

BENNER TOWNSHIP WATER AUTHORITY

REGULAR MEETING

February 17, 2009

ATTENDANCE:

AUTHORITY MEMBERS PRESENT: Mark Capriani
Tom Eby
Steve Lanich

OTHER ATTENDEES: Ed Guenot – Grove Park Associates
Warren Miller – SBWJA
Kelly Gill - SBWJA

CONSULTING ENGINEER: Mark Derr, Don Schwartz

CALL TO ORDER:

The February 17, 2009, Regular Meeting of the Benner Township Water Authority was called to order at 6:32 P.M. by Tom Eby, Chairman.

APPROVAL OF MEETING MINUTES:

The Minutes of the January 20, 2009 regular meeting were presented for review. **Mr. Lanich moved, seconded by Mr. Eby to approve the Minutes of the January 20, 2009 Regular Meeting as presented.** 3 ayes, 0 nays, 1 absent, 1 vacancy. **The motion carried.**

TREASURER'S REPORT:

Mr. Lanich reviewed the Treasurer's Report as presented. The total balance as of January 31, 2009 for all three bank accounts, including the maintenance bond for the Benner Elementary School, is \$110,392.41.

Mr. Eby asked the Board if there were any questions regarding the Paid Checks or Bills by Vendor submitted for approval. Mr. Capriani questioned who Toby Dashner was since he received reimbursement for a maintenance item. Mr. Miller explained that Toby Dashner is an employee of Spring Benner Walker Joint Authority. Mr. Dashner was shopping at Lowe's one evening and contacted Mr. Miller to determine if it would be acceptable for him to purchase a light fixture and bulb for the Hampton Hills well house since the item was on sale. Mr. Miller informed Mr. Dashner this would be acceptable and the Authority would reimburse him for the items purchased. **Mr. Eby moved, seconded by Mr. Capriani to accept the Treasurer's Report as presented which includes the approval of Paid Checks in the amount of \$305.55 and Bills by Vendor in the amount of \$1,513.08.** 3 ayes, 0 nays, 1 absent, 1 vacancy. **The motion carried.**

SBWJA REPORT:

Mr. Miller informed the Board that the water system operated as expected when a home within Opequon Hills burned on the evening of January 21, 2009. The tank level decreased approximately five feet (5'), which Mr. Miller indicated was back to normal level the following morning. Mr. Lanich questioned whether the filling of the tank would have any effect on the neighboring properties that had an individual well. Mr. Miller informed Mr. Lanich that would have no effect on the surrounding private wells due to our wells operating under their permitted capacity.

Mr. Miller informed the Board that we have a lot of quality testing to complete this year as required by PA DEP, which would mostly occur within the next two quarters.

SOLICITOR'S REPORT: Mr. Campbell was absent and did not provide any correspondence for discussion.

ENGINEER'S REPORT: See the attached Engineer's Report as presented for discussion and made a part of these official Minutes.

Grove Park Water System, Act 57 Study – A work session was held on 02/17/2009 at 5:30 p.m. at which time Mark Derr, HRG, presented the Act 57 study options for the acquisition of the Grove Park water system.

Option 1 - Mr. Derr reviewed Option 1 that included the Authority purchasing the system for \$12,000, purchasing the generator for \$27,000 and collecting a developer reimbursement of \$850.00 per lot. Based on the 45 remaining lots within Phase II and Phase III, Mr. Derr determined a total tapping fee of \$992.63 per lot could be assessed with \$850.00 being reimbursed to the developer. The remaining \$142.63 per lot would be collected by the Authority, which included a \$50.00 administrative fee.

Option 2 – Mr. Derr reviewed Option 2 which removed the \$12,000 purchase price and only included the cost of the generator for \$27,000. Based on the 45 remaining lots within Phase II and Phase III, Mr. Derr determined a total tapping fee of \$1,447.54 per lot could be assessed with \$1,314.00 being reimbursed to the developer. The remaining \$133.54 would be collected by the Authority, which included a \$50.00 administrative fee.

Mr. Derr suggested Option 2 would be better for both parties because the Authority wouldn't have as much out of pocket expenses and the developer would receive more income overall. Ed Guenot stated he would give Garen Smith a briefing of the options provided. Mr. Derr offered to contact Garen Smith directly to discuss the Act 57 options, which the Board agreed would be acceptable.

Ed Guenot informed the Board that he received two quotes for the purchase and installation of the generator. The gas generator was just under \$23,000 and the diesel generator was just under \$27,000; however, these prices did not include PA Sales Tax. Mr. Guenot thought the estimates seemed high; therefore, he is currently obtaining other estimates for comparison. Discussion was held regarding the possibility of purchasing the generator using the Authority's sales tax exemption certificate since the system would be turned over to the Authority. Mr. Miller suggested Mr. Campbell be contacted to obtain legal advice on using the sales tax exemption certificate in this manner. Once Mr. Guenot receives the additional estimates, the Board suggested Mr. Miller select a generator on behalf of the Authority.

Mr. Guenot informed the Board that Garen Smith is requesting the Authority provide a letter of intent for the acquisition of the Grove Park water system at this time. **Mr. Lanich moved, seconded by Mr. Capriani to prepare and send a letter, signed by an Authority Board member, to Grove Park Associates stating the Benner Township Water Authority met on 02/17/2009 and reviewed the options for the acquisition of the Grove Park water system. The Authority will pursue finalizing the acquisition as quickly as possible with the hopes of having a mutual agreement completed by the 03/17/2009 Authority meeting.** Further discussion was held regarding the changes to the Memorandum of Understanding that were suggested during the January 2009 meeting, which included a warranty period, installation of water meters for current homes within the system and flow testing. According to Mr. Guenot, the water system has been active since 2007 without any issues. Mr. Guenot also stated that a homeowner's association meeting was recently held at which time the current property owners were informed of the pending acquisition by the Authority along with the meter installation requirement. Mr. Guenot indicated he would also prepare and forward a letter to the existing homeowners making them aware of the meter installation requirement. **Mr. Lanich suggested modifying the previous motion by instructing N. Warren Miller to send a letter on behalf of the Authority to update Grove Park Associates on the progress of the agreement and Mr. Capriani seconded the modification to the previous motion.** 3 ayes, 0 nays, 1 absent, 1 vacancy. **The motion carried.** The Board recommended Mr. Miller contact Richard Campbell to discuss the conditions to be incorporated into the agreement.

Village of Peru – Mr. Schwartz informed the Board that he called Mike Fetzer and left a voicemail message regarding the H2O monies that would possibly be available to help upgrade their water system. To date, he has not received a response from Mr. Fetzer.

GUESTS: Ed Guenot was present to discuss the Benner Township Water Authority acquiring the Grove Park water system.

CORRESPONDENCE: There was no Correspondence presented for discussion.

OLD BUSINESS:

Right to Know Law – Mrs. Gill informed the Board that the Right to Know Law policy that was presented for discussion was the same document, with the exception of the name being modified, that was adopted by the Spring Benner Walker Joint Authority and prepared by their solicitor. Mr. Miller suggested the Board may want to have their solicitor, Richard Campbell, review the policy prior to adoption. **Mr. Lanich moved, seconded by Mr. Capriani to approve the Right to Know Law Policy and Procedures as presented, contingent upon the solicitor's approval.** 3 ayes, 0 nays, 1 absent, 1 vacancy. **The motion carried.** The Right to Know Law Policy and Procedure is attached and made a part of these official Minutes.

Grove Park Water System, Estimated Budget – The Board reviewed the estimated Operation and Maintenance budget prepared through 2009 for the acquisition of the Grove Park water system. Mr. Capriani questioned the connection fees of \$2,568.00 and Mrs. Gill informed him that was based on four (4) new connections within Grove Park in 2009, based on our current fee of \$642.00 per connection.

NEW BUSINESS:

2008 Audit – Mr. Eby questioned the status of the 2008 audit. Mrs. Gill informed him that Parente Randolph has not started the audit; however, in the previous year, Parente Randolph completed the audit at the same time Spring Benner Walker Joint Authority's audit was completed in March.

ACTION ITEMS:

- ◆ Completion of the State Ethics Commission Forms for 2008
- ◆ Warren Miller and Mark Derr to work with Richard Campbell to incorporate changes into Grove Park water system agreement.
- ◆ Mark Derr to contact Garen Smith to review the Act 57 study options.

Next regular scheduled meeting is March 17, 2009 at 6:30 p.m.

**Benner Township Water Authority
February 17, 2009**

2009-12

ADJOURNMENT:

**Mr. Eby moved, seconded by Mr. Lanich to adjourn the meeting at 7:22 p.m. 3
eyes, 0 nays, 1 absent, 1 vacancy. The motion carried.**

Respectfully submitted,



Kelly J. Gill, Recording Secretary

CC: Benner Township 3/18/2009

Benner Township Water Authority



2009-13

474 Windmere Drive, Suite 100
State College, PA 16801
(814) 238-7117
FAX (814) 238-7126
www.hrg-inc.com

February 17, 2009

Benner Township Water Authority
1224 Buffalo Run Road
Bellefonte, PA 16823

Re: Status Report - Engineering Activities

Dear Authority Members:

The following summarizes our recent activities on behalf of the Benner Township Water Authority (BTWA).

Retainer (1494.000)

All activities this month focused on the Act 57 tapping fee report, as discussed below.

Act 57 Tapping Fee Report (1494.007)

The Act 57 tapping fee report has been drafted and a copy was forwarded electronically to the BTWA on February 11. Two options were evaluated in the report. The first includes the purchase of the Grove Park system for \$12,000, while the second evaluates the dedication of the system to the BTWA. Draft reimbursement agreements were included with each option. Mark Derr will be attending tonight's work session and meeting to discuss the draft report. We look forward to speaking to you about the report and the proposed acquisition of the Grove Park system.

Very truly yours,

Herbert, Rowland & Grubic, Inc.

A handwritten signature in black ink, appearing to read 'Donald Schwartz', is written over a white background.

Donald Schwartz
Project Manager

DS/dlp
X:\14\1494\1494000\Engineer Reports\2009 Eng Report\ENG 2-09.doc

BENNER TOWNSHIP WATER AUTHORITY

RIGHT-TO-KNOW LAW POLICIES AND PROCEDURES

Public records of the Benner Township Water Authority (Authority) are made available to persons and agencies in accordance with the Pennsylvania Right-to-Know Law (Act 3 of 2008; 65 P. S. § 67.101 *et seq.*) All Right-to-Know Law requests must be in writing and signed by the person or agency representative making the request. Oral requests and anonymous requests will not be accepted and will not be honored. All persons making a request must identify him or herself by name and be a United States Citizen. The request should identify or describe the records sought with sufficient information to enable Authority personnel to ascertain which records are being requested. Requests may be submitted to the Authority in person, by mail, by e-mail or by facsimile.

Requests for public records should be addressed to the open-records officer of the Authority listed below:

Benner Township Water Authority, Open Records Officer
N. Warren Miller
170 Irish Hollow Road
Bellefonte, PA 16823
Telephone: (814) 355-4778 Fax: (814) 355-1599
E-mail: wmiller@sbwja.com

In accordance with the Right-to-Know Law, the Authority will respond to a request for public records within five (5) days of its receipt of the request and will make a good faith attempt to determine if the records requested are public records. There are seven (7) exceptions to the five (5) day period for a response. The exceptions include requests for public records when any of the following apply:

- Redaction is required;
- Records are stored in a remote location;
- Bona fide and specified staffing limitations;
- Legal review is necessary to determine whether the record is accessible;
- Requester has not complied with the Authority's policies and procedures;
- Requester refuses to pay applicable fees;
- The extent or nature of the request precludes a response within the specified time period.

If any of the above exceptions apply, the Authority will send written notice to the requester within five (5) business days of the Authority's receipt of the request noting that the response is delayed, the reasons for delay, a reasonable date on which a response is expected and an estimate of the Authority's fees. If the date on which a response is expected to be provided is longer than thirty (30) days, the request will be deemed denied unless the requester agrees in writing to the delay.

The five (5) day period for providing a response will begin the day the request is received by the Authority and date stamped. Facsimile transmissions received after 4:00PM will be deemed to be received and date stamped on the following business day.

| |
|---------------------------------|
| For Office Use Only |
| Date Request Received: _____ |
| Date Response Due: _____ |

Request for Public Records

In accordance with the Pennsylvania Right-to-Know Law and the Benner Township Water Authority's (Authority) policies and procedures pertaining thereto, the following information is required to request any public records maintained by the Authority.

I. This request is to (circle one) access / procure copies of records. Note: a request to access records does not include a right to remove a record from the possession or control of the Authority.

II. Requester Information (All information must be legible.)

Name of Individual: _____

Address: _____

Telephone Number: _____

Signature: _____

III. Records Requested

All records requested must be identified and / or described in sufficient detail to enable the Authority to identify and retrieve them. (Note: Each record request must be specific to one record or category of records. Multiple records may be requested, but each request must be submitted on a separate form.)

Response to Request for Public Records

I. **Response to Request:**

Date of Response: _____

Your request for the public record was received on: _____

In response to your request, we submit the following:

___ Your request has been accepted and is being processed.

Please remit \$_____ payable by check to: "Benner Township Water Authority".

___ We have determined that your request requires an extension of time for the following reasons:

You should expect a response on or about _____.

___ Your request has been denied for the following reason(s):

II. **Signature:**

N. Warren Miller
Open Records Officer
Benner Township Water Authority
170 Irish Hollow Road
Bellefonte, PA 16823
(814) 355-4778 Fax: (814) 355-1599

Date

Open Records Information

Information regarding the Benner Township Water Authority's Open Record policies and procedures adopted in compliance with the *Pennsylvania Right-to-Know (Act 3 of 2008; 65 P.S. Sec. 67.101 et seq.)* is as follows:

- 1) Authority Open Records Officer: N. Warren Miller
Benner Township Water Authority
170 Irish Hollow Road
Bellefonte, PA 16823
(814) 355-4778
Fax: (814) 355-1599

- 2) Pennsylvania Office of Open Records: Right-to-Know Law Official
Pennsylvania Department of State
Room 307, North Office Building
Harrisburg, PA 17120
Fax: (717) 772-4175

- 3) Open Records Request Forms: Available at the Authority Office

- 4) Board Policy and Regulations: Available at the Authority Office