

**BUTLER AREA SEWER AUTHORITY**  
**MINUTES OF THE SEPTEMBER 14, 2021 REGULAR MEETING**

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The regular meeting of the Butler Area Sewer Authority (Authority) Board was held on Tuesday, September 14, 2021 at 9:00 a.m. at the Authority office located at 100 Litman Road, Butler, PA.

Authority Board Members Present:

- *Gerald S. Patterson, Jr., Chairman*
- *Paul F. Sybert, Vice Chairman*
- *Lance R. Calvert, Secretary (Arrived at 9:03 for Item 4C on the agenda)*
- *Mavrik W. Goepfert, Treasurer*
- *Steven C. Braden, Assistant Secretary and Treasurer*

Staff, Consultants and Guests Present:

- *Ronata Lavorini, Finance Director*
- *Evan Oswald, Project Manager*
- *Virginia Ferderber, Collections and Payables Coordinator*
- *Michael Hnath, Dillon McCandless King Coulter & Graham - Authority Solicitor*
- *Michael McKee, Hatch - Consulting Engineer*
- *Jeff Smith, City of Butler*
- *Sam Zurzolo, Butler Township*

The public was invited to provide comments by emailing to [publiccomment@basapa.org](mailto:publiccomment@basapa.org). Public comments provided via email needed to be submitted prior to 8:30 a.m. on September 14, 2021.

**1. CALL TO ORDER**

- *Mr. Patterson called the meeting to order at 9:00 a.m.*

**2. PUBLIC COMMENT: AGENDA ITEMS (Time Limit- 5 Minutes)**

- *None*

**3. APPROVAL OF MINUTES**

A. August 10, 2021 Regular Meeting

- *A motion was made by Mr. Sybert and seconded by Mr. Goepfert to approve the meeting minutes. Motion approved 4-0.*

**4. APPROVAL OF WARRANTS/OTHER PAYMENTS**

A. Periodic Estimate No. 6, North Hills COG 2020-2021 CAP Sewer Rehab Project, \$45,010.87 (State Pipe Services, Inc.)

- *Mr. Oswald reviewed periodic estimate No. 6 for the North Hills COG 2020-2021 CAP Sewer Rehabilitation Project and recommended payment of \$45,010.87 to State Pipe Services, Inc.*
- *A motion was made by Mr. Goepfert and seconded by Mr. Braden to approve periodic estimate No. 6 for the North Hills COG 2020-2021 CAP Sewer Rehabilitation Project to State*

*Pipe Services, Inc. in the amount of \$45,010.87. Motion approved 4-0.*

- B. Periodic Estimate No. 7 Final, North Hills COG 2020-2021 CAP Sewer Rehab Project, \$25,987.66 (State Pipe Services, Inc.)
- *Mr. Oswald reviewed periodic estimate No. 7, final payment for the North Hills COG 2020-2021 CAP Sewer Rehabilitation Project and recommended payment of \$25,987.66 to State Pipe Services, Inc.*
  - *A motion was made by Mr. Sybert and seconded by Mr. Braden to approve periodic estimate No. 7, final for the North Hills COG 2020-2021 CAP Sewer Rehabilitation Project to State Pipe Services, Inc. in the amount of \$25,987.66. Motion approved 4-0.*
- C. Approve Payment for Dept. of L&I Required Five Year Elevator Full Load Test
- *Mr. Oswald reviewed the invoice from Lins Elevator Services, Inc. for the Department of L&I's required five-year full load testing of the elevators for \$11,973.00.*
  - *A Motion was made by Mr. Sybert and seconded by Mr. Goepfert to approve payment to Lins Elevator Services, Inc. for the five-year full load test in the amount of \$11,973.00. Motion approved 5-0.*
- D. Approve Payment for Pillow Street Paving Repair
- *Mr. Oswald reviewed the paving repair completed on Pillow Street. Butler City informed the Authority that the older sewer line installation had sunk and caused a rut in the roadway.*
  - *A motion was made by Mr. Braden and seconded by Mr. Calvert to approve payment to Weist Paving in the amount of \$16,002.00. Motion approved 5-0.*
- E. Consider Purchase of Pickup Truck (Originally Agenda Item 8A)
- *Mr. Oswald requested the Board consider purchasing a 2022 Ford F-350 SRW Super Duty 4x4 pickup truck under the COSTSARS Contract from Baierl Ford in the amount of \$39,905.*
  - *Mr. Patterson asked if the truck was in the budgeted. Ms. Lavorini responded yes.*
  - *A motion was made by Mr. Sybert and second by Mr. Goepfert to approve the purchase of a 2022 Ford F-350 SRW Super Duty 4x4 pickup truck from Baierl Ford in the amount of \$39,905. Motion approved 5-0.*
- F. Invoice Warrant Lists: August 11, 2021 (ACH - \$57,336.12), August 17, 2021 (\$78,309.34), August 17, 2021 (\$51,531.30), August 26, 2021 (\$48,078.99), September 3, 2021 (\$64,097.47), September 14, 2021 (\$191,342.21), and September 14, 2021 (Capital - \$27,577.80)
- *Ms. Lavorini reviewed the above warrants.*
  - *A motion was made by Mr. Braden and seconded by Mr. Calvert to approve the warrants listed. Motion approved 5-0.*

## 5. **FINANCE DIRECTOR'S REPORT**

### A. Authority Fund Statements and Budget Report – August 31, 2021

- *Ms. Lavorini reviewed the Fund Statements and Budget Report dated August 31, 2021. She noted that the auditors were on site last week for their annual review, and we expect a report for the November meeting.*
- *Mr. Patterson asked if there were any questions from the Board. There were no questions.*

### B. Investment Update

- *Ms. Lavorini informed the Board there has been no change in the status of PLGIT investments.*

## 6. OPERATIONS REPORTS

### A. Plant Superintendent's Operations Report - August 2021

- *Mr. Oswald informed the Board that the reports were in their packages and asked if there were any questions.*
- *There were no questions.*

### B. Field Superintendent's Operations Report - August 2021

- *See above.*

### C. Realty Transfer I&I Inspection's Report - August 2021

- *See above.*

### D. Sewer Tap-In Report - August 2021

- *There were eleven sewer tap permits issued; five new residential units, five no fee permits for repairs and one inspection only.*

### E. Discharge Monitoring Report - July 2021

- *Mr. Oswald reported that the wastewater treatment plant was in full compliance with all the NPDES Permit discharge limits and monitoring requirements during July 2021. The plant's average daily flow was 6.398 MGD.*
- *Mr. Oswald informed the Board that there were two sanitary sewage overflows (SSO) in July.*
- *A private manhole No. 106 located at 360 Greater Butler Mart overflowed on July 7<sup>th</sup>, from 11:45 a.m. to 4:45 p.m. The total discharge amount is unknown. The overflow was caused by a fat, oil and grease clog on the private system. The property owners have been notified and are working on a long-term solution. The SSO was reported to DEP.*
- *Greenwood Pump Station wet well overflowed on July 17<sup>th</sup>, from 4:00 p.m. to 7:45 p.m. or 3.75 hours with a total discharge amount of 52,430 gallons. The rain gauge measured .92 inches of rain on July 16, 2021, with an additional 2.0" of rain on July 17, 2021. The SSO was reported to DEP.*

## 7. CONSULTING ENGINEERS' REPORTS

### A. Authority Consulting Engineer's Monthly Report

- *Mr. Mike McKee informed the Board that the report was in their package and asked if there were any questions.*
- *Mr. Patterson asked if the Board had any questions. There were no questions.*

### B. CAP Update- HRG's Progress Report- August 2021

- *Mr. Oswald informed the Board that HRG remains on schedule and in the design phase.*
- *Mr. Patterson asked if there were any questions on the report. The Board had no questions.*

## 8. FISCAL AND CONTRACTING MATTERS

### A. Consider Purchase of Pickup Truck

- *See item 4.E. above.*

### B. Consider Authorizing a Temporary Access Agreement for Central EQ Tank Property

- *Mr. Oswald requested the Board authorize a Temporary Access Easement for the Central EQ tank property to Thomas Construction.*
- *Mr. Oswald indicated that Mr. McKee and Mr. Hnath reviewed the agreement for adequate*

*insurance and access. This Contractor is working for the City of Butler on a stormwater project in the Sullivan Run area.*

- *A motion was made by Mr. Calvert and seconded by Mr. Braden to approve the Temporary Access Easement for the Central EQ tank property to Thomas Construction. Motion approved 5-0.*

**C. Consider Joining Costars Fleet Fueling Program through WEX Bank**

- *Mr. Oswald requested the Board consider joining the Costars Fleet Fueling Program through WEX Bank.*
- *Mr. Sybert asked why the change.*
- *Mr. Oswald informed the Board it was in consideration of standard bidding limit and the cost of fuel purchases was approaching the bid limit and the current provider no longer met our needs.*
- *A motion was made Mr. Goepfert and seconded by Mr. Braden to approve joining the Costars Fleet Fueling Program through WEX Bank. Motion approved 5-0.*

**9. OLD BUSINESS**

**A. PA American Water Indication of Interest in Acquiring the Butler Area Sewer Authority Assets – Discuss Confidentiality Agreement**

- *Mr. Patterson opened the item indicating he has not seen a confidentiality agreement.*
- *Mr. Hnath agreed saying he has not seen a confidentiality agreement. He said that is something we would have to review, and that it would be unusual for the Authority to use a confidentiality agreement to buy or sell anything.*
- *Mr. Calvert indicated that himself, Mr. Sybert and Mr. Goepfert attended a meeting with the Township, the City and Pennsylvania American Water Company (PAWC) a few weeks ago. The next step for PAWC to get us an offer is to enter into a confidentiality agreement.*
- *Mr. Hnath indicated that PAWC needs to send the Authority a copy of the agreement to review.*
- *Mr. Calvert indicated that the Township and the City could be a party to the agreement.*
- *Mr. Hnath informed the Board that the City and the Township need to take a formal and public vote requesting the Authority to pursue the possible sale of the Authority.*
- *Mr. Calvert said the City voted to put them on the Authority Board to make decisions.*
- *Mr. Patterson clarified that the Authority Board was appointed for the good of and to represent all Authority customers and not the Township or the City.*
- *Mr. Calvert agreed they represent the customers.*
- *The Board then discussed in general that the Township and the City should vote to advise the Authority as to their interested in pursuing selling/dissolving the Authority.*
- *Mr. Sybert then asked for clarification that both the City and the Township would have to agree.*
- *Mr. Hnath said yes, both would have to agree.*
- *Mr. Calvert said that during their meeting with PAWC, they said they are ready to move forward, and the next step is a confidentiality agreement.*
- *Mr. Smith expressed his concern about the Authority stalling the process of getting the value of the property. The Authority should be interested in the value of the Authority. Mr. Smith would agree once there is a value assigned the City and the Township would discuss how the money is split.*
- *Mr. Smith continued a discussion with Mr. Hnath on the difference of the dissolution of the Authority and obtaining the value of the Authority.*
- *Mr. Smith stated that he has never said he wants the Authority to be sold, he wants to know what the value of the Authority is.*
- *Mr. Zurzolo said he and others were at the meeting with PAWC and they discussed getting*

information about all the Authority's assets. He also asked PAWC about the workforce, and PAWC said no one would lose their job.

- Mr. Goepfert said this process can end at any time. He then made a motion that the Authority enter into a confidentiality agreement with PAWC. Mr. Goepfert said he got an email stating that the Authority forced PAWC to do a right to know request.
- Mr. Hnath said that the right to know process is the way the public gains access to the Authority's documents.
- Mr. Calvert agreed but he wanted the Solicitor and Mr. McKee to begin reviewing a confidentiality agreement with PAWC.
- Mr. Smith requested Mr. Hnath to draft a motion or a resolution for the City Council to consider.
- Mr. Calvert said he was getting annoyed that the Authority solicitor's opinion did not agree with the City's Solicitor. He just wants the process to move forward so we can get the value of the Authority.
- Mr. Calvert would also like the Township and the City to agree to this process in a public meeting.
- Mr. Hnath agreed but added that they should also ask if the Authority should pursue a price from Aqua America as well.
- Mr. Hnath noted that it is commonplace for a business to enter into confidentiality agreement but no governments.
- A motion was made by Mr. Goepfert and seconded by Mr. Calvert to have the Authority's solicitor work with PAWC to develop a confidentiality agreement for determining the Authority's value. Motion approved 5-0.

## 10. NEW BUSINESS

### A. Consider Approving Annual Engineers Report

- Mr. Mike McKee reviewed the Annual Engineers Report.
- A motion was made by Mr. Sybert and seconded by Mr. Calvert to approve the Annual Engineer report. Motion approved 5-0.

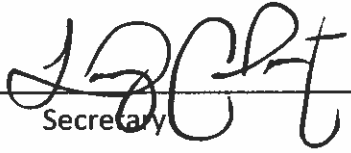
### B. Act 43 of 2021– Multi-Family Billings and Application Process

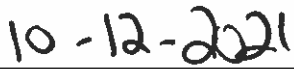
- Ms. Lavorini reviewed the Act and highlighted the changes to the Act. She noted that the staff drafted an application to allow multifamily dwelling customers with a single water meter to request their billing be reviewed.
- Mr. Patterson asked what the appeal process was if the customer doesn't agree with the Authority's ruling on the application.
- Ms. Lavorini said the Act does not offer an appeal process and leaves a lot for interpretation. She also noted that the details may be decided through the court system with time.
- Mr. Patterson asked Mr. Hnath if there is an appeal process. Mr. Hnath was not sure how that situation would be handled.
- Ms. Lavorini said that approximately 22% of the customers are multifamily.
- A motion was made by Mr. Braden and seconded by Mr. Calvert to approve the Act 43 Application. Motion approved 5-0.

## 11. PUBLIC COMMENT: NON-AGENDA ITEMS (Time Limit - 5 Minutes)

## 12. ADJOURNMENT

- *A motion was made by Mr. Goepfert and seconded by Mr. Calvert to adjourn the Regular Meeting at 10:02 a.m. Motion approved 5-0.*

  
Secretary

  
Date

**NEXT MEETING: TUESDAY, OCTOBER 12, 2021 at 9:00 A.M.  
AUTHORITY OFFICE, 100 LITMAN ROAD, BUTLER, PA**