

BENNER TOWNSHIP WATER AUTHORITY

REGULAR MEETING

January 19, 2021

ATTENDANCE:

AUTHORITY MEMBERS PRESENT: Thomas Eby
James Lanning
Jerold May
Andrew Swales

OTHER ATTENDEES: Warren Miller – SBWJA
Kelly Gill – SBWJA
Brian Shura, P.E. – Stiffler McGraw
See Attached Guest List

CALL TO ORDER:

The January 19, 2021, Regular Meeting of the Benner Township Water Authority was called to order at 6:35 P.M. by Tom Eby, Chairman.

ROLL CALL:

Jerry May, Treasurer, took Roll Call, recording four members present. Mr. Edkin was excused from the meeting. Mr. Eby, Chairman, noted that with a quorum present, the Benner Township Water Authority was permitted to conduct business under the laws of Pennsylvania.

APPOINTMENT OF NEW BOARD MEMBER – Mr. Eby introduced Jim Lanning and indicated he was appointed by the Benner Township Supervisors to fill the vacancy on the Water Authority Board through 2022. Mr. Lanning took a moment to provide some of his background and indicated he was looking forward to serving on the Water Authority Board.

ELECTION OF 2021 OFFICERS:

Mr. Eby opened the nominations.

Mr. May made a motion to retain the same officers from the previous year and Mr. Lanning seconded Mr. May's motion. 4 ayes, 0 nays, 1 absent. The motion carried.
Mrs. Gill indicated that due to Mr. May assuming the Treasurer's position mid-year 2020 a vacancy exists for the Assistant Secretary/Assistant Treasurer position. **Mr. Eby nominated Mr. Lanning to serve as the Assistant Secretary/Assistant Treasurer and Mr. May seconded the nomination. 4 ayes, 0 nays, 1 absent. The motion carried.**

Mr. Eby closed the nominations.

Attached to these meeting minutes is a listing of the 2021 Officers and Members.

APPOINTMENT OF PROFESSIONAL SERVICES:

Retaining of Professional Services for 2021: Mr. Eby moved, seconded by Mr. May to retain the same professional services as the previous year which are:

**Consulting Engineer – Stiffler McGraw
Solicitor – Miller, Kistler & Campbell (Richard Campbell)
Auditor – Baker Tilly Virchow Krause, LLP**

4 ayes, 0 nays, 1 absent. The motion carried.

APPROVAL OF MEETING MINUTES:

The Minutes of the December 15, 2020 regular meeting were presented for review. **Mr. Eby moved, seconded by Mr. May to approve the Minutes of the December 15, 2020 Regular Meeting as presented. 3 ayes, 0 nays, 1 absent, 1 abstention. The motion carried.** Mr. Lanning abstained from voting due to his recent board appointment and not being present for the December 15, 2020 meeting.

TREASURER'S REPORT:

Mr. May reviewed the Treasurer's Report as presented and asked the Board if there were any questions regarding the Paid Checks or Bills by Vendor submitted for approval.

Mr. Eby moved, seconded by Mr. May to approve the Treasurer's Report as presented, the Paid Checks in the amount of \$6,087.84 and Bills by Vendor in the amount of \$9,307.08. 4 ayes, 0 nays, 1 absent. The motion carried.

SBWJA REPORT:

December 2020 System Overview – Mr. Barton was absent from the meeting so Mr. Miller provided an overview of the work completed for the Benner Township Water Authority for the month of December.

System Maintenance – The quarterly water meter readings were obtained for the Hampton Hills/Opequon Hills and Grove Park water systems. The chlorine pump within the Hampton Hills well house was rebuilt. A curb box damaged by a snow plow along Bergamot Way in the Opequon Hills Subdivision was repaired. The quarterly blowoffs were flushed within the Hampton/Opequon and Grove Park systems in December to aid in maintaining water quality.

Water Leak – Mr. Miller informed the Board that around 12/20/2020 the daily flows at the Hampton/Opequon system were increasing and the crews spent several days trying to locate a leak. By Christmas Day we were barely keeping up with the demand and losing approximately 50,000 GPD; therefore, on 12/26/2020 at 3:00 a.m. (when there's minimal use) the maintenance crew started leak detection and were able to locate a significant leak along the backside of Opequon Hill, beside the location of the last leak within that development. The plastic mainline pipe was split, not bedded properly and lacked the required cover stone. The dirt was dry on top of the plastic pipe which made it difficult to locate since the water didn't rise to the surface.

Mr. Kostas asked if photos were taken. Mr. Miller stated he wasn't sure if any of the maintenance crew took photos or not. Mr. Kostas recommended the Authority provide documentation of these continuous breaks/leaks to the Benner Township Supervisors so they understand the financial impact that construction without oversight has on the Authority. Mr. Miller stated that he believes these issues/concerns are being addressed by Benner Township's new zoning. Mrs. Gill stated that a listing of the water leaks for 2020 and the cost of material, labor and equipment is included within the Board packet. In 2020 over \$6,000 was spent by this Authority for repairing water leaks.

Analytical Testing – The monthly bacteria tests were completed for both systems.

Call Outs/ PA One Calls – There were two PA One Calls located in the month of December.

New Water Source:

Site Location – Mr. Miller indicated that he spoke with Mary Szeyller and her family about the potential well site on their property along Raymonds Lane. The Szeyller Family has granted our request to explore and possibly purchase up to two acres if a new well is located and developed. Mr. Miller stated this would require an agreement that allows us access to drill and test the well and if successful, an agreement for the purchase of the property. An appraisal would also need obtained if this goes to the point of purchase.

Funding – Mrs. Gill informed the Board that term sheets were provided by two separate private banking institutions for the financing of the potential project which were included within the Board packets for review.

Grove Park Nitrate Levels – Mr. Miller provided the Board with the results of the nitrate level in the Grove Park well on January 7, 2021, which was 8.58 mg/l. Mr. Swales asked if the nitrate levels were being charted. Mrs. Gill stated the Grove Park nitrate levels are located on the Authority's website and they are being charted. The chart will be uploaded to the website as well.

SOLICITOR'S REPORT: Mr. Campbell was absent from the meeting.

AMENDMENT TO THE AGENDA – Mr. Eby amended the Agenda to allow the Guests to address the Board.

GUESTS:

Bellefonte Airport Property (RV Park) – Mr. Elnitski indicated he is hoping to have water service to the Bellefonte Airport property for the Summer/Fall of 2021. He indicated his willingness to drill a well and turn it over to the Authority; however, if the Authority is interested in having the well turned over, then a plan needs to be in place sooner than later. Mr. Elnitski would prefer to coordinate the work with this Authority which would be beneficial to both parties. Discussion was held about the benefits of having Mr. Elnitski develop a community well and then transfer it to the Authority. The infrastructure being installed for the RV Park project would help the Authority with achieving its long-term goal of having an interconnect between the Hampton/Opequon and Grove Park water systems. Mr. Elnitski said he will also need sewer service for the proposed RV Park which would require an easement from the Szeyller Family to obtain gravity sewer.

Mr. Elnitski stated that he had his engineer prepare some estimates for obtaining water service for the proposed RV Park at the Bellefonte Airport Property, which are as follows:

#1 - To extend a line from Grove Park to the Bellefonte Airport – Estimated at \$767,000.

#2 – To extend a line from Hampton Hills and install a booster pump near the water tank - \$363,000. This would require an easement from a neighboring property owner, which may be difficult to obtain.

#3 – Drill a well on the Bellefonte Airport property or the Szeyller property - \$225,000.

Mr. Shura indicated he would be interested in seeing a copy of the engineer's estimates to see what is being proposed and Mr. Elnitski provided his copy to Mr. Shura. Mr. Shura reviewed the information and stated the estimates do not provide enough detail on what is being proposed (pipe size, materials, footages, etc.). Mr. Shura will contact Mr. Elnitski's engineer to inquire about the details surrounding the estimates.

Discussion was held about developing a well on the Szeyller property with a disinfection facility on site and being able to supply the Bellefonte Airport property and the Grove Park Water System with treated water. Mr. Miller will contact Mark Stephens at the PA DEP to schedule a site visit and to discuss the requirements if Mr. Elnitski would develop a community well with the plans of dedicating it to our Authority.

PA DEP PFAS Testing of Grove Park – Mr. Kostas asked if the Authority received the results from the PFAS testing that the PA DEP completed of the Grove Park well in November. Mr. Miller stated earlier today he contacted PA DEP to inquire about the results and was informed that the results were sent by mail last week. Mr. Miller indicated the Authority has yet to receive the results.

Jim Lanning – Mr. Lanning indicated that he was interested in serving on the Authority Board because he wants to learn more about the area and wants to do what's best for the community.

Mr. Lanning stated he's attended many public meetings over the years and typically the public comments/guests are addressed earlier in the meeting. This provides the public with the opportunity to address the Board and then vacate the meeting if he/she desires to do so. Mr. Lanning asked if the Board would consider modifying the agenda to allow the public to speak earlier in the meeting. The Board agreed with Mr. Lanning's recommendation and the agenda will be modified to address Guests directly following the Treasurer's Report for future meetings.

ENGINEER'S REPORT: Mr. Shura had nothing further to discuss.

CORRESPONDENCE: There was no correspondence presented for discussion.

OLD BUSINESS:

Rate Increase – The rate increase notification letter has been modified to reflect everyone's comments and the final draft was provided at the meeting. The Board approved the rate increase notification letter which will be distributed to all affected customers in the Hampton/Opequon and Grove Park systems in early February 2021. The Peru residents will receive their copy in early April 2021 just before their bill is distributed. Mr. Eby stated that he will provide Larry Lingle, Benner Township Supervisor, with a copy of the notice in case the Township receives any calls/complaints.

NEW BUSINESS:

PFAS Class Action Lawsuit – In November 2020 Mr. Miller received an email from the PA Rural Water Association (PRWA), which was included within the board packets, regarding a Cost Recovery Class Action Lawsuit against PFAS Manufacturers. The lawsuit seeks reimbursement for any cost incurred by a member of the PRWA for testing, treatment and remediation. There is no upfront cost for a utility to register as a participant and the expense of the suit comes from the settlement. If we choose to participate, we will need to register and will have the option of accepting or rejecting the settlement. The law firm engaged in this suit by the National Rural Water Association is Napoli Shkolnik who is nationally recognized as a leader in these types of environmental issues.

Mr. Miller stated that he forwarded the retainer agreement to the Authority's solicitor, Mr. Campbell, for review and Mr. Campbell indicated the agreement was acceptable. A copy of the retainer agreement was also included within the board packet. Mr. Lanning stated he's in favor of participating in the class action lawsuit if there is a chance for the Authority to recoup some monies. **Mr. Lanning moved, seconded by Mr. May to sign a retainer agreement with Napoli Shkolnik PLLC to participate in a Cost Recovery Class Action Lawsuit against the PFAS Manufacturers. 4 ayes, 0 nays, 1 absent. The motion carried.**

ACTION ITEMS:

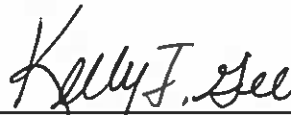
1. Warren Miller to contact Mark Stephens, PA DEP.
2. Brian Shura to contact Mr. Elnitski's engineer to discuss water service options to the Bellefonte Airport property in connection with the BTWA's new source.
3. Tom Eby to provide Larry Lingle with a copy of rate increase notification letter.
4. Key Points of BTWA 01/19/2021 meeting to be submitted to Benner Township Supervisors.
 - a. The Szeyller Family has granted our request to explore options with drilling a well on their property located along Raymonds Lane.
 - b. Over the Christmas holiday there was a large water leak along the backside of Opequon Hill. The plastic mainline was split, not bedded properly and lacked the required cover stone. The dirt was dry on top of the plastic pipe which made it difficult to locate since the water didn't rise to the surface. This leak was a few feet away from the last leak we had in Opequon.
 - c. A rate increase notification letter will be hand delivered to each of the BTWA customers outlining the need for capital projects and routine maintenance work.
 - d. In connection with the National Rural Water Association and the PA Rural Water Association, the BTWA signed a retainer agreement with Napoli Shkolnik PLLC to participate in a Cost Recovery Class Action Lawsuit against the PFAS Manufacturers.

Next regular scheduled meeting is February 16th at 6:30 p.m.

ADJOURNMENT:

Mr. May moved, seconded by Mr. Eby to adjourn the meeting at 8:15 p.m. 4 ayes, 0 nays, 1 absent. The motion carried.

Respectfully submitted,



Kelly J. Giff, Recording Secretary

CC: Benner Township _____

**Benner Township
Water Authority**

2021 OFFICERS & MEMBERS

Thomas Eby, Chairman
Andrew Swales, Vice Chairman
Jerrold May, Treasurer
Timothy Edkin, Secretary
James Lanning, Asst. Secretary/Asst. Treasurer

**BENNER TOWNSHIP WATER AUTHORITY
1224 BUFFALO RUN ROAD
BELLEFONTE, PA 16823
(814) 355-4778**

**REGULAR MEETING
January 19, 2021**

GUEST LIST

1. JOHN KOSTES Grand Puer
2. John Elnitski
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