

**North Wales Water Authority
Board of Directors Meeting**

Minutes of 10/19/2022

Call to order:

A regular business meeting of the NWWA Board of Directors was held at the NWWA business office on October 19, 2022, beginning at 5:00 p.m. and called to order by Board Chair Nagel.

Pledge of Allegiance:

Ms. Nagel led all in attendance in the Pledge of Allegiance

Roll Call:

Roll call was taken and recorded as follows.

Attendee Name	Organization	Title	Status
Joan H. Nagel	NWWA	Chair	Present
Albert S. Tenney	NWWA	Vice Chair	Present
Donna L. Mengel	NWWA	Secretary	Present
Neil J McDevitt	NWWA	Treasurer	Present
Sally Neiderhiser	NWWA	Asst./Sec Treasurer	Absent
Robert C. Bender	NWWA	Executive Director	Present
Brad S. Fisher, P.E.	NWWA	Director of Eng. / Ops.	Present
Christine Lezoche	NWWA	Director of Finance	Present
Barbara Merlie Esq.	Rudolph Clarke	Authority Solicitor	Present
Lane Bodley P.E.	Carroll Engineering	Authority Engineer	Present
Allen Mason P.E.	Carroll Engineering	Authority Engineer	Present

Approval of Minutes:

The Board next considered the approval of the Minutes of 08/17/2022. Upon a motion of member Mengel, seconded by member Tenney, the minutes were approved as presented.

<u>Vote Record</u>						
			Yes/Aye	No/Nay	Abstain	Absent
x	Approved					
	Tabled					
	Failed					
	Ms. Nagel		x			
	Mr. Tenney	Seconded	x			
	Ms. Mengel	Initiated	x			
	Ms. Neiderhiser					x
	Mr. McDevitt		x			

Public Comment: Borough resident Greg D’Angelo was present and commented favorably on the Authority mailing about the 2023. Mr. D’Angelo said that all the facts and were fairly and clearly stated, noting that he did the math, and the rates were still below the rate of inflation since the last increase of 27 years ago.

Visitors: Christopher Gibbons of Concord Public Finance was present by virtual attendance.

Resolutions:

Motion to approve Resolution 2022-06. The Resolution approves the IRS required restatement of the employee retirement plan, including the matching contribution rate and end of year contribution for the plan restatement. Ms. Joyce, Plan Trustee, advised the Board that there were no changes in contribution rates, but that IRS regulations require the restatement every six years.

Upon a motion by member Tenney, seconded by member McDevitt all those present approved the Resolution.

Vote Record							
x	Approved			Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x			
	Failed	Mr. Tenney	Initiated	x			
		Ms. Mengel		x			
		Ms. Neiderhiser					x
		Mr. McDevitt	Seconded	x			

Motion to approve Resolution 2022-07. The Resolution authorizes the borrowing of funds for upcoming Capital Improvement Projects totaling up to \$14,060,000.00, also and provides for the reimbursement to the NWWA from the proceeds for certain expenditures already incurred over the past 60 days for projects underway.

Upon a motion by member Mengel, seconded by member Tenney all those present approved the Resolution.

Vote Record							
x	Approved			Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x			
	Failed	Mr. Tenney	Seconded	x			
		Ms. Mengel	Initiated	x			
		Ms. Neiderhiser					x
		Mr. McDevitt		x			

Following adoption of the above referenced Resolution, Mr. Bender asked the Board to formally authorize the Executive Director, along with his staff and professional consultants to proceed with the preparations for the approved borrowing. Mr. Gibbons noted that once completed, the borrowing plan would be presented to the Board at an upcoming meeting.

Upon a motion by member Tenney, seconded by member Mengel, authorized to proceed was approved.

Vote Record							
x	Approved			Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x			
	Failed	Mr. Tenney	Initiated	x			
		Ms. Mengel	Seconded	x			
		Ms. Neiderhiser					x
		Mr. McDevitt		x			

Bids and Contracts:

Mr. Fisher presented the following bid results for award to the lowest qualified bidder in each category:

Bid Contract 570-22-04 Electrical Services, recommending award to A.N. Lynch Company Inc for a 3-year term

Upon a motion by member Mengel ,seconded by member McDevitt the bid was awarded.

☐ Vote Record

x	Approved		Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel	x			
	Failed	Mr. Tenney	x			
		Ms. Mengel	x			
		Ms. Neiderhiser				x
		Mr. McDevitt	x			

Bid Contract 520-22-02 for Well Equipment Maintenance to the lowest responsible bidder A. C. Schultes. Inc., for a 2 Year term.

Upon a motion by member McDevitt ,seconded by member Mengel the bid was awarded.

☐ Vote Record

x	Approved		Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel	x			
	Failed	Mr. Tenney	x			
		Ms. Mengel	Seconded	x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Initiated	x		

Solicitors Report:

Ms. Merlie presented a *revised* Extension Agreement and Deed of Dedication for approval. The funding for this project was approved previously as a *Letter of Credit* and is now proposed as a *Cash Escrow*. The project is for Butler Pike Properties, L.P., for E-1076 Butler Avenue, a mixed use development, located along Route 202, in New Britain Township. Upon a motion by member McDevitt, seconded by member Mengel all those present approved the agreements.

☐ Vote Record

x	Approved		Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel	x			
	Failed	Mr. Tenney	x			
		Ms. Mengel	Seconded	x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Initiated	x		

Ms. Merlie presented a proposed Motion to authorize the Executive Director and the Solicitor to prepare and execute all documents regarding the property settlement of the Bucks County Operations Center site at 1553 Easton Road, Warrington, PA. Upon a motion by member Tenney, seconded by member McDevitt the Board approved the motion as presented.

☑ Vote Record						
x	Approved		Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel	x			
	Failed	Mr. Tenney	Initiated	x		
		Ms. Mengel		x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Seconded	x		

Ms. Merlie next presented a proposed Motion to approve the settlement agreement pertaining to litigation titled Doylestown Township Municipal Authority v. Plumstead Township and North Wales Water Authority, at Bucks County Court of Common Pleas No. 2020-00325, along with associated agreements: (1) Amending the 2019 Water Supply Agreement with Plumstead Township, and (2) A new Water Supply Agreement with Doylestown Township Municipal Authority, both being consistent with the terms of the Settlement Agreement, with all documents being subject to final review and approval of the Executive Director and Authority Solicitor, followed by the signature upon said agreements by the NWWA Board Chair and Secretary.

Upon motion by member McDevitt, seconded by member Tenney, the motion was approved.

☑ Vote Record						
x	Approved		Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x		
	Failed	Mr. Tenney	Seconded	x		
		Ms. Mengel		x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Initiated	x		

Ms. Merlie presented a motion to ratify the Extension Agreement and Deed of Dedication (DOD) for E-1079 Westrum. She noted said that this agreement was tentatively approved at the August 21, 2022, meeting, and we were then waiting on the final form of DOD, which has now been received. Upon a motion by member Mengel, seconded by member McDevitt the agreement was approved.

☑ Vote Record						
x	Approved		Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x		
	Failed	Mr. Tenney		x		
		Ms. Mengel	Initiated	x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Seconded	x		

Engineers Report:

Mr. Bodley presented Payment Application #23 form CBI Storage Tank Solutions, LLC., for work completed on Bid Contract 521-19-01A, NWWA project E-1012 Montgomery 3 Tank, in the amount of \$191,223.31. Mr. McDevitt asked for an update on painting, and Mr. Bodley noted that they have completed the interior and now in the process of preparing the exterior seams before the final three coat painting can commence. Ms. Mengel inquired about cold weather and asked if it would adversely impact the painting or cause delay. Mr. Bodley noted that there is an inspector on site to monitor temperatures and the entire process for quality control. He noted that there has been some delay due to rain and low temperatures, but that the contractor has increases staff and now has a crew of up to 18 workers to mitigate avoid further delays. Mr. Tenney asked how they apply the paint and Mr. Bodley noted that the exterior paint is applied primarily by roller.

Upon a motion by member Tenney, seconded by member McDevitt the payment was approved.

☑ Vote Record						
x	Approved		Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel	x			
	Failed	Mr. Tenney	Initiated	x		
		Ms. Mengel		x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Seconded	x		

Operations Report:

Mr. Fisher presented the Certificate of Completion and Dedication of Improvements for project E-1053 known as Warrington Walk, a six-lot residential subdivision, for approval.

Upon a motion by member McDevitt, seconded by member Mengel, the certificate was approved.

☑ Vote Record						
x	Approved		Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x		
	Failed	Mr. Tenney		x		
		Ms. Mengel	Seconded	x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Initiated	x		

Mr. Fisher presented the Reimbursement and Indemnity Agreement with Upper Dublin Twp Municipal Authority for the completion of water main work on Virginia Drive and Delaware Avenue, including about 3000 feet of AC pipe to be replaced with ductile iron pipe as part of a major roadway construction project by the Township.

Upon a motion by member Tenney, seconded by member Mengel, the agreement was approved.

☑ Vote Record						
x	Approved		Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x		
	Failed	Mr. Tenney	Initiated	x		

	Ms. Mengel	Seconded	x				
	Ms. Neiderhiser						x
	Mr. McDevitt		x				

Mr. Fisher reviewed his monthly operations report noting that while busy, nothing was out of the ordinary as to water flows and system maintenance. Mr. Fisher updated the Board on the upcoming Elm Avenue sanitary and storm sewer project, noting that the contractor is scheduled to start October 31st.

Mr. Fisher presented the following Change Orders:

Change Order 1 for Contract 530-21-13 PFOA/PFAS Water Service Project in the amount of \$24,625.00 Upon a motion by member McDevitt, seconded by member Tenney the change order was approved.

☑ Vote Record							
x	Approved			Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x			
	Failed	Mr. Tenney	Seconded	x			
		Ms. Mengel		x			
		Ms. Neiderhiser					x
		Mr. McDevitt	Initiated	x			

Change Order 3 for Contract 530-21-12B PFOA/PFAS Water Service Project in the amount of \$29,110.70 Upon a motion by member Mengel, seconded by member McDevitt the change order was approved.

☑ Vote Record							
x	Approved			Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x			
	Failed	Mr. Tenney		x			
		Ms. Mengel	Initiated	x			
		Ms. Neiderhiser					x
		Mr. McDevitt	Seconded	x			

Change Order 4 for Contract 530-21-12A PFOA/PFAS Water Service Project in the amount of \$3,459.13 Upon a motion by member Mengel, seconded by member McDevitt the change order was approved.

☑ Vote Record							
x	Approved			Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x			
	Failed	Mr. Tenney		x			
		Ms. Mengel	Initiated	x			
		Ms. Neiderhiser					x
		Mr. McDevitt	Seconded	x			

Mr. Fisher next presented Payment Application #8 in the amount of \$88,127.46 to Pact Two, LLC., for Bid Contract 520-20-11A adding PFAS Treatment at Warrington Wells 5, 8, and 11, including certain General Construction work that has been completed.

Upon a motion by member McDevitt, seconded by member Tenney, the payment was approved.

Vote Record						
			Yes/Aye	No/Nay	Abstain	Absent
x	Approved					
	Tabled					
	Failed					
		Ms. Nagel	x			
		Mr. Tenney	Seconded	x		
		Ms. Mengel		x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Initiated	x		

Mr. Fisher presented Payment Application #7 in the amount of \$133,918.65 to GS Developers, Inc., for electrical work completed under Bid Contract 520-20-11B for PFAS Treatment at Warrington Wells 5, 8, and 11.

Upon a motion by member Mengel, seconded by member McDevitt, the payment was approved.

Vote Record						
			Yes/Aye	No/Nay	Abstain	Absent
x	Approved					
	Tabled					
	Failed					
		Ms. Nagel		x		
		Mr. Tenney		x		
		Ms. Mengel	Initiated	x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Seconded	x		

Mr. Fisher presented Payment Application #4 in the amount of \$128,351.65 to Passerini & Sons , Inc., for work completed under Bid Contract 520-21-13 PFAS PFOA Water Service Project

Upon a motion by member McDevitt, seconded by member Tenney, the payment was approved.

Vote Record						
			Yes/Aye	No/Nay	Abstain	Absent
x	Approved					
	Tabled					
	Failed					
		Ms. Nagel		x		
		Mr. Tenney	Seconded	x		
		Ms. Mengel		x		
		Ms. Neiderhiser				x
		Mr. McDevitt	Initiated	x		

Bills & Requisitions Approval:

Ms. Lezoche reported that there were no payments or activities out of the ordinary on the bill listings, recommending and requesting approval to pay and process all invoices, refunds, transfers, and to requisition funds, as presented.

- a. **Ratification and processing of Bills, Refunds, Transfers and Requisitions List dated: 09/29/2022**
- b. **Ratification and processing of Bills, Refunds, Transfers and Requisitions List dated: 10/06/2022**
- c. **Ratification and processing of Bills, Refunds, Transfers and Requisitions List dated: 10/17/2022**

Payment of the bills was then approved by the Board in accordance with the following roll call vote:

Roll Vote Record							
x	Approved			Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x			
	Failed	Mr. Tenney		x			
		Ms. Mengel	Initiated	x			
		Ms. Neiderhiser					x
		Mr. McDevitt	Seconded	x			

Mrs. Lezoche noted that the 2023 budget is now being finalized and should be ready within the next week for review prior to formal adoption at an upcoming business meeting.

Executive Directors Report:

Mr. Bender updated the Board on future grant applications and the projects that will be included, requesting approval to proceed with the preparations for grant application, noting that the Board Resolutions will be presented at the next business meeting, prior to final submission.

Upon a motion by member Tenney, seconded by member Mengel, all those present voted to proceed.

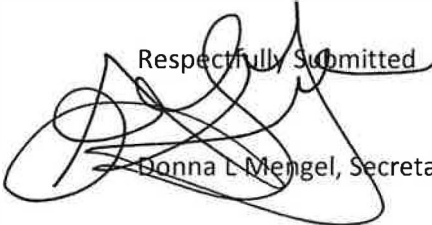
Vote Record							
x	Approved			Yes/Aye	No/Nay	Abstain	Absent
	Tabled	Ms. Nagel		x			
	Failed	Mr. Tenney	Initiated	x			
		Ms. Mengel	Seconded	x			
		Ms. Neiderhiser					x
		Mr. McDevitt		x			

Mr. Bender next asked for a short Executive Session to update the Board on potential litigation and action involving several water accounts in significant arrears. He said that no Board action would be requested.

Adjournment:

There being no further business to be brought before the Board; upon motion by member McDevitt, seconded by member Mengel, the business meeting was adjourned, and the Board entered Executive Session at 5:45 p.m.

All members present voted in favor.

Respectfully Submitted

 Donna L. Mengel, Secretary