Legislation Details (With Text)

File #:	2019-1808 **Version:** 1		
Type:	Resolution	**Status:**	Passed Finally
File created:	6/21/2019	**In control:**	Committee on Intergovernmental Affairs
On agenda:	6/25/2019	**Final action:**	7/9/2019
Enactment date:	7/9/2019	**Enactment #:**	448
Effective date:	7/11/2019		
Title:	Resolution 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.		
Sponsors:	Corey O'Connor		
Indexes:	AGREEMENTS		
Code sections:			
Attachments:	1. 2019-1808 Attachment ALCOSAN Service Agreement Amendment, 2. 2019-1808 Attachment		

Date	Ver.	Action By	Action	Result
7/11/2019	1	Mayor	Signed by the Mayor	
7/9/2019	1	City Council	Passed Finally	Pass
7/1/2019	1	Standing Committees	Affirmatively Recommended	Pass
6/25/2019	1	City Council	Read and referred	

Resolution 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 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, as part of the actions required to effectuate transfer and conveyance of the C-A Facilities from WWMA to NHTMA, the parties have agreed that: (1) the ALCOSAN Service Agreement be amended and supplemented to provide that WWMA be released from and no longer be a party to the ALCOSAN Service Agreement, (2) that the exhibit depicting the Cavettesville-Ardara Area be modified to reflect the current provision of sewer service between ALCOSAN and NHTMA, and (3) that NHTMA shall assume the responsibilities of WWMA under and pursuant to the ALCOSAN Service Agreement; 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 hereby resolves as follows, incorporating the above recitals by reference:

Section 1. The Executive Director is authorized and directed to finalize and then execute the ALCOSAN Service Agreement Amendment between and among ALCOSAN, Pittsburgh, PWSA, WWMA, NHTMA, North Huntingdon, PTSA, and 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 take effect immediately.

RESOLVED and **ADOPTED** this 28th day of March, 2019, by the Board of Directors of the Allegheny

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County Sanitary Authority in lawful session duly assembled.

ATTEST: ALLEGHENY COUNTY SANITARY AUTHORITY

By:
Name: Name:
Title: Title:

(Seal)

EXHIBIT "A"

ALCOSAN Service Agreement Amendment