

SPRING-BENNER-WALKER JOINT AUTHORITY

REGULAR MEETING September 12, 2022

ATTENDANCE:

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

GUESTS: Brad Bilyeu, Jon Guizar, Ron Ferris, Jeff Steiner & Gene Stocker

CONSULTING SOLICITOR: Robert Mix, Esq.

CONSULTING ENGINEER: Andy Johnson, P.E.

EMPLOYEES: Will Barton, Tasha Dutton & Kelly Gill

CALL TO ORDER:

The September 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 eight members present. Mr. Maney was 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.

PLEDGE OF ALLEGIANCE:

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

Gwin, Dobson & Foreman's Annual Clay Shoot – Mr. McDowell announced the Board was invited to Gwin, Dobson & Foreman's Annual Clay Shoot at Warriors Mark Wingshooting Lodge and Kennels on Friday, October 7, 2022.

APPROVAL OF MEETING MINUTES:

Mr. McDowell asked the Board if there were any questions and/or changes to the August 22, 2022 meeting minutes as presented. **Mr. Swanderski moved, seconded by Mr. Galbraith to approve the Minutes of the August 22, 2022 Regular Meeting as presented. 8 ayes, 0 nays, 1 absent. The motion carried.**

CORRESPONDENCE: There was no Correspondence presented for discussion.

APPROVAL OF PAYMENTS:

Approval of Requisitions:

Revenue Fund Requisition 2020-58 – Mr. McMurtrie presented the Board with Revenue Requisition #2020-58 in the amount of \$90,446.45. Mr. McDowell asked if there were any questions regarding the presentation of Revenue Fund Requisition 2020-58. **Mr. Book moved, seconded by Mr. Galbraith to approve Revenue Requisition 2020-58 payable to SBWJA in the amount of \$90,446.45. 8 ayes, 0 nays, 1 absent. The motion carried.**

GUESTS:

Ron Ferris/Special District Fee/Shiloh Road – Ron Ferris, CEO of Bobby Rahal Auto Group, presented the Board with a packet of information he created to support his discussion regarding a Special District Fee being imposed for public sewer along Shiloh Road. Mr. Ferris indicated Bobby Rahal Honda of State College (Ferguson Township) has outgrown their current facility in State College and is looking into purchasing the Moerschbacher parcel of property on Shiloh Road, which consists of 44.01 acres; however, they would require public sewer be extended for this project.

Mr. Ferris stated that businesses and governments make decisions or plans based on fact and assumptions and he feels that SBWJA should reassess the plans for extending public sewer to Shiloh Road due to the facts and assumptions changing the way they have for this proposed project. Mr. Ferris compared flows that would be generated with his two (2) proposed car dealerships and a big box store, that he has lined up, which would dramatically decrease the number of EDUs SBWJA would bill for. Mr. Ferris then reviewed the expenses that are proposed for the sewer extension and stated that "the project will cost SBWJA and the residents a fortune."

Mr. Ferris stressed the biggest issue for this sewer extension is the timeline for the current lawsuit against SBWJA and Benner Township Supervisors. Mr. Ferris stated that he presented information regarding the litigation to several attorneys and they believe it could be a very long process before the judge makes a final decision. Mr. Ferris was told the final paperwork regarding the lawsuit was presented to the judge and he has a year to present his decision. Mr. Ferris wanted to know if SBWJA would proceed with the lawsuit if an appeal is filed because he thinks, after talks with them, the plaintiffs will definitely file an appeal, which will take an additional 1 ½ to 2 years.

Mr. Ferris stated "Walnut Grove is a toxic situation now" and then presented the Board with a newspaper article from The Wall Street Journal, which indicated PFAS is about to become a hazardous substance; therefore, he feels this matter will get really interesting because of the property values and number of lawsuits there will be.

Mr. Ferris indicated that he is coming to the Board with a solution that was talked about in 2016, a Special Rate District. The Special Rate District would only be for the Clair and Rogers' farms because they are the only farms included in UAJA's service area as long as there is an intermunicipal agreement. Mr. Ferris stated that he is requesting a Special Rate District and is offering to install sewer mainline, at his cost, from Shiloh Road to UAJA's Pump Station on Trout Road. It was also noted that \$1,000.00 would be provided to SBWJA with every EDU purchased in this Special Rate District.

Mr. Ferris stated that Bellefonte Area School District suffers the most due to their lost revenue from minimal real estate taxes being collected. Mr. Ferris indicated the Township rezoned the Shiloh Road area to commercial with the intentions of collecting more revenue through real estate taxes.

Mr. Ferris stated the Benner Township Supervisors do not understand the Act 537 is the sewer plan for their township and that they control it. Mr. Ferris indicated he feels for SBWJA because he attended the Environmental Hearing in Harrisburg and it was noted that none of the Benner Township Supervisors read the Act 537 Plan.

Mr. Ferris expressed his concerns with Walnut Grove's current PFAS situation and stated the residents shouldn't have to make the situation right; therefore, he wouldn't put money into sewer because whoever caused the PFAS problem should have to take care of it financially due to septic systems being contaminated.

Mr. Mix stated the SBWJA will consider his offer; however, Benner Township is the decision maker regarding this matter.

Mr. Ferris indicated that he spoke with the County Commissioners today regarding his proposal and they were very interested because they feel something has to be done to provide public sewer.

Mr. Book asked if Cory Miller softened in his stance on allowing the Shiloh Road to be a wholesale customer of UAJA's. Mr. Ferris stated Cory Miller wants the Shiloh Road area to be strictly UAJA's in all aspects.

Mr. Book also asked Mr. Ferris if he spoke to an attorney to verify how this Special District Fee Agreement would be established and what properties would be included. Mr. Book asked Mr. Mix if a rate district could be legally established without an Act 57 Tapping Fee Study to back it. Mr. Mix stated if they are not a SBWJA customer, we could not legally impose a Special Rate District. Mr. Book offered that it would likely be UAJA's responsibility to execute an agreement and compensate SBWJA directly if a Special District Fee would be established and the developer would not be included. Mr. Mix stated that would be correct. Mr. Mix indicated there are complications with this Special District Fee due to pending litigation. Mr. Ferris indicated the litigation is due to Walnut Grove not requiring public sewer; therefore, SBWJA can just remove Shiloh Road from this litigation. Mr. Mix stated that was not correct that the litigation is due to the planning approval, which includes Shiloh Road as well as Walnut Grove. Mr. Ferris stated that he may speak to the plaintiff, Gene Stocker, to see if Mr. Stocker can have the Shiloh Road area removed from the lawsuit. Mr. Mix stated that PA DEP would require the Act 537 Plan be revised.

Mr. Ferris indicated that he purchased seven (7) acres of land in Ferguson Township to expand his current facility; however, it was determined a portion of the lot contains Nolin Soils and they are unable to develop it, which is his reasoning for wanting to purchase a parcel of land on Shiloh Road.

Mr. Ferris stated that he would be willing to attend the September 26, 2022 Board meeting to further discuss his proposal and thanked the Board for their time.

Gene Stocker – Mr. Stocker stated he had a lot of concerns, which do not stop at public sewer. It was noted that Mr. Stocker is very concerned with his health and the value of homes in the Walnut Grove area due to the recent PFAS issues. Mr. Stocker had indicated the PFAS contamination was focused at the State of the Art facility in Airport Park but has now been detected in the private wells of homes in Walnut Grove. Mr. Stocker stated that he was disgusted with the inability for some of his neighbors to receive bottled water from PA DEP at no cost due to their HAL levels not exceeding 70 parts per trillion. Mr. Stocker indicated that he thought about contacting Cheryl Sinclair, PA DEP, to see who is not receiving free water and then personally provide bottled water to them.

Mr. Stocker had indicated Mr. Wise, a former Benner Township Supervisor, had told Mr. Stocker that the Sewage Enforcement Officer for Benner Township at that time had indicated there were no major sewer issues in the Walnut Grove area. It was noted that Mr. Stocker feels the estimated expenses for the Shiloh Road Sewer Extension are grossly understated.

Mr. Stocker applauded Mr. Ferris on his attempt to provide a solution for providing public sewer to the Shiloh Road area and offered to do what he can to help.

Ron Ferris exited the meeting at 7:39 p.m.

Brad Bilyeu – Mr. Bilyeu indicated he operates the Shiloh Road fill site off of I-99 and is the son-in-law of the late Gerald Clair. Mr. Bilyeu attended the meeting to check the status of the project and to offer any help he may be able to provide to SBWJA.

Jon Guizar – Jon Guizar, Vice-President, of the Bellefonte Area School Board, attended the meeting to encourage SBWJA to work on a solution to provide public sewer to the Shiloh Road area as this would assist in providing more income to the school district's budget.

Jeff Steiner – Jeff Steiner, President, of the Bellefonte Area School Board, attended the meeting to support public sewer to Shiloh Road and to thank the SBWJA Board.

SYSTEM OVERVIEW REPORT:

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

In-Home Inspections - There were 27 in-home inspections completed in the month of August.

Sewer Permits and/or Lateral Inspections - Our maintenance department completed six (6) sewer lateral inspections. The office staff received eight (8) new sewer permit applications in the amount of 8.00 EDUs for the month of August.

System Maintenance – SBWJA and Glenn O. Hawbaker attended a meeting at the Harvest Meadows development near the University Park Airport in Benner Township to discuss the upcoming sewer mainline installation. There was also a pre-construction meeting with Allegheny Contracting at Logan Greene to discuss the installation of gas mains in the development and a manhole was raised for Spring Township's paving project on Locust Lane.

Mr. Barton noted several problems at Pump Station #6 (Rockview) which consisted of repairing the bubbler system, rebuilding a rotator assembly and correcting a few more minor issues.

The maintenance department started preparing for the upgrades to Pump Station #12 (Airport) and verified Glenn O. Hawbaker's repairs to a manhole that they damaged at the Harvest Meadows project.

Mr. Barton indicated several issues that were noted with PennDOT's SR550/64 project. The paving contractor did not pave up to the correct rim elevations as instructed; therefore, we will need to install manhole protection rings and milling will be required around the remaining manholes.

The maintenance crew pulled pumps and performed routine maintenance at Pump Station #1 (Springfield), Pump Station #2 (Jacksonville Road), Pump Station #6A (Forestry) and Pump Station #11 (Jenny Gap).

Our maintenance department assisted with a sewer backup at the Quality Inn in Lamar. Mr. Barton stated the owner of the Quality Inn hired a contractor to excavate the area and then we made repairs to the sewer lateral and completed video work to confirm the repairs. Mr. Book asked if the sewer lateral was private or if it was owned by the sewer authority. Mr. Barton confirmed the work was completed to a private sewer lateral.

All of the air release valves were cleaned on our force mains and all of the floats and level sensors were cleaned at our pump stations.

Video Truck/Vactor Truck - Our personnel performed routine work throughout the system. There was 5,591 feet of video inspection and 4,506 feet of jetting work completed on our sewer mainline for August.

Sewer Extensions – We completed the flush, video and mandrel testing at the Benner Pike Shopping Center. Our staff also inspected the pipe being installed for the Fishburn Hill Road Project in Benner Township, which will require additional testing after the required 30-day waiting period. The Logan Greene Phase 1A was vacuum tested and we started project inspections at the Village of Nittany Glen Phase 6.

Benner Township Water Authority – Our staff obtained bacteria, lead and copper samples. We collected a final water reading at 174 Aster Avenue. There were two (2) site visits for low water pressure, which were due to a water leak and an issue with a pressure reducing valve. The annual fire hydrant flushing was completed. There were five (5) PA One Calls located in August.

Call Outs/ PA One Calls – There were several callouts for the month of August. Pump Station #16 (Benner Commerce) had a high-level alarm, which was due to a problem with the bubbler system. An emergency PA One Call was marked at 2215 High Tech Road due to a water leak. We assisted with a sewer backup at 2092 Buffalo Run Road and there was an issue with the bubbler at Pump Station #6 (Rockview). Mr. Barton ended the report with a total of 147 PA One Calls being located in August.

Centre County Grange Fair (Pump Station Rebuild) – The pump station upgrade at the Centre County Grange Fair has been completed.

2014 Freightliner (Video Truck) Motor Replacement - Our 2014 Freightliner (Video Truck) has been experiencing engine problems and was evaluated on several occasions by the Mercedes-Benz of State College. Mr. Barton stated that the last diagnosis Mercedes made was to replace the motor due to cylinder 5 losing compression and metal shavings being in the oil. The motor replacement will cost approximately \$15,657.87. Mr. Miller suggested we drive the Video Truck until it fails and then replace the motor. Mr. Galbraith asked how many miles are currently on the truck. Mr. Miller stated there were 19,000 miles on the truck and stressed there are a large number of hours that have accumulated due to the truck sitting at idle while completing video work.

EXECUTIVE DIRECTOR'S REPORT: Mr. Miller had nothing more to report.

SOLICITOR'S REPORT:

Environmental Hearing Board – Mr. Mix stated that all the parties have submitted their post hearing briefs and Mr. Stocker's attorney will have until September 22, 2022 to file a reply brief and then it goes to the Board for a decision. Mr. Mix stated that there was no way to predict how long this process will take.

ENGINEER'S REPORT:

Township Act 537 Plans – Mr. Johnson stated the staff at Gwin, Dobson and Foreman (GD&F) are currently working on the Act 537 Plan review as requested by the Authority. Mr. Miller has updated Mr. Johnson on the history and items that have transpired since the plans were completed. Mr. Johnson indicated a report will be provided to the Board at the September 26, 2022 meeting.

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

NEW BUSINESS: There was no New Business presented for discussion.

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.

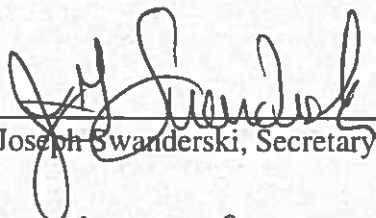
Financial Committee: Mr. McMurtrie had nothing to report.

EXECUTIVE SESSION – Mr. McDowell recessed the Board for an Executive Session at 7:55 p.m. to discuss litigation. The meeting reconvened at 8:16 p.m.

ADJOURNMENT:

Mr. Hoffman moved, seconded by Mr. Book to adjourn the meeting at 8:16 p.m. 8 ayes, 0 nays, 1 absent. The motion carried.

Respectfully submitted,



Joseph Swanderski, Secretary



Tasha L. Dutton, Recording Secretary

CC: Benner Township _____
Spring Township _____
Walker Township _____