

**BUTLER AREA SEWER AUTHORITY**  
**MINUTES OF THE NOVEMBER 14, 2023 REGULAR MEETING**

The regular meeting of the Butler Area Sewer Authority (BASA) Board was held on Tuesday, November 14, 2023 at 9:00 a.m. at the Authority office located at 100 Litman Road, Butler, PA.

Authority Board Members Present:

- *Paul F. Sybert, Chairman*
- *Fred M. Vero, Vice Chairman*
- *Steven C. Braden, Assistant Secretary and Treasurer*

Absent:

- *Lance R. Calvert, Secretary*
- *Mavrik W. Goepfert, Treasurer*

Staff, Consultants and Guests Present:

- *Duane McKee, Executive Director*
- *Virginia Ferderber, Finance Director*
- *Michael Hnath, Dillon McCandless King Coulter & Graham - Authority Solicitor*
- *Collin Lampark, Hatch - Consulting Engineer*
- *Eddie Trizzino, Butler Eagle*
- *Megan and James Combs. 301 Meridian Road*

**1. CALL TO ORDER**

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

**2. ANNOUNCEMENTS OF EXECUTIVE SESSIONS**

- *Mr. Syber announced that executive sessions were held. Members of the Board and Staff met in executive session on October 24, 2023 from 1:30 p.m. to approximately 2:30 p.m., to discuss legal matters and members of the Board and Staff met in executive session on October 26, 2023 from 11:30 a.m. to approximately 12:00 p.m., to discuss legal matters.*

**3. PUBLIC COMMENT: AGENDA ITEMS (Time Limit – 5 Minutes)**

- *Item 11 -A 301 Meridian Road, James & Megan Combs – Billing Dispute*
- *Mr. Sybert welcomed Mr. and Mrs. Combs from 301 Meridian Road.*
- *Mr. Combs said he received a letter from the Authority informing him he owed \$8,770 in tap fees and \$4,329 in sewer bills. He does not have the money to pay for this. He is on disability. Mr. Combs provided a letter to the Board explaining his situation. He doesn't know anything about the tap fee. When they bought the property, they assumed those fees were paid. He bought the property under an Agreement Of Sale from Charles Holbein in 1984. He has owned his own business in the past and if he forgot to send a bill, he could not try to collect it 10 years later. He doesn't think he should have to pay any of the bills.*
- *Mr. Hnath asked if they ever received a sewer bill.*
- *Mr. Combs said no, not that he was aware of.*
- *Mr. Sybert asked if the apartments were occupied.*
- *Mr. Combs said no, not for years.*
- *Mr. McKee requested the Board discuss the request in executive session and he would get back to Mr. Combs after the meeting.*

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**4. APPROVAL OF MINUTES**

- A. October 10, 2023 Regular Meeting
- A motion to approve the October 10, 2023 meeting minutes was made by Mr. Vero and seconded by Mr. Braden. Motion approved 3-0.

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

- A. Contract 2021-03, Change Order # 5, Rock Lick Creek Pump Station Upgrade Project, (Utility Contracting), Time Extension (No Cost)
- Mr. Oswald requested the Board approve the no cost change order # 5 for a 60 day extension to the contract completion date.
  - A motion was made by Mr. Sybert and seconded by Mr. Vero to approve the no cost 60 day time extension, change order #5, for the Rock Lick Creek Pump Station Upgrade Project to Utility Contracting. Motion approved 3-0.

- B. Costars Contract 016-096, Final Payment, Duperon Auger System at the Monroe Pump Station (Kappe Associates Inc.), \$101,160.00
- Mr. Oswald requested the Board approve the final payment to Kappe Associates for the Monroe Pump Station Duperon Auger System in the amount of \$101,160.
  - A motion was made by Mr. Vero and seconded by Mr. Braden to approve the final payment to Kappe Associates for the Monroe Pump Station Duperon Auger System in the amount of \$101,160. Motion approved 3-0.

- C. Invoice Warrant Lists of October 11, 2023 (ACH \$54,562.82), October 16, 2023 (\$231,881.05), October 27, 2023 (\$107,260.15), November 6, 2023 (\$59,503.02), November 14, 2023 (\$1,322,053.45), and November 14, 2023 (Capital - \$53,010.64)
- Ms. Ferderber reviewed the warrants listed above.
  - A motion was made by Mr. Sybert and seconded by Mr. Braden to approve the warrants listed. Motion approved 3-0.

**6. FINANCE DIRECTOR'S REPORT**

- A. Authority Fund Statements and Budget Report – October 31, 2023
- Ms. Ferderber reviewed the Authority Fund Statement and Budget Report for the month of October.

**7. OPERATIONS REPORTS**

- A. Plant Superintendent's Operations Report – October 2023
- Mr. Mckee 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- October 2023
- See above.
- C. Realty Transfer I&I Inspection's Report – October 2023
- See above.

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D. Engineering Services Report – October 2023

- *See above.*

E. Sewer Tap-In Report – October 2023

- *Mr. McKee reviewed the sewer tap-in report for October 2023. There were twenty-nine sewer tap permits issued, one commercial, one no fee, one inspection only and twenty-six residential.*

F. Discharge Monitoring Report – September 2023

- *Mr. McKee reported that the wastewater treatment plant was in full compliance with all the NPDES Permit discharge limits and monitoring requirements during September 2023. The plant's average daily flow was 3.561 MGD.*
- *There were no overflows in the month of September.*

**8. CONSULTING ENGINEERS' REPORTS**

A. Authority Engineer's Monthly Report

- *Mr. Lampark said the consultant engineering report was in the Board package and asked if the Board had any questions.*
- *The Board had no questions.*

B. CAP Update – HRG's Progress Report – October 2023

- *Mr. Oswald informed the Board that HRG's report was in their Board package and asked if there were any questions. The Board had no questions.*

**9. FISCAL AND CONTRACTING MATTERS**

A. Consider Approving Resolution 11-14-2023-3 OPEB Benefits Funding Policy

B. Consider Approving Resolution 11-14-2023-4 Adopt OPEB Plan Trust Policy

C. Consider Approving Declaration of Trust of the BASA other OPEB Integral Part Trust

D. Consider Approving Declaration of Trust of the BASA other OPEB Retiree Benefits Plan

E. Consider Approving Assumption and Operation Agreement between BASA, City of Butler and Butler Township

- *Mr. Hnath reviewed items A through E as they are related to the development of BASA's OPEB Trust for the retirees. The City and the Township have reviewed the documents and have agreed that documents are ready for approval.*
- *A motion was made by Mr. Vero and seconded by Mr. Braden to approve items A through E as the documents and Resolutions are related to the development of BASA's OPEB Trust for retired employees after the sale of the Authority. Motion approved 3-0.*

F. Consider Approving HRG, CAP Pump Station Upgrades, Supplement #3 - \$53,550

- Mr. McKee requested the Board approve HRG's CAP Pump Station Upgrades, Supplement #3 in the amount of \$53,550.*
- A motion was made by Mr. Sybert and seconded by Mr. Braden to approve HRG's CAP Pump Station Upgrades Supplement #3 in the amount of \$53,550. Motion approved 3-0.*

G. Consider Approving Purchase from PumpMan Pittsburgh LLC, Replacement Pump for Rock Lick Pump Station, Costars #016-E22-210 - \$34,236

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- a. Mr. Mckeel requested the Board approve the Costars purchase of a replacement pump for Rock Lick Pump Station from Pumpman Pittsburgh in the amount of \$34,236.
- b. A motion was made by Mr. Braden and seconded by Mr. Vero to approve the Costars purchase of a replacement pump for Rock Lick Pump Station from Pumpman Pump in the amount of \$34,236. Motion approved 3-0.

- H. Consider Approval of Resolution No. 11-14-2023-1 as Prepared by Rhoades Law Amending the 401(a) Pension Plan
- I. Consider Approval of Resolution No. 11-14-2023-2 as Prepared by Rhoades Law Amending the 457(b) Pension Plan (Alerus)

- a. Mr. Hnath requested the Board approve items H and I. The Resolutions were prepared by Rhoades Law to ensure compliance with the Internal Revenue Code.
- b. A motion was made by Mr. Sybert and second by Mr. Vero to approve items H through I, Resolutions required to keep BASA's retirement plans 401(a) and 457(b) in compliance with the Internal Revenue Code. Motion approved 3-0.

- J. Consider Approving Alerus Notice of Plan Changes an Amendment to the Agreement
- a. Mr. Mckeel requested the Board approve the Plan Document change to the Alerus Agreement. These changes includes a \$5 increase in administrative fees.
- b. A motion was made by Mr. Sybert and seconded by Mr. Braden to approve the Plan Document changes to the Alerus Agreement. Motion approved 3-0.

**10. OLD BUSINESS**

- A. Public Utility Commission Ruling on Sale of Authority Assets to PAWC
- Mr. Sybert announced that the PUC approved the sale of BASA to PAWC by a 3-2 vote.

**11. NEW BUSINESS**

- A. 301 Meridian Road, James & Megan Combs – Billing Dispute
- See Public Comment item 3.

**12. PUBLIC COMMENT: NON-AGENDA ITEMS (Time Limit – 5 Minutes)**

- None

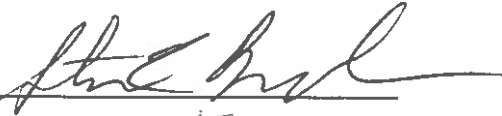
**13. ADJOURNMENT**

- A motion was made by Mr. Vero and seconded by Mr. Braden to adjourn the Meeting at 9:21 a.m. and moved to an executive session. Motion approved 3-0.

**14. EXECUTIVE SESSION: PERSONNEL and LEGAL MATTERS**

- Mr. Sybert, Mr. Vero, Ms. Ferdberber, Mr. Mckeel, and Mr. Hnath went into an executive session from approximately 9:25 to 10:30 to discuss legal matters.

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Asst Secretary/Treasurer

12/12/23

Date

**NEXT MEETING: TUESDAY, DECEMBER 12, 2023 at 9:00 A.M.  
BASA AUTHORITY OFFICE, 100 LITMAN ROAD, BUTLER, PA**

