

BUTLER AREA SEWER AUTHORITY
MINUTES OF THE MARCH 12, 2024 REGULAR MEETING

The regular meeting of the Butler Area Sewer Authority (BASA) Board was held on Tuesday, March 12, 2024 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*
- *Mavrik W. Goepfert, Treasurer*

Absent:

- *Lance R. Calvert, Secretary*

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*
- *Joe Gray, Belmont Investment Properties*
- *Brian Farrington, Charlton Law*
- *Sam Zurzolo, Butler Township Commissioner*

1. CALL TO ORDER

- *Mr. Sybert called the meeting to order at 9:02 a.m.*

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

- *Mr. Farrington of Charlton Law here on behalf of Mr. Gray and the Dutchtown Oaks subdivision. There are a few times he would like to get ahead of to avoid wasting time.*
- *Mr. Gray then reviewed the specifics of the Dutchtown Oaks subdivision. Mr. Gray extend(ed) the sewer on Dutchtown Road in early 2000. This is a 62-lot subdivision in Butler Township. We are permitted to have 92 single family lots; we are planning 62 (with) trees, sidewalks, and lighting. (This) maintains tree masses around the perimeter. The power line was utilized for stormwater management (making it) more efficient use of property. (We have been) working with (the) power company for 4 years and have an agreement for using the area for stormwater management using a 180' right of way. Also, with this plan they (Penn Power) gain access to rights of way instead of crossing two steep cliffs. A win-win for everybody. (We've) gained preliminary and final approval from Butler Township on February 19th. The sewers are all gravity. (We) made application to BASA back on December 6, 2023. On February 22, (2024), (we) learned that we would have to go through (a) full facilities planning module, which is contrary to a simple post card exemption, (and) this will take additional engineering, (will) need to go to Township Planning, (and) Township and County Planning for approval (incurring) additional engineer's fees (and) application fee to DEP. The township has not seen (a planning) module for years, and Jesse doesn't know how to process it. Other plans have gone through without a (planning) module. These plans are in a watershed that, in my experience, may have*

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more problems than the Dutchtown watershed. Did the Community College do a planning module? It seems this plan is being targeted. We have support that we have an email from Duane to the Power Company questioning the use of the Power rights of way for stormwater management (and) questioning that viability. (It) seems like a smoking gun that this plan is being targeted, costing us a lot of money and time.

- *Mr. Farrington stated some other large-scale plans, Highfield (and) Weaver Plan, have been approved and these plans are in an older part of the system. The Old Plank area is a newer system. The issue is the submission was on December 6, (2023) and it was not until February 22, (2024) (that a) planning module was even mentioned. We still don't have the particular as to why the planning module is necessary. We believe Mr. Gray is being singled out if the Authority cannot provide why there is an issue. Jesse Hines has not seen a Planning Module in his time indicates that all these plans have gone through in the last 6 years without an issue. Also, BC3 has built a new nursing facility. What I see here is potentially a shared responsibility if a planning module is necessary. What he would really like to know (is) if this communication with DEP was perhaps a miss que, and to see if there is any indication that we can wind back the clock and not go through the planning module. The component 3 application would cost \$50 per lot, as well as the engineering costs. There is a substantial cost and time investment in what should be a simple matter that could be worked out ahead of time. That would be our position and that is what we are asking of BASA today.*
- *Mr. Hnath asked when they got final approval from the Township. Mr. Farrington responded February 19.*
- *Mr. Sybert asked if the Power lines are above ground. Mr. Gray responded yes.*
- *Mr. Gray does have approval from Penn Power to do that. A win win, happy to do that.*
- *Mr. Hnath asked if BASA has given any specific information on the capacity issue?*
- *Mr. McKee responded not yet, but we can provide the model that we ran.*
- *Mr. Farrington stated I am sure the Board understands they want to move as quickly as possible, rather frustrating that BASA says there are capacity issues, but they have not provided any information regarding the capacity issues. Nothing has been communicated. We have a major issue with that.*
- *Mr. Farrington asked if the Board does not take action on the items today that the issue be added to next month's Agenda.*
- *Mr. Hnath said we should just sit down and show Mr. Gray what the problem is.*
- *Mr. Sybert asked if staff would make this happen. Mr. McKee responded yes we can do that.*

3. APPROVAL OF MINUTES

A. Correction to February 13, 2024 Agenda - Item 2. Announcement of Executive Session, subsection B., change 3:30 a.m. to 3:30 p.m.

- *Mr. Sybert reviewed the change to the meeting minutes from last month's Agenda. The Executive Session was at 3:30 p.m. and not 3:30 a.m.*

B. February 13, 2024 Regular Meeting

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- *A motion was made by Mr. Vero and seconded by Mr. Braden to approve the February 13, 2024 Meeting Minutes. Motion approved 4-0.*

4. APPROVAL OF WARRANTS/OTHER PAYMENTS

A. Invoice Warrant Lists of February 14, 2024 (ACH \$56,221.51), February 16, 2024 (Capital- \$5,488.30), February 16, 2024 (\$76,584.57), February 15, 2024 (Capital- \$13,391.60), February 27, 2024 (\$133,063.70) March 12, 2024 (\$127,859.88), March 12, 2024 (Capital - \$1,220.50)

- *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 4-0.*

5. FINANCE DIRECTOR'S REPORT

A. Authority Fund Statements and Budget Report –February 29, 2024

- *Ms. Ferderber reviewed the Authority Fund Statement and Budget Report for the month of February.*

6. OPERATIONS REPORTS

A. Plant Superintendent's Operations Report – February 2024

- *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- February 2024

- *See above.*

C. Realty Transfer I&I Inspection's Report – February 2024

- *See above.*

D. Engineering Services Report – February 2024

- *See above.*

E. Sewer Tap-In Report – February 2024

- *Mr. McKee reviewed the sewer tap-in report for February 2024. There were six sewer tap permits issued. All six were residential.*

F. Discharge Monitoring Report – January 2024

- *Mr. McKee reported that the wastewater treatment plant was in full compliance with all the NPDES Permit discharge limits and monitoring requirements during January 2024. The plant's average daily flow was 9.52 MGD.*
- *There were five overflows in January 2024. On January 2, 2024 MH 8060 in the Butler Memorial Park overflowed. This overflow was the result of roots and other debris. We believe this overflow was related to a previous overflow in the area. Sewer Crew continues to inspect the collection system in this area. On January 9th and 10th there were four overflows. MH 5691 on Pillow Street, Garden Grove Pump Station, Greenwood Pump Station, and Brewster Pump*

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Station. The overflows were the result of 2.18 inches of rain. DEP was notified and the crew cleaned the areas.

- *A completed report of the overflows is in your Board Package.*

7. CONSULTING ENGINEERS' REPORTS

A. Authority Engineer's Monthly Report

- *Mr. Lampark provided the consultant engineering report to the Board and asked if the Board had any questions. The Board had no questions.*

B. CAP Update – HRG's Progress Report – February 2024

- *Mr. McKee informed the Board that the FBB drawings are at 90% and that HRG continues working on the design. Mr. McKee asked if the Board had any questions.*
- *The Board had no questions.*

8. FISCAL AND CONTRACTING MATTERS

A. Authorization to Advertise Hansen/Whitestown Road Sewer Improvements Project

- *Mr. McKee asked the Board to authorize the advertisement of the Hansen/Whitestown Road Sewer Improvement.*
- *A motion was made by Mr. Vero and seconded by Mr. Goepfert to authorize the advertisement of the Hansen/Whitestown Road Sewer Improvement. Motion approved 4-0.*

B. Consider Approving Purchase and Installation of Filtering Elements on Rotary Press, Fournier Industries- \$128,200

- *Mr. McKee requested the Board approve the purchase and installation of filter elements on the Rotary Press to Fournier Industries.*
- *A motion was made by Mr. Sybert and seconded by Mr. Braden to approve the purchase and installation of filter elements on the Rotary Press to Fournier Industries. Motion approved 4-0.*

C. Consider Approving Southern Service Area #2 I&I Study to Hatch- Not to Exceed Amount of \$15,424

- *Mr. McKee requested the Board approve the Southern Service Area #2 I&I Study to Hatch in the amount of \$15,424.*
- *A motion was made by Mr. Vero and seconded by Mr. Braden to approve the Southern Service Area #2 I&I Study to Hatch in the amount of \$15,424. Motion approved 4-0.*

D. Consider Approving Buffalo & Pittsburgh Railroad Inc. – Amendment to Pipeline Easement

- *Mr. McKee requested the Board approve the Buffalo & Pittsburgh Railroad Amending the pipeline easement located next to Route 68, Karns Bridge.*
- *A motion was made by Mr. Sybert and seconded by Mr. Goepfert to approve the Buffalo & Pittsburgh Railroad Amending the pipeline easement located next to Route 68. Karns Bridge. Motion approved 4-0.*

9. OLD BUSINESS

- *None*

10. NEW BUSINESS

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- A. Alerus 401(a) and 457 Change in Service Provider to Avantax Advisory Service Inc.
- Mr. McKee requested the Board approve the Alerus 401(a) and 457 change in service provider from GA Investment to Avantax Advisory Service Inc.
 - A motion was made by Mr. Goepfert and seconded by Mr. Sybert to approve the Alerus 401(a) and 457 change in service provider from GA Investment to Avantax Advisory Service Inc. Motion approved 4-0.
- B. Consider Approving Promotion of Adam Geibel to Project Manager II
- Mr. McKee requested the Board approve the promotion of Adam Giebel from Project Manager I to Project Manager II.
 - A motion was made by Mr. Vero and seconded by Mr. Braden to approve the promotion of Adam Giebel from Project Manager I to Project Manager II. Motion approved 4-0.
- C. Dutchtown Oaks Development, Phase 1 – Joe Gray
- This item was addressed under Item 2, Public Comment – Agenda Items

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

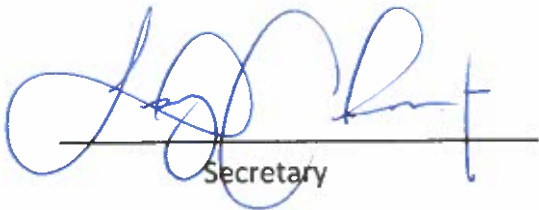
- None

12. ADJOURNMENT

- A motion was made by Mr. Sybert and seconded by Mr. Vero to adjourn the meeting at 9:26 a.m.
- Mr. Sybert then indicated that the Board would be entering into an executive session to discuss pending litigation but would not be returning to a regular session.
- Motion approved 4-0.

13. EXECUTIVE SESSION- LEGAL MATTERS

- The Board, Mr. Hnath, Ms. Ferderber and Mr. McKee went into an executive session to discuss legal matters.


Secretary

4-9-2024
Date

NEXT MEETING: TUESDAY, APRIL 9, 2024 AT 9:00 A.M.
MEETING TO BE HELD AT 100 LITMAN ROAD, BUTLER PA 16001

