

Minutes of the Public Meeting held on March 7, 2012

Members Attending: Antonio Albano, Chairman
John T. Jim, Vice Chairman
Edward W. Farling III, Treasurer
Donald S. George, Secretary
Charles Rehm, Assistant Secretary-Treasurer

Others Attending: Edward Rudolph, Esquire, Solicitor (3/7/12)
Melissa Fiala, Esquire, Solicitor (3/14/12)
Christopher S. Walker, P.E., Pennoni Associates Inc., Consulting Engineer
Debra E. Wirtz, Stenographer

Mr. Albano, Chairman, called the meeting to order at 7:30 p.m.

1. Pledge of Allegiance

Mr. Albano led the Pledge of Allegiance and requested a moment of silence for our service men and women in harm's way.

Mr. Albano announced that the Board met in Executive Session prior to the public meeting to discuss matters of litigation.

Mr. Albano stated for the record this Authority did not engage the services of the videographer in attendance this evening and the Authority will not be paying for it since the videographer was engaged by others.

Chairman Albano instructed the videographer to move his equipment from the center of the room to the rear of the room so his equipment is not an intrusion, obstruction or disruption. The Chairman then directed his request to Mr. Rothermel. "I shall ask you sir to ask your agent to comply with my instructions. The board will not be bullied. I order you to place your equipment in the rear behind the chairs". Mr. Rothermel stated, "We don't think it's disruptive, so we are not going to move it".

Mr. Albano read the following statement: "This Municipal Authority has an excellent reputation for professional performance throughout this Commonwealth noting the Department of Environmental Protection Inspection letter June 29, 2011, "the water system of NBCMA is a very well maintained public water system run by professional and knowledgeable staff." This assessment of both water and sewer service is commonly held among the vast majority of residents of Northampton Township. For our more than thirteen thousand ratepayer households, over thirty thousand people, our services are highly regarded and very well received. There are extremely few complaints about our services and our incident response is usually immediate. Our customers are happy with our work, however we do have a small number of critics who continually criticize our performance and personnel for their own reasons. Everyone is certainly entitled to opinions but the facts speak for themselves. Our ratepayer residents of Northampton expect that we conduct our business in a professional and courteous manner that is in the best interest of the public. According to the Sunshine Act nothing shall prohibit this Board from adopting rules for the conduct of meetings or the maintenance of order. It is the duty of the Chair to conduct an orderly and respectful meeting for all in attendance. The Chair will use reasonable means to maintain order so that the business of the Authority may be conducted in an orderly manner. If anyone objects, the objection will be noted. So that we may properly conduct an orderly meeting, at no time will uncivil conduct or inappropriate behavior be permitted during business meetings of the Board. The Board does not wish any person to attack anyone for any personal matter, nor does the Board accept political commentary or unnecessary repetition of matters previously explained in public. Citizens are of course encouraged to express their concerns pertaining to the business of the Authority during the time allotted for Citizens Concerns. Citizens Concerns period is just that; concern from the residents expressed directly to the Board pertaining to the business of the Authority and not for any other purpose. Citizens Concerns is not a question and answer session. This is not a forum for political or technical debate. During Citizens Concerns, we respectfully ask that everyone be considerate of one another so that we conduct an orderly public meeting. The Board will not permit the Citizens Concerns period to degenerate into chaos or a political circus-like atmosphere. To protect everyone's right to speak it is important that the Board conduct an orderly public business meeting in a courteous and civil fashion".

"There is a sign-up sheet for Citizens Concerns available for anyone who wishes to address the Board. You must sign up when requested in order to address the Board or you will not be recognized. We ask people to speak one at a time. When an individual finishes speaking, we will call on the next person to address the Board. People are to refrain from shouting out and

heckling anyone as they speak. Again, please do not engage in personal attacks, needless repetition, or political commentary. If anyone speaks to matters that are not pertaining to the business of the Authority he or she will be politely asked to address only matters that are the business of the Authority. If he or she refuses, he or she will be asked to yield the floor. Thank you for your cooperation”.

Chairman Albano called for a 15 minute recess at 7:40 so the videographer could move his equipment as directed.

Chairman Albano reconvened the meeting at 7:55. He noted that the videographer had not moved his equipment as directed. A Motion was made by Chairman Albano, seconded by Don George to continue the meeting until March 14, 2012, 7:30PM. A roll call vote to continue meeting to March 14, 2012 7:30 pm passed with 5 ayes

Meeting reconvened on March 14, 2012 at 7:30.

Chairman Albano announced this is a continuance of the March 7, 2012 public meeting of the Authority.

Chairman Albano announced that the Board met in Executive Session on Thursday March 8, 2012 at the Best Western Lehigh Valley Hotel and Conference Center in Bethlehem PA to discuss two (2) matters of litigation: (1) Schenk v NBCMA and (2) the potential of seeking Court relief regarding enforcement of appropriate standards for public meetings.

Chairman Albano thanked the videographer and Mr. Rothermel for their compliance with the placement of the video and audio equipment in the location as instructed by the Authority Chairman.

Mr. Albano then read the following letter sent to Mr. Robert M. Pellegrino, Northampton Township Manager authored by Thomas A. Zeuner: Executive Director of the Northampton, Bucks County Municipal Authority dated March 12, 2012.

March 12, 2012

HAND DELIVER

Mr. Robert M. Pellegrino
Township Manager
Northampton Township
55 Township Road
Richboro, PA 18954

SUBJECT: Authority Board Meetings

Dear Bob:

As you are aware the Authority attempted to conduct its normally scheduled public meeting on Wednesday, March 7, 2012. We were unable to adequately conduct the meeting in full due to the failure of the videographer engaged by Northampton Township to comply with reasonable instructions by the Authority Chairman made both before and on two occasions after the meeting commenced. These instructions were related as to the placement of audio and video equipment in an appropriate location.

As a consequence of the failure to comply with the reasonable instructions, the Authority was unable to continue its meeting in an appropriate manner. The videographer was given ample opportunity to relocate his equipment but refused to do so based upon the instructions of Frank Rothermel.

Clearly under the Pennsylvania Sunshine Act with particular reference to Sections 710, 710.1 and 711 the Authority acted properly in making its request which was to place the equipment at a location that would not inhibit public participation or appropriate viewing of those in attendance of the proceedings along with compliance with safety considerations. This letter should be not interpreted in any way as an attempt to restrict any reasonable use of video and audio equipment at Authority meetings by representatives of the Township, members of the press or members of the general public.

The position of the Authority is that it was not only the failure of compliance by the videographer as directed by Mr. Rothermel, but it was also provocative and lacked the standard of civil behavior that we all expect.

So as to avoid the necessity of this Authority pursuing court relief to compel appropriate conduct at Authority meetings, it is directed that the Township's audio and video equipment be placed in the location and manner as previously indicated by the Authority Chairman. Failure to cooperate would result in further embarrassment to the Township and needless expenditure of legal fees.

I will anticipate that this matter will be considered by your office and Mr. Rothermel so the Authority can conduct its continued meeting on March 14, 2012 without further interference. I would appreciate that you share this letter with your solicitor and board members.

Very Truly Yours,
Thomas A. Zeuner
EXECUTIVE DIRECTOR

TAZ:dew

cc: Edward Rudolph, Esquire
NBCMA Board Members

2. Approval of Minutes from February 1, 2012

A motion (Jim-Farling) was made adopting a resolution to approve the Minutes from February 1, 2012 and passed with 5 ayes.

3. Executive Director's Report

WATER QUALITY: During the Board meeting of February 1, 2012 Mr. Zeuner advised the board and public of a notification received by the Pennsylvania Department of Environmental Protection about a violation of safe water standards. As mentioned previously, the electronic records of the department indicated that the Authority did not submit the required sample results for numerous Radiological tests in 2011 as required. Our investigation concluded that we did take the tests and pass regulatory requirements. The lab incorrectly posted the results to the wrong PWSID number, thus not credited to this Authority. The support documentation as provided by the Authority has been reviewed by the Pennsylvania Department of Environmental Protection. I am pleased to confirm that the records have been amended by the department and the violation has been removed. The Authority did not have any water quality violations in 2011 and that safe water condition will be reflected in our 2011 annual CCR (Consumer Confidence Report). The CCR will be published and distributed in May/June 2012.

2011 AUDIT REPORT: The Authority's annual 2011 financial audit report is has been completed by Bee Bergvall & Company. The Authority will be reviewing the documents with the Auditor. The report should be available shortly.

RATE STUDY & ANALYSIS: It has been over a half decade since we completed a comprehensive rate analysis for the Authority. As the Executive Director, I am recommending that we engage David Busch of Keystone Alliance Consulting for this special project. Mr. Busch was appointed by this Authority in January 2012 as consultant professional services for special projects for the Authority. Keystone Alliance Consulting completed our last comprehensive rate analysis. The Authority was very satisfied with the quality of the professional work product provided. The project would investigate all aspects of our rates, various methodology used in determining rate calculations, consumption trends, usage analysis, capital requirements, comparative analysis of other Authorities and recommendations for board consideration. I am currently working with Mr. Busch to define the scope of work in order to finalize his cost proposal. It is my plan to have the professional services proposal available for board consideration at the April board meeting.

NEWSLETTER/ "The Authority": Work is progressing on the next edition of the Authority's newsletter "The Authority" with the Bergey Creative Group of Harleysville, PA. The mailing is anticipated for early summer.

CHAPTER 94 REPORT for 2011: It is anticipated the Authority's Chapter 94 Report for 2011 will be an agenda item at our April board meeting. The Pennsylvania Department of Environmental Protection has amended its required format of report as compared to years past.

CIPP & MANHOLE REHABILITATION PROJECTS: A presentation will be made before the board the first meeting of April 2012 by Chris Walker P.E. of Pennoni Associates outlining the scope and location of work to be completed for Cured In Place Pipe lining and Manhole Rehabilitation programs.

LONG TERM STRATEGIC PLAN: The Authority administration has begun preparing its five (5) year and ten (10) year strategic planning process.

PMAA BOARD MEMBER TRAINING: All of the Authority board members and Executive Director attended the PMAA Board Member Training Conference on Thursday, March 8, 2012 held at the Best Western Lehigh Valley Hotel

& Conference Center in Bethlehem PA. The conference was very well attended and informative. The program included a presentation on "Ethics for Public Officials, Financing for Authority Board Members, a Municipal Managers Panel Q & A and a Municipal Solicitors Panel Q & A".

AGENDA BRIEFING: Mr. Zeuner verbally briefed the Board and public on each agenda item before the board including the supplemental item.

4. Citizens Concerns

Chairman Albano reaffirmed the procedure for Citizens Concerns as communicated on March 7, 2012 prior to the continuance.

Mr. Bill O'Neill of Rocksville Road provided comments and concerns: Separate entities of the Authority and Township, negative comments about Chairman Albano, letter sent to Northampton Township, tapping fees for sewer connection, Chairman's actions to control videographer, public water extension in West End, Stevens Lane (Pine Run Creek) stream bank stabilization, exposed manholes on Pine Run Creek, Chairman's comments at beginning of meeting.

Mr. Rothermel of Chapel Drive – (Chairman, Northampton Township Supervisor): Provided comments related to his desire as Township Supervisor to be placed as the last agenda item at Authority meetings, videotaping of Authority meetings, commented that Chairman Albano was belligerent at the March 7th meeting, location of camera, comments related to videographer at March 7th meeting.

Mr. Rodger Bushnell of 94 Hunt Drive provided comments and concerns: videotaping of meetings, disagrees with reason to continue March 7th meeting, negative personal comments about Authority chairman. Mr. Zeuner introduced Melissa Fiala Solicitor who handles RTK Public Record requests under legal review for the Authority. Mr. Bushnell had an outstanding RTK request with the Authority that had a 30 day extension for legal review. Ms. Fiala provided a briefing on the reason for the extension. The responsive documents from the RTK request were hand delivered to Mr. Bushnell during the meeting.

Mrs. Bev Gold of 999 Almshouse Rd: provided questions and concerns: Woods pump station and Toll Brothers land development plan, Chairman Albano recommended that the PowerPoint as presented at prior meetings was responsive to her question, Mr. George provided a verbal overview of land development processes in Northampton Township, Mr. Rehm provided comment on the 537 planning process.

5. Check Requisitions / Accounts Payable

A motion (Farling-Jim) adopting a resolution to approve Revenue Fund Requisition No. 1970 dated February 22, 2012 in the amount of \$315,223.08, BRI Requisition No. 516 in the amount of \$10,055.73 and Revenue Fund Requisition No. 1971 dated March 7, 2012 in the amount of \$874,344.75 passed with 5 ayes.

The major items paid under Requisition No. 1970 were as follows: BCWSA – (Water) \$147,669.72; Bee Bergvall & Co - \$3000.00; Grainger \$2,240.37; The Hartford - \$3,418.18; Karl Hops Inc. - \$2,123.81; Mike Nelson Consulting - \$1,230.00; PECO - \$24,970.37; Pennoni Assoc. - \$36,132.49; Rudolph Clarke & Kirk LLC- \$1,656.00; JH Shanahan - \$5808.00; Teamsters Health & Welfare - \$17,262.28 and a \$70,000.00 payroll transfer. The major items paid under BRI No. 516 were as follows: Pennoni Assoc. - \$10,055.73. The major items paid under Requisition No. 1971 were as follows: BCWSA – tapping \$82,800.00; BCWSA (Sewer) – \$538,480.88; Chet's Printing - \$1,748.00; Hach Co. - \$3,755.16; Independence Blue Cross - \$21,542.64; Karl Hops Inc. - \$3,267.69; PECO - \$28,856.15; Recorder of Deeds - \$4,998.00; Rudolph Clarke & Kirk LLC - \$22,782.82; JH Shanahan - \$6,695.00; TD Card Services - \$3,022.85; Teamsters Health & Welfare - \$17,262.28; Univar USA Inc. - \$1,147.50; Upper Southampton Municipal Authority - \$54,627.00; Wohlsen Construction - \$2,331.40 and a \$70,000.00 payroll transfer.

6,7 Maintenance Reports for December 2011 & January 2012

Mr. Zeuner provided highlights from the December 2011 and January 2012 Maintenance Reports.

8. Resolution No. 2012-1130 - Public Water Supply – Drought Emergency Plan

A motion (Farling-Rehm) to add the “Public Water Supply Agency Drought Contingency Plan” as Exhibit “J” to the Rates Rules and Regulations setting the multiplier at 2X in accordance with the Pennsylvania Department of Environmental Protection template guidelines passed with 5 ayes. No public comment received.

9. Resolution No. 2012-1125 – Acceptance of Dedication – Willow Estates

A motion (Albano –Jim) to accept Resolution No. 2012-1125 the Deed of Dedication dated June 23, 2005 from 569 Bustleton Pike LP for Sanitary Sewer and Public Water Facilities installed for a development known as Willow Estates, passed with 5 ayes.

10. Resolution No. 2012-1126-Revising “Dedication Requirements” – Exhibit “D” to Rates, Rules & Reg’s

A motion (Jim-George) to adopt Resolution No. 2012-1126 to revise the “Dedication Requirements attached to the RRR’ as Exhibit “D” passed with 5 ayes.

11. Resolution No. 2012-1127-Revising “Engineering Design Guidelines – Exhibit “B” to the Rates, Rules & Reg’s

A motion (Albano-Jim) to adopt Resolution No. 1127 to revise Exhibit “B” “Engineering Design Guidelines” to the RRR’s passed with 5 ayes.

12. Resolution No. 2012-1128 – PennDOT Project Letter Agreement

A motion (Albano-George) to adopt Resolution No. 2012-1128 adopt, approve and execute the Project Letter Agreement passed with 5 ayes.

13. Resolution No. 2012-1129 – Revising Standard Construction Specifications for Sanitary Sewer Systems – Adding Clean Outs and Televising to be performed by the contractor.

A motion (George-Farling) to adopt Resolution No. 2012-1129 revising the Standard Construction Sewer Specifications Exhibit “E” to the Rates Rules and Regulations, clarifying requirements for clean-outs and cleanout boxes on sanitary sewer boxes and to add the requirement that the contractor perform televising the public sanitary sewer lines prior to dedication and again in 90 days before the expiration of the maintenance period following dedication passed with 5 ayes.

14. Supplements Agenda Item “A” – 1078-1082 2nd Street Pike Beverage Distributor release of “Letters of Credit”

A motion (Jim-Albano) to Approve and Execute the release and notices of completion returning letter of credit for a project known as “1078-1082 2nd Street Pike Beverage Distributor. The approval is conditional on correcting the owner’s signature and Attest signature, by the property owner, and having the document re-notarized, passed with 5 ayes.

Miscellaneous

Mr. Donald George stated the following: “Freedom of speech is the political right to communicate one’s ideas via speech. The term freedom of expression is sometimes used synonymously, but includes any act of seeking, receiving and imparting information or ideas, regardless of the medium used. In practice, the right to freedom of speech is not absolute in these United States of America, and the right is commonly subject to limitations against any tortuous, civil or criminal act, including but not limited to libel, slander, obscenity and incitement to commit a crime”.

Chairman Albano provided a chronology of concerns related to the location of audio and video equipment used by the videographer since the beginning of the year. During the 1st meeting of the year, the videographer was in the center of the room and was an obstruction and was advised he may be asked to move to the back of the room. During the 2nd meeting of the year, one camera was located in the center of the room and blocked the view of the audience of the board. During the 3rd meeting of the year, two cameras were set up with wires on the floor. The videographer engaged by the township was asked to move his equipment. Mr. Zeuner provided a summary of safety requirements for public meetings of the Authority in its meeting room. Several years ago during the west end sewer project, a complaint was made to the township about unsafe meeting conditions. Due to the number of persons attending Authority meetings at that time, we were required to move its public meetings to the Richboro Middle School. At the time of the complaint, the township fire marshal met with the Executive Director outlining minimum standards for a safe public meeting at the Authority. The maximum room capacity of the meeting room was set at 66 persons. Aisles to the exit doors must be five (5) foot minimum with side Aisles two (2) foot minimum. All Aisles must be free and clear of all obstructions. The Authority amended its seating layout to comply with the requirements and capacity limitations. The placement of the audio and video equipment used by the videographer engaged by the township up until today’s date did not comply with these standards of conducting a safe meeting.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, MR. ALBANO ADJOURNED THE MEETING AT 8:40 P.M.
THE NEXT MEETING IS SCHEDULED FOR MARCH 21, 2012 7:30 pm.