

WESTERN BUTLER COUNTY AUTHORITY

**607 MARKET STREET
ZELIENOPLE, PA 16063
(724) 452-5501**

Regular Meeting Minutes – May 9, 2019

CALL TO ORDER:

A quorum was reached, and after reciting the Pledge of Allegiance, Chairman Thomas Tomayko called the May 9, 2019 meeting of the Western Butler County Authority Board of Directors to order at 7 p.m.

PRESENT ON ROLL CALL:

The following board members were in attendance:

Ed Eckenrode,
Paul J. Kremer Jr. (left at 9:32 p.m.),
Ron Lutz,
Tim Kenney (arrived at 7:02 p.m.),
Greg Such,
Thomas Tomayko,
Dave Weber

OTHERS PRESENT:

Manager Autumn Heckathorn
Solicitor Matt Racunas
Consulting Engineer Chad Hanley
Dylan Casey of HRG

MEMBERS ABSENT:

Tom Zinkham was absent.

VISITORS:

Tom Thompson, Greg Cowell, Joan Wolfe, and Bryan Seibel of the Zelienople Community Park Association were in attendance to request that a plug on the sewer line be removed.

In March 2019, Mr. Seibel requested to enter into a payment agreement with WBCA for the community swimming pool tap-in fee of \$54,000. He said that the Association had since

explored alternative options, and that the Department of Environmental Protection provided written acknowledgement that if there is no chlorine in the pool water and it is chemically similar to standing water, based on a Zelienople ordinance, it is acceptable to discharge the water into the storm water system. The second option would be to have a third party remove and dispose of the water in the event that the pool must be drained. He then asked why WBCA put a plug on the sewer line.

The Solicitor explained that the swimming pool was tapped into the sanitary sewer system without WBCA's knowledge and without inspection.

Greg Cowell said before they tapped in, it is permanently plugged from the pool area, and there was no possibility of debris or water in the line. The Manager said that upon learning the Association had illegally connected to the system, the line was televised and found to be actively running. Mud was found in the line, which could have occurred during installation, and it was leaking at the connection point and the first lineup.

The Solicitor said that if the Association can justify to WBCA's professional services that the DEP permits the disposal of the water using an alternate method, then the plug can be removed. He said the Authority has not been provided documentation that this is the case, and it was his understanding that alternative methods are permitted if a municipal source does not exist. In this case, a municipal source (WBCA's sanitary sewer system) does exist.

The Engineer said he spoke with Justin Dickey of the DEP, who explained the guidance document and its intent: If a public system is available, water should not enter a storm sewer system, and a local ordinance cannot override the Clean Streams Law. In addition, the Engineer said there were questions with the backwash and the existing piping and the ability to modify the piping. Mr. Seibel said that Association spent \$10,800 to address that issue.

The Manager said the payment was submitted to WBCA without any agreement or consent from the Authority. The Authority sought formal documentation, but instead was provided a copy of a DEP policy that explicitly states that if public sanitary is available, that is where the water should be discharged. This prompted a response letter from the Engineer, because the document did not support the Association's argument, and the check was not processed.

Mr. Seibel said the Association has no intent of using the public sanitary sewer system to dispose of the pool water and asked why the Association was in violation. The Solicitor said if the DEP provides documentation to WBCA that it is permissible for the Association to discharge water into the storm system, the plug would be uninstalled. He and the Engineer had not received anything thus far from DEP or the Association to indicate that this is permitted.

Mr. Thompson said that the bathrooms cannot be used for planned events at the park until this is resolved. He said a borough ordinance allowing dechlorinated swimming pool water to be discharged into a municipal storm sewer was created by the DEP. The Engineer said he was given a proposed amendment to the ordinance that provided more specificity regarding properties of the water to be disposed. Mr. Dickey said that the new language remained

consistent with the guidance document. The Manager reiterated that the language applied to circumstances where a public sanitary sewer system is unavailable.

Mr. Cowell said that it was unlikely that the pool would ever need to be drained. The Manager cited the examples of a cryptosporidium outbreak or a toddler defecating in the pool, where the water could only be discharged to the sanitary sewer system, as a potential circumstance that might make it necessary for pool water to be discharged. Mr. Cowell said that the Association never has had to discharge pool water in decades.

The Manager explained that the Authority submitted a letter to the Association advising that it was in violation of its rules and regulations and that a plug would be installed if the matter was not resolved by May 8, 2019, because it had not been provided the documentation it needed.

Mr. Cowell said that they received an e-mail from Mr. Dickey granting them approval to follow the borough ordinance, which permits the Association to discharge dechlorinated water into the storm sewer system. The Solicitor said there was a waiver to certain sections of that ordinance. The Engineer said the MS4 Waiver has nothing to do with the discharge of swimming pool water, and to provide that document as proof is a misrepresentation and goes against the Association's argument.

When asked why and under whose authority the line was plugged, the Manager explained that it was plugged under WBCA's authority, because the line was illegally connected to the sanitary sewer system, and until the assessed tap fee is paid, the Association is in violation of rules and regulations. (The Association is contesting the assessed EDU count.) The Manager summarized that the Association has three options: provide documentation from the DEP clearly stating what is permissible, pay the tap-in fee in full, or physically disconnect from the system entirely. The Engineer stated that he has not received any other necessary documentation, including mechanical drawings of the connection, which could pose problems in the future.

The Manager suggested that the Association could voluntarily disconnect from the sanitary sewer system, negating the requirement of paying the tap-in fee. WBCA would unplug the line thereafter, including the backwash filters.

The Solicitor said the Board would discuss the matter further during an Executive Session.

MINUTES:

In a motion made by Paul Kremer and seconded by Dave Weber, the Board of Directors unanimously approved the April 11, 2019, Regular Meeting Minutes.

BILLS AND COMMUNICATIONS:

A list of bills in the amount of \$76,594.15 was presented to the Board of Directors in the form of Expense by Vendor summaries with checks dated May 9, 2019. Manager Autumn Heckathorn answered questions that board members had regarding the bills.

In a motion made by Paul Kremer and seconded by Ron Lutz, the Western County Authority Board of Directors unanimously approved all of the bills for payment as presented by the Manager in Expense by Vendor summaries with checks dated May 9, 2019.

REPORT OF THE SECRETARY:

The Vice Secretary had nothing to report.

REPORT OF THE COMMITTEES:

Personnel Committee

The Manager said two senior employees are on vacation, so the treatment plant is short-staffed at present.

Finance Committee

The Committee reported that the Maher-Duessel audit is complete, and no problems were reported.

Facilities Maintenance Committee

The Committee had nothing to report.

Administrative Review Committee

The Committee had nothing to report.

REPORT OF THE SOLICITOR:

The Solicitor highlighted the following report items:

- **Municipal Liens/Delinquent Accounts:** One defendant made a payment arrangement, another filed for bankruptcy, and two others were unable to be located for service. The Solicitor will continue to work with the Magistrate and the Manager on these collections.

REPORT OF THE ENGINEER:

The Engineer highlighted the following report items:

- Delivered final copies of the Authority's Annual Report
- **Herman Pump Station Replacement:** Began preparing the environmental permit applications, including the WQM Part II permit and the GP-11 (waterways encroachment). HRG will meet May 16, 2019 with the property owner and WBCA staff to discuss the project.

- **Act 537 Plan:** Notified the metering consultant to continue metering through May 31, 2019; continues to prepare plan, including compilation of background information and detailed evaluation of sewer-shed tributary to pump stations and metering points.
- **Foxwood Trail Pump Station:** Proceeding with pump station design that will minimize the connected horsepower as much as possible and include submersible pumps with second stage pumps within a building. HRG will prepare and review an estimated construction cost with the developer.

REPORT OF THE MANAGER:

FACILITIES

- State Pipe Services completed grouting of laterals on the CIPP pipe sections
- Manholes raised to grade; rectified a buried manhole on Spruce Street

SEWER SYSTEM REPORT

- Robinson Pipe Cleaning flushed Spring Valley's onsite lines. It was found that the site did not have a plug and the developer claimed a portable toilet company dumped sewage into the manhole, causing a sewer gas safety concern, so the line was plugged.
- Tom Tomayko made a motion to grant Spring Valley Release Request No. 4 in the amount of \$191,164, leaving a remaining balance of \$39,921, seconded by Ed Eckenrode. The motion passed in a unanimous vote.
- Dave Weber motioned to grant Arden Woods Release Request No. 1 in the amount of \$50,621.50, leaving a remaining balance of \$33,178, seconded by Ron Lutz. The motion carried in a unanimous vote.
- Ongoing correspondence and communication with the Sippel Development's attorneys on a survey and final items to turn lines over; planning module correspondence with Civil Environmental Consultants and Al Neyer on serving the Belsterling property. The planning module has been rejected by DEP. The Manager explained that, to remedy the situation, Mr. Sippel provided the parties with an addendum to WBCA's sewer service and construction agreement with only his signature, which is neither acceptable nor valid.

PAST DUE ACTIVITY

On 4/22/2019, a total of 28 customers failed to respond to the 30-day past due notification and were posted for water shut-off. Payment was due on or before 5/6/2019. Only customers on a public water service are included for shut off. Customers with a balance in excess of \$20 who are 60 days past due are included.

	<i>Zelienople</i>	<i>Jackson</i>	<i>Lancaster</i>	<i>Harmony</i>	Total
March 2019	\$14,933.06	\$3,811.52	\$212.09	\$2,373.04	\$21,329.71
April 2019	\$24,323.78	\$6,945.72	\$710.83	\$5,298.73	\$37,279.06

OLD BUSINESS:

Tim Kenney asked the Engineer for clarification of the wastewater report regarding solid waste. The Engineer provided an explanation of how rain events result in elevated solids coming to the wastewater treatment facility.

NEW BUSINESS:

Tom Tomayko made a motion to remove the plug installed at Zelienople Community Park at 3 p.m. May 10, 2019, contingent upon the Park Association cutting the line and providing the Authority proof by May 13, 2019, seconded by Dave Weber. The motion carried, with Ron Lutz casting the sole dissenting vote. The Solicitor was directed to draft correspondence to Association representatives regarding the matter.

EXECUTIVE SESSION:

The Board held two executive sessions, one from 7:43 to 9:12 p.m., and a second from 9:38 to 9:50 p.m.

ADJOURNMENT:

As there was no further business to discuss, Ron Lutz motioned to adjourn, seconded by Ed Eckenrode, and the May 9, 2019 Regular Meeting adjourned at 9:50 p.m.

Respectfully Submitted,

Nicole Pepper, Recording Secretary
Western Butler County Authority