

# DELMONT BOROUGH COUNCIL MEETING MINUTES

September 8, 2020

77 Greensburg Street  
Delmont, PA 15626



## **ELECTED OFFICIALS:**

<i>Alyce Urban, Mayor</i>	Present	<i>Dennis Urban</i>	Present
<i>Andrew Shissler, Council President</i>	Present	<i>Becky Matesevac</i>	Present
<i>Bill Marx, Vice President</i>	Present	<i>David Weber</i>	Present
<i>Stan Cheyne</i>	Present	<i>Pam Simpson -</i>	Absent

## **EMPLOYEES:**

Bill Heaps, Public Works Supervisor	Present
Kellie Miele, Secretary/Treasurer	Present
T.J. Klobucar, Delmont Police Chief	Present

## **PROFESSIONAL SERVICES:**

Dan Hewitt, Esq. Solicitor, Avolio Law Group, P.C.	Present
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## **ENGINEER REPORT:**

LSSE Representative	Donald Hixon
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## **RESIDENTS ATTENDING: (ORDERED BY SIGN IN LIST)**

### **Non-Resident Citizens**

Vicki Walters – Historic Society	Georgia Boring – Penn Franklin News Patrick Varine – Trib/Star
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**CALL TO ORDER:** Mr. Shissler calls meeting to order and join in the Pledge.

## ***STANDARD MONTHLY BUSINESS***

### **MEETING MINUTES:**

Council reviewed the August 11, 2020 Council Meeting Minutes. Stan Cheyne made the Motion to Approve the August 11, 2020 Council Meeting Minutes. Dennis Urban Seconded the Motion. All Approved.

### **TREASURER'S REPORT:**

Prepared and submitted by Council President, Andrew Shissler, on display, but not read. Motion to Approve Treasurer's Report made by Becky Matesevac. Motion Seconded by Bill Marx. Motion Passed unanimously.

### **BILLS:**

Bills on display but not read. Stan Cheyne made the Motion to Pay the Bills. Dennis Urban Seconded Motion. Motion Passed unanimously without further discussions.

## ***CITIZENS' COMMENTS***

### **Vicki Walters – Historic Society**

Ms. Walters told Council that the Delmont Historic Society is going to have a clean-up day at the log cabin. They will meet at the log cabin on September 19<sup>th</sup> at 8:00 a.m. This will be a working day for the garden area. They will concentrate on the rain garden and dig the area for the herbs. Volunteers are needed and welcomed. Mr. Weber also requested that the historical society begin an inventory of the items within the log cabin.

## ***COMMITTEE REPORTS***

### **ENGINEERING REPORT – LSSE**

Mr. Donald Hixon was the representative from LSSE. (See attached report)

**Lennon, Smith, Souleret Engineering Inc.**

4536 Route 136, Suite 1  
Greensburg, Pennsylvania 15601  
Ph. (724) 837-1057 • Fax (724) 838-9811

# Memo

TO: Delmont Borough Council  
DATE: September 8, 2020  
FROM: Kevin A. Brett, P.E., Gary Baird  
S. O. No.: 0398-02-01  
Donald Hixson, P.E., PLS  
cc: File  
SUBJECT: Sewer Committee Items Update

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## **CRAMER COA**

- DEP order to address surcharging manholes upstream of Cramer Pump Station is Executed by all parties on April 30, 2020. Public meeting held July 2, 2020 to present the Act 537 plan at 7 PM at the fire hall. Written comments will be received for 30 days from the advertisement date. Plan was submitted to County who reviewed and provided no objection to the plan. They responded in writing, no comments received. The Borough planning commission is to review and provide any comments to the plan. Council adopted at the August Council meeting. **Salem Planning Commission adopted week of August 31, 2020 and Salem Council to adopt week of September 7, 2020. Once Adopted by both, the Plan will be submitted to DEP for review. All comments have been addressed from the public in the Plan.**
- Report due to DEP in August and April each year. LSSE drafting first report for August submittal. This one will include adopted ordinance and updated mapping. First Cramer Update sent.
- Conceptual Plan have been prepared and reviewed with Sewer Committee and have been utilized to finalize and have been incorporated in to the Order. LSSE beginning coordination with Utilities on Location of facilities relative to existing gas lines. LSSE preparing draft easement documents for Solicitor's use. Preliminary Plans completed and reviewed with Street Committee, and easement exhibits drafted for Borough's use in obtaining easements for new sewer construction. On-Going. **Borough is moving forward with acquiring properties while Act 537 Plan is being processed over the next few months.**
- RUS grant submittal: LSSE has uploaded the Preliminary Engineering Report and other required documents. Borough has application 99% complete. A few Borough submittals remain and certifications by the Borough. Once those items are completed, LSSE will contact RUS to verify they have received the necessary items. Borough Submitted application. LSSE updated per DEP Alternative comments. LSSE is responded to RUS's comments on the Osage Nation THPO clearance. RUS sent Emily Palmer (LSSE) info Borough needs to submit. If they accept it, no further action, if they do not a Phase 2 Archaeological study will be needed. RUS provided comment to the latest submittal. LSSE responded 6-9-20 and will follow up next week to check status. **Awaiting response.**
- Service order for Phase 1 interceptor upgrade for NPDES permitting, final design, bidding, engineering related to right of way acquisition, Construction Phase Service and Project Resident Representative. This proposal is for 2019 through end of Phase 1 Construction. Awaiting authorization to proceed. Salem requesting results of design calculations once completed. If COA executed, this and the Geotechnical Investigations for ACA Engineering, Inc for \$10,468.00 to be authorized to proceed. Access is needed to field for this work to be completed.

**No Change. ACA needs authorization at the October meeting for the Geotechnical Investigations once Act 537 Plan submitted to DEP.**

**FTMSA COA**

• The Sewer Committee met and drafted adjusted budget for the FTMSA Executed COA-which has been executed by all entities dated **August 29, 2019**. No work was planned for 2019 budget as the FTMSA COA was not received until early 2019. The following milestones are required per the Order. LSSE to work with Sewer Committee to develop a budget for the items listed below which are each municipal entities responsibility to complete.

o **Identification, Inspection and Mapping.**

a. By **January 1, 2021** the Municipal Entities shall, at a minimum, identify and inspect all accessible manholes, pump stations, siphon chambers, combined sewer regulators, diversion chambers, exposed sewer lines, exposed force mains, outfalls and all other visible appurtenances of their respective sewer systems (the FTMSA Contributor Systems and the FTMSA Sewer System). This identification and inspection shall be referred to herein as the “Visual Inspection.” By January 1, 2021, each Municipal Entity shall also provide the results of the Visual Inspection to FTMSA so as to permit FTMSA to complete an accurate GIS based map (“GIS Map”) that includes this information. Field work completed, public works did an excellent job finding an opening all the manholes. A report will be provide to DEP and FTMSA on the findings, once they are reviewer with Sewer committee. **Report is being prepared for review with Sewer Committee over the next few months. Meeting to be scheduled with Gibson Thomas to review our mapping versus their mapping to confirm ownership of the manholes at the Borough line. Goal is to have completed by years end.**

b. GIS-Mapping of Sewer System: Both this order and the Cramer order requires system to be mapped and manhole physical surveys to be completed. LSSE to provide current mapping to FTMSA for their use in its current state. LSSE to work with Public Works to locate and access all manholes which are reasonably accessible in first 90 days of orders being executed. This work to be completed in November-January 2020. **Locations are complete. LSSE 99% complete with map—to be reviewed with Sewer committee and then transmitted with MPS to FTMSA and DEP. Public works did an excellent job assisting with the locations. A list of manholes which were unable to locate or manholes which are in need of repair is being prepared for Public Works to address over the next five years. This plan will need reviewed with Pubic Works at the October or November Sewer Committee meeting.**

o **Ordinances: Due date August 29, 2020.**

• Within 12 months of the execution of this Consent Order and Agreement, each enact an ordinance prohibiting the connection of any stormwater conveyance into the portions of their SSS that are referenced in this Consent Order and Agreement.

• Within 12 months of the execution of this Consent Order and Agreement, each develop and enact an ordinance (“Lateral Resale Ordinance”) requiring the inspection of the integrity of each private sewer lateral tributary to the portions of their SSS that are referenced in this Consent Order and Agreement upon the sale, transfer, assignment (as in the event of a mortgage), pledge or hypothecation of any interest in real property on which those private laterals are located, provided, however, that no such inspection shall be required for (1) transfers between husband and wife incidental to a divorce; (2) transfers through a Decree of Distribution incidental to the administration of an Estate; and (3) a refinancing of an existing mortgage by a mortgagor who has had a visual inspection of the lateral and had action taken to correct any

failure within 5 years of the refinancing. The inspection shall be accomplished by televising the laterals according to procedures adopted by each Municipal Entity designed to detect a “structurally defective” lateral as defined below. Upon receipt of inspection results that demonstrate the lateral is “structurally defective,” which shall constitute a failed test (“Failure” or “Failed”), such private laterals must be repaired or replaced by the property owner prior to the issuance of a certificate indicating the absence of liens on the real property in question. The Municipal Entities shall diligently enforce the Lateral Resale Ordinance. A “structurally defective” lateral shall be defined as a sewer lateral that exhibits root intrusion, separated joint(s), broken pipe(s), cracks, inflow and/or infiltration of storm, spring and/or groundwater, or any other condition which lends itself to inflow and/or infiltration of water into the sewer lateral other than sanitary and/or gray water. **Cramer will follow same language as FTMSA Order. Ordinance was adopted at the August meeting.**

o **Smoke and/or Dye Testing Due August 29, 2023 (Testing), Final Illegal Connection Removal by end February 2025.**

- Within four years of the execution of this Consent Order and Agreement, conduct smoke and/or dye testing of the portions of their SSS that are referenced in this Consent Order and Agreement in order to identify illegal connections associated with properties and structures; all illegal connections shall be removed within 18 months of identification. To the extent that any Municipal Entity has conducted such smoke and/or dye testing within three years of the date of this Consent Order and Agreement, said Municipal Entity may rely on those results in lieu of additional testing, provided, however, that illegal connections detected during that time period must be removed in accordance within the timeframe referred to above in this subparagraph.

o **CCTV and Clean—August 29, 2024 for FTMSA, Cramer is 365 days from when Order is signed for CRAMER.**

- Within five years of the execution of this Consent Order and Agreement, televise the portions of their SSS that are referenced in this Consent Order and Agreement and clean all segments necessary to restore full hydraulic capacity; excepting however that FTMSA shall on or before March 1, 2021 televise and clean the FTMSA Interceptor System. To the extent that any Municipal Entity has conducted such televising and cleaning within 5 years of this Consent Order and Agreement, said Municipal Entity may rely on those results in lieu of additional testing and cleaning.

- Within **six years** of the execution of this Consent Order and Agreement, identify and repair all Grade 4 and 5 defects (“Grade 4 and 5 defects”) observed in the portions of their SSS that are referenced in this Consent Order and Agreement. Grades 4 and 5 defects refer to the most significant defects in a sewer system indicating imminent or near imminent pipe failure for pipes that need to be repaired as soon as possible to prevent illegal discharges of sewage and to assure that sewage flows are properly conveyed to a treatment plant. Grades 4 and 5 defects are determined using industry criteria created by the National Association of Sewer Service Companies (“NASSCO”) under its Pipe Assessment and Certification Program (“PACP”). NASSCO is a nationally recognized organization of sewer system professionals such as professional engineers. **(August 29, 2025 work completed)**

**For Cramer: (4 and 5 Defects identified - 730 days, within 60 days following ID need schedule for repair for Cramer)**

o **Flow Monitoring( BY FTMSA).** No later than March 1, 2020, FTMSA shall commence and complete by November 30, 2020, a flow monitoring program to determine the

magnitude, frequency, duration, source(s) and cause(s) of all SSOs and the hydraulic overload in the FTMSA Sewer System. All flow monitoring shall be performed in accordance with the requirements and protocols listed herein. FTMSA shall be entitled to use flow monitoring data provided to FTMSA by the Municipal Entities, provided that the flow monitoring data is obtained in conformity with all flow monitoring requirements and protocols discussed herein. Within three months of the execution of this Consent Order and Agreement, FTMSA shall develop and distribute to each Municipal Entity performing flow monitoring on which FTMSA will rely, an additional protocol to facilitate the cooperation and coordination necessary for FTMSA to receive accurate flow monitoring results. This additional protocol shall be consistent with all flow monitoring protocols and requirements in this Consent Order and Agreement and shall be adhered to by the Municipal Entities. A copy of the additional protocol shall be submitted to the Department at the time it is submitted to the Municipal Entities.

o Flow meters shall be installed in order to obtain accurate data demonstrating capacity above connection points, flow entering from tributary connection points, and capacity downstream from connection points, and shall, at a minimum, be placed at the following locations (the “Monitoring Locations”):

**Meters have been installed and are read every other week. After November, our data will be put through QA/QC and a model will be developed. These flows will be provided to FTMSA for our points of connection.**

o **SSO Elimination Plan( BY FTMSA).**

a. By March 1, 2022, FTMSA shall develop a hydraulic model of the FTMSA Sewer System.

b. By September 1, 2022, FTMSA, on behalf of the Municipal Entities, shall submit to the Department for its review and approval, or modification and approval, a joint plan and schedule to eliminate the hydraulic overload and all SSOs in the FTMSA Sewer System (“SSO Elimination Plan”).

o **ACT 537 Plan ( BY FTMSA)**

• Within 270 days of the Department’s approval of the SSO Elimination Plan, FTMSA, on behalf of the Municipal Entities, shall submit to the Department a joint amended Act 537 Plan (“Act 537 Plan”) for the construction of the projects elected in the SSO Elimination Plan.

**For Cramer following:**

*Within 180 days submit Act 537 Plan for gravity sewer and forcemain from January 14, 2020? This is ready to submit. This is ready once Order is executed. Within 60 days of Cramer 537 Plan approval submit Part 2 for gravity sewer and forcemain. To be drafted while Act 537 is being reviewed by DEP. Within 730 days of Part 2 approval construct gravity line and forcemain – preliminary plans prepared. Within 270 Days of gravity line and forcemain to Cramer - submit revised Act 537 Plan to include the tank following post flow monitoring (to be scheduled once interceptor is completed). Within 60 days of Planning approval submit a Part II permit Within 545 Days complete construction of EQ tank*

o **Construction of Improvements**

• On or before 41 months after DEP’s approval of the Act 537 Plan, FTMSA shall complete construction and operate the new or modified sewerage facilities in the approved SSO Elimination Plan. o Progress Reports. The Municipal Entities shall each submit semi-annual progress reports to the Department documenting their efforts to comply with their obligations

described in Paragraphs 3, 4, 5, 6, 7, 8, 10, 11 and 12 of this Consent Order and Agreement (“Progress Report”). The first Progress Report shall be submitted seven full months after the execution of this Consent Order and Agreement and every six months thereafter for the duration of this Consent Order and Agreement. The Progress Reports shall be submitted in both printed and electronic form. The Progress Report shall be sent to the address in Paragraph 20 below, and include, but not be limited to:

a. A description of the actions taken in the previous six months to comply with the obligations in Paragraphs 3, 4, 5, 6, 7, 8, 10, 11 and 12 of this Consent Order and Agreement;

b. A description of all activities scheduled for the next six months to comply with the obligations in Paragraphs 3, 4, 5, 6, 7, 8, 10, 11 and 12 of Consent Order and Agreement; and

c. A description of any problems or delays encountered or anticipated regarding the performance of the activities required by this Consent Order and Agreement.

• Bioxide pump has been replaced. **We are researching different chemical to be added. Options to be presented at October meeting.**

**SOLICITOR'S REPORT** Dan Hewitt, Esq., Avolio Law Group, P.C.

Mr. Hewitt updated Council on the Cherry Knoll Plan situation with the Borough. Things are finally moving forward. Bill Heaps reported that the empty building lot that was the subject of complaints by local residents is now cleaned up. Mr. Hewitt will keep Council posted on the building contractor's follow through on the stormwater fixes they are responsible to make.

**Ordinance 2020-6 – An Ordinance to Update and Restate Regulations Regarding Outdoor Burning Within the Borough of Delmont.**

Stan Cheyne asked Mr. Hewitt about the section in the Ordinance that limited the footage required to be away from the neighbor or other structures that may be flammable. Mr. Hewitt said he could take out that requirement. After Council discussed it, Stan Cheyne then made the Motion to Approve Ordinance 2020-6 after the amendment of removal of Section C.5. Bill Marx Seconded the Motion. All Approved with the exception of Dennis Urban - Motion Carries.

**Resolution 2020-13 – A Resolution of the Delmont Borough Council to Adopt Certain Forms and Agreements Relating to the Construction, Use, Maintenance and Testing of Sanitary Sewer Laterals In Accordance with Delmont Borough Ordinance No. 2020-5.**

Mr. Hewitt explained how in the Resolution, numbers 5, 6, and 7 were added as requirements set forth to changes to the testing required by the DEP standards. The cost of a Sewer Lateral Test will now be \$150.00 payable to Delmont Borough for the Public Works inspection of the lateral and the paperwork by the Borough Office. The resident is now responsible for obtaining a certified plumber to do the inspection which will include the camera scan of the sewer pipe. Remediation of any issue will be with the responsibility of the resident/owner. The Public Works will then inspect the necessary corrections made before any certification will be issued. The Delmont Borough website will have a list of plumbers that are qualified to do this testing. Plumbers must submit a registration to the Borough Office to provide qualifications to do the necessary inspections. The new forms will be uploaded to the website along with instructions on how the inspections will now be handled.

The property will still be required to have testing any time there is a transfer of interest such as a refinanced mortgage, collateral loan or sale within a 5 year period. Stan Cheyne made the Motion to Pass Resolution 2020-13. Becky Matesevac Seconded the Motion – All Agreed – Motion Passed.

**PUBLIC SAFETY/POLICE AND FIRE DEPARTMENT REPORT – Mayor, Alyce Urban**

Mayor Alyce Urban told Council that the Delmont Police Department is selling t-shirts for supporting the police. They are \$20 and proceeds will be donated to the Westmoreland County Food Bank.

Mayor Urban inquired if the local suppliers at the Farmers' Market would be able to continue to set up in the Parklett after the last sponsored date. Council agreed that the liability would be on the Borough if they were on the property. They said that the last sponsored day of the Farmers' Market would be the last day they could sell their items in the Parklett.

Bill Heaps moved the 'concrete round about' to the front of the Borough Building. He is going to make a stand for it. The Mayor and asked the Delmont Historic Society to check into possibly getting a plaque that would show the date of the monument and some history. Council approved.

Chief Klobucar provided the Delmont Borough Police Department August Report. Copies were made available for the attendees. 127 Total calls for service in August. 32 traffic citations and 4 criminal arrest. 1 non-traffic citations were issued.

Halloween is on! October 31<sup>st</sup> from 6-8 pm rain or shine.



**BUILDING AND RENTALS** Bill Marx, Council Vice President and Pam Simpson

The new roof and replacement windows show justification for the increase in the rent according to Bill Marx. The increase will be discussed at the Borough Budget Meetings in October.

Bill Heaps explained to Council they need to act on the issue of the water coming into the basement of the Borough Building. He requested permission to dig for a French drain at the corner of the front of the building. He would parch the foundation, have it sealed by a company that would guarantee their work for 5 years and then seal it off before backfilling with gravel.

Chief Klobucar said they cleaned up mold in the Police Station after the water came in during a rain. Bill Heaps thinks addressing the foundation fixes will help with that issue.

**STREETS/ROADS/STORM WATER** Stan Cheyne and Dennis Urban

Dennis Urban told Council that Daniels Excavating will begin their work in October. Mr. Urban asked Bill Heaps if it would be possible to fix some of the Borough street signs that are leaning.

The Borough garage now has rain catchers that were donated by Mr. Weber. They collect rainwater from the downspouts on the garage.

**PERSONNEL/INSURANCE COMMITTEE** – Becky Matesevac and Pam Simpson

Becky Matesevac said the insurance renewal for the Borough employees will be released on September 20<sup>th</sup>. She expects an increase due to ages of employees increasing.

**FINANCE COMMITTEE** Andy Shissler, Council President, Becky Matesevac

Mr. Shissler prepared the Big Picture Report. He said all in all the budget is pretty much on track. The sewer grant for \$311,000.00 was awarded!

**SEWAGE COMMITTEE** - Stan Cheyne and David Weber

Nothing new to report.

**SHIELDS FARM** – Andrew Shissler, Council President

The amphitheater roof needs repaired. Bill Heaps told Council that there are holes in the roof and missing shingle. He feels it could be patched and addressed at a later time if the budget is tight.

**GRANTS COMMITTEE** – Bill Marx and David Weber.

Nothing new to report.

**CONTRACTED TRASH COMMITTEE** – Dennis Urban

There was one complaint by a Borough resident that his garbage was not being picked up by Republic Services. Dennis Urban checked into it, and found that the resident was putting his trash in the 'recycle bin' instead of the normal trash bin. Things are now resolved.

**COMPREHENSIVE PLAN COMMITTEE** – Andrew Shissler, Stan Cheyne and Bill Marx

Stan Cheyne said that he was hearing that the grants by the DCNR is cut for this year due to budget reduction from the COVID-19 pandemic. The submittals will be the same for next year.

**OLD AND NEW BUSINESS:**

Dave Weber gave an update on the new Delmont Public Library. They are going to be paving the parking lot the week of September 14<sup>th</sup>. It should take approximately 2-3 days once they start. There will still be no parking in the lot while construction continues.

Mayor Urban wanted to make Council aware that the Delmont Fire Department has not showed up for the past 6 Safety Meetings that are held the last Monday of every month. They are required to do so for insurance purposes.

Mr. Marx said he has the information for the Veterans banners is now on the Borough website. They will be two-sided banners with a picture of the Vet for \$110.00. Council decided that as long as the Veteran was from Delmont Borough, that would be a qualification to purchase a banner. They will not take requests to hang on a certain pole in a certain location. Georgia Boring of the Penn Franklin News said she is happy to support this project with ads in the paper.

The Delmont Recreation Committee is holding an event at Newhouse Park on September 19<sup>th</sup>. There will be food trucks and a movie will be shown in the Park.

The Recreation Committee is also sponsoring 'Trunk or Treat' at Newhouse Park starting at noon on Halloween – October 31<sup>st</sup>.

**ADJOURNMENT:** Becky Matesevac Moves to Adjourn. Dennis Urban Seconds. Motion Carries. Meeting Adjourned.

Respectfully Submitted,

Kellie E. Miele - Secretary