

**Benner Township Supervisors
August 5, 2019**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:00 p.m. by the Chairman, Randy Moyer with member David Wise present. Mr. Capriani was absent. Also in attendance were Don Franson, Dennis O'Leary, Edward Galus, Terry Cable, Pat Ward, Gene Stocker, Rich Davis, Cory Stocker, John McCabe, Peg McCabe, Kathy Stocker, Dick Snyder, Jon Rockey, Kempton, Chris Kondash, Don Woods, Roxanne Toto, Suzanne Weinstein, Rick Weyert, Sherry Roush, Diane Pawling, Jack Pawling, John Middlesworth, Larry Lingle, Pamela Czapl, John Kostas, Thomas Eby, Ernest Greene, David Kline, Greg Bartram, Jeff Jury, Ed Fenton, Laura Kopp, Tom Moyer, Tim Miller, Charles Herr, Rod Beard and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Gene Stocker: Mr. Stocker noted that he and several others are in attendance this evening to discuss the concerns that they have about the possible sewerline extension being studied for Walnut Grove Estates. Mr. Stocker noted that he doesn't feel that what is being presented is accurate.

Terry Cable: Mr. Cable introduced himself and gave a background of his experience. Mr. Cable noted that he wanted to give a time line of how we got to this point.

(Mr. Capriani entered the meeting at 7:07 p.m.)

Mr. Cable noted that it appears that this proposed sewage line expansion talk began in February 2017 when Dr. Clair requested sewage service for his property along Shiloh Road. The Board told Dr. Clair that he would need to submit a plan so that some idea of sewage usage could be estimated. Dr. Clair came back to the Board in July 2018 with a plan to build a hotel with a restaurant. It was determined that according to the Township's 537 Plan that the property could be serviced by either SBWJA or UAJA. The Board of Supervisors attended a meeting with DEP in October of 2018 to ask for guidance on how to proceed. Mr. Warren Miller at a meeting held on November of 2018 stated that 75 homes and lots could be served by this line extension and that 27% of these existing homes are considered having potentially failing systems due to the systems being installed prior to the 1972 Sewage Facilities Act which established regulations for septic system design, permitting and installation. Mr. Cable noted that the homes in the Walnut Grove Subdivision were not built until after 1979 therefore are not part of this potential failure group. Mr. Cable noted that the potential costs that have been noted by the sewer authority has not included the resident's out of pocket costs of digging, back filling, removal of the tanks, ongoing electric bills should grinder pumps be required as well as the tap on fees. Mr. Cable also questioned how the systems could be deemed failing since the Sewage Management Plan is in effect and systems have been inspected and repaired when needed. Mr. Cable stated that he believes that the members of SBWJA voted unanimously to proceed with the study for this project based upon the information given to them stating that properties in this potential service area has a 27% septic failure rate. Mr. Cable questioned where the data was that came up with this figure.

Chuck Herr: Mr. Herr noted that to his knowledge everything that he has found during his Septic Management Program inspections needing system repairs have been made.

Terry Cable noted that the Department of Environmental Protection will provide information and guidance but will not make decisions for the municipality on public sewer installations/expansions. This decision is made by the Board of Supervisors.

Mr. Herr noted that he wanted to clarify that he was not the township's Sewage Enforcement Officer when the Township's 2003 Act 537 Plan was adopted so he is not aware of why this area would have been included in this plan.

Mr. Stocker noted that 7 homes in the Big Hollow area were built prior to 1972 and that 27% failure of that would be three homes that are potentially failing. He noted that he finds it absurd that millions of dollars would be spent for the potential possibility of three failing systems.

Rich Davis: Mr. Davis went over his background. He noted that he came up with some potential cost estimates of his own. He noted that when you factor that the average home will have to install 140 LF of sewage line at the potential cost of \$6,000, some will need two elbows, the clean out piping, having tanks pumped out, having the tank crushed and filled, new internal plumbing, electric service, ongoing electric bills, rerouting floor drains, tap fees, inspections costs, and without hitting rock he estimates that it could cost \$13,200 per home at a minimum.

Mr. Wise noted that a letter has been drafted for Board's approval this evening to ask SBWJA to estimate the length of laterals to each property, indicate which property owners will need grinder pumps as well as the sources of funds that will be used for the potential project so that speculation is minimized.

Mr. Cable asked if the line is needed to cross others properties how is this handled?

Mr. Moyer noted that it is typical that the sewer authority will bring the lateral at least 5 feet onto each property. It is then the property owner's responsibility to run the lateral to the home. The section from the tap to the house is then the responsibility of the home owner to install and maintain.

Questions were raised regarding the map on the Township's website of the potential line location. The Board noted that this map is a concept. Until the studies are complete with the field work, line location is speculative.

Tim Miller, SBWJA Benner Township Member, noted that should easements be required to cross lands of others that the Authority compensates the landowner for the easement. If a price for the easement can't be reached among the property owner and Authority the matter goes to a Board of View. Mr. Miller noted that the 537 plan amendment is costing the Authority approximately \$90,000 as surveying work is being done at the same time. Once the study is complete it is anticipated that most of the field work will be done.

Chris Kondash: Ms. Kondash noted that it makes absolutely no sense whatsoever that the properties at Shiloh are not being served by the sewer authority that is located ¼ mile away verses having new lines installed and taking it 10 miles away. She added that the lots in Walnut Grove are large. The lots were laid out that way because the development was to utilize on lot septic systems. She noted that an expense that no one has yet mentioned is the mature landscaping that has been growing more than 30 years around the homes. Roots will be damaged, trees will be required to be removed, etc. She noted that costs will be more than what has been estimated. She added this this area isn't a high usage area noting that most homeowners are retired and/or only have two occupants to the home. Penn State owns the property surrounding three sides of their development so the possibility of future development is small.

Mr. Wise and Mr. Moyer noted that the UAJA solution has been looked at extensively and while it doesn't make sense as close as the property is located to the UAJA plant, it is all but impossible to go that direction.

Pat Ward noted that he is an Engineer from Unitec and has been hired by Mr. Stocker to review this proposed Act 537 amendment. Mr. Ward noted that he has reviewed the current 537 Plan as well as supporting documents, the Township's Zoning Ordinance and Comprehensive Plan and that it is his professional opinion that there is no environmental or developmental need for public sewers in the Walnut Grove area. He noted further that it is his understanding that the on lot systems are working properly.

Mr. Herr noted that he inspected all of the systems and any found issues were fixed. He added that he is currently unaware of any problems or need for public sewer.

Mr. Ward noted that the Supervisors have the ability to remove the Walnut Grove Development from the study area in the 537 Plan.

Ms. Kondash raised questions about the Fox Ridge Subdivision. Mr. Herr noted that these lots each have 2 approved septic sites per lot. It was noted that when planning for the Walnut Grove Subdivision took place that only one site was required at that time.

Mr. Herr noted that with today's technology, on lot systems can be installed on properties that have limestone as shallow as 10". He continued that it is his professional opinion that it is much more beneficial to clean our waste water and let it recharge our aquifer instead of treating it and sending it to the Chesapeake Bay. He added that he feels that long term sewage needs as far as soils and technology are pretty good for this area.

Mr. Cable asked that the Supervisors take the position to leave Walnut Grove out of the proposed public sewer extension. Noting that taps could be installed but not mandating that residents connect at this point.

Mr. Wise noted that the plan needs to be completed and reviewed before it can be determined if it would make sense to allow connections to be done in phases.

Dick Snyder noted he previously submitted a letter in favor of public sewer, but is now probably going to withdraw his support. He added that there needs to be a public comment period on the plan once received. Mr. Moyer noted that a public comment period is part of the 537 plan approval process.

Mr. Stocker question Mr. Herr if he believes Walnut Grove should be part of this 537 Plan. Mr. Herr indicated that he did not. He also noted that the plan can be changed and that all written comments need to go along with the Plan to DEP for review. Mr. Stocker questioned Mr. Herr how long an onlot septic system can last. Mr. Herr responded that a properly installed and cared for system can last 25 to 30 years. He added that some systems could die in 10 years others could last 50+ years it all depends on usage and lifestyles of those that live in the home. He added that the septic management program that has been implemented will go a long way to increase longevity of the systems.

Jeff Jury: Mr. Jury noted that Walnut Grove is unique as nothing in the area will be further developed with Penn State owing land on three sides. He stated further that the Supervisors should be listening to

what the residents want and representing them. The residents are happy with what they have and that what they have isn't broke and doesn't need fixed. Mr. Jury added that he has had additional soil testing done on his lot and has three additional sites approved.

Mr. Wise noted that he has heard from others not located in this development that are reluctantly happy with the possibility of having public sewer installed.

MINUTES

June 24, 2019: The minutes of June 24, 2019, were presented to the Board for their review and comments. Mr. Wise moved to approve the minutes as presented. Mr. Moyer seconded the motion.
Vote: Mr. Capriani – abstained Mr. Wise – yes Mr. Moyer – yes

July 1, 2019: The minutes of July 1, 2019, were presented to the Board for their review and comments. Mr. Capriani moved to approve the minutes as presented. Mr. Wise seconded the motion.
Vote: Mr. Capriani – yes Mr. Wise – yes Mr. Moyer – yes

BILLS

The bills of August 5, 2019 were presented to the Board for their review and approval. Mr. Moyer moved to approve the bills as submitted. Mr. Capriani seconded the motion.
Vote: Mr. Capriani – yes Mr. Wise – yes Mr. Moyer – yes

ROAD SUPERINTENDENT'S REPORT

Mr. O'Leary noted that the micro surfacing work has been completed. Tar and chipping application as well as the paving work should be completed by month's end.

Mr. O'Leary noted that Ferguson Township has offered to sell the Township their 2003 Massey Ferguson Tractor with a side mower for the cost of \$31,000. Discussion was also held regarding purchasing a crack sealing machine and replacing the bucket truck. Mr. Moyer moved to approve of these purchases pending budget review. Mr. Capriani seconded the motion.
Vote: Mr. Capriani – yes Mr. Wise – yes Mr. Moyer – yes

Mr. O'Leary noted that he would like permission to advertise for another full time road department employee. Mr. Moyer moved to advertise for this open position. Mr. Capriani seconded the motion.
Vote: Mr. Capriani – yes Mr. Wise – yes Mr. Moyer – yes

ENGINEER'S REPORT

Mr. Franson noted that he didn't have anything additional to add other than what is already on the agenda.

COMMITTEE REPORTS

Cable Consortium Committee: Mr. Capriani noted that he attended the Cable Consortium Committee meeting last month. It was noted that there will be a fee added to Comcast customers to cover the public access channels and the fees associated with those channels. The fee amount is currently under negotiations in the pending cable franchise agreement.

Bellefonte Emergency Management Services: Mr. Wise noted that he attended the meeting called by Bellefonte EMS concerning the upcoming budget year. It was noted that this year was the first year that Benner Township and the other municipalities contributed to their budget. During the meeting it was

