

Northampton, Bucks County, Municipal Authority

Minutes of the Public Meeting held on November 2, 2022

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

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

Mr. Deon, Chairman, called the meeting to order at 6:43 p.m. The Board met in Executive Session at 6:00 p.m. to discuss personnel matters which concluded at 6:35 p.m.

1. Pledge of Allegiance

Chairman Deon 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

Lead & Copper Sampling

The Authority was required to take 30 lead and copper samples from properties during the months of June through August 2022. Unfortunately, we only took 15 samples during that period in violation of the standard. The violation will need to be noted on the Authority's Consumer Confidence Report (CCR), June 2023.

Water Meter Reading errors / Corrective Action

The Authority has identified three (3) commercial water meters that have been underbilled for a period of time. This error was due to the Authority reading the meters based on 4 digits of usage vs. 5. digits due to the larger meter size. The result is that these customers have been billed for 10% of their actual consumption. The Authority has corrected the reading protocols. The customers will be billed for the actual usage and consumption during the period. The Authority will be providing zero interest terms to these three (3) customers for repayment that correlates with the duration of the error.

Contract 2-S-21 Insituform

Notice has been received by NBCMA that the contractor will comply with the terms of the contract.

3. Citizens' Concerns

None

4. Approval of the Minutes of October 5, 2022

A motion (McGill-O'Donnell) to approve the Minutes of October 5, 2022, with 5 ayes.

5. Check Requisitions / Accounts Payable

A motion (Rehm-Farling) adopting the following resolutions passed 5 with ayes.

Requisition No. 2268 dated 10/19/2022 in the amount of \$760,615.51.

The major items paid under **Requisition No. 2268** are as follows: AJM Electric Inc. - \$15,495.00; BCWSA – Water - \$173,520.44; CSL Services Inc. - \$6,550.00; Eclipse Exterior Cleaning - \$9,235.20; Ferguson Waterworks - \$46,654.74; Independence Blue Cross - \$13,062.47; JH Shanahan - \$37,202.00; Kappe Assoc. Inc. - \$74,310.00; Karl Hops Inc. - \$2,155.42; Keystone Engineering - \$26,220.82; Neal Systems Inc - \$36,404.00; Office Basics \$1,255.58; Pennoni Assoc. Inc. - \$67,333.03; Rudolph Clarke LLC - \$9,427.15; Stephen & Maria Hull - \$1,380.00; Teamsters Health & Welfare Fund - \$17,677.52; USPS - \$7,500.00; W. Bruce Beaton Inc. - \$121,922.00 and \$85,000.00 for payroll.

Requisition No. 2269 dated 11/02/2022 in the amount of \$477,198.95.

The major items paid under **Requisition No. 2269** are as follows: A & M Truck Service - \$2,048.00; Analytical Laboratories - \$14,025.00; BCWSA – Sewer - \$225,909.60; Coyne Chemical \$1,830.00; First National Bank of Newtown - \$59,129.38; Guardian - \$4,208.57; Hannon Auto Service - \$5,601.27; JH Shanahan - \$14,312.00; Karl Hops Inc. - \$1,420.63; Link Computer Corp. - \$3,993.98; M.J. Reider Assoc. - \$1,706.45; Mailroom Systems Inc. - \$2,848.50; Office Basics - \$5,457.29; PECO - \$15,407.46; Raab Well Drilling - \$8,284.50; RIO Supply Inc. - \$3,548.79; Shapiro Fire Protection - \$1,150.44; Tanner's Lawn & Snow - \$3,398.00; TD Card Services - \$1,128.20; Timmons & Co. - \$4,300.00; Univar USA Inc. - \$1,350.30 and \$85,000.00 for payroll.

6. PennDOT Bridge Relocation – Pennoni Assoc. Inc. Presentation

Christopher Walker P.E. of Pennoni Assoc. Inc. provided a PowerPoint presentation relating to the relocation of public water and sanitary sewer facilities due to the Mill Creek Bridge Project by PennDOT.

At 7:10 Chair Deon left the meeting, Vice Chair McGill proceeded with the meeting.

7. Resolution 2022-1271 – Change of Fiscal Year

A motion (O'Donnell-Rehm) made to approve Resolution NO. 2022-1271 a motion to authorize the Northampton Bucks County Municipal Authority to implement the transition to a calendar fiscal year, with the current fiscal year ending on October 31, 2022, and having an additional audited financial statement prepared for the period of November 1, 2022, through December 31, 2022;

and therefore, commencing on January 1, 2023, the fiscal year of the Authority shall be on a calendar year basis, with the fiscal year ending on December 31 of each calendar year; and that the Executive Director, Finance Director and Solicitor are hereby authorized and directed to take all steps necessary to facilitate

the transition of the Authority's fiscal year to a calendar year and to ensure compliance with all applicable statutory and/or regulatory requirements associated therewith passed with 4 ayes.

8. 2023 Operational and Capital Budget Adoption

A motion (O'Donnell-Rehm) made to approve and adopt the Operational and Capital Transitional Budget (11/1/2022 through 12/31/2022) passed with 4 ayes.

A motion (Farling-McGill) made to approve the 2023 calendar year Operational and Capital Budget (01/01/2023 through 12/31/2023) as presented passed with 4 ayes.

9. Contract #2-W-21-E Certificate for Payment #4 AJM Electric Inc. - Generator

A motion (O'Donnell-Rehm) made to approve payment #4 in the amount of \$15,495.00 to AJM Electric Inc. for Contract #2-W-21-E passed with 4 ayes.

10. Easement – Northampton Township Firehouse TMP 31-018-023

A motion (Rehm-Farling) made to approve “Revocation and Termination Deed of (EXISTING) Easements on TMP 31-018-023” and “Acquire a (NEW) Deed of Easement on TMP 31-018-023” to comply with the design and construction requirements of the new firehouse of Northampton Township in accordance with the documents attached and have the documents recorded by the Bucks County Recorder of Deeds upon completion of the mutual endorsement signatures between the parties passed with 4 ayes.

11. Resolution 2022-1273 BCWSA

A motion (O'Donnell-Rehm) made to approve Resolution No. 2022-1273 providing notice to Buck County Water & Sewer Authority of their non-compliance with the Rate Notification Terms of the 1965 Sanitary Sewer Services Agreement between the parties passed with 4 ayes.

WHEREAS, the Agreement of February 23, 1965 by and between the Bucks County Water & Sewer Authority and the Northampton, Bucks County, Municipal Authority for the supply of wholesale sanitary sewer service by the Bucks Authority to the Northampton Authority requires at its Section 8 that the Bucks Authority provide to the Northampton Authority a written notice on or before the first day of October of each year containing an estimate of the aggregated total of all wholesale sanitary sewer charges which the Northampton Authority will be expected to pay to the Bucks Authority in the succeeding year; and,

WHEREAS, Section 8 of the Agreement further requires that the Northampton Authority calculate its rates to its ratepayers for the succeeding year based upon the estimated charges contained in such an annual written notice from the Bucks Authority; and,

WHEREAS, on September 28, 2022, the Bucks Authority by its Chief Financial Officer transmitted a letter purporting to comply with the requisites of Section 8 of the Agreement; and,

WHEREAS, the September 28, 2022 letter identifies lump sum figures of costs to be included in the Bucks Authority's 2023 budget which purport to include costs allocable to planned improvements to the Neshaminy Interceptor which receives not only the Northampton Authority's sanitary sewer flows but also flows of other municipal wholesale and retail customers of the Bucks Authority; and

WHEREAS, the September 28, 2022 letter does not calculate a share of any of the lump sum figures representing costs in the Bucks Authority's 2023 budget allocable to the Northampton Authority for payment to the Bucks Authority in 2023; and

WHEREAS, the September 28, 2022 letter does not contain a written estimate of the charges for wholesale sanitary sewer service which the Northampton Authority will be expected to pay to the Bucks Authority in the year 2023; and

WHEREAS, the September 28, 2022 letter does not contain information necessary for the Northampton Authority to accurately set its rates for the year 2023 and the letter is therefore not compliant with Section 8 of the Agreement; and

WHEREAS, on October 31, 2022, the Bucks Authority transmitted a correspondence indicating that the Bucks Authority Board of Directors approved its Rate Resolution 2022-04 on October 26, 2022 implementing a rate increase of 16.6% for wholesale

customers including the Northampton Authority which the Bucks Authority purports to yield a wholesale sewer rate of \$4.285 per 1,000 gallons to be charged beginning January 1, 2023; and

WHEREAS, the Bucks Authority accompanied the October 31, 2022 correspondence with what it purported to be its Budget for the yet to be concluded year 2022, and its projected budget for 2023, however these documents are insufficient for the Northampton Authority to evaluate the \$4.285 per 1,000 gallons wholesale rate proposed for 2023 by the Bucks Authority; and

NOW, THEREFORE, be it RESOLVED by the Board of the Northampton, Bucks County, Municipal Authority that its Solicitor is hereby directed and authorized to provide written notice to the Bucks County Water & Sewer Authority of its non-compliance with Section 8 of the Agreement of February 23, 1965 as a consequence of the Bucks Authority's failure to provide an estimate of the aggregated charges for wholesale sewer service which it anticipates that the Northampton Authority will be required to pay to the Bucks Authority in 2023 within the time required by the Agreement, and accordingly, the Northampton, Bucks County, Municipal Authority shall continue to pay wholesale sanitary sewer charges at the rate as stated for 2022.

12. Resolution 2022-1272 Amend By-Laws

A motion (McGill-Farling) made to adopt Resolution NO. 2022-1272 amending the amended By-Laws related by restatement for the purpose of consolidating various amendments, modifications and changes (collectively "Amendments"), passed with 4 ayes.

13. 2023 Meeting Schedule

A motion (Farling-O'Donnell) made to approve the Authority meeting schedule for 2023, identified as Exhibit "A", authorize the administration to advertise, and post the schedule on the Authority website and all "Optional" Meetings (if needed) will be posted on nbcmatoday.org and in the Authority building 24-hours prior, passed with 4 ayes.

14. Wood Pole Installation – COSTARS™ - 18

A motion (O'Donnell-Rehm) made to approve the purchase order for the purchase and installation of four (4) wood poles from Armour & Sons Electric Inc. of Langhorne Pennsylvania in the amount of \$24,122.00 in accordance with their quote dated October 25, 2022

COMMENTS:

There being no further business Vice Chair McGill adjourned the meeting at 7:43 P.M.