

SECRETARY OF TOWNSHIP  
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**NOCKAMIXON  
TOWNSHIP**

# Fax

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**To:** J.B. Yeager, Esq – Curtin & Heefner    **From:** Arlene E. Eichlin, Secretary

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**Fax:** 1-215-340-3929    **Pages:** Cover Plus 9

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**Phone:** 1-267-898-0570    **Date:** 1/14/2009

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**Re:** BNT GWC    **CC:**

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**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

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**\*Please call if communication is not transmitted properly.**

Per our conversation of earlier today, attached please Ordinance #100 referencing the BNTGWC.

I also found an unsigned copy of the bylaws in the folder with the ordinance.

I did locate a box from Clemons with Ordinances, but this one was not among them.

*If you received this facsimile in error please contact sender at*

TEL: 610-847-5058

FAX: 610-847-5812

9/19/00 11:00 AM/Nockamixon/Groundwater.dir/Ordinance

**ORDINANCE NO. 100**

**AN ORDINANCE OF THE TOWNSHIPS OF NOCKAMIXON  
AND TINICUM ESTABLISHING A  
JOINT GROUNDWATER MANAGEMENT COMMITTEE**

**BACKGROUND**

- A. The Boards of Supervisors of Nockamixon and Tincum Townships, (the "Member Municipalities") recognize the importance of providing a reliable, safe and adequate water supply to support intended uses within the capacity of available ground water resources.
- B. As groundwater resources are not confined to municipal boundaries, the Member Municipalities recognize the importance of and need for cooperative municipal water resources planning and management.
- C. Sections 1506 and 1507 of the Second Class Township Code authorize Townships to take actions by ordinance or resolution to assure the proper management, health and welfare of the Township.
- D. Section 1507 of the Second Class Township Code authorizes Townships to exercise certain governmental powers through the establishment of committees.
- E. The boards of supervisors of the Member Municipalities desire to establish an advisory committee ("Groundwater Management Committee") to be known as the Nockamixon and Tincum Groundwater Management Committee to

investigate groundwater resources within the Member Municipalities and to make recommendations concerning the proper utilization of those resources.

**NOW THEREFORE**, be it **RESOLVED** and **ENACTED** by the Boards of Supervisors of Nockamixon and Tincum Townships as follows:

1. Upon the approval of the Boards of Supervisors of the Member Municipalities, the Nockamixon and Tincum Groundwater Management Committee shall be established.
2. The organization, authority and administration of the Groundwater Management Committee is provided in the Bylaws of the Nockamixon, Tincum Groundwater Management Committee attached hereto, marked Exhibit "A" and incorporated herein.
3. Each of the Member Municipalities may appoint up to a maximum of three representatives to the Groundwater Management Committee, one of whom shall be designated the "voting member" and each of which shall be a resident of the member municipality which made the appointment.
4. Each municipality shall have one vote on any action by the Groundwater Management Committee which vote shall be taken by the Member Municipalities' voting member or such other person designated by the Board of Supervisors of the Member Municipality to vote in his or her place.
5. The Groundwater Management Committee shall be deemed a committee of each member municipality and shall enjoy all of the protections, privileges and rights of a committee duly established by each of the Member Municipalities.
6. Any municipality in Upper Bucks County which depends on private on-lot well groundwater supply and on-lot sewage disposal may become a member of

the Committee upon approval by the Board of Supervisors of the municipality, by Resolution, to approve joining the Committee and agreeing to its Bylaws. Each member municipality may appoint a maximum of three representatives in accordance with the Bylaws of the Committee.

7. The Committee shall not have the authority to incur debt on behalf of the participating municipalities. Any funds spent shall be from grants and contributions from the Commonwealth of Pennsylvania, other agencies having an interest in groundwater study and any voluntary contribution made by a participating municipality. No participating municipality shall be responsible for any indebtedness of the Committee.

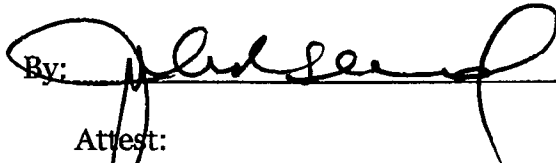
8. The Groundwater Management Committee shall not take any action to present views, applications, agreements, positions or report to any entity or person other than to the Board of Supervisors (or subordinate bodies) of a member municipality. All such documents shall be authorized in writing by the Boards of Supervisors of member municipalities prior to publication.

9. This Ordinance shall take effect as a Nockamixon Township Ordinance immediately upon adoption. It shall become an Ordinance of Tincum Township at such time as it is approved by Tincum Township. It shall become an Ordinance of Bridgeton Township or of such other township desiring to participate in the Groundwater Management Committee at such time as the Board of Supervisors of Bridgeton Township or such other township adopt an ordinance containing substantially the same provisions as set forth in this Ordinance.


10. This Ordinance may be executed in any number of counterparts.

**ORDAINED** and **ENACTED** by the Boards of Supervisors of Nockamixon and Tincum Townships on the date appearing hereafter.

**BOARD OF SUPERVISORS OF  
NOCKAMIXON TOWNSHIP**

By:  September 12, 2000

Attest:

 September 12, 2000  
Elaine Gawronski, Secretary

**BOARD OF SUPERVISORS OF  
TINICUM TOWNSHIP**

By: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Linda Wieand

**BYLAWS OF  
BRIDGETON, NOCKAMIXON, TINICUM  
GROUNDWATER MANAGEMENT COMMITTEE**

Adopted: 2000

**ARTICLE I. NAME, ADDRESS**

Section 1. Name of Committee. The name of this committee shall be the Bridgeton, Nockamixon, Tinicum Groundwater Management Committee, herein after sometimes known as, or referred to as the "groundwater committee".

Section 2. Address. There shall not be the requirement that the groundwater committee have a fixed location and address. A municipality shall be designated as the official mailing address, until such time as another location and address is designated by a majority vote of the groundwater committee at its annual reorganization meeting.

**ARTICLE II. NATURE OF GROUNDWATER COMMITTEE**

Section 1. Purposes. Municipalities must be able to provide a reliable, safe, and adequate water supply to support intended uses within the capacity of available groundwater resources. With groundwater as the primary local source of water, member municipalities recognize the need to protect and preserve both the quantity and quality of the groundwater resources.

As groundwater resources know no municipal boundaries, member municipalities recognize the importance and need for cooperative municipal water resources planning and management.

Member municipalities with interrelated watersheds, recharge areas, aquifers and other contributing natural resources will participate in the groundwater committee for the purpose of protecting their common watersheds through regional planning, conservation, and management of groundwater resources.

Section 2. Activities. The groundwater committee will propose and conduct scientific studies, regulatory reviews and educational programs. Further, it will work to facilitate coordination of municipal programs.

Section 3. Authority. The groundwater committee shall be an inter-municipal advisory committee acting to implement the purpose of the groundwater committee as set forth in Article II, Section 1.

#### Article III. MEMBERSHIP

Any municipality in the Tinicum Creek Watershed may become a member of the groundwater committee, upon approval of said bylaws. Each municipality may appoint up to a maximum of three representatives.

All groundwater committee members shall be appointed by the governing body of the member municipality, and must be a resident of that township. Groundwater committee members shall serve without compensation but may be reimbursed for expenses incurred when acting at the request of and on behalf of the groundwater committee.

Each member municipality shall be granted one vote on all groundwater committee actions. An appointed representative of the member municipality must be present to vote on an action.

#### Article IV. MEETINGS

Section 1. Regular meetings. The groundwater committee shall meet monthly on a regular basis at a place and time designated by the groundwater committee chair and approval of the groundwater committee members. Regular meetings of the groundwater committee shall be general meetings and open for the transaction of any business within the powers of the groundwater committee. Unless waived by vote of the groundwater committee, each of the following areas of a written agenda shall constitute a part of the business of a regular meeting: Minutes of last meeting, treasurer's report, new and old business, committee reports, member concerns, notice of the next meeting date, and public comments.

Section 2. Special Meetings. Special meetings of the groundwater committee shall be called at anytime by the secretary, upon either the written/e-mail or fax request of the chairman or two members of the groundwater committee.

Section 3. Notice of meetings. Such notice for special meetings shall state the date, time, and place where the meeting is to be held, and in addition, the purpose for which the meeting is called. Notice for special meetings shall be served by written e-mail, fax, mail and not less than three nor more than fifteen days before the meeting. Said notices are the responsibility of the secretary.

Section 4. Open Meetings. All official actions and all deliberations by a quorum of the groundwater committee shall take place at a meeting open to the public as provided in the Sunshine Act, except in cases where executive sessions are authorized pursuant to sections of the Sunshine Act. Subject to the provisions of the Sunshine Act, the

groundwater committee may conduct in executive session meetings or portions of meetings devoted solely to matters involving a.) Consultation with the groundwater committee's attorney or other professional advisors regarding litigation or potential litigation; b.) Discussion of the groundwater committee's business which if conducted would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law.

Public notice shall not be required in the case of special/emergency meetings or a conference as defined in the Sunshine Act.

Section 5. Quorum. A simple majority of the total voting municipal membership shall constitute a quorum for all meetings of the groundwater committee. In the absence of a quorum no business shall be transacted except to take measures to obtain a quorum, adjourn, or to take a recess.

Groundwater committee members are requested when possible to advise the chairman or secretary by e-mail, fax, mail or telephone when they will be unable to attend meetings or be delayed.

Section 6. Majority. A vote of a two-thirds majority of the groundwater committee municipalities in attendance, in order to take any official action(s) of the groundwater committee. The groundwater committee members shall act only as a board, committee members shall have no power as such.

#### Article V. OFFICERS

Section 1. Number and duties of officers. The officers of the groundwater committee shall be a chairman, vice chairman, a secretary, and a treasurer. The officers shall perform such duties as usually pertain to the offices which they hold or as may be assigned to them by the groundwater committee.

The treasurer shall keep ledgers, submit a treasurer's report at regular meetings, and prepare for audits. The treasurer shall submit invoices to the lead agency for payment. Both the chairman and treasurer must sign invoices submitted for payment.

The treasurer shall make a monthly report to the groundwater committee detailing the amount of funds received, approved bills submitted for payment and account balances. The account balance reported by the treasurer shall reflect only the change in the account balance(s) upon submittal of bills to the "lead agency" for payment and not the actual disbursements and ensuing balance(s) for the month.

Section 2. Election of Officers and Vacancies. The officers shall be elected annually from the groundwater committee membership by a majority vote of the committee. The officers shall serve for a period of one year. Such officers may succeed themselves in office. Each person elected as an officer shall continue in office until the next annual election, or until his resignation, untimely death, or official removal action taken by the majority of the groundwater committee.

Vacancies of officers caused by resignation, death, removal or increase in the number of officers may be filled by a majority vote of the groundwater committee at any regular meeting, or a special meeting called for that purpose.

**Article VI. COMMITTEES.**

Section 1. Executive Committee. The executive committee consists of all officers of the groundwater committee. The executive committee shall during the intervals between meetings of the groundwater committee, possess and exercise the powers of the groundwater committee in the management of the affairs of the groundwater committee except as otherwise provided by law, the bylaws, by resolutions or other previous groundwater committee action. The executive committee shall keep full and fair records and accounts of its proceedings and transactions. All actions by the executive committee shall be reported to the groundwater committee at its next meeting succeeding such action and shall be subject to revision and alterations by the groundwater committee, provided that no rights of third persons shall be affected by any such revision or alteration.

Section 2. Sub-committees. The groundwater committee may by resolution appoint other sub-committees with such functions, power, and duties as the executive committee shall determine and in accordance with the bylaws to facilitate the purpose and work of the groundwater committee.

**Article VII. MISCELLANEOUS PROVISIONS.**

Section 1. Minutes and Documents. The recording secretary and/or their alternate will take, prepare and provide written minutes of all meetings. All documents produced for and by the groundwater committee, along with the minutes, will be provided by the recording secretary and/or their alternate to each groundwater committee member at the next successive meeting. It is ultimately the responsibility of the groundwater committee chairman to make sure that all relevant documents are submitted and made available to all groundwater committee members in a timely manner as appropriate.

The chairman is responsible for keeping the official groundwater committee file. Said file will be kept at a municipal building and will be available for public access.

Section 2. Reporting to Member Municipalities. Each member municipality will appoint a groundwater committee representative who will be responsible for reporting to their respective municipality regarding the actions and work of the groundwater committee

**Article VIII. INDEMNIFICATION.**

Section 1. General. The groundwater committee shall indemnify each officer and member for all expenses (including attorney fees) and risks if such indemnity has acted in good faith or in a manner which he or she reasonably believed to be in or not opposed to

*the best interests of the groundwater committee and with respect to criminal action or proceeding had no reasonable cause to believe his or her conduct was unlawful*

**Article IX. Limitation of Personal Liability**

*Section 1. Personal liability. An officer or member of the groundwater committee shall not be personally liable for monetary damages for any action taken or any failure to take any action, unless*

*a). Such officer or member has failed to perform his/her duties as an officer, including his/her duties as a member of any committee of the groundwater committee upon which he/she may serve, and b.) Such breach or failure to perform constitutes self-dealing, willful misconduct, or recklessness.*

**\*NOTE TO SUPERVISORS/SOLICITOR – ARE THE ABOVE ARTICLES (8 & 9) NECESSARY?**

**Article X. Amendments**

Section 1. Changes in Bylaws. No section of these bylaws may be amended without the written approval of at least two-thirds of the governing bodies of the member municipalities, as recommended by the groundwater committee.

**THESE BYLAWS HAVE BEEN REVIEWED BY THE UNDERSIGNED MUNICIPALITIES AND ARE HEREBY APPROVED AND AFFIRMED.**

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.  
BRIDGETON TOWNSHIP  
BOARD OF SUPERVISORS**

**BY: \_\_\_\_\_**

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.  
NOCKAMIXON TOWNSHIP  
BOARD OF SUPERVISORS**

**BY: \_\_\_\_\_**

**APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.  
TINICUM TOWNSHIP  
BOARD OF SUPERVISORS**

**BY: \_\_\_\_\_**