

**STATEMENT OF CLEARFIELD BOROUGH SOLICITOR IN REGARD TO THE
CLEARFIELD BOROUGH SEWER SURCHARGE**

For the past several months, Mr. Tony Yankevich has been castigating and criticizing the past and present Clearfield Borough Council Members claiming that the current sewer surcharge is an illegal assessment. Mr. Yankevich cites various provisions of the Borough Code in support of his claim.

The provisions cited by Mr. Yankevich are simply not applicable to the Clearfield Borough Sewer Project that was completed. His cited provisions may be used if there is a project within a small area of a Borough such as on one street.

The provisions applicable to the sewer project that was completed Borough wide are found in the Borough Code at Section 2061 et. seq. Those provisions indicate that the Borough by Ordinance may provide for the collection of a monthly, quarterly or annual rental or charge for the use of the sanitary sewer system. That charge may be based upon the flow in the system. The provisions additionally indicate that said funds can be used for the maintenance, repair, alteration, inspection, depreciation or other expenses of the sanitary sewer system or for the payment and amortization of the debt incurred by the Borough for the purpose of the construction and related work as to the sewer system.

In addition, the amount of the surcharge was based upon engineering studies and certification by the engineers to State officials that the amount of the surcharge was sufficient to meet the payment on the debt that was incurred for the project. State officials and PENNVEST officials fully reviewed and approved the project, the financing for the project and the funding of the project through the sewer surcharge.

The position and statements of Mr. Yankevich simply are without any legal basis.

F. Cortez Bell, III, Esquire
Clearfield Borough Solicitor