

Minutes of the Public Meeting held on July 18, 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 - Absent

Others Attending: Edward Rudolph, Esquire, Solicitor
Christopher S. Walker, P.E., Pennoni Associates Inc., Engineer
Debra E. Wirtz, Stenographer/Executive Assistant

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

1. Pledge of Allegiance

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

2. Executive Session

Chairman Albano announced that at 9:00AM on Wednesday, July 11, 2012 the full Authority Board, Executive Director and Solicitor met in executive session to discuss matter of litigation related to the sanitary sewer moratorium by the Pennsylvania Department of Environmental Protection against the Bucks County water and Sewer Authority in which has a direct impact on the Northampton Bucks County Municipal Authority.

At that meeting the Board endorsed the engagement of Joseph M. Manko of the firm Manko, Gold, Katcher and Fox LLP of Bala Cynwyd PA to represent the Northampton Bucks County Municipal Authority.

A formal engagement motion is before the board identified as agenda item No. 9.

3. Approval of Minutes from May 2, 2012

A motion (Jim-Farling) was made adopting a resolution to approve the Minutes from May 2, 2012 passed with 4 ayes.

4. Executive Director's Report

Moratorium: PA DEP to BCWSA

On June 26, 2012 the Pennsylvania Department of Environmental Protection issued a moratorium to Bucks County Water and Sewer Authority related to sanitary sewer connections. The notice was issued as a result of BCWSA failure to adequately address deficiencies indentified in BCWSA 2010 Municipal Wasteload Management Report for the Neshaminy Interceptor Service Areas to the Northeast Philadelphia Water Control Plant. There are 13 municipalities tributary to the Neshaminy Interceptor affected by this moratorium. This Authority had no forewarning of the pending action by the Pennsylvania Department of Environmental Protection.

This Authority met with BCWSA on Tuesday along with the other tributary municipalities to discuss the issue.

It should be noted that this Authority took exception to certain comments and assumptions communicated in the "Press Release" provided by BCWSA. My comments have been communicated via e-mail earlier today to all parties on the original distribution list by BCWSA.

July 18, 2012

Mr. Benjamin Jones
Bucks County Water & Sewer Authority
1275 Almshouse Road
Warrington, PA 18976

RE: BCWSA Press Release – Neshaminy Interceptor Moratorium

Dear Mr. Jones,

I am in receipt of the 'Draft Press Release' received this morning July 18, 2012. The press release does not accurately portray the position of the Northampton Bucks County Municipal Authority. During the workshop session of Tuesday, July 17, 2012, this Authority was asked if it endorsed continued participation in the surge tank. We confirmed our continued support in that initiative. Please refer to my letter of May 5, 2011 which confirms our support and conditions required for that endorsement (see attachment).

At no time during our workshop session did the "group" reject the Department's findings that there is an existing hydraulic overload at the Totem Road Pump Station. BCWSA statement in the press release is incorrect. Certainly Northampton Authority never made a statement to that effect nor was any written documentation presented by BCWSA to this Authority that supports this claim.

The Northampton Bucks County Municipal Authority has been vigilant in its I & I abatement measures for the last seven (7) years. I am sure you can attest that our results have been significant with measurable reduction and duration of inflow peaks and elimination on average of 500,000 gallons per day of baseline metered sanitary sewer flow. Since our initiative started in 2005, Northampton has invested in excess of \$5.5 million dollars to reduce inflow and infiltration within the Northampton sanitary sewer system. Our 2012 efforts are anticipated to reduce I & I by an additional 115,000 gallons per day. Our historic Chapter 94 Reports has demonstrated our commitment of being an environmentally responsible agency of the community. Northampton recognizes that an ongoing inflow and infiltration abatement program is required and is committed to do so.

At no time did this Authority give BCWSA lead legal representation rights for Northampton as it relates to the current action by the Pennsylvania Department of Environmental Protection. Please be advised that this Authority has engaged Joseph M. Manko of the law firm MANKO, GOLD, KATCHER & FOX, LLP to represent this Authority's interest independently of BCWSA.

It is our hope and expectation, that BCWSA will fully cooperate with Northampton in our efforts to resolve the issue.

Regards,
Thomas A. Zeuner
EXECUTIVE DIRECTOR
Northampton Bucks County Municipal Authority
111 Township Road
Richboro, PA 18954

CC: NBCMA Board Members

Mr. Zeuner also read a letter authored by Mr. Rudolph to Mr. Steven Hann, Esquire regarding Neshaminy Interceptor:

July 18, 2012

Steven A. Hann, Esquire
Hamburg, Rubin, Mullin, Maxwell & Lupin, P.C.
375 Morris Road
PO Box 1479
Lansdale, PA 19446-0773

Re: Neshaminy Interceptor Moratorium

Dear Steve:

At the request of the Chairman and Executive Director of the Northampton, Bucks County, Municipal Authority, you, as Special Counsel for Northampton Authority, are not directed to represent Bucks County Water and Sewer Authority for and on behalf of the interests of Northampton Authority. No authorization was ever given for such representation and a public retraction of your misstatements to the contrary should be provided.

Thank you for your prompt attention, being mindful of the possible conflict issues which must be avoided.

Very truly yours,
Edward Rudolph

In summary, this Authority will be proceeding with all necessary actions to protect the interest of this Authority.

A motion was made (George – Albano) requiring Mr. Hahn to appear before this board at the next regularly scheduled meeting, vote held pending public comment. Action on the motion was deferred until later in the meeting (after citizens concerns)

Northampton Township

During the last board meeting I reported that we had ongoing outstanding issues with Northampton Township. These issues specifically related to compliance issues under Township Ordinance NO.396 and the need to develop a trigger mechanism prior to real estate transfers within Sewer District No. 3 for the mandatory connection. Township and Authority administration met with our respective solicitors to discuss the issues. A resolution should be forthcoming lead by the Township.

Woods Sanitary Sewer Basin Improvement Evaluation Report

At the request of the Authority board, Pennoni Associates Inc. lead by Chris Walker P.E. has completed the “Woods Sanitary Sewer Basin Improvement Evaluation Report” This report is now available for board review. A copy will be sent via e-mail to the board members on Thursday July 19, 2012.

I am recommending that we post the report on our web-site for public viewing and comment. The report is quite comprehensive in size and content. It is the administration’s plan to have this as an agenda item for our August 1, 2012 Board Meeting.

Drought Emergency Plan

The drought emergency plan adopted earlier this year was approved by the Pennsylvania Department of Environmental Protection as presented. No amendments, corrections or suggestion were noted.

AGENDA for July 18, 2012: Briefing by Executive Director Zeuner

4. Citizens Concerns
5. Check Requisitions / Accounts payable
6. Change to fee schedule: water meter setters
7. Crossroads Plaza – Release of Escrow money
8. Maintenance Report: May 2012
9. Engagement of professional Services / Special Council (Joseph M. Manko)
10. Authorization to Advertise for Bids 2-A-12-1 (Pick-up Truck)
11. Authorization to Advertise for Bids 2-A-12-2 (Pick-up Truck)
12. Authorization to Advertise for Bids 2-A-12-3 (Pick-up Truck)
13. Administrative Healthcare Insurance (healthcare, prescription, ST disability and dental)
14. Tri-Party Agreement TMP 31-007-014 (Water)
15. Tri-Party Agreement TMP 31-007-014 (Sewer)

5. Citizens Concerns

There is a sign-up sheet for Citizens Concerns available for anyone who wishes to address the Board.

Mr. Rothermel addressed the board regarding the miss titling of Authority videos on the township website, Mr. Rothermel stated no disrespect was meant, but would not authorize correcting the title captions on the videos.

6. Check Requisitions / Accounts Payable

A motion (Farling-Albano) adopting a resolution to approve Revenue Fund Requisition No. 1979 dated June 22, 2012 in the amount of \$490,500.20, BRI No. 519 dated June 22, 2012 in the amount of \$23,996.33, Revenue Fund Requisition No. 1980 dated July 10, 2012 in the amount of \$579,525.86, and Revenue Fund No 1981 dated July 18, 2012 in the amount of \$287,640.49 passed with 3 ayes. (Mr. Jim abstained due to potential conflict of interest)

The major items paid under Requisition No. **1979** are as follows: BCWSA – water - \$362,569.12; Courier Times - \$1,225.85; CSI - \$1,088.42; Flow Assessment - \$4,900.00; The Hartford - \$3,019.17; Karl Hops - \$3,396.24; PECO - \$6,925.25; Pennoni Assoc. - \$12,389.84 Teamster Health and Welfare – 17,262.28 and a \$70,000.00 payroll transfer. - The major items paid under Requisition No. **1980** were as follows: BCWSA – sewer - \$420,781.60; Barbara Bucknum - \$1,828.92 ES2 Environmental Serv. – \$2,570.09 Independence Blue Cross - \$11,557.43; Mike Nelson Consulting - \$1,350.00; PECO - \$14,305.59 – RIO Supply - \$4,166.04; Rudolph Clarke & Kirk - \$20,081.75; TD Card Serv. - \$1577.63; Teamsters Health and Welfare - \$ 17262.28 and a &70,000.00 payroll transfer. The major items paid under Requisition No. **1981** were as follows: BCWSA – water - \$172,980.40; Flow Assessment - \$4,900.00; Karl Hops Inc. - \$1,881.43; Kimco of Pa Inc. \$14,363.25; Lowes Business Account - \$1,015.43; Northampton Township - \$1,257.96; PMAA - \$1,372.00; Quality Control Inc. - \$1,509.60; Warminster Municipal Authority - \$14,132.32 and a \$70,000.00 payroll transfer, passed with 3 ayes, Mr. Jim abstained.

7. Change to Fee Schedule – Resolution 2012-1133 water meter setters

A motion (George – Farling) was made adopting Resolution 2012-1133 revising the Fee Schedule attached to the Rates, Rules and Regulations as exhibit “A” to reflect increase to the water meter setter charges, passed with 4 ayes.

8. Release of Escrow Money – Kimco-Crossroad Plaza

A motion (Farling – Jim) was made to release all escrow finds and/or bonds for the land development known as Crossroads Plaza as the project has been satisfactorily completed and the Authority is in receipt of all CAD as built drawings passed with 4 ayes.

9. Maintenance Report – May 2012

Mr. Zeuner provided highlights from the May 2012 Maintenance Report. No extraordinary issues were noted.

There was a discussion regard recent theft of services. Mr. Zeuner stated that those instances are being handled by the Northampton Township Police and the District Attorney’s Office.

10. Engagement of Professional Services – Joseph M. Manko

A motion (George – Jim) was made to engage the professional services of Mr. Joseph M. Manko of the firm Manko, Gold, Katcher, and Fox LLP, located at 401 City Ave., Suite 500, Bala Cynwyd, PA, as “special counsel” to represent the Authority’s interest in the action by the PA-DEP to BCWSA.

11. Authorization to advertise for Bids 2-A-12-1 Pickup Truck

A motion (Albano – Jim) to authorize the Administration to advertise for bids under Contract 2-A-12-1 for a pickup truck in accordance with bid opening to occur on August 20, 2012 @ 10:00 Am., passed with 4 ayes.

12. Authorization to advertise for Bids 2-A-12-2 Pickup Truck

A motion (Albano – Jim) to authorize the Administration to advertise for bids under Contract 2-A-12-2 for a pickup truck in accordance with bid opening to occur on August 20, 2012 @ 10:00 Am., passed with 4 ayes.

13. Authorization to advertise for Bids 2-A-12-3 Pickup Truck

A motion (Albano – Jim) to authorize the Administration to advertise for bids under Contract 2-A-12-3 for a pickup truck in accordance with bid opening to occur on August 20, 2012 @ 10:00 Am., passed with 4 ayes.

14. Amendment to administration Healthcare, Short Term Disability and Dental Plans

A motion (George – Jim) was made to approve the amendment to the administrative healthcare, short term disability and dental plans as recommended by the administration in accordance with Exhibit “A” of the board packet and further authorize the Executive Director and /or Director of Finance and Administration to sign all applicable applications and documents on behalf of the Board, passed with 4 ayes.

15. Tri Party Agreement – TMP 31-007-014 - Water

A motion (Farling – Jim) to approve the Tri Party Agreement between the property owners of TMP 31-007-014 located at 107 W. Bristol Road, Upper Southampton Water and Sewer Authority and the Northampton, Bucks County, Municipal Authority for public water services passed with 4 ayes.

16. Tri Party Agreement – TMP 31-007-014 - Sewer

A motion (Albano - Jim) to approve the Tri Party Agreement between the property owners of TMP 31-007-014 located at 107 W. Bristol Road, Upper Southampton Water and Sewer Authority and the Northampton, Bucks County, Municipal Authority for public sanitary sewer services passed with 4 ayes.

17. Instruction given to Executive Director to communicate Board's desires to Mr. Steven Hann, Esquire of the firm Hamburg, Rubin, Mullin, Maxwell and Lupen, PC

A motion (George – Albano) to direct the Executive Director to request the presence of Mr. Hann at the next regularly scheduled meeting of this Authority, in the event that he fails to adequately reply in a timely and prompt manner to the letter dated July 18, 2012 sent by Mr. Rudolph, the solicitor passed with 4 ayes.

18. Update on current projects – Mr. Christopher Walker P.E. of Pennoni Associates

Mr. Walker provided a status update on three (3) current projects.

- Manhole Rehabilitation Contract – 14 of 27 scheduled have been rehabilitated
- Paving Restoration Contract - 4 of 15 areas are completed
- Cured In Place Pipe lining of sanitary sewer lines (CIPP) ; contract work to begin on July 23, 2012.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, MR. ALBANO ADJOURNED THE MEETING AT 8:20 P.M.