

YARDLEY BOROUGH SEWER AUTHORITY
Bucks County, Pennsylvania

MINUTES OF MEETING OF JANUARY 10, 2024

The regular monthly meeting of the Board of the Yardley Borough Sewer Authority (the Authority) is called to order by David Collins, Acting Chairperson, at 7:01 p.m. on January 10, 2024 at Yardley Borough Hall, 56 South Main Street, Yardley, Pennsylvania after notice was given to the members of the Board of the Authority and the general public as required by law. Those present in addition to Mr. Collins are Board members Mark McDevitt and Barry Sharer, with Carl Perella joining via Zoom for part of the meeting; Alexander Dyke, P.E. and Brian Brochon of Gilmore & Associates, Inc., the Authority's Consulting Engineers; Blake Dunbar, Esquire, of Robert L. Brant & Associates, the Authority's Solicitor; Philip Smythe, Pump Station Operator; Christine Ventresca, Operations Administrator, and Carol Schultz, Administrative Assistant; and Kevin Jensen, CPA from Bee, Bergvall & Co., PC, the Authority's auditor.

At the request of the acting Chair, Mr. Jensen presented the Independent Auditor's Report and the accompanying Financial Statements for the year ending September 30, 2023. Mr. Jensen discusses the Authority's risk of arbitrage, requiring the Authority to pay interest earnings to the federal government. When the last arbitrage report was completed by Arbitrage Rebate Counselors, LLC in September 2022, the BRI&F account was not included. Mr. Jensen suggests changing to a lower yield investment to decrease interest income. Mr. Collins recommends inviting Bill Carlin of Boenning and Scattergood to advise on redeeming 2012 bonds. Mr. Collins makes a motion to accept the Financial Statements with accompanying Auditor's Report for the year ending September 30, 2024, which Mr. Sharer seconds. The motion passed 3-0. Mr. Perella left the meeting at 7:30 pm for a telehealth appointment.

Next the meeting moved on to reorganization. Mr. Collins recognized Mr. Dunbar who assumed the Chair temporarily. Mr. Dunbar listed the current officers as follows: Carl Perella, Chairperson, David Collins, Vice-Chairperson, Mark McDevitt, Treasurer and Assistant Secretary, and Barry Sharer, Board Member. Richard Cole's term ended January 1, 2024. Mr. Dunbar asked for nominations for positions. The vote was unanimous, 3-0, with Mr. Perella remaining Chairperson, Mr. Collins remaining Vice-Chairperson, Mr. McDevitt named Secretary and Mr. Sharer named Treasurer.

Mrs. Ventresca reported that notice of the monthly meetings for 2024 have been posted in the Borough Hall, on the Authority's website, and advertised in *The Advance of Bucks County* as required by Act 1998-93, the Sunshine Act.

Mr. Collins commented that the minutes of the previous regular meeting on December 13, 2023, had been distributed to all the regular Board members prior to the meeting. Mr. Sharer moved that the minutes be accepted. Mr. McDevitt seconded the motion. Motion carried.

Afterward, the Board considered the appointment of the Consulting Engineer firm, Gilmore & Associates, Inc., who had submitted a letter indicating that the firm would be willing to continue to serve as Consulting Engineer upon certain terms and conditions. Mr. Collins moved to reappoint

Gillmore & Associates as Consulting Engineer for the year 2024, to be compensated for its services in accordance with the submitted fee schedule and to be reimbursed for out-of-pocket costs advanced by the firm (that shall be reimbursed upon submittal of monthly invoices for same). Upon the second of Mr. Sharer, the motion was approved unanimously.

Next, Mr. Collins placed the matter of the Solicitor before the Board, and observed that Robert L. Brant & Associates had submitted a letter indicating that the firm would be willing to continue to serve as Solicitor upon certain terms and conditions. Mr. Collins moved that the law firm of Robert L. Brant & Associates be reappointed as Solicitor for the 2024 year, to be compensated by a flat fee of \$1,000.00 per month, which would compensate the firm for normal and routine activities, but excluded out-of-pocket costs advanced by the firm (that shall be reimbursed upon submittal of monthly invoices for the same) and special matters that are to be compensated at \$200.00 per hour when authorized by the Authority.

The acting Chairperson placed the matter of appointment of the Auditor before the Board, and observed that Bee, Bergvall & Co. had submitted a letter indicating that the firm would be willing to service as Auditor upon certain terms and conditions. Mr. Collins moved that Bee, Bergvall & Co. be reappointed as Auditor at a fee not to exceed \$13,400 to perform an audit of the Authority's accounts for the fiscal period ending September 30, 2024; to provide a concise financial statement for such fiscal year (for the purpose of advertising same); and to prepare the annual report for such period that is required to be filed with the Pennsylvania Department of Community and Economic Development. Upon the second of Mr. McDevitt, the motion was approved 4-0, with Mr. Perella voting after he rejoined the meeting at 7:48 pm.

Mr. Smythe presented a Pump Station Operator Report and informed the Authority that ^{all} three pumps, ~~out of four pumps,~~ were running at the station and there had been at least two power outages in the prior month due to heavy rains. Mr. Smythe intends to service the generator this month.

Mrs. Ventresca presented the Authority's Profit and Loss Statement (Budget vs Actual) from September 2023 through December 31, 2023, and the Balance Sheet (previous Month Comparison) as of December 31, 2023.

The report of Delinquent Accounts representing the status of accounts with past due balances over 30 days was presented by Mrs. Ventresca and Ms. Schultz. Thirty customers received demand for payment letters and 6 properties are eligible to be posted.

The monthly bills, totaling \$18,256.03, were presented by Mrs. Ventresca for consideration by the Board. Mr. Collins made the motion to approve the list, Mr. McDevitt seconded the motion. The motion passed 4-0.

Mrs. Ventresca presented the Operations Administrator Report. Two certification requests were processed for closings scheduled in December. Sewer payments applied in December totaled \$71,426.65. Monthly adjustments totaled \$185.78 and penalties totaled \$339.25. Billings for January usage totaled \$85,182.15. One hundred eighty-nine customers paid a total of \$11,261.12 via ACH and 62 credit card payments were processed. Bills for January usage were mailed January 5, 2024. Payment is due January 24, 2024.

Mrs. Ventresca reported that \$6,132.00 was received from Aqua America for a reconciliation of September 2023. Payment was requested for reconciliation of December 2023 in the amount of \$1,812.51.

Flows were received from Aqua America for November 2023.

Mr. Brochon presented a Consulting Engineer's Report. He stated that he had not heard from Aqua in the last month. He also added that the Chapter 94 report was due at the end of March.

Mr. Dunbar presented his Solicitor's report wherein he discussed the 1566 LLC project's request for conditional approval for conveyance, which was first raised at the December 13, 2024, meeting. Mr. Dunbar stated that the 1566 LLC project is still subject to the CMP and that he will execute the conditional approval request.

Mr. Dunbar requested moving into executive session to discuss litigation and real estate matters. Mr. Collins moved to enter executive session at 8:23 pm and Mr. McDevitt seconded the motion, which carried 4-0. Executive session ended at 8:30 pm.

As there was no further business to come before the Authority, on the motion of Mr. Sharer and seconded by Mr. Collins, and approved unanimously, the meeting adjourned at 8:38 pm.

Respectfully submitted,



Mark McDevitt, Assistant Secretary



Christine Ventresca, Operations Administrator