

Northampton, Bucks County, Municipal Authority

**Minutes of the Public Meeting held on April 3, 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 7:30 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 stated that the Board met in Executive Session to discuss matters of personnel.

**2. Approval of the Minutes**

A motion (Farling-Rehm) made to approve the Minutes from March 6, 2013 passed with 5 Ayes.

**3. Executive Directors Report**

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

As directed by the Authority Board, Mr. Zeuner made contact with Bob Pellegrino (Northampton Township Manager) to respectfully request that the Authority's concerns (as noted in our March 6, 2013 meeting Minutes) be placed as a scheduled agenda item at the next Board of Supervisors meeting. The following Monday, I met with the Mr. Pellegrino, to review and formally communicate the request of the Authority Board. I subsequently had two meetings on Tuesday and Wednesday of that week at my office with Dr. Rose the Chair of the Township Board of Supervisors. Dr. Rose informed me that an investigation has been initiated based upon the concerns raised by the Authority. Based upon the commitment of an investigation by the Chair, the Authority withdrew its request for being placed on the Board of Supervisors agenda at their next meeting..

I was informed late this afternoon that seventeen (17) of the twenty two (22) properties have responded to the inquiry by the Township allowing access to investigate the cross

connection concern. Fourteen (14) of the properties have already been inspected and found to be in compliance with the Township regulations. The Township has implemented the requested investigation as previously communicated and reiterated by the Authority, at its last meeting.

Speaking on behalf of the Authority, I am delighted that this initiative, investigation could have achieved such results in a short period of time since our last Authority public meeting. The Authority clearly demonstrated that doing nothing was not in the best interest of Northampton and the time involved to facilitate the Township investigation and achieve results was not extensive. I will keep the Board advised as to the progress of the Township's continued investigation as I am constant communication with the township manager.

### **SPRING HYDRANT FLUSHING**

The Authority will begin its Spring Hydrant Flushing program starting Tuesday, April 16, 2013 with completion scheduled for Friday May 10, 2013. A schedule has been provided for the public to be informed when their area is scheduled to be flushed. The schedule is subject to amendment due to weather conditions.

During this period, in areas being flushed, customers may notice a discoloration in the water. This is normal, continue to run the water and it will take care of itself. The discoloration should be for a short period of time. Customers are advised to refrain from using water for drinking, cooking or clothes washing while the flushing is in progress between the hours of 8:30 am and 4:00 pm.

The schedule is on the Authority's website, our bulletin board and will be advertised in the Bucks County Courier Times four times during the four week period of flushing.

#### **4. Check Requisitions / Accounts Payable**

A motion (Rehm-Held) adopting a resolution to approve **Revenue Fund Requisition No. 1998** dated March 20, 2013 in the amount of \$313,775.27, passed with 4 Ayes, Mr. Jim abstained.

A motion (Rehm-Farling) adopting a resolution to approve **Revenue Fund Requisition No. 1999** dated April 3, 2013 in the amount of \$630,618.79 passed with 4 Ayes, Mr. Jim abstained.

The major items paid under **Requisition No. 1998** are as follows: Archer & Greiner PC - \$2,802.50; BCWSA/Water - \$163,090.40; Bee Bergvall & Co. - \$4,495.00; Chet's Printing - \$2,631.00; Flow Assessment - \$4,900.00; Guardian - \$3,194.48; Herbert, Rowland & Grubic - \$1,963.00; Karl Hops - \$1,756.14; PECO Energy - \$2,571.81; Pennoni - \$31,446.27; Phila

Business Forms - \$1,858.98; Quality Control Inc. - \$1,093.00; Teamsters Health & Welfare - \$14,796.24; and a \$70,000.00 payroll transfer.

The major items paid under **Requisition No. 1999** are as follows: BCWSA - Sewer-\$464,446.48; W. Bruce Beaton Co. - \$7,314.00; Chet's Printing - \$1,943.00; CSI Computer Software - \$1,763.76; Ellen Di Stefano - \$2,150.00; GMG Insurance - \$4,411.00; Hach Co - \$9,093.00; Independence Blue Cross - \$11,703.64; Karl Hops Inc - \$1,369.66; Manko, Gold Katcher & Fox - \$3,886.00; PECO - \$24,398.18; Rio Supply Inc. - \$3,417.54; RTC Assoc. - \$1,610.25; Rudolph Clarke & Kirk LLC - \$19,125.65; and a \$70,000.00 payroll transfer.

## **5. Maintenance Reports – January 2013 & February 2013**

Mr. Zeuner provided highlights on the January and February 2013 Maintenance Reports.

## **6. Citizens Concerns**

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

Steve Bryer – Florence Dr. expressed comments and concerns regarding not being permitted to attend the Authority's solar energy workshop; Mr. Rudolph provided the definition of a Workshop as it pertains to the Sunshine Act. Under direction from the Solicitor the workshop was not open to the public. Mr. Albano stated that it was only an information only workshop. Mr. Bryer wanted public comment after the Solar Energy Proposal.

Walter Binder – 80 Charlotte Dr. had questions regarding the sewer rate increase and the procedure to have wells metered for sewer billing. Mr. Zeuner stated he would be happy to meet with him and explain the procedure.

Bill O'Neill – Rocksville Road expressed comments regarding his well being metered and that his bill has decreased. He feels that he has been overcharged in the past, he wants a refund for past bills. Also, Mr. O'Neill provided comments regarding possible contamination in the west end of the township. Mr. Rudolph explained the legal aspects of inspections and that it is the Township's responsibility.

Donald George – Watergate Drive expressed comments that the ability to have wells metered has been in place for several years. Mr. George had comments regarding the inspection of the private wells in the west end.

Frank Rothermel – Chapel Drive/Northampton Township Liaison: provided comments in opposition to the Authority's opinion of responsibilities related to the compliance issues regarding the potential of cross contamination of private wells and the public water supply. Mr. Rothermel requested that the Authority come to the next Board of Supervisors public meeting to provide the Supervisors with and update and summary of the sanitary sewer moratorium issue. Mr. Rudolph advised the Board, that since this is a matter in current litigation, such a presence at

the Board of Supervisor meeting should be attended by legal counsel. The Authority Board agreed and instructed the Executive Director to contact our Special Environmental Counsel to see if such a presence could be arranged as requested. Mr. Zeuner stated he would contact Township Manager Pellegrino.

## **7. Audit 2012**

Mr. Zeuner provided an overview of the 2012 Audit results. The document will be posted on the Authority website.

- Principal debt was reduced by \$1.2 million in 2012
- The Authority operated at break even before depreciation
- In the future the Authority must rely on rates to fund Capital Projects
- Net cash provided by “Operating Activities”, improved from \$1.7 million in 2011 to 2.4 million in 2012
- NBCMA is in compliance with all debt covenants of its Trust Indenture
- 25% sanitary sewer rate increase implemented based upon independent study (effective 2/2013 billing)
- 5 Year Strategic Plan was adopted to determine adequacy of rates and planning capital improvements through 2017

The Board acknowledgement of receipt of the Audit Report prepared by BEE Bergvall, Certified Public Accountants of Warrington Pa, for fiscal year 2012. During the audit they did not identify any deficiencies in internal control that they consider to be material weaknesses.

No motion was required. Mr. Zeuner advised that copies will be sent to numerous agencies as required by our Bond Indenture.

Ms. Held requested that in the future she would like to be invited to these meetings. Mr. Rudolph stated that under the new rules, all Board members would be able to attend.

## **8. Solar Energy Proposal**

The Northampton, Bucks County, Municipal Authority solicited proposals for the installation of a Solar Energy System at Well 17 site. The solicitation was open for any party to submit a proposal for consideration.

The RFP schedule was as follows:

RFP Publication	December 10, 2012
Letter of Intent to Propose	December 21, 2012
Proposal Date	January 11, 2013
Finalists Notified	January 18, 2013
Provider Selection	TBD

Mr. Zeuner provided the following highlights:

This is a unique opportunity for the Authority and all of its ratepayers. Due to the “Green Initiatives” embraced by federal and state government leaders, public/private partnership makes for a win/win situation for all parties. The investor receives investment tax credits and accelerated depreciation while the Authority has zero financial outlay but will benefit from long term reduced energy rates.

Moore Energy provided a proposal for Authority consideration. Due to the numerous questions regarding the solar energy proposal by Moore Energy a “Workshop Session” was scheduled for information gathering purposes on Thursday, March 7, 2013. In attendance was Mr. Barry Moore of Moore Energy, all NBCMA Board members, Solicitor Rudolph and Executive Director Zeuner.

Mr. Barry Moore of Moore Energy made a presentation to the Board and responded to questions and comments voiced.

### **Public Comment on Solar Energy Proposal**

Nancy Turner – 1291 Second Street Pike has system installed by Mr. Moore and is very happy. She explained her current solar system.

Roger Bushnell - Hunt Drive had comments regarding costs vs. savings for the system.

Steve Bryer - Florence Drive stated he has a system installed by Mr. Moore and is happy; he also had comments regarding competition for the contract.

Don George - Watergate Drive had comments regarding the cost of the system.

### **Board Comment on Solar Energy Proposal**

Mr. Rehm had questions regarding timing of the permits needed to move forward.

Mr. Farling spoke in favor of the system.

Ms. Held had questions regarding the bidding process via RFP, the removal of the equipment in the future, costs of the buyout, the variance required and the legal costs pertaining to Agreement reviewed by the Solicitor.

Mr. Rudolph provided clarity on the buyout provisions and equipment removal as stated in the contract.

A motion (Albano-Jim) was made to authorize the Authority officers approve and cause the execution of the Solar Power Purchase Agreement, as approved by the Authority Solicitor, between the Authority, Moore Energy LLC and Maxsolar Energy Two LLC concerning the

installation of a solar energy system at the Authority property on Township Road, with 4 Ayes and 1 nay (Held).

#### **9. CBA – Adoption of Teamsters Local 107 Agreement**

A motion (Albano-Held) was made to approve the Collective Bargaining Agreement dated March 21, 2013 with the Teamsters Local 107 which represents certain maintenance and operations employees of the Northampton, Bucks County, Municipal Authority passed with 5 Ayes.

#### **BOARD COMMENTS**

John Jim- Earth Day is Monday the 22<sup>nd</sup> of April.

Michelle Held stated the Philadelphia Science Festival is April 18<sup>th</sup> to April 28<sup>th</sup>.

Thomas Zeuner stated that the Hydrogeologic Report was prepared by the Authority's engineer, Pennoni Associates, in compliance with our docket approvals of the Delaware River Basin Commission. Mr. Zeuner explained this document will not be considered a public document due to guidance he received from Federal Homeland Security. Mr. Rudolph stated that elements of the report may be viewed by the public by contacting the Executive Director.

Mr. Albano stated that the Authority does not have police authority, the Authority does not have the power to inspect private wells.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, MR. ALBANO ADJOURNED THE MEETING AT 9:15 P.M.