

JOHNSTOWN REDEVELOPMENT AUTHORITY
WORKSHOP MINUTES
Tuesday, November 16, 2021

The Johnstown Redevelopment Authority met in a stated session for the general transaction of business. Monsignor Balta called the workshop to order at 12:00 p.m.

The following members of the Authority were present:

Monsignor Balta, Mr. Babich (via telephone), Mr. Haselrig,
Mr. Truscello, (4).
Absent: Mr. Pasquerilla (1).

William Barbin, Esquire, Solicitor; Melissa Komar, Executive Director; Thomas Kakabar, EADS Group.

SEWER CONSENT ORDER

Mr. Barbin explained that signing the consent order would provide an additional year at the lower level of fines for overflows but noted there were two clear factual errors, which included the address and year, and another statement that was not truthful.

It was noted that JRA had not requested an extension of timeline, but by signing the consent order would offer a financial advantage to JRA customers.

Mrs. Komar wanted to make sure that the Authority was asking the proper questions moving forward.

Mr. Barbin explained there were the same stipulated penalties as contained in the original agreement.

Monsignor Balta stated there was no corrective action plan from DEP included and suggested that one be included. There was further discussion regarding including closely monitored and applied flow rate billing to a municipality to bring about compliance, specifically the flow rate billing as set forth in JRA Resolution 4140. There was further discussion regarding this resolution.

Mr. Barbin explained that JRA cannot legally contest the original consent order, that agreeing not to contest it was part of the consent order.

Monsignor Balta commented that a solution would be for DEP to say, "We will not be fined for any violations beyond our control" when they were the result of actions of other municipalities. Mr. Barbin noted that would be reasonable but suspected DEP would not consider that reasonable from their point of

view because there is a discharge and "they feel they're required to something about it."

Monsignor Balta noted the "basis of our violation is someone else's violation", that if they violate their consent order, then JRA has no choice but to violate its consent order and then "be held responsible for a fine or penalty."

There was discussion regarding methods to enforce the consent order.

Mr. Barbin explained, besides the factual issues, there was a bigger issue regarding how JRA would complete this project and suggested a sit-down meeting with DEP regarding a provision in the consent order that provides the opportunity for a corrective action plan. Mrs. Komar requested that an email be sent to all members prior to sending the request to DEP.

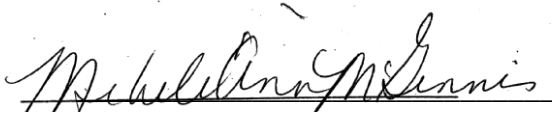
Mr. Barbin reiterated that he will contact Bruce Haselrig at DEP and inform him of the three inaccuracies in the agreement and that JRA would like to sit down, possibly virtually, to discuss how to complete the project. Monsignor Balta suggested discussion of assignment of liability and the opportunity to include a corrective action plan in the consent order.

There was discussion regarding the consequences to other municipalities if JRA did not sign the extension. Mr. Barbin explained, if this consent order was not signed, then come next November "we have these all sealed" and then claim completeness. DEP would be left to enforce against those municipalities.

There was further discussion regarding whether or not municipalities could be billed.

ADJOURNMENT

There being no further business, the workshop was adjourned at 1:08 p.m.


TRANSCRIBED BY:
SARGENT'S COURT REPORTING
SERVICE, INC.

BRUCE HASELRIG,
SECRETARY