

Northampton, Bucks County, Municipal Authority

Minutes of the Public Meeting held on April 4, 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
Christopher S. Walker, P.E., Pennoni Associates Inc., Consulting Engineer
David Busch, Keystone Alliance Consulting
Debra E. Wirtz, Stenographer/Executive Assistant

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.

2. Approval of Minutes from March 7, 2012

Revision of March 7, 2012 minutes regarding matters of litigation. For purposes of enhanced clarity regarding the matter of litigation discussed the topics were (1) Schenk vs. The Northampton, Bucks County, Municipal Authority and (2) the potential of seeking Court relief regarding enforcement of appropriate standards for public meetings. Don George pointed out that on Item 8 "Drought Emergency Plan" no public comments were received

A motion (George-Jim) was made adopting a resolution to approve the Minutes from March 7, 2012 (with the changes noted) and passed with 5 ayes.

3. Chairman Announcement

Mr. Albano announced that the Board met in Executive Session prior to the public meeting to discuss matters of litigation regarding Granieri vs. The Northampton, Bucks County, Municipal Authority.

4. Executive Director's Report

CHAPTER 94 REPORT: The Authority in cooperation with its consulting engineer Pennoni Associates has completed our annual Chapter 94 Report as required by the Pennsylvania Department of Environmental Protection. In February 2011, the PA DEP developed and issued a revised Chapter 94 Municipal Wasteload Annual Report Template. The template provides the organizational tool for content in the Chapter 94 Report. We completed the report in accordance with the regulation and submitted the report by the March 31st deadline mandated by the PA DEP. Copies have also been provided to the Bucks County Health Department, Warminster Municipal Authority, Upper Southampton Authority and Bucks County Water & Sewer Authority. No approval is required by the Board. Mr. Zeuner commented that Pennoni Associates did an excellent job of preparing the document and formatting the data in accordance with the new template requirements.

WEB SERVICES: The Executive Director advised Mr. Jim that do to his relationship with the principals of Video Gold Productions, Inc., it would be appropriate not to participate in matters involving Video Gold Productions, Inc. including approval of account payables. The organization has provided and continues to provide quality web services for the Authority for many years under the direction of the Executive Director. Mr. Jim agreed with Mr. Zeuner's advice and stated he had no ownership or financial interest in the entity.

2011-11 FINANCIAL AUDIT: The independent auditors report for fiscal year 2011 has been completed by Bee Bergvall & Company. In conclusion, the Authority is financially strong with no noted deficiencies in financial controls. Since this is an independent report by a third party, Board approval is not warranted. The complete report has been provided to our Bond

Trustee, Bond Council, Moody's Rating Service, the Northampton Township Manager and the Commonwealth of Pennsylvania Department of Community and Economic Development. A copy of the Audit report will be posted on the Authority's web-site. As required by our bond indenture, a condensed summary of the audit report is being printed in the local newspaper.

PA DEP – TCE HSCA SITE EVALUATION (CHURCHVILLE): The Pennsylvania Department of Environmental Protection is conducting a groundwater contamination study in the area around Churchville Lane and Bristol Road. The evaluation site includes tax map parcels in Northampton, as well as Upper Southampton Townships. This Authority and the Upper Southampton Water and Sewer Authority, and the respective townships are cooperating with the department in completing their study. The project officer with the Pennsylvania Department of Environmental Protection is Margaret Pollich. She works out of the Region No. 1 department office in Norristown, PA .

2012 PMAA – MANAGEMENT CONFERENCE: On April 16, 2012, the Executive Director will be attending the Pennsylvania Municipal Authority spring management workshop at the Hotel Hershey. This is a one day forum. The agenda includes PMAA Legislative / Regulatory Update, EPA/DEP Regulatory Update and Solicitors Update.

AGENDA REVIEW: The Executive Director provided a brief overview for the board and public on the topics before the board this evening.

- Citizens Concerns
- Check Requisitions / Accounts Payable
- A "PowerPoint" Presentation by Chris Walker of Pennoni Associates summarizing the Authority's plans for Cured In Place Pipe Lining for our sanitary sewer lines in areas of high inflow and infiltration and 2012 plans for manhole rehabilitation.
- David Busch of Keystone Alliance Consulting has prepared a proposal for board consideration. The proposal scope of work will provide a comprehensive rate analysis for the Authority which will include investigation of all aspects of rates, various methodology used in determining rate calculation, consumption trends, usage analysis, short term and long term capital requirements, comparative analysis of other Authorities and recommendation for board consideration. This rate analysis will be completed in conjunction with managements 5 year and 10 year capital improvement strategy currently under development.
- RESOLUTION NO. 2012-1132: Acceptance of Dedication of Commerce (TD) Bank Richboro. This is a standard and routine dedication process. Under the terms of the agreement the Authority will retain escrow funds for the 18 month and 24 month maintenance period.

5. Citizens Concerns

Chairman Albano stated there is a sign-up sheet for Citizens Concerns available for anyone who wishes to address the Board.

Mr. Albano stated "As usual, 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".

"Again, 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”.

Mr. Bill O’Neill of 452 Rocksville Road, Holland provided comments and opinion about his understanding of facts related to the March 7, 2012 Authority public meeting. Mr. O’Neill provided detailed comment and opinion about the letter from the Authority to Northampton Township related to the continuance of the March 7, 2012 public meeting.

Mr. Jerry Bass of 66 Kennan Lane, Holland provided comments and opinions on Freedom of Speech.

6. Check Requisitions / Accounts Payable

A motion (Farling-Jim) adopting a resolution to approve Revenue Fund Requisition No. 1972 dated March 20, 2012 in the amount of \$84,031.74, and Revenue Fund Requisition No. 1973 dated April 4, 2012 in the amount of \$766,151.89 passed with 5 ayes.

The major items paid under Requisition No. 1972 were as follows: Bee Bergvall & Co. - \$2,400.00; Danica Consulting & Training - \$1,495.00; The Hartford - \$3,418.18; and a \$70,000.00 payroll transfer. - The major items paid under Requisition No. 1973 were as follows: Aetna - \$1,164.10 BCWSA (Sewer) - \$444,244.00; BCWSA (Water) – \$136,165.52; Coyne Chemical - \$1,660.00; Flow Assessment - \$14,700.00; Hach Co; - \$8,127.00; Independence Blue Cross - \$19,355.53; Karl Hops Inc. - \$3,556.92; Offices Basics - \$3062.79; PECO - \$24,102.09; Philadelphia Business Forms - \$1,858.98; Rudolph Clarke & Kirk LLC - \$28,900.70; Univar USA Inc. \$1,706.04 and a 70,000.00 payroll transfer.

7. Presentation /PowerPoint by Chris Walker of Pennoni Associates

Chris Walker of Pennoni Associates made a PowerPoint presentation outlining the Authority’s plans for Cured In Place Pipe lining for our sanitary sewer lines in areas of high inflow and infiltration and 2012 plans for manhole rehabilitation. Purpose of the program is to reduce inflow and infiltration and rehabilitate select manholes. Bids for the Cured In Place Lining is scheduled for April 25, 2012.

8. Professional Service Proposal: Keystone Alliance rate study analysis

A motion (Albano – Farling) to engage the services of David Busch of Keystone Alliance Consulting for comprehensive rate analysis in accordance with his proposal dated April 2, 2012, not to exceed \$22,500 passed with 5 ayes.

9. Resolution No. 2012-1132 – Acceptance of Dedication – Commerce (TD) Bank

A motion (Jim –Rehm) to adopt Resolution No. 2012-1132, the Deed of Dedication dated October 18, 2006 from Commerce (TD) Bank, pursuant to certain Sanitary Sewer and Public Water Agreements; approve and execute the agreement in lieu of a maintenance bond; approve and execute the Releases and Notices of Completion; and releasing all remaining escrow fund to the developer passed with 5 ayes.

Miscellaneous

Mr. Donald George stated the following: “As Secretary of the Board, I researched assertions and claims that are made and will set the record straight.

1. Corrections to erroneous statements made during Public Comment and BOS Liaison comments;
 - a. Members of the public untruthfully asserted that the March 07, 2012 meeting was cancelled. It was NOT CANCELLED, but was continued to March 14, 2012. The remainder of the facts surrounding those circumstances is a matter of public record.
 - b. Mr. Rothermel untruthfully claims that there were “only four people” at the March 7, 2012 session. In fact, there were other people, two on the opposite side of the auditorium, not shown by the videographer under Mr. Rothermel direction.
 - c. A member of the public untruthfully asserted that Mr. Albano sent a letter to the Township regarding the behaviors of the videographer and Mr. Rothermel. The facts are the letter was sent by Mr. Zeuner. The remainder of the facts surrounding those circumstances is a matter of public record.
 - d. Same member of the Public untruthfully asserts that Mr. Albano demanded that people “play by his rules when in his house.” The facts are that the statement was made by a member of the public, not Mr. Albano. The remainder of the facts surrounding those circumstances is a matter of public record.

- e. A member of the Public untruthfully asserted at the February 22, 2012 BOS meeting that half of the NBCMA meetings for the year have been cancelled.[Ask Mr. Zeuner] This is simply not reality. The remainder of the facts surrounding those circumstances is a matter of public record.
 - f. Same member of the Public untruthfully asserted that "Mr. George cancelled that project" in reference to the Pine Run Creek Stream-bank Stabilization issue on private property. The facts are that Mr. George put forth a motion which was approved by the Authority Board to rescind the March 17, 2010 Motion that allowed for up to \$60,000.00 of repairs to protect the assets of the Authority should an emergency be declared. The facts are that as we sit here two years later, an emergency was never declared. The remainder of the facts surrounding those circumstances is a matter of public record.
2. The titling of the videos during the course of the meeting in the edited finished, products available for broadcast and PEG viewing erroneously refer to the "Northampton Municipal Authority". I recommend that Mr. Zeuner send a letter to Mr. Pellegrino, Twp Manager, requesting him to correct the video titling as it may infringe upon another entity's rights, mislead the public, or otherwise tarnish the reputation of this or any other Authority.
 3. Back on November 16, 2011 Mr. Zeuner reported that he had conferred with Mr. Pellegrino et al regarding the West End Water Project for 107 homes. At that time, I believe that a timeline was presented to ensure that, milestones and completion were assured in order to meet the covenants of the DEP Grant to the Township.
On February 22, 2012 The Supervisors passed a Resolution regarding the Connection of Public Water and decommissioning of wells in the affected properties. My understanding is that this project is a Township Project that is no different from that of any other "developer". Is that correct? Mr. Zeuner responded "That is correct"
I understand that the Authority will simply receive a dedication of the infrastructure once the Township has completed its project and therefore, this Authority has no involvement whatsoever with the standards of performance related to the project; for example cost, deadlines and compliance. That is my understanding. Mr. Zeuner confirmed that Mr. George's understanding is correct.

For the record, I'd like to make a few observations:

The grants are explicit in their deadlines and requirements. It seems that if the Township's project is late or otherwise delayed, there may be a forfeiture of the \$2,000,000 which would then put the burden on the entire taxpayer base of the Township.

Mr. Pellegrino has made it clear that any shortfall in the funding would then become an obligation of the Township and its taxpayers, not this Authority and its ratepayers. Simply put, this project is a township initiative and the taxpayers may be left holding the bag for the costs of improvements to 107 private homes.

CLOSING: As Secretary, "I will not sit idly by allowing untruths to go unaddressed. This Secretary will not tolerate the good reputation of the Authority, its Board and its employees to be besmirched. This Secretary will not tolerate the Executive Director being labeled a "liar" by anyone. Lastly, this Secretary will not allow attacks on the Authority, the Board and especially to my person to go unaddressed. That concludes my remarks for this evening."

THERE BEING NO FURTHER BUSINESS TO DISCUSS, MR. ALBANO ADJOURNED THE MEETING AT 8:49 P.M.
THE NEXT MEETING IS SCHEDULED FOR MAY 2, 2012 7:30 pm.