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Entities wade through sewage dispute mire

By Paul Pattera
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Salvos continue to be exchanged between Delmont Borough Council and the Salem Township Municipal Authority.

At the heart of the debate is the Cramer pump station's ability to handle sewage flows. The facility is located in Salem Township, but also services portions of Delmont.

The state Department of Environmental Protection has requested the two municipalities enter into a consent order, or else the state will intervene. The latest shot fired in the battle came when authority Chairman Robert Sekora asked Delmont Solicitor Dan Hewitt to remove himself from his role as legal counsel in the dispute. Council rejected the request during its meeting Thursday.

Hewitt is a member of the law firm McDonald, Snyder & Williams, which also serves as legal counsel to Gibson Thomas Engineering Co. Gibson Thomas is advising the authority on technical matters involved in the dispute with Delmont.

"I've been trying to work with Delmont Borough," Sekora said. "I feel Dan Hewitt has hindered attempts to work with Delmont Council. He's part of the problem, not part of the solution."

Hewitt disagrees.

"If there were a conflict of interest, it would not be Salem Township Municipal Authority's conflict," Hewitt said. "It would be between Gibson Thomas and Delmont Borough. This is nothing but a personal attack to avoid the sewage issue."

Council voted unanimously Thursday to waive conflict of interest considerations regarding Hewitt.

"Under the rules of Professional Conduct that right goes to council," Hewitt said. "There has been no dispute between the two clients. Delmont has not sued, nor will it sue Gibson Thomas."

The dispute largely centers around disparate views about the size of the pump station.

The authority insists the station is properly sized to handle the service area, but problems with inflow and infiltration develop at the pump station during wet weather. Delmont council maintains the stormwater inflow and infiltration during wet weather is not excessive — an assertion it claims is confirmed by testing data — and that the problem is that the pump station is too small.

Inflow takes place as water runoff enters the sewer system through manhole covers and storm drain tap-ins. Infiltration is a result of water entering through broken pipes or loose joints.

The authority has been collecting data concerning the sanitary sewer system through wet-weather testing and smoke and dye testing.

Another sticking point is Delmont's claim that it is owed money by Salem Township for double-billing that began in 1995 and continued through 2000.

A portion of sewage charges collected from Delmont by the Franklin Township Municipal Authority was remitted to Salem Township to cover the operation of the Cramer and Cloverleaf pump stations. Delmont claims it was also billed directly by Salem Township for operational expenses at the same stations, meaning that Delmont paid both entities for the same service.

"In addition to these cost payments received from the ratepayers, Salem Township was directly billing the borough an average of \$2,400 per month to be applied to the very same costs," read a statement from Delmont Council. "Annual budgets prepared by (the Franklin Township Municipal Authority) for Salem Township from 1995 to 2000 showed the basic fees charged by (the Franklin authority) were designed to fully cover all the operational expenses for the pump stations. There was no need for the additional billings by Salem Township."

After negotiations over that dispute continued into 2001. Westmoreland County Common Pleas Judge Gary Caruso ordered Salem Township to create a separate account in the amount of \$120,886.68 to hold the contested money.

At a meeting last week, the Salem authority voted to establish a three-member committee to work toward resolving the pump station issue, and Sekora expressed hope that Delmont Council would do the same.

"The many details and issues that need to be discussed cannot be dealt with in a five-minute time slot at a public meeting," Sekora said in a letter to Hewitt. "Therefore, we hope the Delmont Borough Council will join (the Salem authority) in resolving all financial issues as well as the inflow and infiltration and other issues before the Department of Environmental Protection."

That will take place, Hewitt said, "if and only if we get our money."

An invitation was extended to Sekora to attend a special Delmont Council meeting Thursday to address the issue. Sekora did not attend.

Sekora said in a letter to Hewitt that a request for a public meeting was not made, saying it was premature until all data are collected and analyzed by all parties.

Delmont Council maintains the need for the issue to be aired at a public meeting.

"Delmont Borough Council has nothing to hide in this matter and recognizes the public's critical right to know what has occurred with the sewage system since its construction and what may be required in the future," council's statement said. "The residents of Delmont Borough have invested far too much money into the sewage system for council to hide behind the closed doors of a private meeting of subcommittees in resolving these issues."

Paul Paterra can be reached at ppaterra@tribweb.com or (724) 836-6220.