

SPRING-BENNER-WALKER JOINT AUTHORITY

REGULAR MEETING

June 27, 2022

ATTENDANCE:

AUTHORITY MEMBERS:

Spring	Joseph Galbraith Richard Kuzemchak Rodney Maney Christie McMurtrie
Benner	Brian Book Dan Hoffman Willis Houser, Jr.
Walker	Dennis McDowell Joseph Swanderski

GUESTS: None present

EXECUTIVE DIRECTOR: N. Warren Miller

EMPLOYEES: Will Barton & Kelly Gill

CALL TO ORDER:

The June 27, 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 nine members present. 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.

PLEDGE 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 June 13, 2022 meeting minutes as presented. **Mr. Galbraith moved, seconded by Mr. Hoffman to approve the Minutes of the June 13, 2022 Regular Meeting as presented. 9 ayes, 0 nays. The motion carried.**

CORRESPONDENCE: There was no Correspondence presented for discussion.

FINANCIAL REPORTS:

Treasurer's Report: Mr. McMurtrie reviewed the financial reports for the period ending 05/31/2022. Mr. McDowell asked if there were any questions regarding the Treasurer's Report. **Mr. Book moved, seconded by Mr. Maney to approve the Treasurer's Report as presented. 9 ayes, 0 nays. The motion carried.**

APPROVAL OF PAYMENTS:

Approval of Requisitions:

Revenue Fund Requisition 2020-53– Mr. McMurtrie presented the Board with Revenue Requisition #2020-53 in the amount of \$53,314.73. Mr. McDowell asked if there were any questions regarding the presentation of Revenue Fund Requisition 2020-53. **Mr. Book moved, seconded by Mr. Swanderski to approve Revenue Requisition 2020-53 payable to SBWJA in the amount of \$53,314.73. 9 ayes, 0 nays. The motion carried.**

GUESTS: There were no Guests present for the meeting.

SYSTEM OVERVIEW:

Mr. McDowell asked Mr. Barton if he had anything to report. Mr. Barton stated he didn't have a system overview to report for this meeting, but had a few other items to mention.

PennDOT SR 3001/3004 Project – Mr. Barton reported all of the manholes for PennDOT's resurfacing of Spring Creek Road/Paradise Road have been raised. Mr. Swanderski asked for a total number of manholes and Mr. Barton stated he believed a total of 38 were raised. Mr. Swanderski thanked Mr. Barton for the information.

Beech Creek Borough – Mr. Barton stated that during the last meeting Mr. Galbraith asked how many hours were involved with the video work completed for Beech Creek Borough. Mr. Barton indicated Mrs. Dutton provided him with a copy of the completed work order which indicated one maintenance laborer spent a total of 2.5 hours at Beech Creek Borough. Mr. Miller confirmed that invoices are based on port-to-port billing.

PennDOT SR 550/64 Project – Mr. McDowell asked if the manholes needing raised and/or lowered as part of the SR 550/64 project were completed and Mr. Barton stated yes, the last one was lowered last week.

EXECUTIVE DIRECTOR'S REPORT:

Benner Township Paving Projects – Mr. Miller stated there will be a few manholes within Benner Township that will need raised as part as the Township's paving projects. This will include Dixon Lane. Mr. Barton confirmed that we are currently waiting for Benner Township's Roadmaster to inform us how many inches of rise will be required.

Spring Township Paving Projects – Mr. Barton indicated there may possibly be a manhole at the triangle in Pleasant Gap that needs raised. He's currently waiting for further direction from Spring Township's Roadmaster to determine what may be needed.

Benner Pike Shopping Center – Mr. McDowell inquired about the status of the Benner Pike Shopping Center project. Mr. Barton stated the project is not complete at this time and he will have to look at his notes to confirm what is remaining; however, he believes the manhole castings have not been set to final elevation, the vacuum testing of the manholes needs completed and the video/mandrel work needs finished.

Mr. Miller informed the Board that the sewer main line constructed as part of this project was extended to accommodate the possibility of connecting the nearby property owned by the Commonwealth of Pennsylvania to the sanitary sewer. The parcel is located directly across Paradise Road from this project and it's been suggested the Commonwealth may be selling the property where the brick home currently exists.

O&M Agreement for Private Sewer Extensions – Mr. Swanderski asked Mr. Miller to explain the process surrounding the operation and maintenance agreements that our Authority has recently finalized with customers who will be completing private sewer extensions. Mr. Miller stated that during the planning process of these private sewer extensions, the PA DEP has dictated the need for the O&M agreement to ensure the sewer facilities are properly maintained. This has always been a requirement of the component III planning module for privately owned facilities; however, the PA DEP's Northcentral Regional Office is now enforcing the requirement of the O&M agreement. Mr. Miller explained that the developer, in these cases, has the ability to dedicate the constructed facilities to our Authority, but has chosen to keep them privately owned. There are a number of other privately owned facilities currently discharging to our sewer system that we will likely be completing an O&M agreement for as well. Mr. Miller reported we are currently compiling a list of those facilities.

OLD BUSINESS:

Spring Township Act 537 Plan - During the last meeting, Mr. Galbraith informed the Board that he was approached by a Spring Township Supervisor questioning why SBWJA has not extended public sewer service to the back of Greens Valley Road and it was suggested that Mr. Book provide an overview of the Act 537 Plan since he was involved with the creation of Spring Township's Act 537 Plan that was ultimately approved in 2003. It was noted that Mr. Book was our Authority's engineer at the time these plans were developed, but is no longer the Authority's retained engineer.

Mr. Book stated the Commonwealth of Pennsylvania is unique whereas it requires 537 planning or planning modules for land development to be approved/adopted prior to applying for permitting. Other states simply start the permitting process. The Commonwealth places the onus of the planning process on the elected officials, so in this particular case, the Act 537 Plans are owned by the Authority's incorporated municipalities (Townships). The Townships have the ability to appoint our Authority as their agent for completing the Act 537 planning process and our Authority has the ability to appoint its engineer to assist with the planning process.

Mr. Book stated the last time Spring Township completed an Act 537 plan was in 2000 with final adoption in 2003. According to Mr. Book, the Act 537 plan is supposed to be a five-year window, so their existing plan is outdated. The executive summary of Spring Township's latest Act 537 plan addressed the Zion Road, Sunnyside, Airport Road, Greens Valley and Lyonstown Road areas. At that time, the plan only recommended providing public sewer service to Sunnyside and Greens Valley Road. Public sewer was extended to Sunnyside in 2006 and Mr. Book reported the Greens Valley area was separated into two sections with the portion being recommended for sewer being completed in 2008. Mr. Miller indicated a sewer extension to the back of Greens Valley Road was not completed due to the limited connection ordinance that Spring Township enacted to address the concern of the Centre County Planning Office with public sewer being extended through lands zoned as forest conservation/prime agriculture to reach the back of Greens Valley Road.

Mr. Book continued by stating anything that's not planned for public sewer is served by an on-lot system and those systems would be permitted by the Township's Sewage Enforcement Officer (SEO).

Mr. Book indicated it is the Township's responsibility to update the Act 537 Plan, which the PA DEP recommends to occur every five (5) years. Mr. Book stated the PA DEP requires an update once a treatment facility (Bellefonte Borough Wastewater Treatment Plant) reaches 80% of its permitted flow. The PA DEP is able to monitor this process with the submission of the annual Chapter 94 Report which includes the combined flows of SBWJA and Bellefonte Borough.

Mr. Book stated that in 2000 we decided it made sense to include all three Townships together with the creation of a system wide Act 537 plan that focused on areas of development and the overall plan concluded that a Septage Management Plan (SMP) should be developed to address the areas not recommended for public sewer at the time. The plan suggested the SMP would be ran by SBWJA since the Authority had administrative functions and employed a licensed SEO. The licensed SEO would inspect the on-lot systems and make some conclusions to determine areas in need of public sewer. Unfortunately, the Townships decided to go their separate ways with the SMP. The results from the SMP would be valuable to have to aid in determining the need for public sewer. Mr. Book stated there is a malfunction rate (confirmed, suspected, potential) which determines the need for public sewer.

Walker Township never adopted their Act 537 Plan because an agreement couldn't be reached between the PA DEP and Walker Township for providing public sewer to Hublersburg. Spring Township adopted their plan and sewer was extended to Sunnyside and Greens Valley Road. Benner Township approved their plan and sewer was extended to Seibert Road and Buffalo Run in 2008.

Mr. Book indicated the three Act 537 Plans developed by the Authority and its engineer in 2000 cost this Authority approximately \$100,000 and our Authority should consider how it wants to move forward. Do we want to actively manage the plan? Do we want to practice what we began back in 2000 with keeping the Township's Act 537 Plans up to date?

Mr. Galbraith stated he plans to contact Spring Township to be added to their July meeting agenda so he can discuss what he learned from the review process. Mr. Galbraith continued by stating he feels as though Spring Township needs to do some more work before coming back to us asking for the back of Greens Valley Road to be served with public sewer. Mr. Book offered to attend the Spring Township meeting with Mr. Galbraith to discuss the Act 537 Plan and the next steps.

Mr. Galbraith thanked Mr. Book and Mr. Miller for providing an explanation of the Act 537 plan process and the events that lead to determining if public sewer is necessary.

NEW BUSINESS:

SBWJA Family Picnic – Mrs. Gill informed the Board that a pavilion is reserved for the annual Knoebel’s picnic for the first Saturday in August. The pavilion was reserved last year when we decided to cancel for the 2021 season due to the lack of work force to operate the rides and the limited SBWJA personnel who were able to attend last year’s event. Mrs. Gill stated that Mr. Galbraith previously expressed concern with declined attendance at the event and indicated several employees have vacation scheduled at that time and will be unable to attend this year’s event. Mrs. Gill asked the Board for direction on how they wanted to proceed. Mr. Galbraith stated Knoebel’s Amusement Park is operating at about 60% and is still experiencing issues with the lack of work force.

Last year in lieu of the Knoebel’s picnic the Board approved an employee appreciation luncheon and wristbands for Tussey Mountain’s Fun Center. The Authority closed early on a Friday so the employees could attend during normal working hours.

Mrs. Gill stated another option for a family event would be to book a group picnic package for a State College Spikes baseball game which would include picnic food, admission to the baseball games and fun center passes for children at a cost of \$25.00 per adult and \$18.00 per child. The required minimum attendance would be for 20 individuals.

Mr. Galbraith stated that he thought last fall we decided to do away with gift cards, picnics, Christmas parties, etc. Mr. Hoffman concurred with Mr. Galbraith’s statement. Mrs. Gill stated that she was unaware of that decision being made because nothing was ever discussed at a public meeting, but perhaps it was discussed during one of the Board’s executive sessions. Mr. Swanderski asked if the employees received anything for Christmas last year and Mr. Galbraith stated the employees shouldn’t have received anything. Mr. Swanderski stated he recalls discussions where those practices were being questioned due to the Authority possibly doing something it was not allowed to do. Mr. Swanderski asked if anyone else remembered that and did we ever check with our solicitor about what we are permitted to do?

Mrs. Gill stated that previously she contacted the auditor asking how gift cards, picnics, meals, ride tickets, etc. should be handled for the employees receiving them and received a written response that outlines what can be done. A gift card, no matter the amount, is considered taxable and would be included as taxable income when processing an employee’s annual W-2 form. Ride tickets would fall under the occasional tickets for an entertainment event on the De Minimis Fringe Benefits (not taxable) list so long as the purchase does not exceed \$99.99 per employee. The purchase of a ham or turkey and fixings as a holiday gift would also fall under De Minimis Fringe Benefits so long as the amount does not exceed \$99.99 per employee and there are very few instances within a year of using the De Minimis Fringe Benefits.

Mr. Galbraith stated that when he, Mr. McMurtrie and Mr. McDowell attended a board member training, years ago, the attorney conducting the class stated it was illegal to use the funds that customers pay for their sewer to have these functions that we've always done. Mr. Galbraith indicated there are people that do this, but it's wrong. Mr. Galbraith stated that's why there were no gift cards provided to employees last year. The money from those gift cards was supposed to go toward health insurance costs for the employees so they didn't have to pay anything towards the cost of their insurance. Mr. Galbraith stated this decision was made last year.

Mr. Kuzemchak indicated that discussion/decision is what upset Mr. Dashner. Mrs. Gill stated this decision was not discussed or mentioned at a public meeting. Mr. Book stated he believes the discussion occurred prior to the 2022 budget being adopted. Mr. Book asked where the money for a picnic would come out of in the budget. Mrs. Gill stated expense account #72912 – Environmental/Community is where those expenses would've been reflected. Mr. Book indicated there is \$2,000 set aside in this expense account that could be used to fund a picnic for the staff. Mr. Hoffman stated he doesn't mind having a picnic, but wonders how many employees would be interested in attending.

Mr. McDowell stated a Spikes game is much closer and he would attend. Mr. Hoffman asked if we should take a poll to see who would be interested. Mr. Book stated we have three employees in attendance at the meeting and asked for their thoughts. Mr. Book asked if the employees appreciate the picnic and Mr. Barton stated the employees don't appreciate it when those benefits are taken away from them. Mrs. Gill stated she believes the employees appreciate when those extra benefits are provided, but she did discuss the possibility of a Spikes game with the staff and about 50% would be interested in attending a game. Mrs. Gill stated the employees agreed that last year's event at Tussey Mountain was liked by all and very much appreciated. The entire event for the employees cost the Authority around \$600. Mr. Galbraith stated when the Knoebels Amusement Park picnic was established many years ago it was an event to get the employees and Board together and he was personally offended that Board members weren't included whenever the plans for Tussey Mountain were made last year.

Mr. Galbraith stated he doesn't want to be doing anything that is illegal. Mr. Houser stated he was in agreement with everything Mrs. Gill previously explained about De Minimis Fringe Benefits because he was reading about it on the internet. Anything cash or gift cards has to be taxed. An employer can provide a gift card to their employee, but it has to be included with their W-2 form. Mr. Houser stated it's not illegal, you just have to make sure it's taxed. Mr. Houser confirmed that Christmas dinners, picnics, etc. can be provided as long as it's infrequent and doesn't exceed the \$99.99 per employee. Mr. Book asked Mr. Miller what he thinks and Mr. Miller stated he doesn't have an opinion. Mr. Kuzemchak said he understands what Mr. Barton stated earlier about how the employees feel with benefits being taken from them and it's justly so.

Mrs. Gill stated that she wouldn't have brought the picnic to discussion if she would've known that the Board did not wish to continue with these extra benefits/events and this is the first time she's ever heard this statement. Mr. Miller stated that's because he doesn't believe SBWJA's management was part of the discussion.

Mr. Galbraith asked if any board member ever approached management stating the Board would no longer be providing gift cards, picnics, etc. Mr. Miller stated Mr. McDowell indicated in 2021 the employees would not be receiving gift cards, but there was no mention of that continuing in future years or the picnics being discontinued. Mr. Galbraith then asked if the monies were diverted to the health insurance expense since that is what the Board discussed and decided on. Mrs. Gill stated that would be handled as a line item in the budget and there were never any discussions held about that during a public meeting, so the Authority management staff would not have known to do that.

Mrs. Gill stated we need to know how the Authority Board wants to proceed so we don't bring this up again in the future. Mr. Barton stated he would've thought that someone from the Board would've had a discussion with the employees letting them know that these extra benefits would no longer be provided and explain the reasoning for their discontinuance. Mr. Galbraith stated he thought someone from the Board did come back and notify everyone. Mr. Galbraith stated he did not know that wasn't done until now and thought it would've been discussed during Mr. Miller's evaluation. Mr. Galbraith apologized for this oversight. Mr. Miller stated the Environmental/Community expense account is not only used for these benefits, but occasionally is used for donations. Mr. Hoffman stated he doesn't see why a picnic can't be held for the employees and if desired, the Board could be included as well. **Mr. Hoffman moved, seconded by Mr. Book to authorize the Executive Director and his staff to plan an employee picnic to be held at Tussey Mountain as was done last year.** Mr. Book suggested a roll call vote be taken and Mr. McDowell agreed.

Mr. Book – aye

Mr. Galbraith – nay

Mr. Hoffman – aye

Mr. Houser – aye

Mr. Kuzemchak – aye

Mr. Maney – aye

Mr. McDowell - nay

Mr. McMurtrie - nay

Mr. Swanderski - nay

5 ayes, 4 nays. **The motion carried.**

QUESTIONS FOR THE EXECUTIVE DIRECTOR: There were no additional questions asked of the Executive Director.

COMMITTEE REPORTS:

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

Facilities Committee: Mr. Houser had nothing to report.

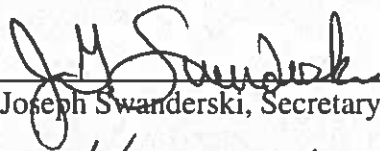
SBWJA New Facility - Mr. Book indicated there is property for sale along Rishel Hill Road, directly behind the Centre County Prison, that he thought we may want to look into for our new facility. Mr. Miller stated the property is owned by Bonnie Moerschbacher and is likely out of our price range. Mr. Book stated it was a total of +70 acres and perhaps they would be willing to subdivide a 10-acre parcel for a new facility.

Financial Committee: Mr. McMurtrie had nothing to report.

ADJOURNMENT:

Mr. Book moved, seconded by Mr. McMurtrie to adjourn the meeting at 8:12 p.m. 9 ayes, 0 nays. The motion carried.

Respectfully submitted,



Joseph Swanderski, Secretary



Kelly J. Gill, Recording Secretary

CC: Benner Township _____
Spring Township _____
Walker Township _____