



**MINUTES OF THE REGULAR BOARD MEETING**  
**September 28, 2022**

**PRESENT:** Dennis Cowley, Bryan Allen and George Hutt

Benjamin W. Jones, CEO; Jason Hillaert, CFO; Scott Holbert, Esquire; Russell Dunlevy, P.E.; Nathaniel Rafalski, CTO and Anne M. O'Toole, Exec Assistant

**VIA ZOOM:** John Cordisco and Patricia Poprik

**VISITORS:**

Stacey Mulholland, BCATO  
Richard Weaver, BCATO  
Dan Berrien, Northampton Township  
Peter Lachance, The Quintessence Corp, Yardley PA  
Laurie Berrien, Northampton Township  
Tom Tosti, Middletown  
Denise Luna, Levittown  
Timothy Hayes, CVPA  
David McMahon, NOPE  
Kevin Daly, Rate Payer  
Peg Quann, Bucks County Courier Times

**CALL TO ORDER:**

BCWSA's Chairman, John Cordisco called the Regular Meeting of the BCWSA to order at 9:40 am

**PLEDGE OF ALLEGIANCE:**

Those present, pledged allegiance to the flag.

**PUBLIC COMMENT:**

Mr. Cordisco asked if there was any public comment not related to an agenda item.

The Solicitor stated that the Board met in Executive Session for approximately forty minutes prior to the start of the Board Meeting to discuss matters of personnel, potential litigation and BCWSA Real Estate involving the Aqua Asset Purchase Agreement.

**MINUTES:**

Ms. Poprik moved, Mr. Hutt seconded the motion that unanimously approved the Minutes of the BCWSA Board Meeting held on August 24, 2022. (Minutes are attached to the Minute Book)



BCWSA  
1275 Almshouse Road, Warrington, PA 18976  
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**REPORT OF THE CEO: *Benjamin W. Jones***

Mr. Jones addressed the Board of Directors and stated his first item for approval was the consideration to reject the Asset Purchase Agreement with Aqua Pa, dated July 12, 2022 and end negotiations concerning the sale of the sanitary sewer system infrastructure. The chairman and the Board of Directors had asked Mr. Jones to pass on the comments below specifically regarding what was learned through the process and moving forward.

1. There are significant improvements necessary to address inflow & infiltration (I/I) within the BCWSA retail, wholesale and our customers private laterals. Improvements to the physical pipes and infrastructure are critical to protecting the environment and our waterways as well as providing for the necessary capacity in our system to address critical needs like schools, hospitals, new business and factories as well as housing for our community. To that end, BCWSA is starting the first phase of an estimated 10-year reinvestment project to fix, rebuild and replace aging 60 plus year infrastructure throughout our retail and wholesale systems. This will include expansions of treatment facilities and adding sanitary capacity in cooperation with our member municipalities planning through the Act 537. This reinvestment in phase 1 will involve an estimated \$160 million-dollar bond that we hope to approve by Year End 2022. These improvements will be done in accordance with our EPA/DOJ Consent Agreement and the prioritization of monies for capital investment that will be overseen in a cooperative venture with BCWSA and EPA to determine the best use and most needed improvements. The improvements should be done over the phase 1 – 3 year timeframe.
2. BCWSA also realized that a significant amount of I/I leaking into our system and causing environmental hazards and the increase in operational costs are coming from privately owned lateral pipes, on private property in residential home lots and businesses. These lateral replacements are estimated to cost our customers in excess of \$160 million dollars at an average cost per household of \$8500. These are critical repairs needed to the private infrastructure entering the BCWSA owned system and mandated through our EPA/DOJ Consent Agreement. This will be a cooperative enforcement actions with the municipalities or in the failure of such through action taken by EPA. To that end, BCWSA will be starting discussions with the legislature and applying for grants to assist private property owners. We will also explore low interest or no interest loan opportunities to address these critical improvements and potentially burdensome costs to our customers.
3. BCWSA is committed to protecting and preserving our environment and waterways in Bucks County and Southeastern PA. We will not allow our infrastructure to fall in disrepair and pollute our most important asset which is our drinking water. We are also committed to making sure Bucks County and Southeastern PA remain a viable and economically sound region providing opportunities for economic development including new business and factories along with the construction trade jobs and workers that will be employed there. In short, we are committed to keeping Bucks County and Southeastern PA the wonderful place it is and provide a bright future for our children and future generations.



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Finally, the Chair and the Board of BCWSA would like to thank our customers and the public for their participation in the evaluation as well as the Bucks County Commissioners. Also, our state and local elected officials that provided critical input, as well as the professionals and executives of BCWSA for the excellent work providing the Board with the necessary tools to analyze and negotiate a proposal through this fiduciary process. Most importantly the office and field employees of BCWSA of which we could not provide the quality service that our customers expressed throughout public meetings. BCWSA is committed to continuing quality water and sanitary services to Bucks County and Southeastern PA now and in the future.

***-Asset Purchase Agreement; Aqua-***

Mr. Allen moved, Ms. Poprik seconded the motion that unanimously approved rejecting the Asset Purchase Agreement from Aqua Pennsylvania Wastewater Inc., dated July 12, 2022 and formally end negotiations concerning the sale of the sanitary sewer system infrastructure.

Mr. Tom Tosti, Middletown Township stated that Mr. Jones' statement regarding a 10-year plan was very encouraging and pleased that BCWSA will stay in public hands. He thanked the Board of Directors and he appreciated the work that was done. It is very reassuring that the Board made a decision based on the needs of the ratepayers.

Ms. Laurie Berrien thanked the Board for the townhalls and all of the meetings and listening to the voices of the community.

Mr. Allen thanked everyone for coming out to the meetings. He stated that the Board of Directors had a job to look at every angle of this sale and that no member ever received compensation at any time.

Mr. Cordisco thanked everyone for the time and effort that went into this process, and Ms. Poprik thanked Mr. Cordisco for all of the time spent and hard work through this.

***-Bond Funded Upgrade and Repairs-***

Ms. Poprik moved, Mr. Hutt seconded the motion that unanimously authorized to prepare the first of three (3) bond issues with the underwriter/bond counsel team associated with the necessary improvements required to BCWSA facilities.

**ENGINEERS REPORT: *Gilmore & Associates*)**

Russell Dunlevy, P.E., had no report to review with the Board of Directors.

***Consulting Engineer's Report***

Steven Hartmann, P.E., reviewed the Engineer's Report dated 09/21/22 to the Board of Directors.



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***-Reimbursement and Indemnity Agreement; Upper Dublin Township-***

Ms. Poprik moved, Mr. Cowley seconded the motion that unanimously approved the Reimbursement and Indemnity Agreement with Upper Dublin Township Municipal Authority associated with the reimbursement for a portion of the diversion force main to be installed as part of the Upper Dublin Township Improvement project.

**SOLICITOR'S REPORT: *Scott Holbert, Esquire***

***-First Amendment to Lease Agreement; Doylestown Township-***

Ms. Poprik moved, Mr. Hutt seconded the motion that unanimously the approved First Amendment to the Cellular Lease Agreement with AT&T, establishing the lease in BCWSA's name at the Neshaminy Manor Tank location in Doylestown Township. (agreement is attached to the minute book)

***-First Amendment to Lease Agreement; Doylestown Township-***

Ms. Poprik moved, Mr. Hutt seconded the motion that unanimously approved the First Amendment to the Cellular Lease Agreement with T-Mobile, establishing the lease in BCWSA's name at the Neshaminy Manor Tank location in Doylestown Township. (agreement is attached to the minute book)

***-Deed of Aerial Easement; Lower Southampton Township-***

Ms. Poprik, moved, Mr. Cowley seconded motion that unanimously approved the Deed of Aerial Easement with the Pennsylvania Turnpike Commission associated with the property affected by the construction on the PA Turnpike at Water Station No. 5 in Lower Southampton Township. (agreement is attached to the Minute Book)

**CFO's Report: *Jason Hillaert, CFO***

***-Bills for Payment-***

Jason Hillaert, CFO presented a List of Bills and Requisitions that were prepared by in-house staff and he recommended Board approval.

Ms. Poprik moved, Mr. Cowley seconded the motion that unanimously approved the Bills for Payment dated September 28, 2022. (bills are attached to the Minute Book)



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***-BCWSA Water & Sewer System Budgets; 2023-***

Ms. Poprik, Mr. Hutt seconded the motion that unanimously approved the BCWSA Sewer System Budget for the Year 2023. (Sewer budget is attached to the Minute Book)

Ms. Poprik moved, Mr. Cowley seconded the motion that unanimously approved the BCWSA Water System Budget for the Year 2023. (Water budget is attached to the Minute Book)

***Pennsylvania Municipal Retirement Sewer System (PMRS)***

***2023 Defined Benefit Plan (DB) and the 2023 Cash Benefit Plan Minimum Municipal Obligation***

Mr. Hillaert presented the 2023 Defined Benefit (DB) Plan (MMO) and the 2023 Cash Balance (CB) Plan (MMO) to the Board of Directors. A copy of the plans was provided to the Board of Directors and no Board action was required. (2023 MMO's are attached to the Minute Book)

**OLD BUSINESS:** Nothing to Report

**NEW BUSINESS:** Nothing to Report

**ADJOURNMENT:**

There being no further business to be presented to the Board, Ms. Poprik moved, Mr. Hutt seconded the motion that unanimously adjourned the meeting.

10-26-22  
Date

  
SECRETARY

***NEXT REGULAR BOARD MEETING: WEDNESDAY October 26, 2022 9:30 am***



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