



Text File

Introduced: 10/7/2019

Bill No: 2019-2161, Version: 1

Committee: Committee on Intergovernmental
Affairs

Status: Passed Finally

Resolution amending Resolution No. 611 of 2019, previously amended by Resolution No. 448 of 2019 authorizing the City of Pittsburgh to enter into an Agreement to execute the ALCOSAN Service Agreement Amendment by and among the Allegheny County Sanitary Authority, the Pittsburgh Water and Sewer Authority, the Western Westmoreland Municipal Authority, the North Huntingdon Township Municipal Authority, the Township of North Huntingdon, the Penn Township Sewage Authority, and the Township of Penn regarding the Cavettesville-Ardara Area.

WHEREAS, the City of Pittsburgh ("Pittsburgh"), Allegheny County Sanitary Authority ("ALCOSAN"), **the Pittsburgh Water and Sewer Authority ("PWSA")**, the Western Westmoreland Municipal Authority ("WWMA"), the North Huntingdon Township Municipal Authority ("NHTMA"), the Township of North Huntingdon ("~~North Huntingdon~~"), the Penn Township Sewage Authority ("PTSA"), and the Township of Penn ("~~Penn Township~~") are the parties to an agreement with an effective date of November 20, 1974 ("ALCOSAN Service Agreement") which defines areas within North Huntingdon and Penn Township for which ALCOSAN is designated as the sole and exclusive agency to provide sewage treatment and disposal service for the Cavettesville-Ardara Area as defined in the ALCOSAN Service Agreement; and

WHEREAS, ~~there is currently pending in the Court of Common Pleas of Westmoreland County, Pennsylvania litigation filed at case No. 9494 of 2009, to which ALCOSAN is not a party, regarding alleged violations by NHTMA of certain covenants and agreements set forth in the agreement constituting the WWMA as the same is further detailed in the litigation referenced; and~~

WHEREAS, ~~NHTMA is pursuing the assignment and transfer of its certain sewage facilities ("C-A Facilities") flowing in North Huntingdon Township as currently owned and operated by WWMA for the transportation and treatment of sewer flows with the same to be ultimately conveyed into the ALCOSAN system; and~~

WHEREAS, **the Western Westmoreland Municipal Authority must, as part of court proceedings,** as part of the actions required to effectuate transfer and conveyance of the C-A Facilities from WWMA to NHTMA **convey facilities to the North Huntingdon Township Municipal Authority,** the parties have agreed that: (1) the ALCOSAN Service Agreement be amended and supplemented to provide that WWMA **the Western Westmoreland Municipal Authority** be released from and no longer be a party to the ALCOSAN Service Agreement, (2) that ~~the an~~ exhibit depicting the Cavettesville-Ardara Area be modified to reflect the current provision of sewer service between ALCOSAN and NHTMA **the North Huntingdon Township Municipal Authority,** and (3) that NHTMA **the North Huntingdon Township Municipal Authority** shall **will** assume the responsibilities of WWMA **the Western Westmoreland Municipal Authority** under ~~and pursuant to~~ the ALCOSAN Service Agreement; and

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WHEREAS, though the City of Pittsburgh is unaffected by the change, the City of Pittsburgh was a party to the original ALCOSAN Service Agreement Amendment and therefore must agree to any change; and

~~WHEREAS, after extensive negotiations overseen by Judge Marsili between ALCOSAN, WWMA, NHTMA, North Huntingdon, PTSA, and Penn Township, an agreement has been developed relating to an amendment to the ALCOSAN Service Agreement and the modification of the exhibit depicting the Cavettesville-Ardara Area (“ALCOSAN Service Agreement Amendment”); and~~

~~WHEREAS, ALCOSAN has received confirmation from WWMA, NHTMA, North Huntingdon, PTSA, and Penn Township that their respective governing bodies have properly authorized the execution of the ALCOSAN Service Agreement Amendment, contingent upon the approval of all parties; and~~

~~WHEREAS, although not a party to the ALCOSAN Service Agreement, the Pittsburgh Water and Sewer Authority (“PWSA”) is considered a party to the ALCOSAN Service Agreement and the ALCOSAN Service Agreement Amendment because of the Capital Lease Agreement between Pittsburgh and the PWSA; and~~

~~WHEREAS, following approval of this Resolution, PWSA will consider and vote on the ALCOSAN Service Agreement Amendment, and then the Pittsburgh will do the same; and~~

~~WHEREAS, due to the PWSA’s status as a public utility and its oversight by the Pennsylvania Public Utility Commission (“PUC”), the ALCOSAN Service Agreement Amendment will not be effective until thirty (30) days after the PWSA has filed a fully executed copy thereof with the PUC or, if the PUC institutes an investigation, at such time as the PUC grants its approval; and~~

~~WHEREAS, the PWSA will file a copy of the fully executed ALCOSAN Service Agreement Amendment with the PUC within ten (10) days of its execution by all parties.~~

~~NOW, THEREFORE, the Board of Directors of ALCOSAN~~ **City Council** hereby resolves as follows, incorporating the above recitals by reference:

Section 1. ~~The Executive Director~~ **City of Pittsburgh** is authorized and directed to finalize **to enter into** and then execute the ALCOSAN Service Agreement Amendment between and among ALCOSAN, Pittsburgh, PWSA, ~~WWMA~~ **the Western Westmoreland Municipal Authority**, ~~NHTMA~~ **the North Huntingdon Township Municipal Authority**, ~~the Township of~~ North Huntingdon, ~~PTSA~~ **Penn Township Sewage Authority**, and ~~the Township of~~ Penn Township in the general form as attached hereto, made a part hereof by reference, and marked as **Exhibit “A”**. The ALCOSAN Service Agreement Amendment will not be effective until thirty (30) days after the PWSA has filed a fully executed copy thereof with the PUC or, if the PUC institutes an investigation, at such time as the PUC grants its approval.

Section 2. This Resolution shall **will** take effect immediately.

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~~**RESOLVED** and **ADOPTED** this 28th day of March, 2019, by the Board of Directors of the Allegheny County Sanitary Authority in lawful session duly assembled.~~

ATTEST:

~~ALLEGHENY COUNTY SANITARY~~ **City of Pittsburgh** AUTHORITY

Name: By:
Title: Name:
Title:

(Seal)

~~**EXHIBIT "A"**~~

~~**ALCOSAN Service Agreement Amendment**~~