Associates

is looking into this. Mr. Fritchey stated Mr. Warendra also made this same request of Yardley Borough, and he understands they are in a similar posture as is Lower Makefield.

Mr. Fritchey asked what will happen if they send Mr. Warendra the response being suggested, and Ms. Kirk stated he could file an Appeal to the Open Records Office in Harrisburg or he could make a new request. Mr. Fritchey asked what would be the response if Mr. Warendra asks for a list of everyone in the Township that is sent to Bucks County for billing for sewer, and Ms. Kirk stated she is not sure that information is permitted to be provided under the Right-To-Know law since technically that is a private contractual arrangement between the customer and the Sewer Authority provide the services. Mr. Fritchey stated to the extent that there is a confidentiality issue with the Township trying to protect their citizens from certain requests, the confidentiality has to be invoked by the individual so the Township may have to tell all their residents that Morrisville may be trying to get their name and address, and if they do not want them to have that, each resident would have to so notify Morrisville. Mr. Fritchey stated Morrisville could go to the tax authorities in Doylestown to get this information; however, Ms. Kirk stated Morrisville would have to pay for that.

It was agreed by the Sewer Authority members that Morrisville should be advised that their customer is “Lower Makefield Township.” Mr. Watson stated Lower Makefield pays the bill to Morrisville. Ms. Kirk stated to her knowledge there is

no individual resident that she is aware of that has an individual Contract with Morrisville in Lower Makefield.

Mr. Ebert stated they submitted a Connection Management Update for the DEP through Bucks County Water and Sewer Authority. He stated this Plan is how capacity is allocated in the 537 Plan for the Neshaminy Interceptor. He stated he asked for 100 EDUs approximately 60 non-residential, and 40 residential. He stated they received one round of comments back from DEP on the Correction Action Plan that the Sewer Authority saw in January, and DEP was very impressed with the document. He stated he is making some minor clarifications, and they will then submit the 537 Plan relatively soon.

Mr. Ebert stated he has not heard anything back from Yardley Borough on a response to the 537 Plan. He stated he did contact them, and they indicated they were still waiting for additional information from their clients. Mr. Ebert stated the Lower Makefield Planning Commission will then comment on it.

Mr. Ebert stated the Chapter 94 Report was submitted to all the outside agencies as he had reported last month.

Mr. Ebert stated with regard to the Stackhouse Pump Station replacement, Boucher & James is coordinating the surveying work; and he will then utilize that to send out the informational letter to the residents.

Mr. Ebert stated the Authority was not awarded the Grant for the Buck Creek Interceptor project adding the Authority's Grant was ranked 168 and they gave out 117 Awards out of the total of 690 Applications. Mr. Ebert stated because it was so successful, there will be a second round; and hopefully the Authority will move up. Mr. Ebert stated the Buck Creek Interceptor is going to be reduced by the Township as previously they had allocated approximately \$780,000 toward that project but because they have to do the Heacock force main replacement project at a cost of approximately \$250,000 in order to balance their Budget the Township needs to use some of the money that was allocated for the Buck Creek project. He stated he and Mr. Fedorchak are going to meet and go over the entire Budget, and he will update the Sewer Authority after they have that meeting.

Mr. Ebert stated the Stony Hill/Oxford Valley Road project was discussed previously but was not budgeted. Ms. Kirk stated the Sewer Authority did not vote to proceed with this in light of the Stackhouse and Heacock issues. Mr. Ebert stated he made a presentation to the Sewer Authority showing gravity options or a low-pressure system. Mr. Ebert stated at the Board of Supervisors meeting this was brought up because there is a paving project in this area. He stated the Board of Supervisors asked him to bring a request back to the Sewer Authority to look at phasing the project and sending out a letter of interest to the residents to see which residents wanted to participate. Mr. Ebert stated the concern for the Sewer Authority is that the Contract would be put in the Township's name and the Township does not have

not have a mandatory connection policy. He stated since they cannot guarantee who would connect up, they would have to have a level of interest. He stated the project could be as small as three houses or as large as eight-three houses, and anywhere in between. He stated the Board of Supervisors wanted to put out an estimated construction cost for a phased project/overall project for gravity or low-pressure and have a meeting with the residents. Mr. Ebert stated there would be some savings if they did not have to pay for any road restoration as that would be taken care of through the Township road paving project.

Ms. Kirk asked if they would run a line for just three residences; and Mr. Ebert stated unless they were three residences next to an adjacent sewer, and they would proceed.

Mr. Ebert noted Mr. James McCartney is present this evening, and he would be interested in connecting. Mr. McCartney stated he understood the original number of residences was twenty-two, and Mr. Ebert stated that would be for that one phase. Mr. McCartney stated the cost that was discussed for that was \$300,000; and of that the road paving was \$75,000 so the project would then be \$225,000 for the twenty-two residences. Mr. McCartney stated one of the options they discussed was rather than making it mandatory over a five-year time period it would be mandatory at the time of resale. Mr. McCartney stated he is in Real Estate, and public sewers are good when you want to sell your house. He stated he did not feel it was a good idea to force everyone to do it since

since someone may want to live out their life with their septic system; however, when the property is sold, it would have to connect. Mr. Ebert stated the concern of the Township is going to be that if there is not a mandatory connection, the Township would be forcing the paying customers of the Sewer Authority to be providing an interest-free loan for this section of the Township.

Mr. McCartney asked if he has any sense as to how many of those in this area want to be hooked up, and Mr. McCartney stated he does not.

Ms. Kirk stated since Mr. McCartney's issue was discussed, the issues of Stackhouse and the Heacock Force main have come up; and there is no choice as to correction of these issues.

Mr. Ebert stated he feels the Supervisors are going to ask him to update the construction costs and then send out a letter to the residents so that they can have a meeting to determine how many people want to participate. He stated if a large majority of the twenty-two residences in Phase 1 want to proceed, he feels they could proceed with the project since it would make sense to take advantage of the savings of the Road Paving Program.

Mr. McCartney stated he feels some people will not want it as some have just put in a sand mound five to ten years ago, and that is why he felt the option to not have to tie in until you sell would be preferable. Mr. McCartney stated he feels some of the septic systems may start failing, and he asked if they issue new Permits for

new septic systems; and Ms. Kirk stated they are. Mr. Watson stated he just received one today.

Mr. McCartney asked if they would be looking for a certain percentage that would be looking to hook up, and Mr. Watson stated he feels it would be good to get everyone from Mr. McCartney's house back toward the Synagogue. Mr. Ebert stated he needs to redo his phasing plan to provide estimated costs, and they will then find out the level of interest. Mr. Watson noted one home in the area is already hooked up, and he is aware of another homeowner who is interested in hooking up to the public sewers. Mr. McCartney asked Mr. Ebert to e-mail him a list of those who would be involved in this Phase, and Mr. Ebert agreed to do so.

Mr. Ebert stated with regard to the Heacock Road Pump Station force main project, he made a presentation to the Board of Supervisors about this on April 5; and the Board authorized him to go ahead with the replacement of the force main. The section involved is 1,574 where there three force main breaks in this area. He stated while the pipe lasted approximately twenty years, it will now keep breaking. He stated the Board authorized spending \$250,000 for this project. He stated the DEP did issue a Notice of Violation for the breaks, and he responded to them with reasons for the breaks, the steps to be taken to prevent a reoccurrence, and the correction schedule. Ms. Kirk stated she did not have the opportunity to review the response before it went out. Mr. Ebert stated

Mr. Ebert stated the funds to pay for this are going to come out of the Buck Creek Interceptor Rehabilitation Budget. Mr. Ebert noted the proposed schedule for the project on Page 22 of his report, and added it is proposed that the force main would be operational by October 15, 2017. Mr. Fritchey stated for other Township projects they have a thirty-day window built in for the Responsible Contractors Ordinance, so he feels they will need an extra month from what is shown.

Mr. Ebert stated there will not be any paving involved with this project.

Mr. Gauck asked what type of pipe material they will use, and Mr. Ebert stated it is Class 56 ductile iron so that it is consistent with the Railroad requirements.

Mr. Ebert stated he will prepare the Bid documents and submit them to Ms. Kirk's office for her review.

#### SOLICITOR'S REPORT

Ms. Kirk stated since the February meeting when she was asked to draft a letter to Bucks County Water and Sewer regarding their ownership of the Grey Nuns line and requesting confirmation that Bucks County Water and Sewer was going to resume responsibility for the line and when the Township could expect reimbursement for all their costs paved to date, she has found out that there is still an issue as to who actually owns the line. Ms. Kirk stated the letter did not actually go out, and Mr. Ebert has indicated that to her that he will be sending her a copy of the last Recorded Plan; and she will try to research the ownership.

Mr. Watson stated Moon Nurseries/Oakmont got an Easement to hook in their line to the Grey Nuns line. Mr. Ebert stated he will look into this since Mr. Garton was handled this, and just provided him with the information on this. Ms. Kirk stated she does not see any of that information since Mr. Garton has continued to handle that Toll project as her firm had a conflict.

Ms. Kirk stated until they look at the Title Policy and confirm Easement ownership, it is on hold.

Mr. Tyler stated Ms. Kirk was going to inform Morrisville that Lower Makefield was not going to pay their bills until Morrisville sent Lower Makefield additional information on the bills. Ms. Kirk stated Mr. Fedorchak had indicated that he wanted to go through what Morrisville sends. Mr. Ebert stated he did this tonight, and they came up with a list of questions to go back to Morrisville; and he read to the Sewer Authority the questions they will be asking Morrisville and the additional information that they are requesting of Morrisville. Mr. Kirk asked if this is part of the Capital Budget reimbursement Morrisville is looking for, and Mr. Ebert agreed. Mr. Ebert stated one of the questions is why certain projects were not publicly-bid as required. Ms. Kirk stated it appears they only sent a worksheet, and there is no documentation; and Mr. Tyler stated that is why Lower Makefield should not be paying, and Morrisville needs to be more accountable and come to Lower Makefield with details.

Mr. Ebert stated what Morrisville provided was sent on April 24. Mr. Ebert stated Lower Makefield is going to request copies of the actual invoices. He also stated some of these items seem to be part of routine maintenance and operations of the Plant, and are not capitalized items.

Ms. Kirk stated there are requirements under the Agreements, and Ms. Kirk stated Mr. Fedorchak asked for information on this several weeks ago, and she did provide him with a summary. Mr. Ebert stated Mr. Fedorchak asked him to send his comments by Monday morning, and he agreed to copy Ms. Kirk on that e-mail so that she is in the loop.

Mr. Tyler stated at this time, they are not making any payments to Morrisville, and Mr. Ebert agreed.

Mr. Ebert stated if Morrisville is not bidding in conformance with the Pennsylvania Bidding Law, he does not want Lower Makefield to be part of this by making payments to Morrisville. Mr. Ebert stated he highlighted all the projects that were more than \$19,400 which is the amount that requires projects be publicly bid. He stated he is also requesting a full description certain items that he is unsure of. Mr. Tyler stated many of these items seem to be normal maintenance. Mr. Ebert stated there are also certain items he does not know what they are as it seems some may be part of Morrisville's water system.

It was also noted that Morrisville is supposed to give Lower Makefield a year ahead of time, and Lower Makefield is getting this a year after the fact. Ms. Kirk stated the Agreement indicates that they have to provide a Capital Improvement Budget to the Township by November 1 with recommended improvements for the following year. She stated they are required to provide a detailed engineering report which explains the reason for the improvement and the Township then has forty-five days after that to either approve or reject it. Ms. Kirk stated what is being done now is backwards. Ms. Kirk stated Mr. Fedorchak is aware of this as she sent him an e-mail on March 16 giving him the summary statement and highlighting how the 1997 Agreement regarding Capital improvements is in control with respect to these types of costs. She stated Mr. Fedorchak has gone back to Mr. Warena pushing for this.

Mr. Ebert stated he has never seen a reconciliation for his other clients that did not provide the actual invoices.

Mr. Tyler stated he is on PennBid, and he has never seen any of the items listed that were over \$19,000.

Mr. Tyler stated if Yardley Borough decides to pull out of Morrisville and goes to Bucks County, the Lower Makefield flows will not be going to Morrisville. Mr. Ebert stated there are a number of scenarios that could be considered for Lower Makefield. Mr. Watson stated Yardley Borough has asked if someone from the Lower Makefield Sewer Authority would like to go with them to a meeting with

Lower Bucks about diverting the flows to Lower Bucks, and Mr. Gauck agreed that he would go with them. Mr. Gauck asked Mr. Ebert his opinion about the Lower Bucks Treatment Plant; and Mr. Ebert stated he does not feel it is large enough for all of our flows but it is an alternative they are looking at in the Act 537 Plan. He reviewed some alternatives that could be considered. He stated if a majority of the flows are diverted elsewhere, Lower Makefield could then be possibly 5% of the Morrisville Plant; and Lower Makefield would not be as concerned as much with how much Morrisville wants to spend on a new Plant. Mr. Ebert showed on the map different scenarios as to how some flows could be diverted from Morrisville.

Mr. Ebert stated he will meet with Mr. Gauck before he goes to the meeting with Yardley Borough and Lower Bucks.

#### NEW BUSINESS

Mr. Watson stated the Board of Health took pictures of some grease traps at the McCaffrey Shopping Center and provided him copies of the pictures which were shown to the Sewer Authority members this evening. He stated he has been shown receipts indicating that they had been cleaned, but the photos show that they have not been cleaned for a long time. Mr. Watson stated he has sent a letter to Mr. McCaffrey advising that they are not being properly taken care of since he owns the property and this is his responsibility. Mr. Watson stated since the traps are not working, the grease is going to the sewer mains.

April 27, 2017

Sewer Authority – page 15 of 15

There being no further business, Mr. Ferrante moved, Mr. Gauck seconded and it was unanimously carried to adjourn the meeting at 8:40 p.m.

Respectfully Submitted,

Scott Ferrante, Secretary