

Northampton, Bucks County, Municipal Authority

Minutes of the Public Meeting held on March 6, 2013

Members Attending: Antonio Albano, Chairman
Edward W. Farling III, Vice Chairman
Charles Rehm, Treasurer
John Jim, Secretary
Michelle Held, Assistant Secretary-Treasurer

Others Attending: Thomas A. Zeuner, Executive Director
Edward Rudolph, Esquire, Solicitor
Christopher Walker, PAI, Engineer
Debra E. Wirtz, Stenographer/Executive Assistant

Mr. Albano, Chairman, called the meeting to order at 7:36 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 stated that the Board met in Executive Session to discuss matters of personal.

2. Approval of the Minutes

A motion (Jim-Held) made to approve the Minutes from February 6, 2013 passed with 5 Ayes.

3. Executive Directors Report

CONCERNS OF AUTHORITY / COMPLIANCE TO NORTHAMPTON TOWNSHIP ORDINANCE NO. 396 & 547

Mr. Zeuner reported that today he received a four page letter from Michael J. Savona, Esquire Northampton Township Solicitor dated March 5, 2013 in response to our numerous and repeated concerns over potential compliance issues to Township Ordinance No. 396.

Over the last fifteen months, the Authority asked the Township undertake an investigation of certain information provided by the Authority to the Township regarding compliance concerns to Township Ordinance No. 396. Mr. Savona claims that information to be a single spreadsheet, which the Authority provided.

Mr. Savona has authored his March 5, 2013 letter based on a meeting of July 17, 2012. Stating, information presented it is not sufficient for the Township to legally proceed with any enforcement under Township Ordinance No. 396.

The basis of the Authority's concern was voiced to the Township based upon a study. The Township claims they have made their determination based upon single spreadsheet as noted by the Township solicitor letter. The Authority provided to the Township a comprehensive study of properties in the Industrial Park in Northampton Township consisting of 3 volumes. In printed form in excess of 2,500 pages & not a single spreadsheet as claimed by the Township solicitor.

The Authority's legal team and I met with Township solicitor Mr. Savona and Township Manager Pellegrino on Tuesday, July 17, 2012. The results of that meeting are noted in the Executive Directors report during the Authority's public meeting of July 18, 2012..... *"related to compliance issues under Ordinance No.396. Township and Authority administration met with our respective solicitors to discuss the issues. A resolution will be lead by the Township"*. That meeting was over eight months ago. As of this date no action has been taken by the Township, although the Authority has repeatedly expressed lack of Township activity and follow-up at Authority Public Board meetings.

The Authority has expressed its concern to the Township regarding the potential of cross connection issues with the public water supply and private wells in a region of the Township with a known history of TCE ground water contamination. It is unfortunate that the Authority's concerns for public safety as a public water provider are not shared with the Township as confirmed by Mr. Savona's letter dated March 5, 2013. Enforcement of these public safety concerns governed under the laws of the Township by Ordinance is a Township responsibility and not the Authority.

Mr. Zeuner read from the second paragraph of Northampton Township Ordinance No. 396 which starts with the following..."WHEREAS, to promote the health and welfare of residents of the Township.....He commented that these were " Wise Words when adopted June 14th, 1995..... Wise Words today!!!

The Township has the lead in this matter. They can ignore their responsibility if they please!!! It appears, they have a made their choice! In my humble opinion as Executive Director of the Authority, they have not chosen Wisely!!!

Mr. Zeuner summarized the Ordinances already on the books of Northampton Township that address the Authority's concerns. Northampton Township has adopted Ordinance No. 396. The Township has also adopted Ordinance 547 where the preamble reads "Whereas, the purpose of this Ordinance is to promote the general health, safety and welfare of this Municipality and to conform with the requirements of the Pennsylvania Construction Code and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry.

Whereas, the Pennsylvania Construction Code Act requires the enactment of an appropriate Ordinance by Municipalities electing to administer and enforce the building code provisions of the Code.

Highlights of Northampton Township Ordinance No 547 read as follows:

"The Municipality hereby elects to administer and enforce the provisions...." "Administration and enforcement of the Code within this Municipality shall be" "By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;"

Highlights of the Code as adopted by Northampton Township read as follows:

608.6: Cross-connection control. Cross connections shall be prohibited, except where *approved* protective devices are installed

608.6.1: General. A potable water supply shall be designed, installed and **maintained** in such a manner so as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system....” Private water supplies. Cross connections between a private water supply and a potable water supply shall be prohibited.

608.13: Backflow protection. Means of protection against backflow shall be provided in accordance with Sections 608.13.1 through 608.13.9

608.15: Protection of potable water outlets. All potable water openings and outlets shall be protected against backflow in accordance with Section 608.15.1, 608.15.2, 608.15.3, 608.15.4, 606.15.4.1 or 608.15.4.2

Mr. Zeuner stated that over 90% of Pennsylvania’s 2,562 municipalities have elected to administer and enforce the UCC locally, using their own employees. Northampton Township is one of those municipalities that have made such an election. Mr. Zeuner reaffirmed his position that this is not about the applicability of Ordinance No. 396, or No. 547, it’s about protecting the safety of the public water supply. He suggested that if these Ordinances do not meet the needs of protecting the public water supply, Northampton Township should adopt a new Ordinance that does the job.

Mr. Zeuner stated he was willing to send letters to the industrial property owners seeking cooperation. There was concern expressed that such actions are the responsibility of the Township and not the Authority as they have the inspection and enforcement responsibilities. A suggestion was made by Board member Michelle Held and further supported and directed by the full Board, to have the Authority respectfully request to be placed as an agenda item on the Township Board of Supervisors Public Meeting to brief the Township Supervisors and the public of our concerns. Mr. Zeuner stated he would contact Township Manager Pellegrino to see if such accommodation be considered by the Township.

4. Maintenance Report – December 2012

Mr. Zeuner provided highlights on the December Maintenance Report.

5. Citizens Concerns

Mr. Albano stated that the Authority Board adopted a Conduct of Meetings resolution in 2012 and restated a portion of that resolution.

Donald George of Watergate Drive expressed comments and concerns regarding Mr. Rothermel (Supervisor/Liaison) not providing liaison reports to Northampton Township, the Authority’s involvement in Ordinance 396 compliance. Mr. George stated that he would like the DEP to be notified of this public safety issue since the Township has taken no action. Mr. George provided

comment on paving restoration of N. Traymore Avenue and if the Authority would be getting reimbursed from the Township.

Rodger Bushnell of Hunt Drive, expressed concerns regarding potential contamination of the public water supply, Mr. Zeuner commented on the TCE contamination in the Industrial Park and the Authority's wish for the Township to enforce Ordinance 396, or whatever Ordinances would be applicable to protect the public water supply.

6. Escrow Release - Barley Homes (Keith Boyd Land Dev.

A motion (Jim-Held) to approve the cash escrow release for the Keith Boyd Major Subdivision in the amount of \$31,893.00 for sanitary sewer and \$17,124.80 for water improvements associated with the project passed with 5 ayes.

7. Check Requisitions / Accounts Payable

A motion (Rehm-Farling) adopting a resolution to approve **Revenue Fund Requisition No. 1996** dated February 20, 2013 in the amount of \$316,318.17, **Revenue Fund Requisition No. 1997** dated March 6, 2013 in the amount of \$790,676.15 passed with 5 ayes.

A motion (Rehm-Albano) adopting a resolution to approve **BRI Fund No. 530** dated February 20, 2013 in the amount of \$3,966.50 passed with 5 ayes.

The major items paid under **Requisition No. 1996** are as follows: Archer & Greiner PC - \$1,681.50; Bank Direct Capital Financial - \$3,317.80; Barley Homes LLC - \$49,017.80; BCWSA - \$6,900.00; BCWSA/Water - \$130,327.84; Bee Bergvall & Co. - \$6,000.00; Best Line Equipment - \$1,482.96; Flow Assessment - \$4,900.00; Guardian - \$2,898.28; JW Harkins Auto Body - \$1,225.83; Karl Hops - \$1,557.10; Office Basics - \$1,050.24; Pennoni - \$9,556.11; Quality Control Inc. - \$1,509.70; Teamsters Health & Welfare - \$14,796.24; Xylem Water Solutions - \$3,228.00; and a \$70,000.00 payroll transfer.

The major items paid under **Requisition No. 1997** are as follows: BCWSA - Sewer- \$516,530.00; W. Bruce Beaton Co. - \$7,314.00 Ellen Di Stefano - \$3,150.00; Independence Blue Cross - \$12,565.82; J&J Auto - \$1,106.72; Karl Hops Inc - \$1,534.50; Keystone Alliance Consulting - \$24,100.00; NBCMA - \$30,652.20; Nutech Control Products - \$2,405.50; PECO - \$26,087.56; Rudolph Clarke & Kirk LLC - \$22,165.47; Southampton Post Office - \$5,000.00; Upper Southampton Municipal Authority - \$54,627.00; USA Bluebook - \$7,356.54 and a \$70,000.00 payroll transfer.

9. AFLAC - CBA Employees (Voluntary Enrollment Program/Short Term Disability)

A motion (Albano-Jim) was made to authorize the Executive Director to sign as the Plan Sponsor on behalf of the Authority, a short term disability policy with AFLAC for voluntary

participation by employees who are members of Teamsters Local 107, with all costs to be incurred by those whom participate in the program passed with 5 Ayes.

10. Engagement of Profession Services – Indian Valley Appraisal Co.

A motion (Farling-Rehm) was made approve the engagement of Mr. Mark Abissi, MAI of Indian Valley Appraisal Company of Souderton, PA for the purpose of providing the Authority with valuations of non-residential real estate for the benefit assessment in sewer district No. 3 in accordance with their proposal dated March 1, 2013, consisting of 4 pages, passed with 5 Ayes.

11. Tri-Party Agreement TMP 31-21-13 – 1247 Bristol Road (Lennon).

A motion (Albano-Rehm) was made to approve the Tri-Party Agreement between the property owners of TMP# 31-21-13 located at 1247 Bristol Road, Upper Southampton Water and Sewer Authority and the Northampton, Bucks County, Municipal Authority passed with 5 ayes.

BOARD COMMENTS

Ms. Held stated that our documents are available through the Right to Know Act.

Mr. Christopher Walker, PE Pennoni Associates gave the following reports;

Chapter 94 Report:

The intent of the Chapter 94 Report of the Pennsylvania Code is to prevent insufficiently treated wastewater from entering waters of the Commonwealth. The Code requires the owners and operators of sewerage facilities to plan and manage future hydraulic loadings to their sewerage facilities.

The Code also requires owners to prepare an annual report for their sewerage facilities and discuss existing operations and maintenance and plan for needed improvements.

In Northampton Township wastewater is conveyed to primarily 3 locations, the Bucks County Water and Sewer Authority Neshaminy Interceptor, Upper Southampton Sewer Authority conveyance system, and the Warminster Township Municipal Authority. Northampton does not own or operate a Wastewater Treatment Plant but is still required to prepare a Chapter 94 Report each year. The report is prepared in duplicate and sent to the Bucks County Health Department, BCWSA, Upper Southampton Sewer Authority, Warminster Municipal Authority, and the Pennsylvania Department of Environmental Protection. It is submitted each year prior to March 31st.

A copy of this year's report has been provided to the Board. This year we are reporting that there were 44 new equivalent dwelling units connected to the Authority sanitary sewer system. The Authority now serves over 13,000 sewer customers.

We will be working this week to prepare the checklist and update the large basin area maps that show the details and locations of customers and conveyance lines.

2012 Hydrogeologic Annual Report:

Pennoni is currently working on finalizing the 2012 Hydrogeologic Annual Report. This report is prepared each year and is sent to the Delaware River Basin Commission. South Eastern Pennsylvania is a ground water protected area and the Basin Commission is in charge of setting withdrawal limits for wells used by the Authority. The Basin Commission is interested in monitoring the ground water in our region and is tasked with making sure our aquifers are not being unduly stressed. The Authority provides water service to over 12,000 water customers. Water supply is supported by 15 active Authority wells and other connections with other municipal water systems. The annual report will outline the 2012 operations of each production well. This report will be sent to the Basin Commission in April.

Mr. Zeuner stated that the Chapter 94 Report will be posted on our website but the Hydrogeologic Report will not be on our website, as it is not considered a public document due to security reasons as recommended by Homeland Security.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, MR. ALBANO ADJOURNED THE MEETING AT 8:31 P.M.