

DELMONT BOROUGH COUNCIL MEETING MINUTES

March 9, 2021

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>	GoToMeeting	<i>David Weber</i>	Present
<i>Stan Cheyne</i>	Present	<i>Pam Simpson</i>	Present

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	Don Hixon	Present
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RESIDENTS ATTENDING: (ORDERED BY SIGN IN LIST)

Resident Citizens

Bill and Denni Grassel	Penn Franklin News	Present
AnnaMarie Stackiewicz	Patrick Varine – Trib	GoToMeeting
Ed Washburn		

CALL TO ORDER: Mr. Shissler then calls meeting to order and join in the Pledge.

Mr. Shissler told the audience that the some of the Council Members had a quick tour of the new Police Station that is under construction. Very impressed with the progress.

STANDARD MONTHLY BUSINESS

MEETING MINUTES:

Council reviewed the February 9, 2021 Council Meeting Minutes. Dennis Urban made the Motion to Approve the February 9, 2021 Council Meeting Minutes. Stan Cheyne Seconded the Motion. All Approved.

Mr. Hewitt made the point that the minutes are not a legal document until they are approved by Council.

TREASURER'S REPORT:

After review of the March 9, 2021 Treasurer Report, Stan Cheyne made the Motion to Approve the March 9, 2021 Treasurer Report. Becky Matesevack Seconded that Motion. All Approved.

BILLS:

Bills on display but not read. The report of the bill dates reflect the day after the previous Council Meeting till the day of the new Council Meeting. Stan Cheyne made the Motion to Pay the Bills. Pam Simpson Seconded the Motion. Motion Passed unanimously without further discussions.

CITIZENS' COMMENTS

AnnaMarie Stackiewicz – 222 Aurora Street

Ms. Stackiewicz told Council that on March 27th there will be a “March the Parks” walk. There will be 9 locations in Westmoreland County to participate.

The Feasibility Committee has a lot of ideas for the trails to connect Export to Delmont.

The Visionary Committee – SCORE is working on the business plan and working on the mass transportation

Litter Cleanup is on April 24th – same as Delmont Borough. PennDot will provide gloves, bags and vest. They will meet at the Parklet

Ms. Stackiewicz said they are getting ideas on bike racks to be installed strategically in the Borough.

Ianni's, ACE Hardware, the Parklet, Log Cabin and Newhouse Park were some ideas.

Council had no objection for Ms. Stackiewicz to move forward to find out the interest and cost for the bike racks. If the bike racks are located on private property, permission from the borough is not required. Consideration should be made to keep the bike racks off the sidewalks so as not to interfere with pedestrians.

Denni Grassel – 564 Monticello Drive

Ms. Grassel told Council everyone is loving the new library. They will be having a Swap/Bake Sale on Saturday, March 13th. The projects they are working on are the Pathway to Learning, Butterfly Pollination and the Dolly Parton – Free books. There are 40 sponsors that will give a child a free book a month for 12 months.

Ed Washburn – Stotler Drive

Mr. Washburn has made the offer to place a mini food pantry in the Borough Parklet. This would be accessible for anyone that is in need of food. It will be stocked with non-perishable items and be self-serve.

Dave Weber made the Motion to Allow Mr. Washburn to place a mini food pantry in the Borough Parklet for a trial period of one year (all of 2021) Becky Matesevac Seconded the Motion. All Approved.

COMMITTEE REPORTS

ENGINEERING REPORT – LSSE

Mr. Don Hixson was the representatives from LSSE

TO: Delmont Borough Council

FROM: Kevin A. Brett, P.E. Gary Baird

SUBJECT: Street Committee Items

DATE: March 9, 2021 S. O. No.: 0398-02-01 cc: File•

MS4 Permit: LSSE provided Council budget number for 2021 and 2022 for the PRP plan implementation. Bid opening scheduled for November 9, 2020 at 12 PM virtually for the DEP grant award project which is Cherry Blossom and the non-grant applicable on Lindsay Lane.

The Borough's PRP plan for the following locations: Estimated cost to address is \$455,000.00.

- o Cherry Blossom Court: Bids open on November 9, 2020 at 12 PM.
- o Stotler Avenue: Survey completed. Preliminary Design 60% complete. Geotechnical Investigation will be required as this is in a mined area and stability of embankment must be addressed. LSSE will request proposals on Geotechnical Engineer once Preliminary Design is reviewed with Street Committee. This is a 2021 project design and permitting and 2022 construction.
- o Lindsay Lane and Hart Alley: This pond is in the November 9, 2020 bid opening as an add alternate. The pond only is part of the project and Public Works is required to build a storm sewer to the pond connecting the various system to one outfall into the pond.
- o The other Apple Hill pond may not be a good candidate for PRP as it cannot be enlarged to do extended detention. We are looking at it for using a focal point.
- o Additional locations for new pond facilities are needed as the Borough has very few existing facilities as the Borough was constructed prior to stormwater regulations requirements being adopted by the DEP and EPA. A Street Committee meeting will be scheduled.
- o LSSE is researching taking credit for the bioswale constructed on the farm property.

LSSE submitted the Borough's MS4 Annual Report on September 30, 2020.

LSSE submitted the reimbursement request for submittal to Mariner II DEP Grant for the 20% permitted. This is prepayment to the Borough for Construction work on the project. LSSE prepared a quarterly report and submitted in October 2020.

Bids were received and recommended for award at the November meeting. Council awarded the Base Bid to Salandro Excavating LLC in the amount of \$75,487.50. Pre-Construction meeting held and work scheduled in next 30 days – early April.

Phase 2 Bid to be placed for remainder of funding for Stotlar Drive PRP Facility. LSSE to provide Advertisement for storm sewer installation.

- 2021 Roads (Liquid Fuels) – Budget: \$147,000.00

The projects approved for bidding were the following: Base Bid: Abbe Place (from 66 to Manor Rd intersection), full paving spec + Add Alternate Road Repair from gas company.

Base Bid plus one Add Alternate: Abbe Place (from 66 to Manor Rd intersection), full paving spec + Fairview (School Street to dip), lighter paving spec + Add Alternate Road Repair from gas company

Prior to the bid opening, five contractors requested proposal bid forms. Bid proposals were received from four contractors for Contract No. 21-R01 (Liquid Fuels) – 2021 Roadway Improvement Program with bid amounts as follows:

<u>Contractor</u>	<u>Base Bid Amount</u>	<u>Add Alternate No. 1</u>
Derry Construction Co., Inc.	\$143,742.00	\$22,412.50
Mele & Mele & Sons, Inc.	\$173,895.00	\$19,235.00
Tresco Paving Corporation	\$176,300.00	\$19,035.00
El Grande Industries	\$181,995.80	\$18,002.20

Add Alternate No. 1 – (Fairview Street (From School Street to House No. 32)

Bid Report attached.

• *Sunoco Mariner II Project: LSSE has reviewed the areas previously disturbed by Sunoco during the subject project and find that they have \$23,680.00 in damage to Borough Streets. LSSE has scheduled to review the subject streets with the Borough and will provide the request for Sunoco to pay the Borough for this amount and the Borough complete the repairs as part of the 2021 Roadway Improvement Contract. They have agreed to this amount. This work to be include in 2021 program.*

This work was included in the Base Bid of the 2021 Road Program.

March 5, 2021

S. O. No. 398-2021

VIA EMAIL ONLY (andy.shissler@protonmail.com)

Mr. Andrew Shissler, President Delmont Borough Council

77 Greensburg Street Delmont, Pennsylvania 15626

Subject: Contract No. 21-R01 (Liquid Fuels)

2021 Roadway Improvement Program

Bid Report

Dear Mr. Shissler: In accordance with the Advertisement, sealed bids for the subject contract were received through the Quest Construction Data Network (QuestCDN) until 11:00 AM March 5, 2021. The bids received were opened and read aloud. There was one addendum/addenda issued for this contract.

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Add Alternate No. 1 – (Fairview Street (From School Street to House No. 32))

Per the Instructions to Bidders, bid bond companies were checked and all are listed on the U.S. Treasury Circular 570.

In accordance with Section B.3 of the Instructions to Bidders, using the bid quantities and contractors bid unit prices, each bid was checked for mathematical errors in extension and addition. No errors in extension or addition were discovered. The enclosed bid tabulation presents a listing of the item descriptions and Unit Price Bid for each item for all bids received. As presented above and in the bid tabulation, Derry Construction Co., Inc. is the apparent low bidder for Contract No. 21-R01 (Liquid Fuels) – 2021 Roadway Improvement Program. A copy of Derry Construction Co., Inc. bid proposal acknowledgement is enclosed herewith. Based on the bids submitted, we suggest award of the Base Bid of

Contract No. 21-R01 (Liquid Fuels) 2021 Roadway Improvement Program to Derry Construction Co., Inc. as low bidder in the amount of \$143,742.00 subject to Derry Construction Co., Inc. obtaining the required insurance certificates, performance bond, and payment bond, and review and approval of same by the Borough Solicitor prior to execution of the Agreement by the Borough.

Award of the Add Alternates is subject to review of the Borough's Budget.

Should you have any questions, please contact Gary M. Baird directly (Ext. 104).

Sincerely,

Kevin A. Brett, P.E. KAB/vcl

cc: Borough of Delmont (delmontborough@comcast.net) Stanley Cheyne, Council Vice President (stanleycheyne@gmail.com)

Delmar Borough - 2021 Roadway Improvements (Liquid Feels) (#757058)
 Owner: Borough of Delmar
 Engineer: Lennon, Smith, Souleire Eng. - Coropopolis, HQ
 03/05/2021 11:00 AM EST

Section Title	Line Item	Item Code	Item Description	UOM	Quantity	Unit Price	Extension	Deery Construction Co., Inc.	Unit Price	Extension	Mehl & Mehl & Sons, Inc.	Unit Price	Extension	Treco Paving Corporation	Unit Price	Extension	Ei Grande Industries	Unit Price	Extension
BASE BID TOTAL:								\$143,742.00		\$173,895.00			\$178,300.00		\$181,995.00		\$181,995.00		\$181,995.00
BASE BID								\$143,742.00		\$173,895.00			\$178,300.00		\$181,995.00		\$181,995.00		\$181,995.00
	1		Roadway Milling / Paving, Variable Depth 2 1/2" Average Depth, Superpave WMA Binder Course, 19mm, 0 to 0.3 million Design ESALs, PG 64-22, Section 413	SY	6300	\$2.65	\$16,695.00		\$2.75	\$17,325.00		\$2.40	\$15,120.00		\$2.40	\$15,120.00		\$2.40	\$15,120.00
	2A		3/4" Depth, Superpave WMA Leveling Course, 3.5mm, 0 to 0.3 million Design ESALs, PG 64-22, SBL-H, Section 410	TONS	680	\$64.60	\$43,928.00		\$68.50	\$46,580.00		\$80.00	\$55,760.00		\$87.12	\$59,241.60		\$87.12	\$59,241.60
	2B		1 1/2" Depth, Superpave WMA Wearing Course, 3.5mm, 0 to 0.3 million Design ESALs, PG 64-22, SBL-H, Section 413	TONS	180	\$76.90	\$13,842.00		\$81.50	\$14,670.00		\$90.00	\$16,200.00		\$93.87	\$16,896.60		\$93.87	\$16,896.60
	3		Base Repair including 12" Unclassified Excavation, Class IV Fabric, Installation of 8" Penndot 2A Limestone and 4" Depth Superpave WMA Base Course, 25mm, 0 to 0.3 million Design ESALs, PG 64-22, SBL-H, Section 413	SY	6300	\$6.25	\$39,375.00		\$6.75	\$42,525.00		\$6.40	\$40,320.00		\$7.65	\$48,195.00		\$7.65	\$48,195.00
	4		Blumium Wedge Curb	LF	800	\$15.00	\$12,000.00		\$33.50	\$26,800.00		\$24.00	\$19,200.00		\$22.00	\$17,600.00		\$22.00	\$17,600.00
	5		3" Minimum Width Kerney Milling	LF	600	\$1.65	\$990.00		\$1.50	\$900.00		\$0.50	\$300.00		\$0.05	\$30.00		\$0.50	\$300.00
	6		Maintenance and Protection of Traffic during Construction as per Penndot Publication 213 and the Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD)	LF	280	\$1.00	\$280.00		\$1.00	\$280.00		\$1.00	\$280.00		\$0.50	\$140.00		\$0.50	\$140.00
	7		Restoration of Lawn Areas (3" Average Width) Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD)	LS	1	\$2,500.00	\$2,500.00		\$5,000.00	\$5,000.00		\$1,500.00	\$1,500.00		\$2,500.00		\$2,500.00		\$2,500.00
	8		Adjust Manholes to Grade	EA	5	\$200.00	\$1,000.00		\$275.00	\$1,375.00		\$200.00	\$1,000.00		\$220.00	\$1,100.00		\$220.00	\$1,100.00
	9		Adjust Valve Boxes to Grade	EA	1	\$50.00	\$50.00		\$45.00	\$45.00		\$50.00	\$50.00		\$50.00	\$50.00		\$50.00	\$50.00
	10		Swing and Sealing of Overhead Concrete Roadways	LF	2500	\$2.95	\$7,375.00		\$4.00	\$10,000.00		\$4.00	\$10,000.00		\$4.55	\$11,375.00		\$4.55	\$11,375.00
	11							\$22,412.50		\$19,235.00			\$19,035.00		\$18,002.20		\$18,002.20		\$18,002.20
ADD ALTERNATE NO. 1 - FAIRVIEW STREET FROM SCHOOL STREET TO HOUSE NO. 321																			
	2B		3/4" Depth, Superpave WMA Leveling Course, 3.5mm, 0 to 0.3 million Design ESALs, PG 64-22, SBL-H, Section 410	TONS	60	\$76.90	\$4,614.00		\$84.50	\$5,070.00		\$90.00	\$5,400.00		\$93.87	\$5,632.20		\$93.87	\$5,632.20
	3		1 1/2" Depth, Superpave WMA Wearing Course, 3.5mm, 0 to 0.3 million Design ESALs, PG 64-22, SBL-H, Section 413	SY	1050	\$6.25	\$6,562.50		\$7.30	\$7,665.00		\$6.40	\$6,720.00		\$7.65	\$8,032.50		\$7.65	\$8,032.50
	4		Base Repair including 12" Unclassified Excavation, Class IV Fabric, Installation of 8" Penndot 2A Limestone and 4" Depth Superpave WMA Base Course, 25mm, 0 to 0.3 million Design ESALs, PG 64-22, SBL-H, Section 413	SY	110	\$76.85	\$8,453.50		\$83.50	\$9,185.00		\$94.00	\$10,340.00		\$100.00	\$11,090.00		\$100.00	\$11,090.00
	5		Blumium Wedge Curb	LF	800	\$1.65	\$1,320.00		\$1.50	\$1,200.00		\$0.50	\$400.00		\$0.50	\$400.00		\$0.50	\$400.00
	6		3" Minimum Width Kerney Milling	LF	100	\$1.00	\$100.00		\$1.00	\$100.00		\$1.00	\$100.00		\$1.00	\$100.00		\$1.00	\$100.00
	7		Maintenance and Protection of Traffic during Construction as per Penndot Publication 213 and the Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD)	LS	1	\$900.00	\$900.00		\$900.00	\$900.00		\$1,000.00	\$1,000.00		\$400.00	\$400.00		\$400.00	\$400.00
	8		Restoration of Lawn Areas (3" Average Width)	LF	750	\$1.15	\$862.50		\$1.50	\$1,125.00		\$0.90	\$675.00		\$1.85	\$1,387.50		\$1.85	\$1,387.50

Council has 90 days to discuss the bids for the project and award the contract.

TO: Delmont Borough Council

FROM: Kevin A. Brett, P.E., Gary Baird Don Hixon PE, PLS

SUBJECT: Sewer Committee Items Update

DATE: March 9, 2021 S. O. No.: 0398-02-01

cc: File 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. Act 537 transmitted to DEP in early October and additional copies transmitted in late October per DEP's request. Comments received Dec 18, 2020 from DEP. A portion of the comments are to be replied to by Salem Township. LSSE requested and received a 60 day time extension on response as the letter was Dated Nov 17, 2020. Responses will be due to DEP by February 17, 2021. Response submitted to DEP.

- Report due to DEP in July and January each year. LSSE drafting first report for August submittal. This one will include adopted ordinance and updated mapping. First Cramer Update sent. Second Report of activities in 2020 provided to DEP in January 2021. Next report due in July.

- Conceptual Plan have been prepared and reviewed with Sewer Committee and have been utilized to finalize and have been incorporated into 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. On Going

- 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 an will follow up next week to check status. Borough received comments from RUS requesting a number of documents the Solicitor and LSSE will be reviewing with Sewer Committee for submittal. Solicitor and LSSE provided agreement documents request by RUS for submittal to RUS. • 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 Engineering, Inc. completed geotechnical field work and are preparing report for the sewer construction. Surveys have been updated. Report to be reviewed with Sewer Committee once received. No Change. 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. Map updated and transmitted to DEP, FTMSA and Gibson Thomas December 30, 2020. Meeting to be scheduled with FTMSA.

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. Ongoing – 5 year plan being developed with Public Works. Results provided to DEP, FTMSA and GTE with December update.

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. Ordinance approved and implemented. First three months results provided to DEP, FTMSA and GTE. Submitted to DEP and enacted by Borough and implemented. Results submitted to DEP with Progress Reports.

♣ 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. Ordinance approved and implemented.

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

Borough to request prices for three years of CCTV of entire system for March meeting award. LSSE to review specifications with Sewer Committee at February Sewer Committee meeting.

♣ 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 Grades 4 and 5 defects (“Grades 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 were removed in December 2020. LSSE to complete QA/QC and a model will be developed and transmitted to FTMSA for their use by end of March 2021. These flows will be provided to FTMSA for our points of connection. SOA will be providing for all 2021 items as incorporated in budget review at the January Sewer Committee meeting. QA/QC report and existing conditions model being prepared for submittal to FTMSA for their use.

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. Signed August 29, 2019: 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 of the Agreement, 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.

Progress report submitted December 30, 2020 to DEP, GTE and FTMSA. Next Progress Report due March 29, 2021 and last day of September 2021. LSSE transmitted last round of reports to DEP via email on March 9, 2021 per DEP’s request. Hard copies were transmitted in December, but DEP requested email copy of each.

- Bioxide pump has been replaced. We are researching different chemical to be added. Options to be presented at December meeting. No change
- 2021 Budget provided November 5, 2020 to Council for use in preparing 2021 Sewer Department Budget. Reviewed with sewer committee at the January 2021 sewer committee meeting. LSSE proceeding with work as listed in the approved budget. LSSE to review next 60 days work with Sewer Committee.

Advertisement on the Road Program. Bids will be accepted till March 5, 2021. Council will then have 90 days to approve.

Mr. Baird explained that the cost will be done by the milling quantity. There will be milling on Abbe Place and Fairview Drive will be a scratch coat.

Stan Cheyne made the Motion to Advertise for the 2021 Roadway Improvement Program. Dennis Urban Seconded the Motion. All Approved.

Mr. Baird said the Sewage Committee and Streets and Roads Committees will both meet virtually.

Conditional approval to fill in the blanks by Sewer Committee. Stan Cheyne made the Motion to Approve the conditional approval. Dave Weber Seconded the Motion. All Approved.

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

- Resolution 2021-6 Mr. Hewitt told Council that Steve Catarinella is no longer seeking a waiver from the Borough for the donation to the Borough of three (3) lots on Stotler Driver. He asked that the area be designated in the name² of his parents (Nanette and Roland Catarinella). This will be tax exempt after filing by Mr. Hewitt. Dennis Urban Made the Motion to Accept the Donation of Real Property. Bill Marx Seconded the Motion – All Agreed.
- Resolution 2021-7 Re-appointing Members to the Borough of Delmont Zoning Hearing Board. Kathleen Rootham and Douglas Harr. Stan Cheyne Made the Motion to Appoint the Members to the Borough of Delmont Zoning Hearing Board. Dennis Urban Seconded the Motion – All Agreed.
- Resolution 2021-8 Re-appointing and Adding Members to the Borough of Delmont Planning Commission. Kim Whiteman, Robert Burton and Lenny Whittman. Stan Cheyne Made the Motion to Appoint the Members to the Borough of Delmont Planning Commission. Pam Simpson Seconded the Motion – All Agreed.
- Resolution 2021-9 Appointing/Re-appointing Members to the Borough of Delmont Recreation Board. Stanley Cheyne, Kristin Bish, and Cindy Whittman. The Recreation Board will be at full staff. Dennis Urban Made the Motion to Appoint the Members to the Borough of Delmont Recreation Board. Pam Simpson Seconded the Motion – All Agreed.
- Resolution 2021-10 Appointing/Re-appointing Members to the Borough of Delmont Civil Service Commission. Kirk Nolan and Clint McCutcheon. Stan Cheyne Made the Motion to Appoint the Members to the Borough of Delmont Borough Civil Service Commission. Dennis Urban Seconded the Motion – All Agreed.

Consideration of RUS/USDA legal services agreements. Lynch & Lynch – Lawyers - \$50,000 Bond. Stan Cheyne Made the Motion to have Lynch & Lynch – Lawyers. Dennis Urban Seconded the Motion – All Agreed. Legal Services Agreement for Solicitor Daniel Hewitt – \$40,000 Bond - Stan Cheyne Made the Motion to Have Daniel Hewitt – Solicitor. Dennis Urban Seconded the Motion – All Agreed.

Stan Cheyne also wanted to thank everyone that are on the various committees. It is all volunteer work.

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

The Mayor reported that Brian Hughes of the VFD has been attending the monthly Safety Meetings. He has been submitting the reports that were requested.

The Mayor wanted to thank all the residents and businesses that donated in support of the Police Station donations.

Chief Klobucar told Council they have received over \$23,600 to date in donations for the new Police Station. He feels humbled that the Borough feels so strongly towards the Police Department. He also wanted to give a special thanks to Bill Heaps and all the workers.

The Chief spoke of the training that the Delmont Borough Police have taken:

ALYSES, de-escalation training, ECR – crime reporting that is Federally mandated, DUI – hosted NY, NJ officers at the VFD Hall, Taser certification – Captain Calabrace is certified to

instruct. Below 100 – to avoid speeding to/from accidents, and revised “use of force” policy and certification.

Chief presented the resignation letter from Officer Jacob Cholock – resigned to join the Latrobe Area Police Department. His last day will be March 17, 2021. Becky Matesevac made the Motion to Accept Jacob Cholocks’ resignation letter. Pam Simpson Seconded the Motion. All Approved.

There will be an advertisement for the Civil Service Test and will be accepting applications.

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

Pam Simpson said the update for the new Police Station - Wiring and drywall is finished. All the carpeting was donated and it will be ready to paint in approximately 3 weeks. Mr. Wagner’s Office is available. Council needs to talk about who can move where. The previous Police Station Department is out of Code right now.

Replacement of the remaining windows can happen over the upcoming years. Nothing is of any danger.

STREETS/ROADS/STORM WATER Stan Cheyne and Dennis Urban

Grant was not awarded from the Westmoreland Conservation District. Stan will reapply. This will be the third year to try. It was for the stormwater coming from Newhouse Park.

Bill Heaps wanted to let Council know that the swales at Shields Farm are working great not to have water running down Suncrest Drive!

PERSONNEL/INSURANCE COMMITTEE – Becky Matesevac and Pam Simpson

Becky Matesevac said Sandy Anderson will have all the Borough’s insurance out to bid. Ms. Matesevac said she should know more next month.

FINANCE COMMITTEE Andy Shissler, Council President, Becky Matesevac

Mr. Shissler told Council that they will go with the original amount (\$90,000) requested to borrow to cover the expenses that happened with the Borough Building boiler going down. He is waiting for the Closing to be scheduled with S&T Bank.

EIT taxes are coming in as expected.

SEWAGE COMMITTEE - Stan Cheyne and David Weber

Nothing more new to report.

SHIELDS FARM – Andrew Shissler, Council President

Nothing new to report.

GRANTS COMMITTEE – Bill Marx and David Weber.

Nothing new to report.

CONTRACTED TRASH COMMITTEE – Dennis Urban

Dennis Urban – Delmont Cleanup Days will be the last weekend in April.

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

Stan Cheyne working on the process for the grant that the Borough received. He will have more information as it progresses.

OLD AND NEW BUSINESS:

Mr. Shissler would like to look into the possibility into fixing the tennis courts at Newhouse Park. More or less a bandage on them to make them usable either from corporate donations or even private donations.

Mr. Cheyne then reminded everyone that the Recreation Committee will be having an 'Easter Egg Event' on April 3rd at Newhouse Park. Information is on the Borough website. There is also a Chili Cook-off on April 11th. More information is on the Borough website.

Stan Cheyne said he was contacted by another group interested in renting the fields at Newhouse Park. This would be on the nights that are not already reserved by FRAA. Dave Weber made the Motion to allow FRAA to reserve the fields as requested with them doing the upkeep/maintenance. Becky Matesevac Seconded that Motion. All Approved.

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

Respectfully Submitted,

Kellie E. Miele – Secretary