

**PETERS TOWNSHIP
SANITARY AUTHORITY**

3244 WASHINGTON ROAD
McMURRAY, PA 15317-3153
PHONE: 724-941-6709
FAX: 724-941-2283
Web Site: ptsaonline.org



James J. Miskis, Manager
Mark A. Chucuddy, Asst. Manager
Mildred Paff, Office Manaer

REGULAR MEETING

AUGUST 9, 2005

ROLL CALL:

The regularly scheduled meeting of the Peters Township Sanitary Authority was called to order by the Chairman at 7:05 p.m. Board members present were G. Robert Jacobs, John P. Slagle, and George A. Khalouf. Also present were Terry Soster and Kevin Hoffman, KLH Engineers, Inc.; Fred E. Baxter, Jr., Solicitor; James J. Miskis, Manager; Mark A. Chucuddy, Assistant Manager; Patricia L. Foote, Financial Controller, and Mildred Paff, Admin/Acct. Clerk. Absent from this meeting were Board members Gerald C. Grubesky and Denver E. Yingling.

VISITORS:

1. Dick & Annette Bryant, Dennis Huebner, and Richard Swett re: progress on Hidden Brook sewers.

James Miskis, Manager, explained that, at the last meeting, the developer proposed to install a temporary pumping system to get around the 1,000 feet of problem sewers. An agreement, specifying the conditions under which the Authority would agree to the temporary pumping arrangement, was signed by the developer. At this point, the developer is able to install the temporary pumping system but Mr. Miskis does not believe the plans have been submitted to the engineers for review. The Authority's geotechnical engineer was on site to do an assessment, and to gather more information so the Authority could determine how best to proceed with the 1,000 feet of problem sewer. Mr. Jacobs said when the temporary pumping system was completed, the Authority would release tap permits so that the building laterals could be installed and the home owners could get occupancy permits.

Mr. Swett inquired if the occupancy permit would be temporary or permanent. Mr. Miskis said it would be permanent as far as the Authority was concerned. The Township grants the occupancy permit and would have the final say on matters in the event there is anything else outstanding.

The visitors were concerned that the developer may go bankrupt and the problems with the sanitary sewers will not be repaired. Mr. Miskis explained that, as part of the normal developer procedure, the Authority requires that the developer post a financial security to assure that the sewer installation will be to the Authority's specifications and approvals. If the developer is unable to complete the installation, the Authority would use the financial security to have the work completed.

2. Ernest Orsati, Catholic Cemeteries Association and Donald Hultberg, Phillips & Associates. re: variance to install holding tank at the proposed Mausoleum, Queen of Heavens Cemetery

The Board members were copied on Mr. Hultberg's letter dated July 29, 2005 requesting a variance to install a holding tank in lieu of connecting this proposed structure to the sanitary sewer. Mr. Miskis said that, because the cemetery is quite large and because the mausoleum would have a relatively small use, the Catholic Cemeteries Association is proposing a holding tank in place of connecting it to the public sewer. Management's interpretation of the Board's policy is that if the existing property is already connected to the sewer, that establishes that they have access to the public sewer. If they have access, they are required to connect to the public sewer even though they have a considerable distance to connect to the public sewer either by their existing private sewer or by another extension. Mr. Miskis denied the use of the holding tank and Ernest Orsati is present to appeal to the Board to reconsider that decision.

Mr. Hultberg presented a drawing which indicated that approximately 2600 feet sewer line would be required to connect to the public sewer. A second point of connection is approximately 1300 to 1700 feet away. Mr. Hultberg said their appeal is that this is an existing cemetery since the 1950s, with two existing septic systems on the site. The mausoleum would generate, at best, 50 gpd and would only be accessible during funeral services. Mr. Hultberg understands and agrees with the Authority's policy that if you have access to the public sewer, you should connect but he thinks that those policies are set up for sites or lots that are an acre or less. This is a 169 acre site and will always be utilized as a cemetery. Mr. Hultberg feels that a holding tank makes a lot more sense in this instance.

Mr. Khalouf questioned why, knowing that the existing sewer was some distance, did they choose this site for the mausoleum? Mr. Hultberg said the location was chosen because other areas are already laid out in grave sites and this is one area that does not have a grave site layout. Mr. Hultberg said that connecting to the public sewer is doable, but the distance away for the small volume of sewage is not feasible. DEP requires a signed contract with a pumping company to pump the tank every so often. Mr. Hultberg proposed a 2,000 gallon holding tank with alarms as required by DEP regulations.

Mr. Khalouf's problem with Mr. Hultberg's interpretation of the statute is that it was probably designed for an area with much smaller acreage because it is very specific and does not allow for any variance. Not having drafted the ordinance, he does not know that was the consideration at all. Mr. Khalouf is also concerned about setting a precedence and the Board has to take this into consideration. Mr. Jacobs said he looks at this in a little different way. He looks at this as a big site and we have a ruling that if you are within 150 feet of the public sewer, you have to connect. The site where the mausoleums are to be constructed, are not within 150 feet of public sewers. Mr. Miskis said that Township Ordinance 79, which we call the mandatory connection ordinance, is the one that gives police powers to be able to force property owners who already have existing structures to connect to our sewer when we install sewer extensions. Mr. Miskis stated there is a difference when a new building is constructed on property that is accessible to sewers, there is no requirement that the new building has to be within 150 feet and that falls to the Authority's regulations which does not address a distance of 150 feet. Mr. Baxter, Solicitor, concurred with Mr. Miskis that there is a difference between mandatory tapping for people who have septic systems within 150 feet but it is different for new development.

Mr. Miskis reminded the Board that a few months ago, the Authority had a request from a property owner with a grinder pump that has been connected to the sanitary sewer for 20 years wanting to put in a septic system because they had so many problems with the grinder pump. They were denied their request on the grounds that they were connected to the sewer; therefore, they are accessible to the sewer, therefore they are required to be connected to the public sewer.

Mr. Slagle pointed out that Queen of Heaven Cemetery has two buildings on septic, two buildings connected to the sanitary sewer by grinder pumps and now they are proposing a holding tank. Mr. Miskis said that the buildings on septic are older and in all probability, when the sewers were installed, they were not required to connect because they were more than 150 feet from the sewer line.

Fred Baxter, Solicitor, said the Board should carefully delineate this policy before making a decision. The distance from the sewer line is irrelevant but there is a mandate from the Township to publicly sewer the Township. The Authority would be deviating from the mandate if allowing someone a variance not to connect to the sewer system due to inconvenience. Mr. Baxter stated that if the Authority granted an exception, and they have the right to do that, they must be careful how it is done because someone can easily have a large amount of acreage, construct a building and then want to build an accessory building further back and decide that the public sewer is too far, and therefore, just install a holding tank. Mr. Baxter does not think the footage is relevant in this instance.

Mr. Jacobs inquired that if the Board decided to permit the holding tank, how would the Board delineate this? Mr. Baxter said the Board would have to express all the reasons for granting the variance such as volume of flows, distance, particular use being a cemetery, and probably not further developable acreage. Mr. Miskis said that the Board may want to include some wording that would require them to connect if another building is built in the future. Mr. Slagle suggested that a variance could be granted now but if they decide to construct another building, they would be required to connect all buildings to the sanitary sewer.

Based on the policy as he interprets it, Mr. Khalouf thinks the Authority is getting into a difficult situation establishing a variance as precedence. This can be avoided by doing what the Ordinance states and maintaining what the Township has commissioned the Authority to do in sewerage the Township and he would be against granting a variance.

Mr. Slagle said a variance could be granted to the Queen of Heaven Cemetery Association and gave examples of conditions, indicating the reason for the variance; the cemetery has extremely low flow of water consumption, is a large area, excessive distance from sanitary sewer, and sees no possibility of growth in this area. This proposed development will be on the Agenda for the Planning Commission on Thursday, August 11, 2005. It then would go to the next Council meeting, Thursday, September 22nd. Mr. Miskis said if the Authority did grant a variance, the Authority can make sure the conditions are approved by the Planning Commission and Council so there are actual conditions that the Council imposes in addition to the Authority's.

Mr. Slagle questioned that if he made a motion to grant a variance, would Mr. Khalouf second the motion and Mr. Khalouf said no. The motion would die for lack of a second. Mr. Jacobs said this problem has to be solved and a decision made at the next public meeting and will be on the next meeting agenda.

3. Frances Uhrine, 112 Fireside Drive re: variance to build a shed and deck that would encroach on a sewer easement

Mrs. Uhrine said they would like to build a storage shed and a deck on their property and it would encroach on the Authority's right of way. Mark Chucuddy said that their proposal would encroach 4 feet

onto the Authority's sewer easement which is only 15 feet wide. The sewer line in this area is 20 feet deep and we have just completed a CIP point repair in this segment as part of the Stonehenge project. Since the easement is only 10 feet from the home, it would be very expensive and difficult to make any repairs to this line should a problem arise. Mrs. Uhrine said her neighbor's driveway crosses over the sanitary sewer and Mr. Jacobs explained that if the Authority had to excavate the line, the driveway would be dug up. Mr. Miskis said that driveway crossing a sewer line cannot be prohibited as the homeowner has to have access to his property.

Mrs. Uhrine inquired if a letter will be sent so that her husband understands why the request is denied. Mr. Miskis said a letter will be sent stating that due to the deepness of the sewer, the narrowness of the right of way, and the size of the encroachment make it technically infeasible for the Authority to grant a variance.

John Slagle moved to deny a variance to Mr. & Mrs. Uhrine's request, 112 Fireside Drive, to encroach on the Authority's right of way to construct a shed and deck. George Khalouf seconded the motion that carried without a dissenting vote.

4. Rob & Debra D'Arrigo, 1126 Moccasin Drive re: variance to connect by private lateral

Mr. & Mrs. D'Arrigo were present as they recently purchased the home at 1126 Moccasin Drive which on a septic system that is malfunctioning. They are requesting a variance from the requirement to extend the public sewer to their property. There is sufficient room in the road right of way to bring the sanitary sewer lateral to his property. The distance is 275 feet from the edge of the house to the existing manhole at 1114 Moccasin Drive. Mr. Miskis said the length of the lateral is something that needs to be addressed because there will be clean-outs every 100 feet sitting that road right of way which is unusual.

John Slagle moved to grant a variance to Mr. & Mrs. D'Arrigo to connect their home at 1126 Moccasin Drive by a 275 foot private lateral. George Khalouf seconded the motion that carried without a dissenting vote.

5. Victor Vandewater, 210 Ridgeview Drive re: costs associated with the deduct meter

Mr. Vandewater questioned the increase in costs associated with the deduct meter which included an increase in the annual read fee and the addition of a tri-annual inspection fee. He wanted to know how the Board arrived at the increase in read fee and inspection costs. Ms. Foote, Financial Controller, said the increase in read fees is based on the costs of Authority personnel reading the meter and administrative time to process the readings. He questioned why it was necessary to inspect the meters as they were inspected by Authority personnel when they were originally installed. Ms. Foote explained that we need to verify that they are still as originally installed and the seal is intact. Mr. Vandewater requested a copy of the list of deduct customers and his request was denied.

REVIEW OF MINUTES FOR APPROVAL: Minutes of June 28, 2005

Minutes of July 12, 2005

Minor corrections were made to both sets of minutes. John Slagle moved to approve the Minutes of the June 28, 2005 meeting and July 12, 2005 meeting as corrected. George Khalouf seconded the motion that carried without a dissenting vote.

SOLICITOR'S REPORT: Copy on file

There was a discussion regarding the request of Queen of Heavens to use a holding tank. It was decided that this would be on the Agenda for the next meeting and Mr. Jacobs requested the Solicitor and management to provide to the Board, information prior to the meeting to render a decision. Mr. Baxter advised the Board that this is an unusual circumstance and caution should be taken on the parameters of approving the use of a holding tank. The motion should be very specific.

ENGINEER'S REPORT: Copy on file

Kevin Hoffman, KLH Engineers, reported they have received the final payment request from the Ivy Lane contractor and recommends payment to finalize the negotiated settlement. John Slagle moved to approve the final payment in the amount of \$27,000.00 to Glenn Johnston Inc. to close out the Ivy Lane Project. The motion was seconded by George Khalouf and carried without a dissenting vote.

Regarding the Crossgates Trunk Sewer Project, a pre-bid meeting was held July 21, 2005 with the contractor, Edward T. Sitarik Contracting, Inc. John Morrison, KLH, will be the resident observer on the project. The contractor expects to start work on August 15th and the Hoyt property will be used for equipment access. The contracts were executed tonight by the proper officials.

Oakdale Construction has submitted a payment request for Change Order No. 3 for the flood damage projects. George Khalouf moved to approve payment of \$28,035.00 to Oakdale Construction for the final pay estimate for flood damage repairs. John Slagle seconded the motion that carried without a dissenting vote.

KLH Engineers, Inc. has submitted a proposal for preliminary assessment for lab accreditation for the Authority. Mr. Hoffman said that DEP is in the process of finalizing regulations requiring lab accreditation for any entity that owns or operates a wastewater laboratory. John Slagle moved to accept the proposal of KLH Engineers, Inc. for a study and report on the Authority's laboratory in the amount of \$800.00. Mark Chucuddy explained that KLH will interview Authority personnel, inspect our lab, and report on what we have and what is needed to attain accreditation. The motion, seconded by George Khalouf, carried without a dissenting vote. H & H Water Controls will provide KLH assistance in this study.

Management requested that Kevin Hoffman attend a meeting several weeks ago with PennDOT regarding the four slide areas on Valleybrook Road which are to be repaired. The Authority has sanitary sewer line in one of the excavation area. The current course of action will be that PennDOT will be excavating down to rock approximately 40 feet from the centerline over the existing road. Mr. Hoffman presented a drawing to indicate the construction area is right above the Authority's interceptor sewer lines.

PennDot will close Valleybrook Road; therefore, KLH recommends the Authority replace the sanitary sewer line, under an emergency basis, as this is an older line and we know that there are defects in the line. They also recommend replacing the existing pipe with a larger pipe diameter to gain capacity. PennDOT will allow the Authority to open-cut Valleybrook Road to install a 21-inch PVC, reinforced, concrete encased pipe. KLH will prepare the required Highway Occupancy Permit.

John Slagle moved to approve entering into the Valleybrook Road Crossing contract with Oakdale Construction on a time and material emergency basis, terms to be negotiated. George Khalouf seconded the motion that carried without a dissenting vote.

MANAGER'S REPORT: Copy on file

James Miskis, Manager, reported that the Authority has additional requests for a variance to allow encroachment on the Authority's right of way. The Township building inspector alerted us that Mary Chiodo, 121 Woods Lane, plans to pour a raised patio over the easement. She is proposing a pool abutting our easement line, which we have no issues with, but our sewer line is 16 feet deep in the area of the proposed patio. Although Mrs. Chiodo, by letter, stated she is willing to be responsible for the removal and replacement of the concrete should the Authority need access to the sewer line, George Khalouf moved to deny the variance to install a concrete patio over the right of way to Mrs. Chiodo on the basis that the Authority has a narrow easement and the sewer is deep in this area. John Slagle seconded the motion that carried without a dissenting vote. Mr. Slagle suggested that Mrs. Chiodo could use patio stepping stones or something similar that could be easily and quickly moved.

Ryan Homes is requesting a variance to construct a 35 foot long dry stacked retaining wall at the edge of a proposed driveway at 122 Spring Meadow Drive. The wall would almost sit directly on the 11 foot deep, sanitary sewer. Mr. Miskis said there are probably many homes that have encroached on the sewer right of way with similar dry-stacked retaining walls without our knowledge. This proposed wall would be dry stacked and would not require a foundation and he recommends granting a variance provided a release is provided. John Slagle moved to approve the variance request for 122 Spring Meadow Drive with the provision that a release is granted. The motion was seconded by George Khalouf and carried without a dissenting vote.

Mark Chucuddy brought to the Board's attention that the owner of Lot 304 Buffalo Ridge Road is requesting permission to place 5 foot of additional fill to level out his lot. After the proposed fill, the deepest spot of the sewer line will be 8 feet deep. George Khalouf moved to approve a variance to the owner of Lot #304 Buffalo Ridge Road to place the fill over the sewer right of way. John Slagle seconded the motion that carried without a dissenting vote.

Mr. Chucuddy said there has also been a request from the owner of 123 Hidden Valley Road for a variance to extend a lateral in the road right of way to the existing sanitary sewer for a proposed office building. A variance is required because the property does not abut the public sewer. It is the last property to be sewerred, therefore, is eligible for the variance. Mr. Miskis said that the existing sewer was a relatively new sewer extension by Graziotto and the reimbursement of the collection part of the tapping fee may factor into this proposed sewer extension because it is connecting to a sewer extension installed by a developer.

John Slagle moved to approve the variance for the owner of 123 Hidden Valley Road to extend a lateral for a proposed office building. George Khalouf seconded the motion that carried without a dissenting vote. Mr. Miskis was directed to investigate the collection part reimbursement and report at the next meeting.

Mr. Miskis reported that yesterday, 3.2 inches of rain in a few hours was recorded at both treatment plants. We did have a report of a backup at the property at 225 Gateshead Drive on the Crossgates trunk sewer above the section that we are currently working on. It was confirmed that the backup was sewage. Our line was televised to make sure there were no obstructions or root intrusions as it is an old clay pipe

system and no problems were found. A letter will be sent to the home owner informing them that the Authority is not responsible for the backup and a backwater valve should be installed.

Mr. Miskis said the Authority will expedite work in that area and one of things that can be done immediately is the downstream manhole's invert and channel can be improved to improve the flow characteristics through that manhole. The manholes in that area are brick and will be coated as part of the ongoing Crossgates Rehabilitation Project.

Mr. Miskis said one of the visitors who did not show up tonight was Mrs. Holman, 102 Scarborough Lane. She is concerned that the project will remove two large blue spruce trees on her property. In regard to the two large blue spruce trees in front of the property, Mr. Miskis recommends, to the Board, that the Authority work with the contractor and rather than give her two small replacement trees, give her one bigger tree than the contract requires. Mr. Khalouf said that she should be given two large replacement trees. Mr. Jacobs said to try for replacing only one but authorization was given to replace with two larger trees if necessary.

Mr. Miskis brought 101 Scarborough Lane to the Board's attention because we do not have a right of way for the sanitary sewer that the Authority plans to abandon. Mr. Miskis will meet with the property owners to inform them that the line will be abandoned and they have the option to take it over as their private lateral or the Authority can extend their building sewer.

Mr. Baxter said that if the right of way has been used by the Authority for 21 plus years, we have a right of way under adverse possession and the width would be whatever was reasonable at the time period.

Mr. Miskis said another instance of an adverse possession right of way is on Lot 121 Camelford Drive. The property owner informed the Authority that the sanitary sewer installed in 1965 is not in the easement and he wants to build a garage at the end of his driveway where there is a 15 foot easement (not a sewer easement). Authority personnel verified that our sewer is not even close to where the easement is shown. The property owner is asking if the Board would consider vacating the existing easement, and if so, he would be willing to dedicate the easement the Authority wants. Mr. Miskis said if the Authority requested more than a 15 foot easement, the property owner will not be able to build his garage anyway. The Board would have to be agreeable to a 15-foot right of way.

Mr. Miskis informed the property owner that the Authority can only vacate its right to the easement but not the rights of other utilities. The property owner did a PA One Call to see if any other utilities were in or near the easement and there is nothing else. Mr. Miskis said the property owner can be reasonably assured there are no other utilities in the easement and the Township would probably issue a building permit for the garage provided the Authority is vacating its easement. Mr. Miskis said this is an end manhole and only five feet deep so a 15-foot easement would be sufficient but an adjacent property owner would have to agree. The survey would be at the property owner's expense and a right of way agreement costs should be the expense of the property owner.

George Khalouf moved to vacate the existing easement with splitting the legal costs with the property owner and the property owner paying survey costs contingent upon on the adjacent property owner agreeing. John Slagle seconded the motion that carried without a dissenting vote.

In regard to the Budget Status, Mr. Miskis said that the Authority's vehicles are aging and starting to require major repairs. He recommends replacing the 1995 GMC maintenance truck this year which was a budgeted item. Management will have specifications and details on a replacement vehicle for the September meeting.

In regard to the Hidden Brook Plan, Mr. Miskis said that the Authority's geotechnical consultant is recommending remedial measures involving lesser amounts of excavation and disturbance of the soils. To that end, Mr. Miskis recommends acceptance of a 0.40% or greater slopes as DEP requires rather than the Authority's 0.47% requirement. The developer has been considering installing a 10-inch pipe which can be laid flatter and provide additional capacity but additional capacity is not needed in this case. Also, the velocity of the water would be slower which is not desirable. If the flatter line is acceptable, the next consideration is what can be done with the manholes and the consultant has not given his recommendation as yet. The Board concurred with the 0.40% slope.

Mr. Miskis recommends releasing \$50,000 of Hidden Brook's Letter of Credit as a good faith gesture as the developer is cooperating with the Authority. Kevin Hoffman said the only outstanding issue is the manholes and one segment of sewer. No securities have been released on the pump station as yet and Mr. Hoffman sees no problem with releasing \$50,000 with the understanding it is essentially for the pump station. Mr. Miskis said the pump station has been tested and is ready for operation. John Slagle moved to release \$50,000 of Hidden Brook's Letter of Credit against the pump station. George Khalouf seconded the motion that carried without a dissenting vote.

In regard to the Spring Meadows Plan, Mr. Miskis met with the developer, Woody Welsch, today who requested that the Authority consider applying the balance of the tap reimbursement to the negative balance of \$9,716.54 in the developer's escrow. The Authority owes him approximately \$3,350 from the credit taps for the extension of the sewers to the Severans property. Mr. Welsch is also asking the Board for consideration of waiving some of the remaining outstanding balance. Mr. Miskis recommended a credit of \$1,200 based on the Authority's portion of the as-built drawings for the Severans extension and avoiding arbitration. George Khalouf moved to credit the Spring Meadows Plan developer's escrow \$1,200 as recommended by management. The motion was seconded by John Slagle and carried without a dissenting vote.

George Khalouf moved to approve the Walnut Creek Plan, Justabout Road, sanitary sewer installation for use and accept the extension for ownership subject to completion of all outstanding items. John Slagle seconded the motion that carried without a dissenting vote.

FINANCIAL CONTROLLER'S REPORT: Copy on file

FINANCIAL STATEMENT REVIEW: Month ending July 31, 2005 – Copy on file

CORRESPONDENCE FOR THE BOARD'S INFORMATION: Copy on file

PAYMENT OF BILLS & REQUISITIONS:

John Slagle moved to approve payment of Operating Fund checks 13067 through 13137 (voiding checks 13117 through 13121) totaling \$252,933.88; Developer Fund expenses totaling \$33,827.94, and Capital

Improvement & Redemption Fund Requisition No. 23-05 listing 7 vendors and totaling \$75,448.43. The motion was seconded by George Khalouf and carried without a dissenting vote.

ADJOURNMENT:

The regularly scheduled meeting of the Peters Township Sanitary Authority was adjourned at 11:24 by a motion made by George Khalouf, seconded by John Slagle, and carried without a dissenting vote.

Respectfully submitted,

Mildred Paff, Admin/Acct Clerk