

**DEER CREEK DRAINAGE BASIN AUTHORITY**

**Regular Meeting**

**December 19, 2023**

The Regular Meeting of the Deer Creek Drainage Basin Authority was held at 6:30 p.m. at the Authority office located at 945 Little Deer Creek Valley Road, Russellton, Pennsylvania and via Zoom.

**Call Meeting to Order**

Mr. Higgins called the meeting to order and asked Mrs. Biery to call the roll. Board members present: Mr. Higgins, Mrs. DeLuca, Mr. Drischler, Mrs. Krally, Mr. Simonetti, Mr. Stello, Mr. Parks, Mr. Plesh and Mrs. Pastura. Also present: Mr. Sprung, Mr. Brown, Mrs. Biery and Mr. Vancheri. Absent: Mr. Schmitt.

**Flag Salute**

The Board rose and recited the Pledge of Allegiance.

**Reading and Approval of Minutes**

Mr. Higgins asked the Board to review the minutes for the Regular Meeting on November 20, 2023.

MOTION was made by Mr. Plesh and seconded by Mrs. Krally to approve the minutes of the November 20, 2023 Regular Meeting.  
Motion carried unanimously.

**Accountant’s Report**

Mr. Vancheri presented the Operating Accounts Receipts and Expenses and Funds Available and Debt Obligations reports for November 2023 and the 2024 Budget for approval.

MOTION was made by Mr. Drischler seconded by Mrs. Krally to approve the 2024 budget. Motion carried unanimously.

**Treasurer’s Report**

The following Tap and Assessment payments were received since the last Regular Meeting:

Connie Feil	32 Deer St	Partial Tap	\$100.00
Ruth Galuska	5 Deer St	Partial Tap	\$100.00
		Total Taps	<u>\$200.00</u>

Of this amount, \$130.00 will be transferred to the Capital Improvement Fund and \$70.00 will be transferred to the Preventive Maintenance Fund.

MOTION was made by Mrs. Krally and seconded by Mr. Drischler to approve the Treasurer’s report and the paid bills for the month of November 2023. Motion carried unanimously.

**Solicitor’s Report**

*Executive Session*

MOTION was made by Mr. Plesh and seconded by Mr. Simonetti to move the meeting into Executive Session at 6:34 p.m. Motion carried unanimously.

The meeting was reconvened at 6:37 p.m. where the Board discussed legal issues.

**Engineer's Report**

*Project Update*

Mr. Sprung reported that the lining and repair work on Manhole 663 has been completed by Advanced Rehabilitation Technology. Photos of the completed work were provided to the Board.

**Manager's Report**

Mrs. Biery presented the following resolutions to the Board for approval.

*Resolution No. 2023-04*

**RESOLUTION NO. 2023-04**

**A RESOLUTION OF THE DEER CREEK DRAINAGE BASIN AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA; AUTHORIZING AND APPROVING A CHANGE IN INSPECTION FEES FOR INSPECTIONS PROVIDED BY THE AUTHORITY, SETTING FORTH AN EFFECTIVE DATE, AUTHORIZING AUTHORITY OFFICERS TO TAKE ALL NECESSARY STEPS IN ACCORDANCE WITH THIS RESOLUTION AND REPEALING ALL INCONSISTENT RESOLUTIONS.**

WHEREAS, the Deer Creek Drainage Basin Authority (the "Authority") is a public body incorporated and exercising public power in the Commonwealth of Pennsylvania, duly organized and validly existing under the provisions of the Municipality Authorities Act of 1945, Act of May 2, 1945 (P.L. 382, No. 164), as amended and re-enacted by the Municipality Authorities Act, Act 22 of 2001, and codified at 53 Pa. C.S.A. § 5601, et seq. as amended (the "Act"); and

WHEREAS, the Authority has been organized to operate and maintain a sanitary sewerage collection system in the Authority service area which includes the Townships of West Deer and Indiana; and

WHEREAS, the Municipality Authorities Act of 1945, as amended, authorizes the Authority to impose various reasonable rates and fees on user of the sanitary sewerage collection system to provide for the expenses and obligations of the Authority; and

WHEREAS, the Authority currently charges an inspection fee of \$40 per hour for sanitary sewer line inspection services provided by Authority staff to individuals and developers extending sanitary sewer lines; and

NOW, THEREFORE, be it resolved and it hereby is:

1. The construction inspection fees of the Authority are revised to seventy dollars (\$70.00) per hour for Authority staff performing construction inspection on sanitary sewer lines to be constructed by individuals or developers.

2. The inspection fees set forth in paragraph 1 above shall be effective January 1, 2024.

3. The officers of the Authority are authorized to execute all documents and undertake all steps necessary to put the foregoing Resolution into effect.

4. Failure to pay inspection fees to the Authority when due and upon written notice of delinquency shall prevent the sanitary sewage facilities from being accepted by the Authority and shall subject the delinquent party to all remedies for collection provided to the Authority by the Authority's Rules and Regulations and by law,<sub>2</sub>

RESOLVED FURTHER, that any provision or provisions of a resolution or resolutions

inconsistent with the provisions of the within Resolution are hereby expressly repealed.

ADOPTED this 19th day of December 2023

MOTION was made by Mr. Plesh and seconded by Mr. Drischler to approve Resolution 2023-4 – Increase Inspection Fees. Motion carried unanimously.

*Resolution No. 2023-05*

Presented for approval of Resolution No. 2023-05 to increase the posting fee.

#### **RESOLUTION NO. 2023-05**

**A RESOLUTION OF THE DEER CREEK DRAINAGE BASIN AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA; AUTHORIZING AND APPROVING AN INCREASE IN THE POSTING FEE, SETTING FORTH AN EFFECTIVE DATE, AUTHORIZING AUTHORITY OFFICERS TO TAKE ALL NECESSARY STEPS IN ACCORDANCE WITH THIS RESOLUTION AND REPEALING ALL INCONSISTENT RESOLUTIONS.**

WHEREAS, the Deer Creek Drainage Basin Authority (the "Authority") is a public body incorporated and exercising public power in the Commonwealth of Pennsylvania, duly organized and validly existing under the provisions of the Municipality Authorities Act of 1945, Act of May 2, 1945 (P.L. 382, No. 164), as amended and re-enacted by the Municipality Authorities Act, Act 22 of 2001, and codified at 53 Pa. C.S.A. § 5601, et seq. as amended (the "Act"); and

WHEREAS, the Authority has been organized to operate and maintain a sanitary sewerage collection system in the Authority service area which includes the Townships of West Deer and Indiana; and

WHEREAS, the Municipality Authorities Act of 1945, as amended, authorizes the Authority to impose various reasonable rates and fees on user of the sanitary sewerage collection system to provide for the expenses and obligations of the Authority; and

WHEREAS, the Authority is required, by the Municipality Authorities Act of 1945, to physically post a notice on the property of a customer whose account is delinquent and whose water service will be terminated for non-payment of sewer service charges; and

WHEREAS, the current charge for posting the property for non-payment of sewer service charges is \$10 was enacted via Resolution 83-6 dated October 17, 1983; and

WHEREAS, the existing Posting Fee was reviewed and was determined that such fee does not adequately cover the expenses involved;

NOW, THEREFORE, BE IT RESOLVED, that Posting Fee be increased to \$20.00 and the charge is to be paid whether service is terminated or not;

RESOLVED FURTHER, that the increased fee is effective January 1, 2024 and that any provision or provisions of a resolution or resolutions inconsistent with the provisions of the within Resolution are hereby expressly repealed.

ADOPTED this 19th day of December 2023.

MOTION was made by Mr. Drischler and seconded by Mr. Simonetti to Resolution No. 2023-05 - Increase Posting Fee. Motion carried unanimously.

Presented for approval of Resolution No. 2023-06 to increase the customer deposit.

**RESOLUTION NO. 2023-06**

**A RESOLUTION OF THE DEER CREEK DRAINAGE BASIN AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA; AUTHORIZING AND APPROVING AN INCREASE IN CERTAIN REQUIRED CUSTOMER DEPOSITS FOR THE PURPOSE OF SECURING PAYMENT OF SEWER SERVICE CHARGES, SETTING FORTH AN EFFECTIVE DATE, AUTHORIZING AUTHORITY OFFICERS TO TAKE ALL NECESSARY STEPS IN ACCORDANCE WITH THIS RESOLUTION AND REPEALING ALL INCONSISTENT RESOLUTIONS.**

WHEREAS, the Deer Creek Drainage Basin Authority (the "Authority") is a public body incorporated and exercising public power in the Commonwealth of Pennsylvania, duly organized and validly existing under the provisions of the Municipality Authorities Act of 1945, Act of May 2, 1945 (P.L. 382, No. 164), as amended and re-enacted by the Municipality Authorities Act, Act 22 of 2001, and codified at 53 Pa. C.S.A. § 5601, et seq. as amended (the "Act"); and

WHEREAS, the Authority has been organized to operate and maintain a sanitary sewerage collection system in the Authority service area which includes the Townships of West Deer and Indiana; and

WHEREAS, the Municipality Authorities Act of 1945, as amended, authorizes the Authority to impose various reasonable rates and fees on user of the sanitary sewerage collection system to provide for the expenses and obligations of the Authority; and

WHEREAS, the Authority has, by Resolution 82-2 dated April 26, 1982, Resolution 89-6 dated June 19, 1989, provided for the advance payment to the Authority for the purpose of securing payment of sewer service charges and Resolution 14-1 dated November 17, 2014 revising customer account procedures for landlord/tenant accounts.

NOW, THEREFORE, BE IT RESOLVED:

1. That prior to the introduction of sanitary sewer service to any proposed customer, the titled owner of the property to which such service is proposed, must execute an agreement (Service Application) with the Authority, by which such owner acknowledges liability for the payment of sanitary sewer charges for such property and a make a deposit in an amount equivalent to the quarterly or bi-monthly bill which most closely resembles that of the property in question, or the highest billing of the property in question, whichever is greater.
2. In the event that there are multiple EDUs billed under one account, the deposit shall be calculated in the same manner as the sewer bill (based on the number of EDUs)
3. In the event thereafter, that the account falls sixty days or more in arrears, then the Manager of the Authority may cause said deposit to be applied to the amount in arrears.
4. In the event that the property is sold, the deposit will be applied to any outstanding sewer service charges and the remainder, if any, will be refunded.
5. Any amount so held by the Authority may be held in interest bearing accounts by the Authority; provided that any earnings or income on said accounts shall be retained and be the property of the Authority.

RESOLVED FURTHER, that this Reslution shall become effective and binding on all properties served by the Deer Creek Drainage Basin Authority on January 1, 2024 and that any provision or provisions of a resolution or resolutions inconsistent with the provisions of the within

Resolution are hereby expressly repealed.

ADOPTED this 19th day of December 2023

MOTION was made by Mr. Plesh and seconded by Mrs. Krally to approve Resolution 2023-06 - Required Deposit to Secure Payment. Motion carried unanimously.

*Resolution No. 2023-07*

Mr. Brown presented for approval of Resolution No. 2023-07 PennVest Reimbursement Resolution.

**RESOLUTION NO. 2023-07**

**DECLARATION OF OFFICIAL INTENT OF DEER CREEK DRAINAGE BASIN AUTHORITY TO REIMBURSE THE AUTHORITY OPERATING ACCOUNT USED TO CONSTRUCT IMPROVEMENTS TO ITS SANITARY SEWAGE SYSTEM WITH FUNDS RECEIVED FROM THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY**

WHEREAS, Deer Creek Drainage Basin Authority (“Funding Recipient”) has determined that construction of improvements to the Sanitary Sewer System located in Indiana and West Deer Townships, Allegheny County, Pennsylvania (the “Project”), are necessary; and

WHEREAS, in order to finance the costs of the Project, the Funding Recipient has issued or intends to issue its Debt Obligation to the Pennsylvania Infrastructure Investment Authority (“PENNVEST”) in the maximum principal amount of \$2,283,370.00 (the “PENNVEST Debt Obligation”); and

WHEREAS, Funding Recipient intends to pay Project costs, on an interim basis, using its Authority Operating Account until the proceeds of the PENNVEST Debt Obligation are received.

NOW, THEREFORE, the Funding Recipient hereby declares as follows:

Pursuant to federal requirements set forth at 26 C.F.R. §1.150-2, the Funding Recipient officially intends to reimburse its Authority Operating Account for Project costs incurred by the Funding Recipient with the proceeds of the PENNVEST Debt Obligation up to the maximum principal amount of \$2,283,370.00.

MOTION was made by Mrs. Pastura and seconded by Mr. Drischler to approve the customer deposit increase. Motion passed unanimously.

Mrs. Biery reviewed the Secure Act 2.0 updates for the Board, which addresses updates to the 457b Pension Plan. An updated plan document reflecting these changes will be provided by Lincoln Financial.

**Chairperson’s Report**

Mr. Higgins distributed performance review appraisal forms to the Board for the Manager’s review.

**Old Business**

None.

**New Business**

None.

**Open Meeting to Public**

There were no members of the public in attendance.

**Supplemental Meeting**

MOTION was made by Mrs. Krally and seconded by Mr. Simonetti to cancel the Supplemental Meeting scheduled for December 25, 2023. Motion carried unanimously.

**Adjournment**

MOTION was made by Mr. Plesh and seconded by Mr. Simonetti to adjourn the meeting at 6:51 p.m. Motion carried unanimously.

Respectfully submitted:

Read and Approved:

1-22-24

