

NORRISTOWN MUNICIPAL WASTE AUTHORITY
MINUTES OF THE MEETING
JANUARY 8, 2020

CALL TO ORDER:

The January meeting of the Board of the Norristown Municipal Waste Authority (“NMWA”) was called to order by Chairman Gregory Nester at 6:15 PM in the Norristown Municipal Waste Authority Office.

ROLL CALL:

Board members present:

Gregory Nester
Jack Ochnich
Fernando Feliciano
Cathy Lawrence
Cyril Burke

Also in attendance:

Ed Rudolph, Rudolph Clarke, LLC
Robert Praga, Remington & Vernick (RVB)
John Larson, NMWA
Barry Thompson, Keystone Alliance Consulting

ELECTION OF OFFICERS:

On a motion by Mr. Burke, seconded by Ms. Lawrence, the NMWA Board unanimously approved the following motion:

“Moved that effective this date the Board of the Norristown Municipal Waste Authority (“Authority”) does hereby elect the following members to the office indicated in accordance with the Municipality Authorities Act, the By-Laws of the Authority and all applicable laws of the Commonwealth of Pennsylvania.

<u>MEMBER</u>	<u>TITLE</u>
Gregory Nester	Chairperson
Cyril Burke, Jr.	Vice-Chairperson
Fernando Feliciano, Jr.	Treasurer
Jack Ochnich	Secretary
Cathy Lawrence	Assistant Treasurer/Secretary

It is further moved that the term of each member to the respective office hereinabove designated shall terminate upon the commencement of the first meeting of the Authority Board in the year 2021.”

PUBLIC COMMENT:

None.

APPROVAL OF MINUTES:

On a motion by Mr. Burke, seconded by Mr. Ochnich, the NMWA Board approved the Minutes of the December 11, 2019 Authority Meeting. Ms. Lawrence and Mr. Feliciano abstained because they did not attend the meeting.

STAFF REPORTS:

Mr. Praga reported that construction on the Markley Street Section 510 project is scheduled to start in January with sewer reconstruction beginning in May or June.

Mr. Praga noted that a pre-application meeting is set for January 15, 2020 for the proposed 187-unit apartment development next to the wastewater treatment plant.

Mr. Thompson, reporting on behalf of HRG, noted that Job Conference No. 2 was held for Contract Nos. MG-1 & MG-2 for the construction of the Maintenance Garage and that HRG approved Payment No. 1 for Contract MG-2 in the total amount of \$10,710.00.

Mr. Larson stated that the collection system personnel cleaned 41,435 feet of pipe, responded to 134 PA 1 calls and 9 sewer blockage calls, three of which were actual NMWA blockages, installed 4 manhole inserts, and posted 99 water shutoff notices while the wastewater treatment plant treated an average daily flow of 5,030,000 gallons with a total rainfall of 5.31 inches and no permit violations.

Mr. Thompson indicated that the accounts receivable ended the year at \$556,715 and the financial operations showed a surplus for the year of \$968,221. He noted that the operating disbursements for the month of January totaled \$193,843.44, which was slightly over budget for the first month of the year primarily because of the upfront payment of the liability insurance premium while the capital expenditures amounted to \$89,827.74 and covered payments to HRG for engineering and Seiler Drury for architectural work, both associated with the sewer plant upgrade, and the electrical contractor in connection with construction of the Maintenance Garage. Finally, Mr. Thompson recommended that \$900,000 be transferred from the Operating Reserve Fund to the Capital Fund to help pay for some of the proposed capital improvements to the wastewater treatment plant.

OLD BUSINESS:

None.

NEW BUSINESS:

On a motion by Mr. Feliciano, seconded by Mr. Burke, the NMWA unanimously approved the appointment of the engineering firm of Remington, Vernick and Beach as Consulting Engineer.

On a motion by Ms. Lawrence, seconded by Mr. Burke, the NMWA unanimously approved the appointment of the law firm of Rudolph Clarke, LLC as Solicitor.

On a motion by Ms. Lawrence, seconded by Mr. Feliciano, the NMWA unanimously approved the appointment of the consulting firm of Keystone Alliance Consulting as Management Consultant.

MONTHLY DISBURSEMENTS TO VENDORS AND FOR PROFESSIONAL SERVICES:

Total Operation Disbursements for January	\$193,843.44
Capital Expenditures	\$89,827.74
Developer Escrow	\$270.00
TOTALS FOR JANUARY	\$283,941.18

On a motion by Mr. Feliciano, seconded by Mr. Ochnich, the NMWA unanimously approved the monthly disbursements for January 2020 in the total amount of \$283,941.18.

OTHER COMMENTS:

The next NMWA Board meeting is scheduled for February 12, 2020.

ADJOURNMENT:

On a motion by Ms. Lawrence, seconded by Mr. Ochnich, the NMWA Board Meeting was adjourned.

SUBMITTED BY: BARRY THOMPSON

NORRISTOWN MUNICIPAL WASTE AUTHORITY
MINUTES OF THE MEETING
FEBRUARY 12, 2020

CALL TO ORDER:

The February meeting of the Board of the Norristown Municipal Waste Authority ("NMWA") was called to order by Chairman Gregory Nester at 6:45 PM in the Norristown Municipal Waste Authority Office.

ROLL CALL:

Board members present:

Gregory Nester
Fernando Feliciano
Cathy Lawrence
Cyril Burke

Also in attendance:

Aaron Kostyk, Rudolph Clarke, LLC
Robert Praga, Remington & Vernick (RVB)
John Larson, NMWA
Barry Thompson, Keystone Alliance Consulting

PUBLIC COMMENT:

None.

APPROVAL OF MINUTES:

On a motion by Mr. Burke, seconded by Mr. Feliciano, the NMWA Board approved the Minutes of the January 8, 2020 Authority Meeting.

STAFF REPORTS:

Mr. Praga reported that site plans for Phase 2 of Montgomery Park, consisting of a 42-unit senior living facility, as well as for the Montgomery County Justice Center, were approved by RVB pending the sewerage facilities planning response from PaDEP.

Mr. Praga noted that there are no change or updates for the proposed projects involving 1529 Dekalb Street, 221 West Main Street, and the Norristown Centre.

Mr. Praga stated that sewer bypass in connection with the bridge replacement for the Markley Street Section 510 project should begin shortly with sewer reconstruction starting in May. He added that Section 530 may now be incorporated into Section 510 rather than being bid as a separate project.

Mr. Praga indicated that there has been no response to the Professional Services Agreement submitted to the developer for the proposed project at 200 East Logan Street.

Mr. Fox noted that a Job Conference was held for Contract Nos. MG-1 since the general contractor is behind schedule for the construction of the Maintenance Garage and that HRG approved Payment No. 2 for Contract MG-2 in the total amount of \$3,060.00.

Mr. Fox, in conjunction with Mr. Larson and Mr. Thompson, made a presentation to the NMWA Board, which discussed the transition from the GESA (Guaranteed Energy Savings Act) approach to the current project, explained the components of the proposed sewer plant upgrade, and set forth the schedule for the project. Mr. Fox stated that the project will be advertised for public bids on February 13th with the intent of awarding the construction contracts at the April 8th Authority meeting. He indicated that the project should be substantially complete by May 2021. Mr. Larson added that the Authority will pre-purchase the belt filter press through the state's COSTARS program to ensure that the desired equipment is utilized at the most cost-effective price. Finally, Mr. Thompson pointed out that discussions regarding financing the project have been initiated with the Fulton Bank with a settlement date tentatively set for the latter part of April.

Mr. Larson reported that the collection system personnel cleaned 39,250 feet of pipe, responded to 210 PA 1 calls and 12 sewer blockage calls, four of which were actual NMWA blockages, installed 1 manhole insert, and posted 242 water shutoff notices while the wastewater treatment plant treated an average daily flow of 5,520,000 gallons with a total rainfall of 3.30 inches and no permit violations.

Mr. Thompson reported that the accounts receivable increased for the month of January due to a reduction in collections and that the financial operations showed a surplus of \$66,616 for January primarily as a result of the receipt of the quarterly reimbursement from West Norriton Township. He noted that the operating disbursements for the month of February, which totaled \$165,303.54, continued to be slightly over budget because of the upfront payment of the insurance premium and an increase in the sludge disposal costs while the capital expenditures amounted to \$21,581.75 and covered payments to HRG for engineering and Seiler Drury for architectural work, both associated with the sewer plant upgrade, and the electrical contractor in connection with construction of the Maintenance Garage. Finally, Mr. Thompson stated that the transfer of \$900,000 from the Operating Reserve Fund to the Capital Fund, as discussed at the January meeting, was processed.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

MONTHLY DISBURSEMENTS TO VENDORS AND FOR PROFESSIONAL SERVICES:

Total Operation Disbursements for February	\$165,303.54
Capital Expenditures	\$21,581.75
Developer Escrow	\$540.00
TOTALS FOR FEBRUARY	\$187,425.29

On a motion by Mr. Feliciano, seconded by Ms. Lawrence, the NMWA unanimously approved the monthly disbursements for February 2020 in the total amount of \$187,425.29.

OTHER COMMENTS:

The next NMWA Board meeting is scheduled for March 11, 2020.

ADJOURNMENT:

On a motion by Ms. Lawrence, seconded by Mr. Feliciano, the NMWA Board Meeting was adjourned.

SUBMITTED BY: BARRY THOMPSON

NORRISTOWN MUNICIPAL WASTE AUTHORITY
MINUTES OF THE MEETING
APRIL 15, 2020

CALL TO ORDER:

The April meeting of the Board of the Norristown Municipal Waste Authority ("NMWA") was called to order by Chairman Gregory Nester at 6:45 PM. The meeting was conducted by video conference in compliance with the stay-at-home orders of Governor Wolf. Jack Ochnich and Cathy Lawrence participated in the meeting via teleconference.

ROLL CALL:

Board members present:

Gregory Nester
Fernando Feliciano
Cathy Lawrence
Cyril Burke
Jack Ochnich

Also in attendance:

Ed Rudolph, Rudolph Clarke, LLC
Josh Fox, HRG
John Larson, NMWA
Barry Thompson, Keystone Alliance Consulting

PUBLIC COMMENT:

Mr. Thompson explained that a note was placed on the Authority website indicating that the meeting would be held via video conferencing and that customers could submit questions or comments in advance either by email or regular mail. No questions or comments were received.

APPROVAL OF MINUTES:

Mr. Thompson reminded the NMWA Board that there was no March meeting and therefore the Minutes of the February Meeting were not addressed.

On a motion by Mr. Burke, seconded by Ms. Lawrence, the NMWA Board approved the Minutes of the February 12, 2020 Authority Meeting. Mr. Ochnich abstained since he did not attend the February meeting.

STAFF REPORTS:

Mr. Thompson commented that staff reports were distributed to the Board along with other meeting documents. He asked if anyone had a question regarding the staff reports. There were none.

MONTHLY DISBURSEMENTS TO VENDORS AND FOR PROFESSIONAL SERVICES:

- Total Operation Disbursements for March	\$166,505.05
- Capital Expenditures	\$190,072.42
- TOTALS FOR MARCH	\$356,577.47

On a motion by Mr. Feliciano, seconded by Mr. Ochnich, the NMWA unanimously approved the monthly disbursements for March 2020 in the total amount of \$356,577.47.

MONTHLY DISBURSEMENTS TO VENDORS AND FOR PROFESSIONAL SERVICES:

- Total Operation Disbursements for April	\$143,152.97
- Capital Expenditures	\$217,312.19
- TOTALS FOR APRIL	\$360,465.16

On a motion by Mr. Burke, seconded by Mr. Feliciano, the NMWA unanimously approved the monthly disbursements for April 2020 in the total amount of \$360,465.16.

OLD BUSINESS:

None.

NEW BUSINESS:

Mr. Thompson noted that a Resolution prepared by Mr. Rudolph had been provided previously to the NMWA Board to address changes implemented to the billing and collection process to provide relief to its customers as a result of the Coronavirus. Mr. Rudolph added that the Resolution would amend the Rules and Regulations of the NMWA to allow for this change, which will be terminated at a later date by another Resolution.

On a motion by Mr. Burke, seconded by Mr. Feliciano, the NMWA unanimously approved Resolution No. 2020-04-01 revising the Rules, Rates and Regulations of the Norristown Municipal Waste Authority related to the temporary refrain of the imposition of interest and charges and the suspension of collection procedures.

Mr. Thompson stated that the bid tabulations for each of contracts associated with the sewer plant upgrade were transmitted to the NMWA Board previously along with the recommendation of the engineer. Mr. Fox indicated that HRG reviewed the bids and found those of the low bidder for each contract to be acceptable. He also noted that the total bids were very close to the total estimated construction cost prepared by HRG. Mr. Rudolph added that he also reviewed the bidding documents for each lower bidder and that they were satisfactory.

On a motion by Mr. Burke, seconded by Mr. Feliciano, the NMWA unanimously accepted Eastern Environmental Contractors, Inc. as the lowest responsible and responsive bidder to Contract WWTP-1: General Construction in the total bid sum of \$7,878,780.00. Furthermore, the Executive Director is authorized and directed to execute all documents and take all necessary actions to effectuate the terms of the bid documents required therein of the Authority.

On a motion by Ms. Lawrence, seconded by Mr. Ochnich, the NMWA unanimously accepted BSI as the lowest responsible and responsive bidder to Contract WWTP-2: Electrical Construction in the total bid sum of \$1,924,455.00. Furthermore, the Executive Director is authorized and directed to execute all documents and take all necessary actions to effectuate the terms of the bid documents required therein of the Authority.

On a motion by Ms. Lawrence, seconded by Mr. Ochnich, the NMWA unanimously accepted Rogers Mechanical Company as the lowest responsible and responsive bidder to Contract WWTP-3: HVAC Construction in the total bid sum of \$401,717.00. Furthermore, the Executive Director is authorized and directed to execute all documents and take all necessary actions to effectuate the terms of the bid documents required therein of the Authority.

Mr. Thompson reported that the accounts receivable increased approximately \$34,000 for the month of March due to a reduction in collections primarily associated with the relaxation of our collection procedures due to the pandemic. He also stated that the financial operations showed a deficit of \$33,609 for March.

Mr. Thompson reminded the NMWA Board that he sent an email with a discussion of the terms and conditions of the borrowing with Fulton Bank and the request that we close on the borrowing no later than May 15, 2020. He indicated that Bond Counsel has been hired to prepare the necessary documents for the borrowing and that a video conference will be held with Bond Counsel and then distributed to the NMWA Board so that each member could get a better understanding of the timeline of events associated with the borrowing.

OTHER COMMENTS:

The next NMWA Board meeting is scheduled for May 13, 2020.

ADJOURNMENT:

On a motion by Mr. Ochnich, the NMWA Board Meeting was adjourned.

SUBMITTED BY: BARRY THOMPSON

NORRISTOWN MUNICIPAL WASTE AUTHORITY
MINUTES OF THE MEETING
MAY 15, 2020

CALL TO ORDER:

The May meeting of the Board of the Norristown Municipal Waste Authority ("NMWA") was called to order by Chairman Gregory Nester at 6:45 PM. The meeting was conducted by video conference in compliance with the stay-at-home orders of Governor Wolf. Jack Ochnich participated in the meeting via teleconference.

ROLL CALL:

Board members present:

Gregory Nester
Fernando Feliciano
Cathy Lawrence
Cyril Burke
Jack Ochnich

Also in attendance:

Ed Rudolph, Rudolph Clarke, LLC
Stephanie Sprenkle, McNeese Wallace & Nurick LLC
John Larson, NMWA
Barry Thompson, Keystone Alliance Consulting

PUBLIC COMMENT:

Mr. Thompson explained that a note was placed on the Authority website indicating that the meeting would be held via video conferencing and that customers could submit questions or comments in advance either by email or regular mail. No questions or comments were received.

APPROVAL OF MINUTES:

On a motion by Mr. Ochnich, seconded by Mr. Feliciano, the NMWA unanimously approved the Minutes of the April 15, 2020 Authority Meeting.

STAFF REPORTS:

Mr. Thompson commented that staff reports were distributed to the Board along with other meeting documents. He asked if anyone had a question regarding the staff reports. There were none. Mr. Larson provided a short update on the status of the maintenance garage.

MONTHLY DISBURSEMENTS TO VENDORS AND FOR PROFESSIONAL SERVICES:

- Total Operation Disbursements for May	\$151,613.97
- Capital Expenditures	\$197,038.66
- TOTALS FOR MAY	\$348,652.63

On a motion by Mr. Feliciano, seconded by Mr. Burke, the NMWA unanimously approved the monthly disbursements for May 2020 in the total amount of \$348,652.63.

OLD BUSINESS:

None.

NEW BUSINESS:

Mr. Thompson reminded the NMWA Board that he sent the Professional Services Agreement for the proposed 30-townhome development at 200 East Logan Street for review and that it is the standard Agreement prepared by Mr. Rudolph for all developments.

On a motion by Mr. Feliciano, seconded by Mr. Ochnich, the NMWA unanimously approved the Professional Services Agreement, dated May 13, 2020, between the Norristown Municipal Waste Authority and Joseph Venezia in connection with the proposed development at 200 East Logan Street.

Mr. Thompson introduced Ms. Sprenkle and noted that she was appointed as Bond Counsel for the upcoming borrowing of \$10,000,000 from the Fulton Bank to finance the sewer plant upgrade. Ms. Sprenkle explained the documents prepared for the borrowing, including Resolution No. 2020-05-01, which was previously transmitted to the NMWA Board. Mr. Thompson added that the terms and conditions of the borrowing were discussed at the April Authority meeting and subsequently in an email sent to the NMWA Board.

On a motion by Mr. Burke, seconded by Mr. Feliciano, the NMWA unanimously approved Resolution No. 2020-05-01 authorizing the issuance of the Authority's Sewer Revenue Note, Series of 2020, in the principal amount of \$10,000,000 and approving certain documents in connection with the issuance of such Note.

Mr. Thompson reported that the accounts receivable increased approximately \$32,000 for the month of April due to a reduction in collections primarily associated with the relaxation of our collection procedures due to the pandemic. He also stated that the financial operations showed a surplus of revenues over expenses of \$139,519 for April as a result of the quarterly reimbursement from West Norriton Township.

OTHER COMMENTS:

The next NMWA Board meeting is scheduled for June 10, 2020.

ADJOURNMENT:

On a motion by Ms. Lawrence, the NMWA Board Meeting was adjourned.

SUBMITTED BY: BARRY THOMPSON

NORRISTOWN MUNICIPAL WASTE AUTHORITY
MINUTES OF THE MEETING
JULY 8, 2020

CALL TO ORDER:

The July meeting of the Board of the Norristown Municipal Waste Authority ("NMWA") was called to order by Chairman Gregory Nester at 6:45 PM. The meeting was conducted by video conference.

ROLL CALL:

Board members present:

Gregory Nester
Fernando Feliciano
Cyril Burke
Jack Ochnich

Also in attendance:

Ed Rudolph, Rudolph Clarke, LLC
Josh Fox, HRG
John Larson, NMWA
Barry Thompson, Keystone Alliance Consulting

PUBLIC COMMENT:

Mr. Thompson explained that a note was placed on the Authority website indicating that the meeting would be held via video conferencing and that customers could submit questions or comments in advance either by email or regular mail. No questions or comments were received. No customer came to the Authority office on the night of the meeting.

APPROVAL OF MINUTES:

Mr. Rudolph noted that the NMWA Board did not meet in June.

On a motion by Mr. Burke, seconded by Mr. Feliciano, the NMWA unanimously approved the Minutes of the May 13, 2020 Authority Meeting.

EXECUTIVE SESSION:

At 6:49 pm the NMWA Board convened an Executive Session to discuss a matter involving the sale of real estate. The NMWA Board adjourned from the Executive Session and returned to the regular meeting at 7:27 pm.

STAFF REPORTS:

Mr. Nester commented that staff reports were distributed to the Board along with other meeting documents. He asked if anyone had a question regarding the staff reports. There were none.

Mr. Fox provided an update on the progress of the construction of the new maintenance garage as well as the work completed to date on the sewer plant upgrade, including the demolition of the old maintenance garage, the overpass, and the floor of the biosolids building as well as the excavation and replacement with fill of the area for the new blower building. Mr. Larson followed the presentation with pictures of the work described by Mr. Fox.

Mr. Thompson reported that the accounts receivable increased approximately \$13,000 for the month of June as revenues increased slightly despite relaxation of our collection procedures due to the pandemic. He also stated that the financial operations showed a surplus of revenues over expenses of \$5,125 for June. Mr. Thompson noted that the disbursements for July (without payroll) remained under budget for all categories. Finally, he stated that the capital expenditures for the month included payments to various contractors, as recommended by HRG, as well as a payment to the Municipality for permit fees for the sewer plant upgrade.

MONTHLY DISBURSEMENTS TO VENDORS AND FOR PROFESSIONAL SERVICES:

- Total Operation Disbursements for June	\$132,026.74
- Capital Expenditures	\$417,183.26
- Developer	\$1,995.50
- TOTALS FOR JUNE	\$551,205.50

On a motion by Mr. Feliciano, seconded by Mr. Burke, the NMWA unanimously approved the monthly disbursements for June 2020 in the total amount of \$551,205.50.

- Total Operation Disbursements for July	\$139,604.74
- Capital Expenditures	\$434,272.24
- TOTALS FOR JULY	\$573,876.98

On a motion by Mr. Feliciano, seconded by Mr. Burke, the NMWA unanimously approved the monthly disbursements for July 2020 in the total amount of \$573,876.98.

OLD BUSINESS:

None.

NEW BUSINESS:

Mr. Nester stated the NMWA had received an email from Mr. Crandall Jones requesting a meeting to update the Board on the process involved with the PUC reviewing the bid of Aqua to purchase the Norristown sewer system and to seek the execution of the Asset Purchase Agreement by the NMWA. Mr. Nester indicated that the NMWA Board is instructing the Executive Director to invite Mr. Jones, his team and members of Council to the August Authority meeting.

OTHER COMMENTS:

The next NMWA Board meeting is scheduled for August 12, 2020.

ADJOURNMENT:

On a motion by Mr. Feliciano, the NMWA Board Meeting was adjourned.

SUBMITTED BY: BARRY THOMPSON

NORRISTOWN MUNICIPAL WASTE AUTHORITY
MINUTES OF THE MEETING
AUGUST 12, 2020

CALL TO ORDER:

The August meeting of the Board of the Norristown Municipal Waste Authority ("NMWA") was called to order by Chairman Gregory Nester at 6:45 PM. The meeting was conducted by video conference.

ROLL CALL:

Board members present:

Gregory Nester
Fernando Feliciano
Cyril Burke
Jack Ochnich
Cathy Lawrence – participated via teleconference

Also in attendance:

Ed Rudolph, Rudolph Clarke, LLC
John Larson, NMWA
Barry Thompson, Keystone Alliance Consulting

DISCUSSION OF MUNICIPAL REPRESENTATIVES:

Council President, Derrick Perry, stated that the Municipal Council had discussed the sale of the sewer system for several years and concluded that it was in the best interests of the residents of the Municipality. He indicated that Council had no intention of changing its decision and then yielded his time to Aqua.

A representative of Aqua, Krista Weeks, spoke about the expertise and accomplishments of the firm and noted that the sewer rates ultimately charged by Aqua to the residents of the Municipality had to be reviewed and approved by the Pennsylvania Public Utility Commission and that all of the employees of the Authority would be hired by Aqua.

NEW BUSINESS:

Mr. Nester read Resolution No. 2020-08-01 approving the Sale of the Authority's assets and directing its appropriate officers to execute the Asset Purchase Agreement in completed form upon presentation of such Agreement executed by the other parties therein. The reading was followed by a motion by Mr. Burke, seconded by Mr. Feliciano. No vote was taken on the motion to allow for public comment.

PUBLIC COMMENT:

A representative of NOPE (Norristown Opposed to Privatization Efforts), David McMahon, was at the Authority office and spoke via video conference. He read a Resolution (attached) requesting the NMWA to create a committee to determine the level of ratepayer support for the sale of the Authority's assets to Aqua and to act in accordance with the response of the ratepayers.

Mr. McMahon was followed by seven (7) speakers, who were at the Authority office and spoke via video conference. Each of the speakers expressed dissatisfaction with the proposed sale of the Authority's assets and urged the Authority to disapprove or table the Resolution that was read.

Note: The video of the Authority meeting, including the comments of the Municipality, Aqua and the public, was appended to the Authority's website.

NEW BUSINESS (continued):

Mr. Nester proposed tabling Resolution No. 2020-08-01 until the next Authority meeting to give the NMWA Board time to consider the comments of the Municipality, Aqua and the public. On a motion by Mr. Burke, seconded by Mr. Feliciano, the NMWA approved tabling Resolution No. 2020-08-01 until the next Authority meeting by a 4-1 vote.

Cathy Lawrence left the meeting at this point.

PUBLIC COMMENT:

Mr. Nester asked if there were any public comments regarding Authority matters other than the sale of its assets. There were none.

APPROVAL OF MINUTES:

On a motion by Mr. Burke, seconded by Mr. Ochnich, the NMWA unanimously approved the Minutes of the July 8, 2020 Authority Meeting.

STAFF REPORTS:

Mr. Nester commented that staff reports were distributed to the Board along with other meeting documents. He asked if anyone had a question regarding the staff reports. Mr. Feliciano inquired about the progress of the construction of the sewer plant upgrade. Mr. Larson indicated that the overall construction was approximately 25 percent complete, that the new blower building was being erected and that the renovations to the belt filter press building were almost finished. He added that the new maintenance building is nearing completion.

MONTHLY DISBURSEMENTS TO VENDORS AND FOR PROFESSIONAL SERVICES:

- Total Operation Disbursements for August	\$144,476.24
- Capital Expenditures	\$369,099.91
- TOTALS FOR AUGUST	\$513,576.15

On a motion by Mr. Burke, seconded by Mr. Feliciano, the NMWA unanimously approved the monthly disbursements for August 2020 in the total amount of \$513,576.15.

OLD BUSINESS:

None.

OTHER COMMENTS:

The next NMWA Board meeting is scheduled for September 9, 2020.

ADJOURNMENT:

On a motion by Mr. Burke, the NMWA Board Meeting was adjourned.

SUBMITTED BY: BARRY THOMPSON

NORRISTOWN MUNICIPAL WASTE AUTHORITY
MINUTES OF THE MEETING
SEPTEMBER 9, 2020

CALL TO ORDER:

The September meeting of the Board of the Norristown Municipal Waste Authority ("NMWA") was called to order by Chairman Gregory Nester at 6:45 PM. The meeting was conducted by video conference.

ROLL CALL:

Board members present:

Gregory Nester
Fernando Feliciano
Cyril Burke
Jack Ochnich
Cathy Lawrence

Also in attendance:

Ed Rudolph, Rudolph Clarke, LLC
John Larson, NMWA
Barry Thompson, Keystone Alliance Consulting

EXECUTIVE SESSION:

Mr. Nester stated that the NMWA Board convened an Executive Session prior to the meeting to discuss a matter involving litigation.

PUBLIC COMMENT:

Mr. Thompson noted that the published agenda was modified and that public comment would be held after the completion of Old Business

APPROVAL OF MINUTES:

On a motion by Mr. Burke, seconded by Mr. Ochnich, the NMWA unanimously approved the Minutes of the August 12, 2020 Authority Meeting.

STAFF REPORTS:

Mr. Nester commented that staff reports were distributed to the Board along with other meeting documents. He asked if anyone had a question regarding the staff reports. There were none.

Mr. Thompson informed the Board that the Maintenance Garage was essentially complete with only a few punch list items remaining to be addressed. Mr. Thompson added that Mr. Larson attended a meeting of the Board of Commissioners of West Norriton Township to explain the sewer plant upgrade.

OLD BUSINESS:

Mr. Nester read a Statement on behalf of the NMWA Board expressing concern with the decision of the Municipal Council to dissolve the Norristown Municipal Waste Authority and sell the sewer system to a private utility, resulting in a dramatic increase in the sewer rates. The Statement is appended to the Minutes.

Mr. Nester asked that Resolution No. 2020-08-01 approving the Sale of the Authority's assets and directing its appropriate officers to execute the Asset Purchase Agreement in completed form upon presentation of such Agreement executed by the other parties therein be read for the record. At the August meeting there was a motion and a second by the Board regarding this Resolution but no vote was taken to allow for public comment.

Mr. Nester requested a vote on the Resolution and it was unanimously disapproved.

Mr. Nester introduced David Busch, Keystone Alliance Consulting. Through a series of questions and answers, Mr. Busch documented his credentials as a municipal financial consultant, explained how the PA Public Utility Commission reviews a rate case prepared by a private utility noting, among other things, that a private utility is permitted to include a rate of return or profit in the formula to support the rate increase, and displayed a chart showing the Authority's sewer rate as compared to the rates associated with the various zones utilized by Aqua for its sewer customers in Pennsylvania.

Note: A video of the Authority meeting, including the complete presentation by Mr. Busch, is posted on the Authority's website.

PUBLIC COMMENT:

Three members of the public made statements in support of the Authority for rejecting the sale of the sewer system.

NEW BUSINESS:

On a motion by Mr. Feliciano, seconded by Ms. Lawrence, the NMWA unanimously approved the initiation of all necessary litigation to prevent the sale and transfer of the Norristown Municipal Waste Authority's franchise rights and its assets without prior consent of the Authority Board and providing all funds necessary to assist in the process of preventing such sale and transfer.

MONTHLY DISBURSEMENTS TO VENDORS AND FOR PROFESSIONAL SERVICES:

- Total Operation Disbursements for September	\$179,590.41
- Capital Expenditures	\$691,744.55
- TOTALS FOR SEPTEMBER	\$871,334.96

On a motion by Mr. Burke, seconded by Mr. Feliciano, the NMWA unanimously approved the monthly disbursements for September 2020 in the total amount of \$871,334.96.

OTHER COMMENTS:

The next NMWA Board meeting will be October 5, 2020 to accommodate certain schedules. The change in the regular meeting date will be advertised in the local newspaper.

ADJOURNMENT:

On a motion by Ms. Lawrence, the NMWA Board Meeting was adjourned.

SUBMITTED BY: BARRY THOMPSON

We are gravely concerned with Norristown Council's effort to dissolve the Norristown Municipal Waste Authority to advance their agenda of selling the sewer plant.

Such a large decision should be made in the light, not in the shadows of a pandemic; it should be made after a conversation with all residents of Norristown. Council's process has not been open, transparent, and fair. Despite claims to have been studying the idea of selling the sewer plant for years, Council is pushing this sale in only a matter of weeks and during a pandemic when we, as a community, cannot come together to have a conversation about whether this is truly in the best interests of the people of Norristown.

Throughout this process, Council has only invited members of the sewer plant's board to two meetings; they were very brief, off-the-record, and not even full Council meetings. Only once did a Council member attend a meeting of the sewer plant's board and that was only in August 2020. At that meeting, the Council member said that the sale was happening, that Council would not speak further about and, instead, asked Aqua representatives to speak for them. This is not open, it is not fair, and it is not being done with the knowledge or participation of the residents of Norristown.

The sale is bad for Norristown. Sewer rates will dramatically increase with our seniors and our poorest neighbors bearing the greatest burden. Presently, those rates are among the lowest in Montgomery County. And, once the sewer plant is sold, it is sold forever – there is no getting it back. Right now, if a resident has a problem or concern about the sewer system, she can go to the sewer office and speak with people who can directly address the concern. Once the plant is sold to Aqua, Norristown will have no control over those issues; instead, local problems will be in the hands of a massive corporation.

But, perhaps the most important reason to not sell the sewer system is this: the current sewer board is accountable to the people of Norristown. Aqua is accountable to corporate shareholders.