

SPRING-BENNER-WALKER JOINT AUTHORITY

REGULAR MEETING

December 12, 2022

ATTENDANCE:

AUTHORITY MEMBERS:

Spring	Joseph Galbraith Richard Kuzemchak Christie McMurtrie
Benner	Brian Book Dan Hoffman
Walker	Dennis McDowell Joseph Swanderski

GUESTS: None present

CONSULTING ENGINEER: Andy Johnson, P.E.

CONSULTING SOLICITOR: Robert Mix, Esq.

EXECUTIVE DIRECTOR: N. Warren Miller

EMPLOYEES: Will Barton, Tasha Dutton & Kelly Gill

CALL TO ORDER:

The December 12, 2022, Regular Meeting of the Spring-Benner-Walker Joint Authority was called to order at 7:00 P.M. by Dennis McDowell, Chairman. Mr. McDowell thanked everyone for attending and stated that the meeting would be recorded for transcription purposes.

ROLL CALL:

Joseph Swanderski, Secretary, took Roll Call, recording seven members present. Mr. Houser and Mr. Maney were excused from the meeting. Mr. McDowell, Chairman, noted that with a quorum present, the Spring-Benner-Walker Joint Authority was permitted to conduct business under the laws of Pennsylvania.

PLEGE OF ALLEGIANCE:

Mr. McDowell, Chairman, led the Board members and Employees in the Pledge of Allegiance.

APPROVAL OF MEETING MINUTES:

Mr. McDowell asked the Board if there were any questions and/or changes to the November 28, 2022 meeting minutes as presented. **Mr. Hoffman moved, seconded by Mr. Kuzemchak to approve the Minutes of the November 28, 2022 Regular Meeting as presented.** 7 ayes, 0 nays, 2 absent. **The motion carried.**

CORRESPONDENCE:

Walker Township – We received a letter from Sue Wagner, Walker Township Secretary, indicating the Board of Supervisors made a motion at their November 2, 2022 meeting to have their Act 537 Plan updated. Mr. Miller stated that the Township had received our information regarding the Act 537 Plan and had indicated they would like to update their Act 537 Plan for their entire Township. The last Act 537 Plan was completed in 1992, which makes it 30 years old. In the early 2000's HRG, Inc and SBWJA attempted to update Walker Township's plan but ran into resistance with PA DEP planning; therefore, it was not approved. Mr. Miller and Mr. McDowell attended Walker Township's monthly meeting earlier today and the Supervisors indicated they would like a township wide update. They requested door to door surveys be completed and water samples collected. It was noted that the Supervisors do not wish to enact a septage management plan at this time; however, Mr. Miller informed them they would be required to identify that in the plan they submit to PA DEP.

Mr. Miller indicated East Nittany Valley Joint Municipal Authority (ENVJMA) serves the northeastern portion of Walker Township; therefore, a plan or special study must have been completed prior to the public sewer system being installed approximately 20 years ago. Mr. Miller believes it would be best to start this project by obtaining ENVJMA's information to determine what areas within the Township are covered by ENVJMA. It would also be important to have Gwin, Dobson & Foreman (GD&F) become familiar with the area and involve PA DEP due to having two (2) Municipal Authorities providing public sewer in the same Township. Mr. Galbraith asked how far ENVJMA comes up into Walker Township. Mr. Miller indicated it stops somewhere close to where the Nittany Inn was located.

The areas of concerns are Hublersburg and Snyderstown due to the densely populated areas near the stream and the multiple obstructions with isolation distances. Mr. McDowell suggested that Mr. Miller, Mr. Swanderski and himself have a meeting with the Supervisors after the first of the year to discuss updating the Act 537 Plan because he does not feel they know what is involved with their request. Mr. McDowell indicated the Township would need to instruct SBWJA where they would like public sewer extended and when. Mr. Miller stated that the first thing to do is gather information to determine how much the plan would cost to be updated. Mr. McDowell stated it should not be at the cost of SBWJA. Mr. Book stated this is Walker Township's plan, not SBWJA's. Mr. Book continued by stating if Walker Township appoints SBWJA as the agent and we hire

GD&F to update the plan, we must keep in mind that GD&F, by the requirements of Act 537 Plans, will be required to include the entire Township. For informational purposes, Mr. Miller stated that ENVJMA's sewer facilities were constructed with Rural Utilities Service (RUS) money and their main line in Nittany consists of a small force main, which he doesn't believe you can add additional flow. Mr. Book stated that he is conflicted with this, but believes, the cost of the Act 537 Plan should be the burden of SBWJA's ratepayers and not Walker Township's tax payers. Mr. Book indicated ENVJMA should be involved with the planning and mentioned they could possibly make a monetary contribution to the plan.

Mr. Miller will begin gathering information and introducing GD&F to the area.

FINANCIAL REPORTS:

Treasurer's Report: Mr. McMurtrie reviewed the financial reports for the period ending 11/30/2022. Mr. McDowell asked if there were any questions or comments regarding the Treasurer's Report. **Mr. Book moved, seconded by Mr. McDowell to approve the Treasurer's Report as presented.** 7 ayes, 0 nays, 2 absent. **The motion carried.**

APPROVAL OF PAYMENTS:

Approval of Requisitions:

Revenue Fund Requisition 2020-64 – Mr. McMurtrie presented the Board with Revenue Requisition #2020-64 in the amount of \$55,939.03. **Mr. Book moved, seconded by Mr. Kuzemchak to approve Revenue Requisition 2020-64 payable to SBWJA in the amount of \$55,939.03.** 7 ayes, 0 nays, 2 absent. **The motion carried.**

GUESTS: There were no Guests present for the meeting.

SYSTEM OVERVIEW REPORT:

Will Barton, Maintenance Crew Leader, provided an overview of the work completed on the sanitary sewer system for the month of November 2022.

In-Home Inspections - There were 22 in-home inspections completed in the month of November.

Sewer Permits and/or Lateral Inspections - Our maintenance department completed 16 sewer lateral inspections. The office staff received five (5) new sewer permit applications in the amount of 6.00 EDUs and issued the permits.

System Maintenance – The maintenance staff made repairs to the driveway at Pump Station #15 (Sunnyside) and finished clearing right-of-ways. An audit was completed on manholes in Nittany Glen prior to top coat being applied. A new power supply was installed at Pump Station # 16 (Benner Commerce) and we cut in a sewer tap on Seibert Road.

We cleaned and calibrated all of our level sensors and cleaned all the floats at the pump stations. The downspouts and gutters were cleaned at all pump stations and at the office. Our staff made repairs to the plumbing for the chlorine feed system at Pump Station #14 (Litke). There were multiple repairs made to Pump Station #6 (Rockview) which include broken ballasts, rotators and a level control system.

Mr. Barton reported several site visits which consisted of a sewer lateral relocation at 1103 Axemann Road, a discussion on how to cap off a sewer lateral at 2943 Benner Pike and a meeting with JVH regarding two (2) existing manholes that required lowering at the Benner Pike Shopping Center.

The upgrades continue at Pump Station #12 (Airport) and should be completed in a few days. Our personnel pulled several pumps throughout the system.

Benner Township Water Authority – We collected samples for bacteria and VOC's testing. Our staff excavated and repaired a blow off at Hampton Hills and replaced a pressure gauge on the tank at Grove Park. The meters were read in Hampton Hills, Opequon and Grove Park. There was a total of two (2) PA One Calls being located in November.

Sewer Extensions – We reviewed and approved the as-builts for Logan Greene Phase 1A, Section 3 and LSC RP, LLC (Fishburn Hill Road Extension). Our staff continued project inspections at Harvest Meadows in Benner Township. Mr. Barton indicated there has been several sinkholes open up in Harvest Meadows, which required remediation work.

Video Truck – Our video truck is still being repaired by the Mercedes Dealership in State College; therefore, we were unable to perform video work.

Vector Truck – We performed routine maintenance at the Centre County Prison which totaled 1,624 feet of sewer line for the month of November.

Call Outs/ PA One Calls – There were three (3) callouts for the month of November. Our personnel responded to grinder alarms at 319 Deer Creek Lane and 136 Railroad Street. We also experience pump #1, #2 and #3 failure at Pump Station #6 (Rockview). Mr. Barton ended the report with a total of 53 PA One Calls being located in November.

EXECUTIVE DIRECTOR'S REPORT:

Malfunctioning On-Lot/Rock Road – The Authority received a telephone call from a local contractor regarding an on-lot septic system malfunction at a residence on Rock Road near the intersection of Big Hollow. The contractor stated there is no room for a new system and that the property is located in the floodplains, which will result in approximately \$40,000 to correct their current system. Mr. Miller stated the contractor had questioned when public sewer would be extended so they can try to figure out a temporary repair for this property.

Federal Government Raising Rates – Mr. Miller stated the Federal Government has been raising the interest rates over the past year; therefore, he will begin opening certificate of deposits for the Authority investments to take advantage of increased interest income.

SOLICITOR'S REPORT:

EXECUTIVE SESSION – Mr. Mix requested an Executive Session be held to discuss litigation. Mr. McDowell recessed the Board for an Executive Session at 7:22 p.m. The meeting reconvened at 7:30 p.m.

Filing of Petition for Recovery of Attorney's Fees and Costs – Mr. Mix discussed his findings of recovering attorney's fees and costs incurred with Mr. Stocker's appeal of Benner Township Act 537 Plan Special Study. **Mr. Book moved, seconded by Mr. McMurtrie not to move forward with filing a petition for recovery of attorney's fees and costs associated with Mr. Stocker's appeal of the Benner Township Act 537 Plan Special Study. 7 ayes, 0 nays, 2 absent. The motion carried.**

ENGINEER' S REPORT:

Shiloh Road Area Sewer Extension – Mr. Johnson stated the staff at Gwin, Dobson & Foreman (GD&F) continues to work on the final design of the Shiloh Road Area Sewer Extension and their goal is to have permits ready for submission by the end of January 2023.

Shiloh Road Area Sewer Extension Engineering Costs (Remaining Work & Additional Work Summary) – Mr. Johnson provided the Board with a Remaining & Additional Work Summary report for the Shiloh Road Area Sewer Extension as discussed at previous meetings. The report details the remaining work that GD&F will need to complete as part of the final design phase and the additional work completed that was not part of the engineering contract. Mr. Johnson presented the Board with a summary of events that took place from the start of this project, March 2019, to present.

The total cost of the remaining work associated with the final design phase is \$71,832.00 with only \$2,193.10 remaining of the lump sum fee of \$120,000.00. Mr. Johnson broke down the remaining work into categories of design, permits and easements. It was noted that approximately 102 easements will need to be obtained for this project.

The additional work completed to date includes the redesign of the airport crossing, the pump station alternative evaluation (suction lift vs. submersible), the Hydrologic & Hydraulic (H&H) study for pump station no. 1, the wage escalation due to the design not being completed in 2019 and the additional expense associated with the Act 537 Plan Special Study. The total of the additional work items and cost impacts is \$69,498.00.

Mr. Johnson stated that GD&F has an additional \$70,000 incurred in the design phase of the project that he is requesting the Authority Board consider.

Mr. Book asked if SBWJA had a separate contract with GD&F to complete the Act 537 Plan. Mr. Miller stated that it was included within the preliminary design. Mr. Johnson broke down the cost and services that are provided with the lump sum contract. The preliminary design phase is \$95,000, final design phase is \$120,000.00 bidding phase is \$25,000.00 and the construction phase is \$115,000.00 for a total of \$355,000.00.

Mr. Book asked if the additional \$70,000 would be placed in final design and if it would include right-of-ways. Mr. Johnson replied that Mr. Book was correct.

Mr. Book asked Mr. Johnson if he had enough money calculated for the wage escalation due for the construction phase. Mr. Johnson indicated he felt comfortable with that cost and that it should be sufficient if there are no real big problems with the construction phase.

Mr. Swanderski asked where we went off track with the design of the project because he remembers at several meetings asking how things were going financially and that Mr. Johnson would always reply we were okay. Mr. Johnson stated that he previously mentioned concerns with the cost of the Act 537 Plan.

Mr. Swanderski asked if the time GD&F spent on Mr. Stocker's appeal of Benner Township Act 537 Plan Special Study was included in the report he is presenting. Mr. Johnson stated that the time working on the appeal was invoiced separately as the Board requested. Mrs. Gill indicated the total cost associated with the appeal from GD&F was \$12,768.13

Mr. Galbraith asked if there were additional bills generated when the SBWJA workers stirred up questions regarding their preferences of suction lift pumps over submersible pumps. Mr. Barton stated staff's concern was strictly due to safety. Mr. Johnson stated the Board had requested GD&F provide a detailed analysis of the two (2) pumps and then a decision was made by the Board to stay with the submersible pumps.

Mr. Johnson asked Mr. Book if he felt the costs provided by GD&F were reasonable. Mr. Book stated that it was reasonable; however, he indicated that it's the engineer's obligation to review the costs at the 80% point of the project to verify the fees are going to be correct for each phase and address any discrepancies with the owner versus waiting until a phase is at the 100% point to address the overage. Mr. Book stated that he believes the additional costs associated with the airport crossing redesign, pump station alternative evaluation and wage escalation are all justified; however, he believes GD&F should have known about the Hydrologic and Hydraulic study for pump station no. 1. Mr. Book also believes it is legitimate to ask for wage escalation in the future.

Mr. Book asked if there was an amendment to act upon tonight and Mr. Johnson stated no. Mr. Book asked Mr. Mix if this matter could be discussed in Executive Session. Mr. Mix stated that it was a contract and could be discussed further in Executive Session. Mr. Book requested an Executive Session be held to discuss contracts.

OLD BUSINESS:

2023 Budget – Mr. McDowell asked if there were any adjustments made to the budget and Mr. Miller stated no. Mr. McDowell asked if there were any questions concerning the 2023 Budget as presented. Mr. Book asked if the budget reflected a rate change and Mr. Miller indicated it does not. The Board had no further comments regarding the 2023 Budget. **Mr. Book moved, seconded by Mr. Hoffman to adopt the 2023 Budget as presented in the amount of \$3,853,000.00.** 5 ayes, 2 nays, 2 absent. **The motion carried.** Mr. Galbraith and Mr. Swanderski voted against the approval of the 2023 Budget and did not comment on their decision.

NEW BUSINESS:

Opening of New Bank Account – Mrs. Gill informed the Board of fraudulent activity that Truist Bank of Baltimore, MD brought to our attention on December 2, 2022. There were two (2) fraudulent checks generated using our Jersey Shore State Bank Operating Account. One was generated and attempted to be deposited in Baltimore, MD but the attempt was unsuccessful. The second check was generated and successfully deposited at a credit union in Pensacola, FL. Both occurred within a few days after Thanksgiving. Our Authority has been reimbursed for the second check that Jersey Shore State Bank allowed to clear our account with a fraudulent signature. Mrs. Gill indicated the Authority was required to report this information to the Spring Township Police. Mrs. Gill provided the Board with the proper paperwork to open a new account, which was approved and executed during the meeting. Mr. Miller stated there were three (3) additional commercial accounts from Jersey Shore State Bank that experienced similar fraudulent activity. The fraudulent attempts were not associated with cyber activity.

COMMITTEE REPORTS:

Personnel & Community Relations Committee: Mr. Hoffman had nothing to report.

Facilities Committee:

SBWJA New Facility - Mr. Houser was absent from the meeting, but did provide an email for the Chairman to share with the Board. Larry Walker from Kissinger Bigatel & Brower informed Mr. Houser that the local business is no longer interested in purchasing the Witherite property. Mr. Houser feels the Authority should focus on the Shiloh Road Area Sewer Extension at this time and wait to purchase property.


Financial Committee: Mr. McMurtrie had nothing to report.

EXECUTIVE SESSION – Mr. McDowell indicated he would like to go into Executive Session to discuss contracts. Mr. Swanderski added that he would like to discuss one (1) personnel issue as well. Mr. McDowell excused the staff and the Authority's engineer for the remainder of the evening. Mr. McDowell recessed the Board for an Executive Session at 8:28 p.m. to discuss contracts and one (1) personnel issue. The meeting reconvened at 8:50 p.m.

ADJOURNMENT:

Mr. McMurtrie moved, seconded by Mr. Hoffman to adjourn the meeting at 8:50 p.m. 7 ayes, 0 nays, 2 absent. The motion carried.

Respectfully submitted,



Secretary



Tasha L. Dutton, Recording Secretary

CC: Benner Township _____
Spring Township _____
Walker Township _____