

BENNER TOWNSHIP WATER AUTHORITY

REGULAR MEETING

May 21, 2024

ATTENDANCE:

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

OTHER ATTENDEES: Warren Miller – SBWJA
Kelly Gill – SBWJA
Will Barton – SBWJA
See Attached Guest List

CALL TO ORDER:

The May 21, 2024, Regular Meeting of the Benner Township Water Authority was called to order at 6:37 P.M. by Thomas Eby, Chairman.

ROLL CALL:

Timothy Edkin, Secretary, took Roll Call, recording three members present. Mr. Swales entered the meeting at 6:39 p.m. and Mr. May 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.

APPROVAL OF MEETING MINUTES:

The Minutes of the April 16, 2024 regular meeting were presented for review. **Mr. Eby moved, seconded by Mr. Edkin to approve the Minutes of the April 16, 2024 Regular Meeting as presented.** 3 ayes, 0 nays, 2 absent. **The motion carried.**

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

TREASURER'S REPORT:

Mr. Eby 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. Edkin inquired about the overall decrease in the bank account balances from March 31, 2024 to April 30, 2024. Mrs. Gill indicated the operating account was the only decrease and that was mostly due to the timing of the water revenues. Mrs. Gill continued by stating the water bills are generated on a quarterly basis; therefore, there are months when limited income is received. Mrs. Gill also indicated there was a report within the board packet that shows every transaction within that time frame for each bank account. **Mr. Edkin moved, seconded by Mr. Swales to approve the Treasurer's Report as presented, the Paid Checks in the amount of \$5,340.30 and Bills by Vendor in the amount of \$11,756.21.** 4 ayes, 0 nays, 1 absent. **The motion carried.**

SBWJA REPORT:

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

System Maintenance –Quarterly water meter readings were obtained at the Village of Peru. An internal water pressure issue was investigated at 203 Arrowhead Way, which was determined to be an issue with the customer's water heater. The Opequon and Grove Park well houses were stained. SBWJA personnel continued to work on grant projects.

Lead & Copper Service Line Inventory – Nineteen (19) service line inventory surveys and one (1) re-inspection of the repair work was completed within the month of April. Mr. Barton indicated 23 service line inspections remain at this time.

Analytical Testing – In April samples were obtained from the Grove Park water system and Hampton/Opequon water system to complete bacteria testing. The quarterly nitrate/nitrite sampling was completed of the Grove Park water system. We collected the samples for the second round of the initial PFAS testing of the Hampton/Opequon system in April; however, the samples had to be re-collected on 05/06/2024 due to a lab issue. Mr. Barton indicated all of the results for the PFAS testing were below the reporting limit. Mr. Barton indicated in early May samples were collected to complete the required IOC and atrazine testing from both the Hampton/Opequon and Grove Park water systems. To date, the results for the IOCs and atrazine have not been received.

PA One Calls – There were three (3) PA One Calls located in the month of April.

Edward Drive – Mr. Barton informed the Board that we may be getting a new customer on Edward Drive. A home was recently sold and the new owner has inquired about connecting to the public water system. Discussion was then held about the PA DEP's rules/requirements regarding the abandonment of the private well.

Power Outage/Generator Use – Mr. Barton indicated that during the last meeting Mr. Eby inquired about how long the generators would operate during an extended power outage. Mr. Barton stated he looked into this after the last meeting and informed the Board that the generators serving both the Grove Park well and the Hampton Hills well will operate for approximately four (4) days during an extended power outage. The Opequon well does not have a generator, but once the VFD is installed, Mr. Barton indicated we should be able to operate the well with SBWJA's tow behind generator, if needed.

Consumer Confidence Reports (CCRs) – Mrs. Gill informed the Board that the annual CCRs have been prepared for the 2023 calendar year and were included within the board packet. The CCRs for the Grove Park water system have been delivered to the customers and the CCRs for the Hampton/Opequon system will be delivered by the end of May.

2023 Audited Financial Statements – Mrs. Gill reported that she received some follow up questions earlier today from the auditor and the 2023 audit is near completion. Once Mrs. Gill is in receipt of the draft 2023 audit she will forward it to the Authority Board members for their review, comment and/or questions. Mrs. Gill indicated the 2023 audit will need approved at the next meeting so it can be filed with the PA DCED by the June 30, 2024 deadline. Mrs. Gill informed the Board that she will not be in attendance at the next board meeting; however, any questions can be directed to her prior to the meeting.

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

ENGINEER'S REPORT: Mr. Shura was absent from the meeting; however, he provided the Board with a status report on the outstanding projects.

Hampton Hills/Grove Park PWS Permits (LSA Grant Work) – The public water supply permits for both systems have been submitted to the PA DEP. The PA DEP has continued their review, which included requests for additional information. The additional information has been provided and we are currently waiting for the PA DEP to complete their review of the permit applications.

Nitrate Removal System (Grove Park) – Martin Water recently provided the equipment information to Stiffler McGraw and Mr. Shura's report indicates they are in the process of confirming the equipment package meets the public water supply requirements. The equipment information will be incorporated into the public water supply permit application. An updated proposal for the purchase of the equipment was provided by Martin Water at an estimated cost of \$34,573.00. Stiffler McGraw anticipates having the full permit application package completed by the end of May and has requested Mr. Eby's signature on the application signature page.

GUESTS:

David Roberts – Mr. Roberts encouraged the BTWA to do whatever is possible to get the water situation within the Township under control due to the elevated nitrates and PFAS in the drinking water. Mr. Roberts stated this will involve cooperation from other authorities that have the capability or infrastructure in place to install the type of system that's needed in Benner Township. Mr. Roberts expressed concern with the PFAS plume traveling down the valley from its location of origin.

CORRESPONDENCE:

State College Borough Water Authority (SCBWA) Email – Contract Negotiation – Following the last meeting Mr. Eby sent an email to Brian Heiser, SCBWA, indicating it has come to the BTWA's attention that the SCBWA is interested in revisiting the 1998 agreement and the BTWA is interested in learning of changes and/or updates that SCBWA may propose. Mr. Heiser responded to Mr. Eby's email indicating the SCBWA will be in contact with the BTWA regarding the agreement sometime in the next several months.

OLD BUSINESS:

Attorney/Replacement Appointment- Mr. Eby stated that a couple of months ago discussion was held at a meeting about appointing a replacement attorney. Mr. Swales stated that he recalls the Board voting to table the discussion regarding the Solicitor for another time. **Mr. Eby moved, seconded by Mr. Swales to re-open discussions on legal counsel.** 4 ayes, 0 nays, 1 absent. **The motion carried.**

Mr. Eby stated it's his personal opinion that the attorney he and Mr. Lanning vetted, Michael Levandoski, would be the best choice. The idea is to only have counsel attend meetings on an as needed basis. Mr. Swales asked if a fee schedule has been provided by Mr. Levandoski and Mr. Lanning stated yes, the agreement was emailed to both him and Mr. Eby. Mr. Lanning stated it was a standard agreement for municipal counsel. Mr. Eby stated he didn't have the agreement or fee schedule with him at the meeting. Mr. Edkin indicated the agreement and fee schedule has not been distributed to

the entire Board or presented at a public meeting. Mrs. Gill indicated she has not been provided with the agreement or fee schedule. Mr. Swales asked if there was anything pressing that this couldn't wait until the next meeting when everyone had a chance to review the agreement and fee schedule. Mr. Eby stated he doesn't foresee anything happening before the next meeting so it would be fine to wait. Mr. Edkin suggested tabling the discussion until everything is provided to the Authority Board for their review. Mr. Eby stated it is his intention to appoint Michael Levandoski as replacement counsel to Mr. Mix, pending the review of his terms for the next meeting. Mr. Eby indicated he will locate the agreement and fee schedule for distribution to the Authority Board. Further discussion will be held at a future meeting.

SCBWA/BTWA Agreement – Mr. Eby indicated he would like to review the 1998 agreement with legal counsel who would likely handle the contract negotiations with SCBWA. Discussion was held about the 1998 agreement between the SCBWA and BTWA, which is not being followed and whether or not the BTWA wants to enforce the 1998 agreement while accepting the additional responsibilities or re-negotiate with SCBWA to modify the agreement and decide new responsibilities. The Board asked Mr. Miller to provide an estimate of the costs for SBWJA to complete the work for the BTWA as defined in the 1998 agreement with the SCBWA. Afterwards, the Authority Board will have a work session to discuss the matter in more detail.

Update on Proposed Water Extension to Walnut Grove Estates – Mr. Eby indicated that he attended a SCBWA meeting last week and the feasibility study is moving along. Mr. Eby stated that following the meeting he spoke with Brian Heiser, SCBWA Executive Director, and their consulting engineer about the project who indicated there are several other items that will need considered/discussed relating to the proposed project such as a mandatory connection ordinance and the need for a special rate district. SCBWA has indicated there will be no fire protection; however, the residents could apply for a sprinkler connection and install a sprinkler system.

Mr. Roberts informed the Authority Board that there are provisions in the Second-Class Township Code, Article 26, concerning water supply where it discusses agreements between Municipalities. Mr. Roberts indicated the Benner Township Supervisors have the ability to petition the Court of Common Pleas to demand the SCBWA install a water system to serve Walnut Grove Estates that would go before a review board. Mr. Miller indicated he doesn't believe the Benner Township Supervisors can direct the SCBWA where to extend public water. Mr. Lanning thanked Mr. Roberts for providing additional information that he didn't have.

NEW BUSINESS:

Shiloh Road Service Agreement - Mr. Eby indicated that once the sewer extension is completed to the Benner Township portion of the Shiloh Road area that he would like to approach College Township about an agreement for water service to those customers.

ACTION ITEMS:

1. Mrs. Gill to provide the BTWA Board with the draft 2023 audit for review prior to the next meeting.
2. Mr. Eby to provide the BTWA Board members with Michael Levandoski's agreement and fee schedule for discussion at a future meeting.
3. Mr. Miller to provide an estimate of the costs for SBWJA to complete the work for the BTWA as defined in the 1998 agreement with the SCBWA.
4. Key Points of BTWA 05/21/2024 meeting to be submitted to the Benner Township Supervisors.
 - a. The permit application for the public water supply permit for the Grove Park nitrate removal system should be finalized by the end of May.
 - b. The BTWA Board is proposing to replace its current attorney with Michael Levandoski, Esquire. This is pending the review of an agreement and associated fee schedule.
 - c. The BTWA Board has asked SBWJA to provide an estimated cost for SBWJA to complete the work for the BTWA as defined in the 1998 agreement between the BTWA and SCBWA.
 - d. The BTWA Board is proposing to approach College Township once sewer service is extended into the Benner Township portion of the Shiloh Road area about an agreement for water service to those customers.

Next regular scheduled meeting is June 18th at 6:30 p.m.

ADJOURNMENT:

Mr. Swales moved, seconded by Mr. Edkin to adjourn the meeting at 7:32 p.m. 4 ayes, 0 nays, 1 absent. The motion carried.

Respectfully submitted,



Kelly J. Gill, Recording Secretary

CC: Benner Township_____

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

REGULAR MEETING
May 21, 2024

GUEST LIST

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

1. Kathy Evey
2. David Roberts
3. John Elnitski
4. _____
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