

# **SPRING-BENNER-WALKER JOINT AUTHORITY**

## **REGULAR MEETING**

**January 14, 2019**

### **ATTENDANCE:**

<b>AUTHORITY MEMBERS:</b>	<b>Spring</b>	Joseph Galbraith Gregg Heny Chris McMurtrie
	<b>Benner</b>	Brian Book Dan Hoffman Timothy Miller
	<b>Walker</b>	Dennis McDowell Joseph Swanderski

**GUESTS:** David Wise, Roxanne Toto, Suzanne Weinstein, John Kostas, Gene Stocker, Dave Kline & Rich Davis

**CONSULTING ENGINEER:** Andy Johnson, P.E.

**CONSULTING SOLICITOR:** Robert Mix, Esq.

**EXECUTIVE DIRECTOR:** N. Warren Miller

**EMPLOYEES:** Tasha Dutton & Kelly Gill

### **CALL TO ORDER:**

The January 14, 2019, Regular Meeting of the Spring-Benner-Walker Joint Authority was called to order at 7:00 P.M. by Robert A. Mix, Temporary Chairman. Mr. Mix thanked everyone for attending and stated that the meeting would be recorded for transcription.

### **ROLL CALL:**

Joseph Galbraith, Vice-Chairman, took Roll Call, recording eight members present. Mr. Smeltzer was excused from the meeting. Mr. Mix, Temporary Chairman, noted that with a quorum present, the Spring-Benner-Walker Joint Authority was permitted to conduct business under the laws of Pennsylvania.

**PLEDGE OF ALLEGIANCE:**

Mr. Mix, Temporary Chairman, led the Board members, Employees and Guests in the Pledge of Allegiance.

**ELECTION OF OFFICERS:** Mr. Mix opened the nominations as follows:

**OFFICE OF CHAIRMAN:** Mr. T. Miller nominated Mr. Dennis McDowell, as Chairman, Mr. Hoffman seconded the nomination. With no other nominations, Mr. T. Miller moved, seconded by Mr. Hoffman, that nominations for Office of Chairman be closed. 8 ayes, 0 nays, 1 absent. The motion carried. Mr. Mix cast the unanimous ballot electing Mr. Dennis McDowell as Chairman.

**OFFICE OF VICE-CHAIRMAN:** Mr. Hoffman nominated Mr. Joseph Galbraith as Vice-Chairman, Mr. T. Miller seconded the nomination. With no other nominations, Mr. Hoffman moved, seconded by Mr. T. Miller, that nominations for Office of Vice-Chairman be closed. 8 ayes, 0 nays, 1 absent. The motion carried.

**OFFICE OF SECRETARY:** Mr. McDowell nominated Mr. Dondi Smeltzer as Secretary, Mr. T. Miller seconded the nomination. With no other nominations, Mr. McDowell moved, seconded by Mr. T. Miller, that nominations for Office of Secretary be closed. 8 ayes, 0 nays, 1 absent. The motion carried.

**Assistant Secretary:** Mr. Heny nominated Mr. Joseph Swanderski as Assistant Secretary, Mr. T. Miller seconded the nomination. With no other nominations, Mr. Heny moved, seconded by Mr. T. Miller, that nominations for Assistant Secretary be closed. 8 ayes, 0 nays, 1 absent. The motion carried.

**OFFICE OF TREASURER:** Mr. Swanderski nominated Mr. Gregg Heny as Treasurer, Mr. McMurtrie seconded the nomination. With no other nominations, Mr. Swanderski moved, seconded by Mr. McMurtrie, that nominations for Office of Treasurer be closed. 8 ayes, 0 nays, 1 absent. The motion carried.

**Assistant Treasurer:** Mr. Heny nominated Mr. Chris McMurtrie as Assistant Treasurer, Mr. McDowell seconded the nomination. With no other nominations, Mr. Heny moved, seconded by Mr. McDowell, that nominations for Office of Assistant Treasurer be closed. 8 ayes, 0 nays, 1 absent. The motion carried.

Attached is a list of Officers for 2019 that is made a part of these official Minutes.

Mr. Mix turned the office of Chairman over to Mr. Dennis McDowell.

**Retaining Professional Services for 2019 – Mr. Galbraith moved, seconded by Mr. McMurtrie to retain Solicitor – Lee, Green & Reiter, Consulting Engineer – Gwin Dobson & Foreman and Accountant – Baker Tilly Virchow Krause, LLP. 8 ayes, 0 nays, 1 absent. The motion carried. .**

Mr. Heny asked if the Authority received an updated fee schedule from our professional services to verify their anticipated charges for 2019. Mr. Mix indicated their fees would not be increasing for 2019. Mr. Johnson stated his time is billed out hourly and he does not believe his rate will increase at this time.

**APPROVAL OF MEETING MINUTES:**

**Mr. Galbraith moved, seconded by Mr. Heny to approve the Minutes of the December 10, 2018 Regular Meeting as presented. 7 ayes, 0 nays, 1 absent, 1 abstention. Mr. Book abstained from the motion due to his recent appointment to the SBWJA Board; therefore, he did not attend the December 10, 2018 Regular Meeting. The motion carried.**

**CORRESPONDENCE:**

**Nittany Engineering & Associates – We received a letter from Madison L. Ressler of Nittany Engineering & Associates requesting an intent to provide sewer service to Tax Parcel 12-3-39 on Valley View Road in Benner Township. The total number of EDUs required for this subdivision is 2.00 EDUs. We will provide Ms. Ressler with a letter of intent for 2.00 EDUs for this subdivision.**

**Centre County Recycling & Refuse Authority – We received a letter from Ted Onufrak, Executive Director of the Centre County Recycling & Refuse Authority (CCRRA), expressing his concerns with our invoicing as it relates to our vactor truck billing. Mr. W. Miller stated our vactor truck services have been invoiced the same for many years; however, Mr. Onufrak would like more details listed on the invoice. The Authority's employees have invoiced all customers, for this particular service, the same and this has been the only complaint we received regarding our invoicing procedures. Mr. McDowell suggested that Mr. Onufrak's Board may be requesting more information be provided. Mr. Hoffman asked if Mr. Onufrak was displeased with the amount the Authority charged or the way we charged them. Mr. W. Miller indicated that Mr. Onufrak has no problem with the amount charged, he is dissatisfied with the way the invoice is lacking itemization. There was also displeasure with the administrative fee that was listed on an invoice; however, this was applied due to an emergency call out being made to the CCRRA. The CCRRA called our office requesting emergency assistance, which involved modifications to our scheduling for the day service was provided. Mr. Swanderski asked if the administrative fee would be omitted if this service was scheduled a week or two (2) in advance. Mr. W. Miller stated that we typically do not assess an administrative fee if the service is scheduled in advance. Mr. Galbraith stated that Mr. Onufrak's letter also mentioned an invoice in the amount of \$1,490.00, which was a**

difference of \$800.00 more than a previous invoice for the same services. Mrs. Gill indicated the invoice in the amount of \$1,490.00 was from 2016 and our personnel typically take eight (8) hours to complete these services at the CCRRA, which would amount to a larger invoice than \$1,490.00 being assessed when considering our fee schedule.

**Penn Terra Engineering, Inc.** - We received an email from Tony Fruchtl of Penn Terra Engineering requesting a letter of intent to provide sewer service of 1.00 EDU for the residual lot next to the Rutter's Store #87 located within Benner Township. Mr. Fruchtl was provided with a letter of intent for the additional 1.00 EDU for the residual lot. Mr. W. Miller indicated he was going to allow Rutter's to utilize a grinder to pump their flows directly to Pump Station #16's (Benner Commerce) force main due to Rutter's being the only business on that parcel; however, this will change due to the residual lot. The SBWJA staff obtained elevations, which revealed Rutter's would have sufficient fall for a gravity connection.

#### **APPROVAL OF PAYMENTS:**

Approval of Requisitions:

**Revenue Fund Requisition 2012-138** – Mr. McDowell asked if there were any questions regarding the presentation of Revenue Fund Requisition #2012-138. **Mr. McMurtrie moved, seconded by Mr. Galbraith to approve Revenue Requisition 2012-138 payable to SBWJA in the amount of \$133,656.13.** 8 ayes, 0 nays, 1 absent. **The motion carried.**

#### **GUESTS:**

**Walnut Grove/Shiloh Road** – Mr. McDowell stated there were a few residents from Walnut Grove area attending the meeting and thanked them all for coming. Mr. McDowell asked if anyone had anything to address to the Board.

Ms. Roxanne Toto stated that it is her understanding that a Developer is looking into developing land in the Shiloh Road area; therefore, the surrounding properties would be required to connect to the public sewer system. These residents would be required to pay for this sewer extension and she is questioning why this is happening since she already has her own septic system. Mr. W. Miller stated the Shiloh Road and Walnut Grove areas have been a part of Benner Township's Act 537 sewer plan since 2003 and because there were no known or identified septic system failures, the plans were not acted upon. The Act 537 Plan also mentioned there may be development in the Shiloh Road area in the future, which would require public sewer. Mr. W. Miller indicated a Developer recently approached our Authority regarding SBWJA providing public sewer to the Shiloh Road area, which would give us the opportunity to have the Developer absorb a

portion of the costs associated with a sewer extension. Once the Developer expressed his interest in extending sewer service to Shiloh Road, our Authority began investigating the on-lot septic systems near Shiloh Road. Mr. W. Miller indicated there were 73 parcels of land with improved dwellings in the Shiloh Road and Walnut Grove areas (Including the Big Hollow and Rock Road areas) and 12 parcels of undeveloped land. It was noted that 18 of the 73 homes were constructed before 1972 and the significance of this is the Clean Water Act that was passed by the Commonwealth. The Clean Water Act established standards for the construction of on-lot septic systems; therefore, the PA Department of Environmental Protection (PA DEP) considers the pre-1972 homes to be suspected or potential failures due to the on-lot systems being constructed without regulations. In addition to the 18 (pre-1972) homes, eight (8) of the 73 parcels are less than an acre, which could make constructing an alternate on-lot septic system very difficult due to lot size. The engineer that developed the Act 537 plan in 2003 also indicated there were a small amount of wells that had e coli present.

Mr. W. Miller stated the Supervisors at Benner Township recently approved the extension of public sewer to Shiloh Road without homes being required to connect. It was noted that the Supervisors discussed only connecting the homes with failing on-lots; however, this would set a very inconsistent precedence. If SBWJA would extend public sewer to Shiloh Road and not connect existing homes now, it could be more costly to extend the sewer to the residents at a later date. Mr. W. Miller indicated that this Authority may be required to enact a Special Purpose Tapping Fee for existing residents to pay for additional costs that would come along with our Authority remobilizing to the area. A Special Purpose Tapping Fee would be in addition to the current Tapping Fee of \$2,500.00 per EDU.

Ms. Suzanne Weinstein asked for an explanation of what an Act 537 Plan was. Mr. Johnson stated that an Act 537 Sewage Facilities Plan is a PA DEP requirement for every Township that establishes sewer planning for areas within the municipality. The plan will indicate if an area is to be serviced by public sewer or private on-lot systems.

Mr. Johnson reassured the guests that we were not singling them out. His firm had evaluated three (3) different options for providing sewer service to Shiloh Road and the most feasible would be conveying sewer through a pressurized system that would run along Walnut Grove Drive and be pumped to our current sewer system located within the University Park Airport. Mr. Johnson stated that SBWJA and Benner Township need to determine if we provide connections to the existing residents or if we only install a sewer mainline to serve the Shiloh Road area.

Mr. Book asked if the Walnut Gove area was currently in Benner Township's Act 537 public sewer service area. Mr. Johnson stated that the Walnut Grove area is currently in the public sewer service area. Mr. Book questioned if Walnut Grove is in the public sewer service area. Mr. W. Miller and Mr. Johnson indicated there are exhibits included in the Act 537 Plan showing the sewer service in this area. Mr. Book then asked if Shiloh Road could be serviced by the University Area Joint Authority (UAJA) if an inter-municipal agreement is executed between UAJA and SBWJA. Mr. W. Miller indicated

that Shiloh Road could be serviced by UAJA if Benner Township and the Centre Region would modify their current Act 537 plans to do so. Mr. Book explained that any reconstructive planning for sewer service to the Shiloh Road area would result in modifications to the Act 537 Plan. Mr. W. Miller stated that a Special Study would be required to include the entire drainage basin because Benner Township and Centre Region's current Act 537 Plan only included two (2) parcels of ground and not the entire drainage basin that PA DEP desires.

Mr. Richard Davis asked how much this sewer extension through Walnut Grove will benefit the Developer. Mr. W. Miller stated there would be no benefit to the Developer. It was explained the Developer would pay for a portion of this sewer main line to be installed; therefore, it would be a savings to SBWJA. Mr. Book informed the guests that it could even be more of an expense to extend sewer service, if it is required, for the Walnut Grove residents if the Developer would not extend sewer to Shiloh Road. Mr. W. Miller stated that the Tapping Fee would not change; therefore, it would not be more of an expense to the property owner. Mr. John Kostas confirmed the \$2,500.00 Tapping Fee would provide sewer to the edge of the resident's property. Mr. John Kostas also confirmed the homeowner would be responsible for the cost to install the sewer lateral from the home to the connection point at the edge of the property. Mr. W. Miller stated this information was correct. Mr. Kostas asked for an estimated cost per foot for the installation of a sewer lateral. Mr. W. Miller estimated the cost per foot for installation would range from \$50.00 to \$60.00. It was noted that everyone should obtain multiple quotes to achieve the best price.

Mr. Kostas then asked if there were 30-year payment plans available for the homeowner's Tapping Fee. In the past our Authority has offered a three (3) year, low interest rate, loan to our customers when we force the connection. Mr. Book also indicated PennVest will provide a homeowner with a 20-year loan, if they qualify for low to moderate income. Mr. Wise stated that UAJA's current Tapping Fee is \$4,750.00 and the quarterly sewer rental is \$104.00, which is significantly higher than SBWJA.

Mr. Wise questioned SBWJA's procedures for eliminating the homeowner's old septic tank. Mr. W. Miller stated that a concrete tank will need to be pumped and then it must be filled with stone/dirt and the metal tanks must be pumped and then removed from the ground. Mr. Book indicated it would be easy to determine the material of the old septic tanks due to Benner Township's current Septage Management Plan.

Mr. Gene Stocker stated he spoke to the Executive Director, Cory Miller, of UAJA today and he asked him if UAJA would be willing to or able to accept the flows from the Shiloh Road commercial area. According to Mr. Stocker, Cory Miller told him that UAJA could accept the flows with some additional planning. Mr. Stocker asked for an explanation of UAJA or SBWJA providing sewer service to this area. Mr. W. Miller stated that Benner Township's current Act 537 Plan has two (2) options for treatment for the Shiloh Road area, which would be Bellefonte Borough or UAJA. It was noted that an inter-municipal agreement would be required between UAJA and SBWJA to allow UAJA to accept the flows from the Shiloh Road area. Mr. W. Miller indicated SBWJA is a collection and

conveyance system and flows must be conveyed to a treatment plant because we do not own a treatment facility. In a letter dated August 23, 2016, Cory Miller and his Board indicated they would only provide sewer service if the customers are served directly by UAJA and if nutrient credit offsets are purchased by the developers, or some other entity other than UAJA. Mr. Book stated that it would take additional approval from College Township, Patton Township, Ferguson Township, Harrison Township and State College Borough before UAJA would be eligible to accept flows from Benner Township.

Mr. Wise stated the Benner Township Supervisors spoke with Mr. W. Miller and Mr. Johnson regarding the parcels of land that would be served with public sewer. Mr. Wise also indicated eight (8) of the 12 undeveloped lots are too small for private on-lot systems, which could be developed with public sewer. Mr. Johnson provided the Supervisors with a map outlining the collection system for Walnut Grove and Shiloh Road. Mr. Wise announced Benner Township will be holding a public meeting on February 18, 2019 to further discuss this sewer extension.

Mr. W. Miller stated that PA DEP will likely approve the extension of public sewer to Shiloh Road; however, he feels that they will require SBWJA to plan for capacity for the 73 parcels in the Walnut Grove area in the future if not connected with this project.

Mr. Book stated SBWJA's current Act 57 Study legally allows them to charge a higher Tapping Fee, but the Board chooses not to burden the customers with a higher rate at this time.

Ms. Suzanne Weinstein asked who is making the decision to extend public sewer to Walnut Grove if the residents have no say. The Benner Township Supervisors will ultimately make the decision on the extension of public sewer. Mr. Book indicated a 30-day public comment would be available if there are any modifications made to Benner Township's Act 537 Plan. The public comment period would be advertised in the local newspaper. The comments made by the residents during this 30-day period will be considered by the Supervisors in their final decision regarding public sewer to the Walnut Grove area.

Mr. McDowell thanked the residents for attending our meeting to voice their opinion and ask questions.

## **SYSTEM OVERVIEW REPORT:**

**December 2018 System Overview** – Mr. W. Miller reviewed the December 2018 System Overview with the Board.

Mr. W. Miller stated there were 20 in-home inspections completed in the month of December. The maintenance department completed 7 new sewer lateral inspections and our office staff received four (4) sewer permit applications that totaled 4.00 EDUs and issued the permits.

The maintenance department has been working on cleaning and jetting the sewer mains in the Zion Road area and has performed inspections to the grit separators at Fullington & Culligan. An alternator was also replaced on the vacator truck.

Our staff completed 9,970' of video work in December, which brought our yearly total for 2018 to 143,999'. The recent video work in December indicated there was a 4" cleanout broken underground at 115 Beech Hill Road, which was allowing infiltration and inflow into our system.

We completed maintenance work to the Hampton Hills and Grove Park Well Houses for Benner Township Water Authority. Our staff replaced the well pump at the Opequon Well House and helped a customer locate the cause of high water flows within their home.

The maintenance personnel continued to inspect the sewer mainline installation at the Village of Nittany Glen and we completed the final inspections of the Dunkin Donuts sewer extension.

Our vacator truck was used to complete routine maintenance at the Evergreen Farms. We also completed some jetting and vac work at Rockview and Walker Meadows.

There was an emergency call out to the Bald Eagle State Park, with our vacator truck, on December 24, 2018 and December 26, 2018 to assist with a broken sewer main line. We also marked an emergency PA One Call at 143 Whitman Circle on December 16, 2018. Mr. W. Miller ended the report stating a total of 52 PA One Calls were located in December.

#### **EXECUTIVE DIRECTOR'S REPORT:**

**Right-of-Ways** – Mr. W. Miller reminded the Board of the discussion held at the December 10, 2018 meeting regarding a potential buyer trying to obtain a right-of-way for sewer service of the vacant lot located between Clemens Lane and Radio Drive off of the Benner Pike in Benner Township. The potential buyer for this vacant lot is still unable to obtain the needed right-of-way from Centre Communications and/or Kid's Court Child Care Center. It was noted that the current land owners are requesting a number of expensive conditions be met before they sign the right-of-way. Mr. W. Miller stated that the Authority never obtained the necessary right-of-ways when the Developer extended the sewer in the mid-1980's; therefore, he feels the Authority should try to assist the buyer in obtaining a right-of-way. Mr. W. Miller stated the Authority would need to extend the sewer to the property line, which would be approximately 60' – 100'. Mr. Mix indicated there is an easement down the center of Radio Drive. Mr. Book asked if the Authority had anything in writing explaining the situation and asking for assistance. Mr. W. Miller indicated we did not receive a letter. Mr. Book recommended the



Authority have a letter from the potential buyer requesting our assistance in obtaining a right-of-way for sewer service. Mr. Book asked if the Authority would condemn the property to obtain the right-of-way. Mr. W. Miller suggested we approach Centre Communications and Kid's Court Child Care Center verbally requesting the right-of-way before we take action on condemning the property. Mr. McDowell stated the Authority made a mistake in the past; therefore, we should correct it. **Mr. T. Miller moved, seconded by Mr. Book to grant Mr. W. Miller permission to approach Centre Communications and Kid's Court Child Care Center to request their permission to obtain a right-of-way for the vacant lot located between Clemens Lane and Radio Drive and to bring his findings back to the Board.** 8 ayes, 0 nays, 1 absent. **The motion carried.**

**SOLICITOR'S REPORT:** Mr. Mix had nothing further to report. Mr. McDowell thanked Mr. Mix for his services.

**ENGINEER'S REPORT:** Mr. Johnson had nothing further to report. Mr. McDowell thanked Mr. Johnson for his services. Mr. T. Miller asked if Mr. Johnson would be proceeding with billable engineering fees for the Shiloh Road. Mr. McDowell stated that Mr. Johnson would not proceed until Benner Township holds their February 18, 2019 meeting and a decision is made regarding the areas that will be serviced. Mr. Johnson stated that an agreement has not been executed; therefore, his firm would not proceed with the project until he has an executed agreement.

**OLD BUSINESS:** There was no Old Business presented for discussion.

**NEW BUSINESS:**

**Dunkin Donuts at Eagle Point Agreement of Dedication** – Mr. W. Miller informed the Board that we have received all items needed to close out the Dunkin Donuts at Eagle Point sewer extension; therefore, he recommended approval of the Agreement of Dedication. **Mr. Hoffman moved, seconded by Mr. Swanderski to approve the Agreement of Dedication for the Dunkin Donuts at Eagle Point.** 8 ayes, 0 nays, 1 absent. **The motion carried.**

**Committee Appointments** - Mr. McDowell stated that he would like to postpone the appointment of committees until the January 28, 2019 meeting.

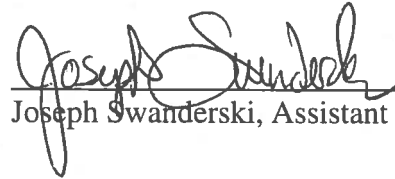
**Spring Township** – Mr. Galbraith stated he had attended the Spring Township Supervisors meeting on January 7, 2019 and they stated they set a record for the number of new homes. There were 82 homes constructed in 2018.

**Legal Advertising** – Mr. Heny asked if there should be a concern with advertising and the number of Board members attending the future meeting at the Benner Township on February 18, 2019 regarding the Shiloh Road/Walnut Grove sewer extension. Mr. Mix indicated an informational meeting does not need to be advertised because there will be no decisions made. Mr. T. Miller stated that he was under the impression that a Board is not permitted to meet at a single location if the majority of the Board is present without it being advertised. Mr. Mix stated that he could review the Sunshine Act with Mr. T. Miller by telephone; however, Mr. T. Miller stated that was not necessary. The Board thanked Mr. Mix for the information.

**ADJOURNMENT:**

**Mr. Heny moved, seconded by Mr. T. Miller to adjourn the meeting at 8:45 p.m. 8 ayes, 0 nays, 1 absent. The motion carried.**

Respectfully submitted,



Joseph Swanderski, Assistant Secretary



Tasha L. Dutton, Recording Secretary

CC: Benner Township \_\_\_\_\_  
Spring Township \_\_\_\_\_  
Walker Township \_\_\_\_\_

# Spring-Benner-Walker Joint Authority

## 2019 OFFICERS & MEMBERS

### OFFICERS:

Dennis McDowell –Chairman  
Joseph Galbraith – Vice Chairman  
Dondi Smeltzer –Secretary  
Joseph Swanderski – Assistant Secretary  
Gregg Heny – Treasurer  
Christie McMurtrie - Assistant Treasurer

### MEMBERS:

Brian Book  
Dan Hoffman  
Timothy Miller