

**Benner Township Supervisors  
December 16, 2019  
Act 537 Special Study Informational Meeting**

The informational meeting on the Act 537 Special Study was called to order at 7:00 p.m. by the Vice Chairman, Mark Capriani with board member David Wise present. Mr. Moyer was absent. Also in attendance were Pat Ward, Gene Stocker, Rich Davis, Peggy McCabe, John McCable, Edward Galus, Ellen Copper, Lee Copper, Ford Stryker, Rick Weyer, Dave Kline, Thomas Eby, John Kostas, John Middlesworth, Joseph Swanderski, Chris Kondash, Greg Bartram, Rob Huffard, Clayton Good, Larry Lingle, Larry Ermel, Jim Houser, Suzanne Weinstein, Roxanne Toto, Kelly Gill, Tasha Dutton, Warren Miller, Maggie Weitzel, Rod Beard and Sharon Royer.

Mr. Capriani called the meeting to order and noted that the purpose of tonight's meeting is to present information on the proposed project and to ask questions; not to debate the project. Maggie Weitzel, from Gwin, Dobson, Foreman Engineers as well as Spring Benner Walker Joint Authority representatives were present to answer questions on the project.

Maggie Weitzel and Warren Miller (SBWJA Executive Director) presented a powerpoint presentation that reviewed the proposed project. Ms. Weitzel noted that Andy Johnson is the principal design engineer for this project but was unable to attend this evening. She noted that should questions remain after this evening that he would gladly accept phone calls for further questions.

Ms. Weitzel noted that areas being looked at in this special study were included in the 2003 Act 537 Plan. The 2003 Plan recommended implementation of a Septage Management Plan to monitor this study area, collect data and make necessary repairs to existing on-lot systems with a re-evaluation in 5 to 10 years. It was noted that the SMP program began in 2014.

Alternate conveyance options were looked at. The 2019 Act 537 Special Study has identified the most economical alternative. This proposed extended sewer service would provide service to 74 residential properties and 2 existing commercial properties. It was noted that sewage conveyance will go from the study area and connect to the existing SBWJA sewer system along Fox Hill Road at the University Park Airport.

It is estimated that the cost of this proposed project will be 3.9 million. Tapping fees would be \$2,500/per edu + a \$50 inspection fee. The current quarterly rate per edu is \$70 or \$23.33 a month. Property owners will be required to pay for the construction of a lateral from the house to the sewer tap. Owners will also need to have a final tank pumping and fill or removal of septic tank.

It is projected that the Act 537 Plan would be submitted to PA DEP in February of 2020 with potential DEP approval in the Spring of 2020. The system design and PA DEP permit process to take until the Fall of 2020 with potential construction to begin the Spring of 2021 with complete construction the Fall of 2021.

Mr. Wise noted that the Township plans to amend the sewer connection ordinance to 180 days to allow for more time for construction of laterals.

Mr. Wise reminded the public that the deadline to submit questions on this 537 Special Study is December 31, 2019. The questions must be in writing and mailed or dropped off to either the SBWJA

office or Gwin, Dobson, Foreman's office. It was noted that they don't want letters emailed for the risk of having the go into a spam folder. All letters and their responses will become part of the 537 Special Study document. After all the letters are responded to, the plan will be forwarded on to the Centre County Planning Commission where they will have up to 60 days to review and submit comments. After the County does its review, a resolution on the study will be put before the Board of Supervisors for their action.

Questions were asked if the County has no authority on whether or not this project proceeds why do they have the opportunity to submit comment. Ms. Weitzel explained that county review is mandated under the State Sewage regulations.

A question was raised if septic tanks had to be removed from the ground once the sewerline was installed. Warren Miller noted that if the tank is metal it must be removed. He noted that it is his experience that if it is metal that most of the tank will be deteriorated and will need filled in. If the tank is concrete it needs to be pumped and filled in. It was noted that if a concrete tank is in good shape that some people use them as rain water collectors for plant watering. If a sand mound is on site, it may remain as it is or can be dismantled.

Pat Ward an Engineer from Uni-Tec Engineers and retained by Gene Stocker read a statement that he prepared and asked to be made as part of tonight's minutes. The three-page letter dated December 16, 2019, has been made as an attachment to these minutes.

Mr. Stocker noted that he has a few comments that he would like to make:

- \*He has spoken with real estate appraisers and they have indicated that public sewer would not increase the value of the homes in Walnut Grove.

- \*He believes that this entire project is to benefit the developer of the Shiloh Road properties. He noted to take a look at the money that is being proposed to be spent to sewer approximately 20 homes that meet the failure criteria.

Rick Weyer questioned, Why now? Warren Miller noted that information has now been gathered from the Septic Management Program. In addition, property owners along Shiloh Road wishing to develop their properties have come forth requesting public sewer. Mr. Miller noted that in 2003 the report notes that there were failing septic systems. They noted that they are currently aware of one failing system in Walnut Grove. Mr. Bartram noted that it is his system that is failing and that this system is only 9 years old. Mr. Miller noted that the last several years has produced an above normal amount of rain making the yards' grass lush and suspects that if it was a dry spell that more septic system problems would be visible.

Mr. Miller noted that when designing a sewer extension you design for the entire drainage area. You don't pick and choose homes within the area to connect. The system is also designed to be the most cost effective. Mr. Miller noted when meetings with DEP took place early on, it was recommended that the entire area be part of the study area not just Shiloh Road.

Mr. Wise noted that there is more than one property owner that has been begging for public sewers to service their Shiloh Road properties for over 10 years now. Unfortunately, both of these property owners have now passed and never realized the development potential of those properties.

Questions were asked as why the line isn't taken down Shiloh Road and down the Benner Pike and hook on to the line at the prison. Questions were also asked as why this wasn't being conveyed to the UAJA plant.

Mr. Ward noted that it makes sense to serve the Shiloh Road area for development but not the Walnut Grove Area. Mr. Ward questioned what is driving the Township to look at sewerage Walnut Grove? Does the Supervisors believe that there are malfunctioning systems? He noted that the information that has been presented by Chuck Herr indicates that there isn't a need for public sewers in Walnut Grove.

Ms. Weitzel noted that there are other reasons to take this action as well. It was noted that public water isn't available in these areas and well water is utilized. She noted that emerging evidence is coming forth to show what on lot systems are putting into the well water as far as pharmaceutical waste in water. She noted that she doesn't have evidence of this in this area as the water testing for this is very expensive. Mr. Miller noted that when people are sick they are sent home now to be treated with chemotherapy and such. Not all of this is absorbed into the body and is passed on to the septic system where it can then enter into the aquifer.

Ms. Kondash questioned why the Township isn't trying to make a deal with UAJA to sewer the Shiloh Road properties when they have already devalued this area with the stink from their plant. It was noted that discussions have taken place over the last decade and an agreement cannot be realized.

Mr. Miller and Mr. Wise noted that the only two properties that can currently utilize UAJA for sewer flow is the Rodgers and Clair properties. If any other properties would need to be added every municipality that is part of the UAJA system would need to modify their 537 Plans.

Pat Ward noted that it is their objective to avoid the Walnut Grove area. Why can't the focus just be on the Shiloh Road properties? Mr. Miller noted that when the meeting was held with DEP in the beginning, they asked that the entire drainage basin be looked at in this special study.

Discussion was held concerning the soil types in the Walnut Grove development area. A map was obtained from the county was shared showing the soil types when the Walnut Grove Development was being proposed. It was noted that while systems were designed and approved with these soils types the soils were marginal. It was noted that additional system designs could be approved if a system fails in the Walnut Grove area but there is no guarantee how long they would last. A spray irrigation system does exist in this study area and the homeowner has indicated that it is failing.

Mr. Capriani questioned why was this option the preferred option. It was noted that it was the most economical. Distance is the factor of economics in this particular project.

Ed Galus noted that for at least the last 10 years the Rogers and Clairs have been attending College Townships' meetings regarding development on their property. He further discussed the recent development that has taken place around these properties and questioned why they couldn't just tap on to those lines. Mr. Wise noted that physically they could but bureaucratically they cannot.

Dave Kline noted that he doesn't have a problem paying the \$2,500 tapping fee or the quarterly bill. It is what he will need to go through to install the lateral which includes destroying his swimming pool and installing 300' of lateral. Mr. Kline questioned why couldn't they just pay the tap fee and not be made to connect at this time but at a future time when it becomes necessary in the future. He noted that he

has spoken with realtors who have also indicated to them that public sewer does not increase the value of the home.

Greg Bartram noted that the concerns that he has heard is the costs of the laterals and the lots sizes with residents wanting them to stay larger lots in keeping with the character of the current neighborhood. Discussion was held on the lot sizes and how having public sewer could change that. Mr. Wise noted that there are properties that are large enough now to be divided that haven't been.

Mr. Capriani noted that he isn't a person that likes to force anyone to do what they don't want to do, but to have public sewer extended to 76 homes at \$2,500 each totaling around \$200,000. There is no way this project could be completed for \$200,000 if in 3, 5, or 10 years regulations change and sewer is needed to be run. As it is now, the subsidy of the commercial development would assist in paying for this project.

John McCabe questioned if any waivers could be made? Could the tap on be paid but connect later. It was noted that the ordinance would need to be changed. It was noted that only one such instance is known of.

Warren Miller noted that he doesn't know if the Authority would go ahead with the project if all weren't required to connect. The reason for this is the health of the system. If there isn't enough flow going through the system it can cause problems with smell and the pump stations causing excessive maintenance and repairs.

Mr. Wise noted that this proposed area is required to pump and inspect this year. If it appears that this system is going to proceed, pumping and inspections would be waived.

Questions were asked if this document would dictate how systems would be installed in the future in this area if the public sewer wasn't extended. It was noted that any new systems would need to be done by soil testing by a state certified SEO. It was noted that regulations are much more stringent then back in the 70's and 80's.

Mr. Miller noted that the Authority has extended public sewers to failing systems that the payback of the extension to the Authority is as high as 80 years. These extensions were not financially a good investment but were done to protect to the environment and the waters of the Commonwealth. He noted further that some will argue that you are taking ground water recharge and centralizing it to one location. He noted that if the systems are failing and putting contaminates in the water then centralized collection is probably the better option.

John Kostas questioned if there is an average cost of a septic system? Mr. Miller noted that this is hard to tell. It depends on a number of factors such as how large the home is, the soil types that are found.

Discussion was held as to when and how the tapping fee was established. This was explained. Mr. Miller noted that the Authority has paid off a lot of their debt since this rate was established and if a new study was done it is quite possible that the tapping fee could be higher.

Discussion was held on how much the developers would be charged for commercial development.

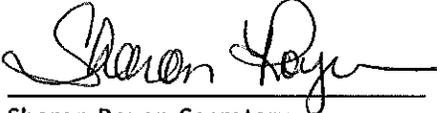
Rick Weyer noted that the lateral cost is what is making a lot of people uncomfortable. He questioned if there is any programs or guarantees that the cost would only be \$50 per foot. Mr. Weyer noted what UAJA did in the Greenbrier development. Mr. Miller noted that he wasn't aware of this and will look into it. Mr. Miller noted that the Authority has allowed homeowners to make payments on their tapping fee and noted that PennVEST and the USDA have low interest loans that can be used for lateral costs with a payback of 20 years. Mr. Weyer noted that he feels that this isn't your typical development. The lots are large, there is a lot of solid rock, there are big trees and the laterals will be long. He noted further that if on average the 72 homes have a \$10,000 cost each that he finds that this is a big ask of the homeowners for some property owner to be able to develop his commercial property.

Mr. Ward questioned what would happen to the nutrient credits for this project. Mr. Miller noted that Bellefonte hasn't ever once shown interest in them.

A question was asked as to why 40 some of the systems were given a pumping waiver, and questioned that by this being done what is not being discovered? It was noted pumping waivers are normally done when it is determined that there wouldn't be enough solids in the tank to warrant a pumping.

Mr. Capriani reminded those present that if they wish to comment on this plan that the deadline to do so is December 31<sup>st</sup> and they must be in writing and mailed or dropped off to either Gwin Dobson Foreman or the SBWJA offices.

The workshop was adjourned the time being 8:45 p.m.

  
Sharon Royer, Secretary

# Attachment "A"



December 16, 2019  
Project No. 1751-002-000

Benner Township Supervisors  
Benner Township  
1224 Buffalo Run Road  
Bellefonte, PA 16823

RE: Benner Township Act 537 Plan  
Comments on the Act 537 Plan for Consideration

Dear Supervisors:

My name is Pat Ward. I am president of Uni-Tec Consulting Engineers located here in State College. I am a Pennsylvania professional engineer and I have worked in the municipal water and wastewater business for 40 plus years.

Some time ago Mr. Gene Stocker retained me to assist him in answering concerns he had about Benner Township's efforts to bring public sewer to the Shiloh Road and I99 interchange area and to the Walnut Grove residential community as well. The efforts of the Township to sewer Walnut Grove were a puzzlement to Gene and over time, as I learned the details of the plan, I too became puzzled as to why the Township was considering public sewers for Walnut Grove.

I have stated in prior Township meetings that Walnut Gove does not need public sewers and therefore should not be required to install public sewers. My reasoning for my position is twofold.

First the on lot systems in Walnut Grove function very well. They do not need to be replaced with public sewers. This fact has been confirmed by Chuck Herr, a well-respected leading expert in on lot systems who fortunately for Benner Township, is the Township SEO. I understand from Mr. Herr that he has not been notified of any current malfunctions or of any suspected future malfunction in Walnut Grove. Benner Township administers an excellent on lot sewage management program. This program insures that on lot malfunctions are judiciously repaired. Walnut Grove is part of this sewage management program. The draft Act 537 plan states in part on page 32, section C, "The Township does enforce a Sewage Management Plan that is very successful in identifying and correcting visible malfunctioning on-lot systems." However, on page 33 section G of the 537 plan the last sentence of the paragraph states " ...the Septage Management Plan does not address the needs necessary for commercial development in the region. " Certainly, this does not mean there is an intention to commercialize Walnut Grove. I hope not.

Secondly the zoning districting planning by the Township has clearly stated an intention of including Walnut Grove in the Forest Conservation district. I believe given the location and geography of the Walnut Gove area, it is proper that it be zoned for a low density rural conservation area such as the Forest Conservation district. Placing public sewers in the Forest Conservation zoning district will run counter to the planning objective of the Supervisors' own intentions with regard to overall Township development. Public sewers bring development and increased density. In the draft 537 plan, on page 24 section B.1 it is stated, and I quote, "One plotted subdivision with existing development, Walnut Grove, exists within the study area. Walnut Grove was first subdivided in the late 1970's. Over the past approximately 40 years 29 residential homes have been built. There is available vacant lots with additional land that could potentially be subdivided out if the public sewer service were available." This does not make sense with the character of Walnut Grove or with the intent of the proposed Forest Conservation zoning.

It is painfully obvious that public sewers do not belong in Walnut Grove. So why is this issue being pushed by the Supervisors? One reason I have heard is that Walnut Grove was in the prior Act 537 plan and that it should have had sewers 14 years ago. My answer to this claim - If Walnut Grove was targeted to be sewerred 14 years ago and to this day it is not sewerred then one of two things must be true. Either the sewer authority has been grossly negligent for 14 years or factually Walnut Grove never needed public sewers in the first place, and it does not need them today. I know that the SBWJA does a very fine job with public sewers and I know they have not been negligent. What they have done by not sewerred Walnut Grove for 14 years is to acknowledge that Walnut Grove never needed public sewers then or now.

Recently I attended my first SBWJA Board meeting because I was curious about their role in sewerred Walnut Grove. To my surprise I was met with a certain level of hostility. It became clear that the SBWJA Board had become very frustrated with the charge they had been given to develop the 537 planning document. In fact, it was emphatically publicly stated by one Board member that if the whole planning effort went away not a tear would be shed by anyone at the sewer authority. The sewer authority Board was very clear the they are not the planners of the project and that any and all questions we had were to be directed to the Benner Township Supervisors. And then they politely gave us our leave.

It is apparent that even the sewer authority does not view the sewerred of Walnut Grove as important. So again, what is driving this issue. I believe it to be the commercially valuable land at the Shiloh Road and I99 interchange. The entire process of extending public sewers got under way by development interests encouraging the Township Supervisors to assist the extension of public sewers to the Shiloh Road commercial area. Extending public sewers to serve a potentially high density commercial area is not inherently wrong. In fact, it may be beneficial to the Township's larger interests. It is typical for development interests in this type of setting to build the public sewers at their own expense, avoiding the heavy burden of prevailing wages and then dedicating the sewers to the sewer authority. Should this approach have been taken there would not be any talk of sewerred Walnut Grove.

For whatever reason the Supervisors have moved to build the public sewer to Shiloh Road and to have the sewers paid for by the SBWJA rate payers. A major sewer extension project built

Benner Township

Project No. 1751-002-000

solely for commercial development interests paid for by rate payers would likely not be popular among the rate payers. The project is a \$4 million dollar project. It has been stated that rates will not go up as a result of this project. It is said that SBWJA has financial reserves and can borrow additional money to build the project. The reserves came from the rate payers and the payback of any loan will be by the rate payers as well. Because SBWJA may not be as well-heeled as they need to be to carry the full financial burden of serving the commercial area, the idea was hatched to place the sewer through the Walnut Grove area to gain tapping fees and user fees from the Walnut Grove residents to offset costs that would otherwise be too much for the SBWJA ratepayers to bear while they waited for the commercial development to occur. So again, Walnut Gove is brought into this picture not because Walnut Grove needs public sewers but because the development of the Shiloh Road commercial district needs more funding to be feasible.

There are other reasons that Walnut Grove should not be part of this project. There are reasons why it may not be in the interest of the SBWJA rate payers to have this sewerage flow come through their system rather than say through the UAJA system. There may be less costly routes to be explored if Walnut Grove is not made part of the collection system. SBWJA may need to revisit the amount of their tapping fees if they build this project. I will leave it to others to explore these issues. Thank you for your time.

Sincerely,  
UNI-TEC CONSULTING ENGINEERS, INC.



Patrick J. Ward, P.E.  
President

PJW/pjw

Email cc: Gene Stocker