

Northampton, Bucks County, Municipal Authority

Minutes of the Public Meeting held on November 3, 2021

Board Members: Edward Farling III, Chairman
Stephen McGill, Vice Chairman
Francis O'Donnell, Secretary
Charles Rehm, Treasurer
Vincent Deon, Assistant Secretary-Treasurer -excused

Others: Thomas A. Zeuner, Executive Director
Edward Rudolph, Esq., Rudolph Clarke LLC
Christopher Walker P.E., Pennoni Assoc.
Jeffrey Greenwood, Chief of Operations -excused
Robert Tagert, Chief Technical Director
Debra Wirtz, Executive Assistant

Mr. Farling, Chairman, called the meeting to order at 6:30 p.m.

1. Pledge of Allegiance

Chairman Farling lead the Pledge of Allegiance and requested a moment of silence for our men and women serving in harm's way.

2. Executive Director's Report

Mr. Zeuner briefed the Board on following topics:

NBCMA LOANS: Loan Modification / New Debt:

There are two (2) agenda items related to Authority financing / refinancing (Agenda Items No. 10 and No. 11) for Board consideration. The approval for the "Loan Modification" and "New Debt" is on the agenda with actual settlement on November 10, 2021.

CIPP CONTRACT:

The C.I.P.P. bid was opened on October 26th which indicated very favorable results as compared to budget projections. The Authority administration amended the bid scope prior to bid opening to separate manhole C.I.P.P. from the balance of the C.I.P.P. contract scope. This was initiated to provide further options for consideration in addition to reducing costs as manhole C.I.P.P. would be a prime contractor in lieu of a subcontractor to the prime contractor. We will advertise and award under separate action. The proposed 2022 Capital Budget separates the actions to provide clarification.

FEMA

The Authority is in the process of navigating the possibility of FEMA funds available to NBCMA because of Hurricane / Tropical Storm "IDA". The streambank stabilization is complete and cured in

place lining of the sanitary sewer pipe is complete. Manhole lining and restoration remain outstanding items that require completion.

2022 BUDGETS:

The Authority's fiscal year ended on October 31, 2021. The Authority continues to be fiscally responsible while providing favorable cash flows and strong balance sheet. Our 2022 fiscal year will be one of significant investment in infrastructure and new initiatives to strengthen the long-term viability of the Authority. The Authority has been successful in controlling costs while investing in needed capital infrastructure. As a result of such efforts, no rate increases for sanitary sewer or public water services is proposed for the fifth consecutive year. The last time the Authority raised rates to our customers was by Resolution in November 2016.

3. Citizens' Concerns

None

4. Approval of the Minutes of October 3, 2021

A motion (O'Donnell-McGill) made to approve the Minutes of October 3, 2021, passed with 4 ayes.

5. Check Requisitions / Accounts Payable

A motion (Rehm-O'Donnell) adopting the following resolution(s) passed 4 with ayes.

Requisition No. 2238 dated 10/20/2021 in the amount of \$484,816.37.

The major items paid under **Requisition No. 2238** are as follows: BCWSA – \$2,300.00; Coyne Chemical - \$1,326.00; CSL Services Inc. - \$8,775.00; Dukes Root Control Inc. \$97,304.92; EJ USA Inc. - \$1,890.00; Environmental Products - \$2,200.32; Hajoca Corp. - \$18,268.99; Independence Blue Cross - \$7,864.15; JH Shanahan - \$49,582.00; Karl Hops Inc. - \$1,001.02; Pennoni Assoc. Inc. - \$35,875.14; Rudolph Clarke LLC - \$18,745.00; W. Bruce Beaton Inc. - \$146,559.00 and \$85,000.00 for payroll.

Requisition No. 2239 dated 11/03/2021 in the amount of \$923,105.17.

The major items paid under **Requisition No. 2239** are as follows: BCWSA – Sewer - \$536,281.73; BCWSA - Water - \$162,578.45; First National Bank of Newtown - \$59,129.38; Guardian - \$4,052.43; Karl Hops Inc. - \$1,998.58; Kennedy Culvert & Supply - \$7,510.00; Link Computer Corp. - \$3,803.79; M.J. Reider Assoc. - \$7,122.28; Office Basics - \$3,323.15; PECO - \$12,641.04; Shapiro Fire Protection - \$1,770.67; Stuckert & Yates - \$3,750.00; Stuckert & Yates - \$1,200.00; TD Card Services - \$1,873.95; VAG USA- \$18,226.00 and \$85,000.00 for payroll.

6. Developers Agreement – Stoneyford Ridge

A motion (O'Donnell-Rehm) made to approve the Public Water and Sanitary Sewer Improvement Agreement, for the land development identified as East Village Developers LLC (691 Stoney Ford Road) TMP 31-035-054 passed with 4 ayes.

7. Operational and Capital Budget 2022

A motion (Farling-McGill) made to approve and adopt the 2022 Operational and Capital Budget as presented passed with 4 ayes.

8. Holiday Schedule

A motion (Rehm-McGill) made to approve the 2022 Holiday Schedule as presented passed with 4 ayes.

9. Meeting Schedule

A motion (Farling-McGill) made to approve the Authority Meeting Schedule for 2022, identified as Exhibit "A", authorize the administration to advertise, and post the schedule on the Authority website passed with 4 ayes.

10. Finances – Resolution 2021-1253 Modification of Resolution 2021-1251

A motion (McGill-Farling) made to approve the following Resolution:

RESOLUTION 2021-1253

A RESOLUTION AMENDING RESOLUTION 2021-1251 TO APPROVE AN AMENDMENT TO THE PROPOSAL OF FIRST NATIONAL BANK AND TRUST CO. OF NEWTOWN; REPEALING ALL PRIOR ORDINANCES OR PARTS THEREOF INCONSISTENT HEREWITH.

WHEREAS, on October 6, 2021, Northampton, Bucks County Municipal Authority (the "Authority") adopted Resolution No. 2021-1251 (the "Original Resolution"), which approved a proposal of First National Bank and Trust Co. of Newtown (the "Bank") to modify the interest rate that accrues on the Authority's Water and Sewer Revenue Note, Series of 2017 (the "2017 Note");

WHEREAS, the Bank has amended its proposal to properly reflect the current payment date of the 2017 Note as being on the 10th day of each month, and the effective date of the modification of the 2017 Note as being November 10, 2021 (the "Amended Proposal"), which Amended Proposal is attached to this Resolution as Exhibit A;

WHEREAS, the Authority's Board of Directors (the "Board") desires to approve the Amended Proposal and amend the Original Resolution to incorporate the Amended Proposal into the Original Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board, that:

Section 1. The Authority hereby approves the Amended Proposal and directs that all references to the Bank's proposal in the Original Resolution shall be deemed to refer to the Amended Proposal that is attached to these Resolutions.

Section 2. The proper officers of the Authority are authorized to execute the Amended Proposal and any agreements, instruments or documents and to do or cause to be done any and all acts and things deemed necessary or appropriate for the carrying out of the purposes of the Original Resolution, as amended hereby.

Section 3. The purpose of these Resolutions is to amend and supplement the Original Resolution, which Original Resolution shall remain in full force and effect, as amended and supplemented hereby. All parts of the Original Resolution which are inconsistent herewith are hereby repealed.

Section 4. If any section, paragraph, subsection, clause or provision of this Resolution shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than that portion specifically declared invalid.

Section 4. This Resolution shall become effective on the earliest date permitted by the Pennsylvania Municipality Authorities Act, 53 Pa.C.S. §§5601 et seq.

passed with 4 ayes

11. Finances – Resolution 2021-1254 Modification of Resolution 2021-1252

A motion (McGill-Farling) made to approve the following Resolution:

RESOLUTION 2021-1254

A RESOLUTION AMENDING RESOLUTION 2021-1252 TO APPROVE AN AMENDMENT TO THE PROPOSAL OF FIRST NATIONAL BANK AND TRUST CO. OF NEWTOWN; REPEALING ALL PRIOR ORDINANCES OR PARTS THEREOF INCONSISTENT HEREWITH.

WHEREAS, on October 6, 2021, Northampton, Bucks County Municipal Authority (the “Authority”) adopted Resolution No. 2021-1252 (the “Original Resolution”), which approved the undertaking of a Project (as defined in the Original Resolution), and accepted a proposal of First National Bank and Trust Co. of Newtown (the “Bank”) to finance the Project through the acquisition of the Authority’s Water and Sewer Revenue Note, Series of 2021 (the “2021 Note”);

WHEREAS, the Bank has amended its proposal to properly reflect the payment and amortization schedule associated with the 2021 Note (the “Amended Proposal”), which Amended Proposal is attached to this Resolution as Exhibit A;

WHEREAS, the Authority’s Board of Directors (the “Board”) desires to approve the Amended Proposal and amend the Original Resolution to incorporate the Amended Proposal into the Original Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board, that:

Section 1. The Authority hereby ratifies and confirms the undertaking of the Project, approves the Amended Proposal, and directs that all references to the Bank’s proposal in the Original Resolution shall be deemed to refer to the Amended Proposal that is attached to these Resolutions.

Section 2. The proper officers of the Authority are authorized to execute the Amended Proposal and any agreements, instruments or documents and to do or cause to be done any and all acts and things deemed necessary or appropriate for the carrying out of the purposes of the Original Resolution, as amended hereby.

Section 3. The purpose of these Resolutions is to amend and supplement the Original Resolution, which Original Resolution shall remain in full force and effect, as amended and supplemented hereby. All parts of the Original Resolution which are inconsistent herewith are hereby repealed.

Section 4. If any section, paragraph, subsection, clause or provision of this Resolution shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than that portion specifically declared invalid.

Section 4. This Resolution shall become effective on the earliest date permitted by the Pennsylvania Municipality Authorities Act, 53 Pa.C.S. §§5601 *et seq.*

passed with 4 ayes

12. Administrative Compensation

A motion (McGill-Farling) made to approve the 3.0% raise in compensation for all administrative employees of record as of November 1, 2021, with an effective date of November 1, 2021, in accordance with the 2022 Operational Budget passed with 4 ayes.

13. Change Order – Root Control

A motion (McGill-O’Donnell) made to approve the change order for the sanitary sewer root control from the prior approval monetary amount of \$92,000.00 to \$97,304.92 as submitted on Invoice No. 19704 dated 9/30/2021 from Dukes Root Control Inc. of Syracuse New York passed with 4 ayes.

14. Spring Mill Assoc. LP – Indemnification and Hold Harmless Agreement

A Motion (McGill-O’Donnell) approve the “Indemnification and Hold Harmless Agreement with “Spring Mill County Club Townhouses (Project). Whereas, the Authority agrees to continue to operate the sanitary sewer pump station for and on behalf of the Developer, with no operating charges to be

incurred by the Developer, subject to the Developer executing the Agreement effective November 3, 2021 (as corrected #4) passed with 4 ayes.

Comments

None

There being no further business Chairman Farling adjourned the meeting at 7:02 P.M.