RESOLUTION 2021-05

ROSTRAVER TOWNSHIP SEWAGE AUTHORITY

AMENDING THE ROSTRAVER TOWNSHIP SEWAGE AUTHORITY RULES AND REGULATIONS

WHEREAS, the Rostraver Township Sewage Authority (hereinafter "Authority"), is incorporated under the Municipalities Authorities Act, Act of May 2, 1945, P.L. 382, as amended, 53 Pa.C.S.A. 55601, et seq.; and

. WHEREAS, the Authority owns and operates a complete sanitary sewage collection system ("Sewage System") in certain portions of Rostraver Township and Westmoreland County, Pennsylvania; and

WHEREAS, the Authority deems it necessary to modify its Rules and Regulations with regard to Time of Sale regulations and procedures and the updating various other sections;

NOW, THEREFORE, BE IT RESOLVED by the Rostraver Township Sewage Authority, Effective July 1, 2021 as follows:

Section 4 - The Authority hereby amends Section 4; Applications and Contracts for Connection and Service. Specifically, Subsection 4.09 of its Rules and Regulations originally adopted by Motion on May 22, 2013 shall be amended as follows;

> Section 4.09 shall be stricken in its entirety and the following language shall be substituted.
>
> Property Transfers and Defect Discovery – For all property sold within the Township a No-Lien Letter Application, A Dye Test Application and a Lateral Inspection Application must be submitted to the Authority Office. Please see Section 5 of these Rules and Regulations for additional information on Time of Sale Testing.

a. The Authority hereby creates an Appeals Board pursuant to Resolution No 2021-4 to hear technical disputes from persons who disagree with the results of an inspection of the sewer lateral ("Appellants") conducted pursuant to Sections XIII and XIV of these Rules and Regulations or the amount and type of work to be done as a result of the inspection.

b. The sole grounds for a challenge to said inspection shall be whether the findings of the inspection are appropriate or whether the amount and type of work ordered to be completed is appropriate. No challenges shall be heard that are based upon financial concerns or a homeowner's inability to pay for any indicated repairs. Any request to the Authority by a property owner for a time extension for performing repairs due to financial hardship will be considered on a case by case basis by the Authority Board outside of this Appeals process.

c. The Appeals Board shall consist of 3 (three) members (the "Members"), appointed by the Authority Board.

d. The terms of the Members shall be at the will of the Authority Board and shall be for a period of indefinite length.

e. The Authority Board shall name one of the Members as Chairman of the Appeals Board; the duties of the Chairman shall include, but not be limited to, the following:

2. Conduct and lead any review hearing brought hereunder;
Determine the place and time of meeting for such a review;

a. Appellants desiring to bring a matter in front of the Appeals Board shall provide written notice of such desire to the Authority no later than 20 days from the receipt of the results of an inspection of the sewer lateral on the effected property. A hearing will be scheduled as soon as possible, but in no event greater than 30 days from receipt of the written request.

b. Appellants may attend a hearing with the representation of counsel and may, at their cost, provide means by which the hearing will be recorded.

c. Appellants shall be provided a reasonable amount of time, but in any event, not to exceed 30 minutes, to present evidence and arguments in front of the Appeals Board.

d. Within 3 (three) business days of the hearing, the Appeals Board shall render a written decision on the matter.

e. The decision of the Appeals Board shall be based on the vote of 2 of the 3 Members. However, all 3 Members must be present for voting, unless special