

BENNER TOWNSHIP WATER AUTHORITY

REGULAR MEETING

January 21, 2025

ATTENDANCE:

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

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

CALL TO ORDER:

The January 21, 2025, Regular Meeting of the Benner Township Water Authority was called to order at 6:34 P.M. by Andrew Swales, Vice-Chairman.

ROLL CALL:

Timothy Edkin, Secretary, took Roll Call, recording four members present. Mr. Eby entered the meeting at 6:36 p.m. Mr. Swales, Vice-Chairman, noted that with a quorum present, the Benner Township Water Authority was permitted to conduct business under the laws of Pennsylvania.

ELECTION OF 2025 OFFICERS:

Mr. Swales opened the nominations for Chairman.

Mr. Edkin nominated Mr. May for Chairman and Mr. Swales seconded the nomination. With no further nominations for Chairman, the nominations for Chairman closed. **Mr. Swales moved, seconded by Mr. Edkin to approve Mr. May as Chairman.** 4 ayes, 0 nays, 1 absent. **The motion carried.**

Mr. Swales opened the nominations for Vice-Chairman.

Mr. Edkin nominated Mr. Swales for Vice-Chairman and Mr. Swales seconded the nomination. With no further nominations for Vice-Chairman, the nominations for Vice-Chairman closed. **Mr. Edkin moved, seconded by Mr. Swales to approve Mr. Swales as Vice-Chairman.** 4 ayes, 0 nays, 1 absent. **The motion carried.**

Mr. Swales opened the nominations for Treasurer.

Mr. Eby entered the meeting at 6:36 p.m.

Mr. Swales nominated Mr. Eby for Treasurer and Mr. Edkin seconded the nomination. Mr. Eby declined the nomination for Treasurer.

Mr. Edkin nominated himself for Secretary/Treasurer and Mr. Swales seconded the nomination. With no further nominations for Secretary/Treasurer, the nominations closed. **Mr. Edkin moved, seconded by Mr. Swales to approve Mr. Edkin as Secretary/Treasurer.** 5 ayes, 0 nays. **The motion carried.**

Attached to these meeting minutes is a listing of the 2025 Officers and Members.

Mr. Swales, Vice-Chairman, turned the meeting over to the newly elected Chairman, Mr. May.

APPOINTMENT OF PROFESSIONAL SERVICES:

Retaining Professional Services for 2025 (Engineer) – Mr. Edkin stated that he reviewed the Engineering Services Agreement provided by Stiffler McGraw for the 2025 calendar year and stated he had some questions on the standard terms and conditions. Number 1 of the standard terms and conditions indicated that compensation for additional engineering services not covered under the scope of services will be on the basis of actual man-hours charged to the specific task or assignment, multiplied by the prevailing rate as shown on the attached schedule of rates and charges for the personnel utilized. Mr. Edkin asked what would constitute as additional services. Mr. Shura stated that attendance at one meeting per month was identified within the agreement; therefore, anything outside of that would be considered additional engineering services and would be charged based on the current rate schedule. Mr. Edkin stated he believes the agreement to read as though any additional engineering services provided would fall under Mr. Shura's hourly rate and Mr. Shura stated that is incorrect. Any additional engineering services provided would be charged the hourly rate based on the individual's job title. Mr. Shura stated the Engineering Services Agreement has not been modified from previous years.

Mr. Edkin then referenced Number 4 under the standard terms and conditions which reads as: The Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. Mr. Edkin stated in his opinion that part of the agreement reads as though a substantial failure has to occur to terminate the contract, which he is not in agreement with. Mr. Shura stated this is a non-binding agreement and offered to amend the agreement to reflect Mr. Edkin's concerns. Number 4 will be modified to state: The Agreement may be terminated by either party upon thirty (30) days written notice. In the event of termination, the Engineer shall be compensated for work performed up to the date of termination. **Mr. Edkin moved, seconded by Mr. May to approve the Engineering Services Agreement, as amended, with the Consulting Engineer – Stiffler McGraw for the 2025 calendar year. 5 ayes, 0 nays. The motion carried.** Mr. Shura will revise the Engineering Services Agreement as amended and will provide the Authority with the revisions for signature at the next meeting.

Retaining Professional Services for 2025 (Solicitor) – Mr. Levandoski was present for the meeting and indicated that last week he emailed Mr. Eby, in full disclosure, to inform him that beginning in February 2025 he and his partner have been appointed as Solicitors for both the State College Borough Water Authority and the Spring Benner Walker Joint Authority. **Mr. Edkin moved, seconded by Mr. Swales to retain Solicitor – Miller, Kistler & Campbell (Michael Levandoski) for the 2025 calendar year. 5 ayes, 0 nays. The motion carried.**

Retaining Professional Services for 2025 (Auditor) – Mr. May indicated that Baker Tilly US, LLP has been the Authority’s auditor for several years and asked for a motion to retain their firm for 2025. Mr. Lanning asked for the name of the individual auditor who is responsible and Mrs. Gill stated that typically there are several auditors from the firm involved with the annual audit, with Christine Zoerner being the main point of contact. Mr. Lanning expressed displeasure with not knowing the auditor or having a scope of work. **Mr. Edkin moved, seconded by Mr. Swales to retain Auditor – Baker Tilly US, LLP for the 2025 calendar year.** 4 ayes, 1 nay. **The motion carried.** Mr. Lanning was the nay vote.

APPROVAL OF MEETING MINUTES:

The Minutes of the December 17, 2024 regular meeting were presented for review. **Mr. Edkin moved, seconded by Mr. Swales to approve the Minutes of the December 17, 2024 Regular Meeting as presented.** 4 ayes, 0 nays, 1 abstention. **The motion carried.** Mr. Lanning abstained from the vote.

TREASURER’S REPORT:

Mr. Edkin reviewed the Treasurer’s Report as presented. Mr. May asked the Board if there were any questions or comments regarding the Paid Checks or Bills by Vendor submitted for approval. Mr. Lanning stated his only comment was to make sure that the information was right. Mr. Edkin stated everything within the report adds up. **Mr. Edkin moved, seconded by Mr. Swales to approve the Treasurer’s Report as presented, the Paid Checks in the amount of \$7,606.03 and Bills by Vendor in the amount of \$28,286.75.** 4 ayes, 1 nay. **The motion carried.** Mr. Lanning was the nay vote. Mrs. Gill referenced the budget vs. actual report for 2024, which identifies an overall net loss for the year and informed the Board that there is currently \$64,432 in expenses for 2024 that our Authority is waiting to receive reimbursement from the PA DCED as part of the grant project.

SBWJA REPORT:

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

System Maintenance – Quarterly water meter readings were obtained for the Hampton/Opequon and Grove Park water systems along with the Village of Peru. The quarterly blowoffs were flushed within the Hampton/Opequon and Grove Park systems in December to aid in maintaining water quality. The water lines serving the Benner Elementary School and the Benner Township Municipal building were flushed to maintain water quality in the mainline.

We had to replace a start capacitor and repair some damaged wiring associated with the Grove Park well pump. A site visit was held with the homeowner of 183 Meadow Flower Circle to discuss the location of the water lines on their property as a result of the recent right-of-way clearing work that was completed. Mr. Barton indicated the homeowner was concerned when the right-of-way for the water main from Opequon to the Hampton well house was cleared resulting in the removal of trees.

There was a coolant leak on the generator at Hampton Hills, which was repaired. Keystone Engineering began the radio telemetry (SCADA) work at the Grove Park and Hampton/Opequon water systems in mid-December. They will be returning next week to finish the remainder of the work. Mr. Barton indicated the alarm system for both systems should be up and running by the end of January.

Mr. Barton informed the Board that we had been using Pace Analytical (formerly Fairway Laboratories) for compliance monitoring; however, due to the increase in costs, we switched to Suburban Testing Labs which has recently opened a laboratory in State College.

Grove Park Water Leak – Mr. Barton informed the Board of a small leak within the Grove Park water system that was fixed last week. There will be some restoration work that will need completed in the spring such as topsoil, seed and the replacement of two blocks of sidewalk.

Analytical Testing – In December samples were obtained from both water systems to complete bacteria testing. The nitrate level of the Grove Park water system on January 2, 2025 was 9.36 mg/L. Mrs. Gill indicated this is the highest result received to date.

PA One Calls – There were two (2) PA One Calls located in the month of December.

SOLICITOR'S REPORT:

Grove Park Nitrate Removal System Condemnation for Right-of-Way for Discharge to Sewer – Mr. Levandoski indicated that within the last few weeks he met with Mr. Eby to discuss the condemnation of the properties located at 110 and 122 Teasel Way for the discharge of the waste stream from the nitrate removal system. Mr. Levandoski has contacted each of the property owners directly to see if they have any willingness to negotiate, but unfortunately the answer was no. Both property owners want free water and sewer service forever and not just for them but for anyone who may purchase the property if they would decide to sell. Mr. Levandoski stated the only alternative course of action would be condemnation, which he would need formal action from the Board to proceed. **Mr. Swales moved, seconded by Mr. Edkin to authorize Mr. Levandoski to proceed with the condemnation of the properties located at 110 and 122 Teasel Way to allow for the sanitary sewer connection for the discharge of the waste stream associated with the nitrate removal system at Grove Park. 5 ayes, 0 nays. The motion carried.** Further discussion was held about the timeframe associated with the condemnation process.

ENGINEER'S REPORT:

Grove Park Nitrate Removal System- Mr. Shura asked if SBWJA personnel provided a plat for the easement needed for the waste stream discharge associated with the nitrate removal system. Mr. Barton stated no, but the Authority can provide a sketch to Mr. Shura so he can prepare something formal.

GUESTS:

John Kostas – Mr. Kostas asked for a rough estimate when the nitrate removal project may be finished. Mr. Barton stated it will depend on how quickly we are able to gain access for the installation of the sewer line for the discharge of the waste stream.

CORRESPONDENCE:

Right-to-Know Request from Kathy Evey – On December 18, 2024 we received a right-to-know request from Kathy Evey for a digital (audio) copy of the December 17, 2024 Benner Township Water Authority meeting.

Jersey Shore State Bank – We received a letter from Jersey Shore State Bank confirming the loan for the commercial line of credit has been paid in full.

Spring Benner Walker Joint Authority (SBWJA) – We received a letter from N. Warren Miller, Executive Director of the SBWJA, indicating the SBWJA is terminating its contract with the Benner Township Water Authority (BTWA). The 30-day notice required by condition eight (8) of the contract will commence on January 21, 2025. Mrs. Gill hand delivered the original letter to the BTWA Board members at the start of the meeting.

Mr. May stated he isn't aware of any other Authority in the area that would provide a similar service for the operation, maintenance and management of the systems. Mr. May then asked if anyone has any suggestions on how to move forward with finding a replacement. Mr. Swales asked if SBWJA works with anyone that may have the same capabilities and could duplicate their services. Mrs. Gill stated that she's not aware of any other Authorities that provide a similar service. There are circuit riders out there that perform the maintenance work, but she's not aware of any that also provide the financial services. Mr. Levandoski stated that he hasn't reviewed the contract, but through working with other smaller Authorities in Huntingdon County he's aware of a husband-and-wife team that provide these type of services.

Mrs. Gill informed the Board that she will still be involved with the completion of the 2024 audit. Mr. May stated his big concern was that SBWJA see the nitrate removal project through until the end. Mrs. Gill stated that the BTWA Board is welcome to attend a SBWJA meeting to discuss their concerns or contact Mr. Miller directly.

Mr. Eby suggested the BTWA Board Chairman contact the State College Borough Water Authority and Bellefonte Borough Authority since they already provide water service into Benner Township to see if they may know of anyone or be interested. Mr. Eby then suggested contacting College Township Water Authority as well. Mr. May stated that as Chairman he is not going to talk to anyone unless the Board makes that decision and directs him to do so.

Mr. Swales moved, seconded by Mr. Edkin to authorize Mr. May to attend SBWJA's January 27, 2025 board meeting to ask for a six-month contract extension to allow the BTWA Board of Directors to locate a replacement service provider and to facilitate a transition. 5 ayes, 0 nays. The motion carried. Mr. Edkin stated he will join Mr. May in attendance at the meeting.

Mr. Eby stated that he would like to make a comment before moving on. Mr. Eby continued by stating..." I'm not very happy with how it was handled. I'm not happy with the wording of it because there were accusations made without naming. If the problem was such it could've been addressed one on one, professionally, before a snap decision was made." Mr. Eby then asked if the entire SBWJA Board read the letter written by Mr. Miller and Mrs. Gill stated yes, they did.

OLD BUSINESS:

Local Share Account Grant Payment Request – The Authority is ready to submit another request for reimbursement for its expenses associated with the Local Share Account grants that were awarded to the Authority for the installation of a VFD (variable frequency drive) and SCADA system at the Opequon well house and the high service pumps and SCADA system at the Grove Park well house. **Mr. Edkin moved, seconded by Mr. Swales to approve LSA Payment Request Form No. 06 for the Hampton/Opequon water system in the amount of \$7,221.00. 5 ayes, 0 nays. The motion carried.**

NEW BUSINESS:

Bank Signature Cards – Mr. Swales asked if we need to update our bank signature cards due to a change in officers. Mrs. Gill will contact First National Bank and Kish Bank to start the process.

Settlement Agreement with Pennsylvania State University – Mr. Swales stated at the last meeting discussion was held about providing a letter/comments surrounding the settlement agreement between the PA DEP and Penn State in connection with the PFAS contamination in the surrounding area and wanted to know if any progress has been made. Mr. Eby stated that following the last meeting he contacted Benner Township's secretary to obtain a copy of their draft letter, which had yet to be prepared. Currently Benner Township's solicitor is working with Christine Line, Esquire to compile a letter for submission by the February 12, 2025 deadline for comments. If the BTWA Board receives a copy of the draft letter prior to the expiration of the public comment period, the Board will revisit discussions on how to formally proceed.

Thank You – Mr. Swales stated that this meeting had some contentious feel to it, but he did want to publicly thank Mr. Eby for his work as Chairman of the BTWA and he hopes that Mr. Eby will continue to work with the Authority Board to help get them through to the finish line. **Mr. Lanning moved, seconded by Mr. Swales to recognize Mr. Eby's work and dedication to the BTWA Board in his years served as Chairman. 5 ayes, 0 nays. The motion carried.**

ACTION ITEMS:

1. Mr. May to attend SBWJA January 27, 2025 board meeting to ask for a six-month contract extension.
2. Mrs. Gill to contact First National Bank and Kish Bank to inquire about updated signatures cards due to a change in officers.
3. Mr. Levandoski to proceed with the condemnation of 110 and 122 Teasel Way to obtain access for the installation of a sanitary sewer connection for the discharge of the waste stream associated with the nitrate removal system at Grove Park.

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

ADJOURNMENT:

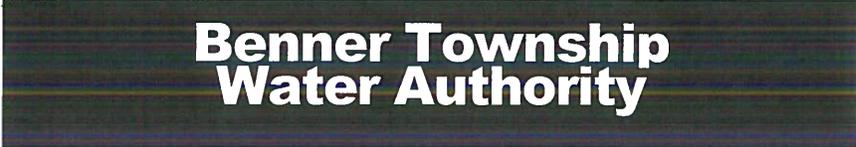
Mr. Edkin moved, seconded by Mr. Lanning to adjourn the meeting at 7:52 p.m. 5 ayes, 0 nays. The motion carried.

Respectfully submitted,



Kelly J. Gill, Recording Secretary

CC: Benner Township 02/19/25

The logo for Benner Township Water Authority is a dark rectangular box with the text "Benner Township Water Authority" in white, bold, sans-serif font. The text is centered within the box.

**Benner Township
Water Authority**

2025 OFFICERS & MEMBERS

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

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

**REGULAR MEETING
January 21, 2025**

GUEST LIST

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

1. JOHN KOSTES
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____