

BENNER TOWNSHIP WATER AUTHORITY

REGULAR MEETING

March 19, 2024

ATTENDANCE:

AUTHORITY MEMBERS PRESENT: Thomas Eby
Timothy Edkin
James Lanning
Jerrold May
Andrew Swales

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

CALL TO ORDER:

The March 19, 2024, Regular Meeting of the Benner Township Water Authority was called to order at 6:31 P.M. by Thomas Eby, Chairman.

ROLL CALL:

Timothy Edkin, Secretary, took Roll Call, recording four members present. Mr. Lanning entered the meeting at 6:39 p.m. Mr. Eby, Chairman, noted that with a quorum present, the Benner Township Water Authority was permitted to conduct business under the laws of Pennsylvania.

APPROVAL OF MEETING MINUTES:

The Minutes of the February 20, 2024 regular meeting were presented for review. **Mr. May moved, seconded by Mr. Edkin to approve the Minutes of the February 20, 2024 Regular Meeting as presented.** 4 ayes, 0 nays, 1 absent. **The motion carried.**

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. Edkin to approve the Treasurer's Report as presented, the Paid Checks in the amount of \$6,704.50 and Bills by Vendor in the amount of \$31,642.94.** 4 ayes, 0 nays, 1 absent. The motion carried.

SBWJA REPORT:

February 2024 System Overview – Mr. Barton provided an overview of the work completed for the Benner Township Water Authority for the month of February.

System Maintenance – The phase converter at the Opequon well house was repaired and the Opequon well pump was replaced due to failure. Mr. Miller indicated the lead wire was also replaced when the new pump was installed. A final water meter reading was obtained at 202 Meadow Flower Circle. The calibration curve on the colorimeters were verified as required by the PA DEP. Quarterly water meter readings were obtained at the Hampton/Opequon and Grove Park water systems. The annual well house cleaning was completed. SBWJA personnel continued to work on grant projects and service line inventory work.

Lead & Copper Service Line Inventory – Five (5) service line inventory surveys were completed within the month of February and two (2) re-inspections were completed to verify the necessary repairs were made. Mr. Edkin asked how many service line inventory inspections are remaining at this time. Mr. Barton estimated between 60 and 70 inspections are outstanding at this time. SBWJA staff is hoping to have the inspections finalized by July 2024 to allow for the office staff to complete the required report for submission to the PA DEP by the October 16, 2024 deadline.

Analytical Testing – In February samples were obtained from the Grove Park water system and Hampton/Opequon water system to complete bacteria testing.

PA One Calls – There was one (1) PA One Call located in the month of February.

PFAS Maximum Contaminant Level Rule - Mr. Barton reminded the Authority Board that initial monitoring for PFAS is required for the Hampton/Opequon water system for four (4) consecutive quarters in 2024 and the 2nd quarter 2024 sampling will occur in April. The Grove Park water system's initial monitoring will commence in 2025. The timeframe for initial monitoring is based on system population.

Mr. Lanning entered the meeting at 6:39 p.m.

SOLICITOR'S REPORT: Attorney Mix was absent from the meeting.

ENGINEER'S REPORT:

Nitrate Removal System (Grove Park) – Mr. Shura informed the Board that following the last board meeting he spoke with T.C. Water, Inc. and Martin Water Conditioning regarding the quotes they provided and had lengthy discussions with Mr. Miller and Mr. Barton about the equipment being proposed. It was determined the equipment proposed by T.C. Water would be too small to meet the PA DEP requirements. Mr. Shura, Mr. Miller and Mr. Barton are recommending the Authority move forward with the purchase of the nitrate removal system from Martin Water Conditioning who is a COSTARS approved vendor, which would allow the Authority to circumvent the public bidding process. Mr. Shura stated once he receives approval by the Authority Board, he would work closely with Martin Water Conditioning to obtain the necessary information to complete the permitting of the system for submission to the PA DEP. Mr. Shura also recommends waiting to execute the COSTARS agreement for the purchase of the equipment until after the permit is submitted to the PA DEP. **Mr. Edkin moved, seconded by Mr. Swales to authorize Stiffler McGraw and SBWJA to move forward with purchasing a nitrate removal system for the Grove Park water system from Martin Water Conditioning who is an approved COSTARS vendor.** 5 ayes, 0 nays. **The motion carried.** Mr. Swales inquired about the turnaround time for the permitting through the PA DEP. Mr. Shura stated lately the PA DEP has been pretty quick with their review process and he is hoping it would be finalized within a couple of months. Mr. Miller indicated the Authority has not reached the maximum contaminant level for nitrates in the Grove Park well and is completing this project proactively which the PA DEP looks at favorably.

Benner Township Supervisor Kathy Evey was in attendance at the meeting and inquired about an overall cost for the project. Mr. Barton indicated that Mr. Shura provided the Authority Board with an estimate at last month's meeting which is expected to be less than \$135,000 to complete the entire project which includes a sanitary sewer connection for the discharge from backwashing the media.

Public Water Supply Permit Amendments for Grant Work – The public water supply permit amendments associated with the grant monies for equipment upgrades have been submitted to the PA DEP and the Authority received notice earlier today that the documentation is administratively complete and is accepted for technical review. Mr. May referenced the invoices from Stiffler McGraw that were approved earlier in the meeting and asked if those invoices needed separated per water system to receive reimbursement through the grants. Mrs. Gill stated that engineering costs are not a reimbursable item through the grant program.

GUESTS: There were no Guests wishing to address the Board.

CORRESPONDENCE: There was no Correspondence submitted for discussion.

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

NEW BUSINESS:

Re-Negotiation of Agreement with State College Borough Water Authority (SCBWA) – The Authority Board members received an email from Robert Mix, Esquire, indicating the SCBWA has advised that it would like to renegotiate its contract with the Benner Township Water Authority. Mr. Mix stated that since he represents both Authorities, he has a conflict of interest and cannot represent either Authority in this matter. Mr. Mix wanted to let the Authority Board know about his conflict of interest in advance so that the Board may retain another attorney to represent it in this matter, should it wish to do so.

Mr. Edkin stated that he reviewed the current agreement with the SCBWA and indicated that both sides have to agree to change the agreement. Mr. Edkin stated he would like to know what the SCBWA is wanting to change and suggested it may be worth sending them a letter requesting this information. Mr. Eby stated he hasn't read the agreement with SCBWA, but he believes things have changed since the original intent and he would like to have an attorney involved with the process. Mr. Lanning asked Mr. Miller for his opinion on this matter. Mr. Miller stated that he believes the first step would involve this Authority sitting down in an Executive Session and determining what it wants from an agreement with the SCBWA. Do we want to take over those customers in Benner Township? Mr. Miller stated it would then be best to sit down with the SCBWA and see what they want to do. Mr. Miller recommended this all be done/attempted prior to bringing any attorneys into the equation. Mr. Elnitski offered to review the agreement and provide recommendations to the Authority Board at no cost. The Board agreed to have an Executive Session at the next meeting to discuss legal matters.

Appoint Replacement of Solicitor Due to Possible Conflicts – Mr. Eby indicated he and Mr. Lanning have been talking with different entities and looking into different options for replacing Mr. Mix due to the possibility of some conflicts. Mr. Eby stated Mr. Mix would like to be removed due to some possible conflicts. Mr. Swales indicated Mr. Mix's email was just relative to the SCBWA agreement re-negotiations. Mr. Edkin stated in his opinion it makes no sense to look for other counsel at this time because we don't necessarily know it will be needed. Mr. Swales asked Mr. Eby what he found out when they were looking into different options for a Solicitor. Mr. Eby indicated they approached John Miller of Miller, Kistler & Campbell and he was interested; however, he attends numerous other municipal meetings each month and therefore recommended Michael Levandoski from the firm. Mr. Levandoski introduced himself to the Authority Board and indicated Mr. Eby and Mr. Lanning requested his attendance at the meeting. Mr. Levandoski indicated he would be interested in serving the Authority; however, after tonight's discussions he believes more conversation among the Board needs to occur. Mr. Eby stated he believes it would be a good time to appoint a new solicitor due to Mr. Mix's pending retirement. Mr. Eby also indicated he would like to have the Solicitor present for the Authority meetings. Mr. Edkin stated the Authority would have to pay for those services and indicated Mr. Mix could be asked to provide a cost for his attendance at the Authority meetings. **Mr. Lanning moved, seconded by Mr. Eby to hire Michael Levandoski, Esquire as the Benner Township Water Authority's Solicitor.** 2 ayes, 3 nays. **The motion failed.** **Mr. Swales moved, seconded by Mr. Edkin to table the discussion regarding the Solicitor for a future discussion.** 5 ayes, 0 nays. **The motion carried.**

Benner Township ARPA Contribution – Mr. Eby informed the Board that the Benner Township Supervisors have approved to contribute 50% or up to \$60,000 of their American Rescue Plan Act funds towards the installation of the nitrate removal system at the Grove Park water system. Mr. Eby indicated Benner Township Supervisor Kathy Evey helped to secure those funds for the Authority. The Board thanked the Benner Township Supervisors for the contribution of ARPA monies for the proposed project.

Shiloh Road Service Agreement – Mr. Eby stated that he would like to table any discussions on the Shiloh Road Service Agreement this evening; however, he would like this subject to remain on the agenda for discussion at future meetings. Mr. Eby noted that with the public sewer extension to the Shiloh Road area within Benner Township he believes its worth looking into an agreement with the College Township Water Authority for the potential water customers in Benner Township.

PA Rural Water Association (PRWA) – Mr. Eby stated that during the last Benner Township Supervisor's meeting discussion was held about the possible benefits of a PRWA membership and Benner Township Supervisor Kathy Evey made a motion to pay for a one-year membership to the PRWA for the Benner Township Water Authority. The motion was unanimously approved by the Township Supervisors. **Mr. Eby moved, seconded by Mr. Swales to accept the Benner Township Supervisor's offer to pay for a one-year membership to the PRWA for the Benner Township Water Authority.** 5 ayes, 0 nays. **The motion carried.** Mr. Edkin asked that the BTWA send a letter to the Benner Township Supervisors thanking them for their support and the Board agreed. Mr. Eby stated he will attend the Supervisors meeting personally and thank them as well.

Executive Session – The Authority Board indicated it would like to have an Executive Session prior to the 04/16/2024 meeting. **Mr. Edkin moved, seconded by Mr. Swales to hold an Executive Session on 04/16/2024 at 5:30 p.m. to discuss legal matters. The Executive Session will be held prior to the regular scheduled meeting.** 5 ayes, 0 nays. **The motion carried.** Mrs. Gill indicated she would attach an email reminder with the distribution of the board packets.

ACTION ITEMS:

1. Mr. Shura to work with Martin Water Conditioning to prepare/submit the permit to the PA DEP for the nitrate removal system at the Grove Park well.
2. BTWA Board members to meet on 04/16/2024 at 5:30 p.m. for an Executive Session to discuss legal matters.
3. Mr. Eby to prepare/submit a letter to the Benner Township Supervisors thanking them for the ARPA contribution towards the nitrate removal system and the PRWA membership.
4. Key Points of BTWA 03/19/2024 meeting to be submitted to the Benner Township Supervisors.
 - a. At the recommendation of Stiffler McGraw and SBWJA, the BTWA approved purchasing a nitrate removal system for the Grove Park well from Martins Water Conditioning. The next step would involve the engineer working with Martin Water Conditioning to prepare/submit the permit to the PA DEP for approval.
 - b. The BTWA received an email from its Solicitor indicating the State College Borough Water Authority would like to re-negotiate the agreement. The Solicitor represents both Authorities; therefore, he has excused himself from representing either party in this particular matter.
 - c. The BTWA Board will be holding an executive session prior to its next regular scheduled meeting on 04/16/2024 to discuss legal matters.

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

ADJOURNMENT:

Mr. Edkin moved, seconded by Mr. Swales to adjourn the meeting at 8:09 p.m. 5 ayes, 0 nays. The motion carried.

Respectfully submitted,



Kelly J. Gill
Kelly J. Gill, Recording Secretary

CC: Benner Township 04/17/2024

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

REGULAR MEETING
March 19, 2024

GUEST LIST

***Please be sure to print your name on the lines below.**

1. Hivka Wolin (Documenter)
2. John Kostes
3. Kathy Evey
4. JL
5. Sandy Marwick (Documenter)
6. _____
7. _____
8. _____
9. _____
10. _____
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13. _____
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