

**Benner Township Supervisors  
November 5, 2018**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order by the Chairman, Randy Moyer with member David Wise present. Mark Capriani was absent. Also in attendance were Dennis O'Leary, Don Franson, John Kostas, Edward Galus, Pamela Czaplas, Shirley Gryczuk, Thomas Eby, Bill Hughes, Tim Miller, Warren Miller, Tom Dilella, Brittany Yeheko, and Sharon Royer.

**PERSONS TO ADDRESS THE BOARD**

**Warren Miller (SBWJA):** Mr. Miller noted that the Authority was approached about a week ago by a potential developer interested in building in the Township along Shiloh Road. The potential developer wanted to discuss how sewer service could be provided in that area. The developer did not indicate what they intended to build or how much capacity that they would need, but that they had a pretty aggressive schedule of 12 to 18 months to build something there.

Mr. Miller noted that they offered the developer a couple different ways to approach public sewer connection to this area.

- a. SBWJA could build the entire system up to Shiloh Road. This would require prevailing wage rates for the entire project which would be more expensive. or
- b. The developer could build the system from Shiloh Road to Spring Creek where there would be a pump station installed. It was noted that if this approach is taken that the developer could be reimbursed funds as others connect. This could be risky as these agreements typically last 10 years but could possibly be extended to 20 years as provided for under Act 57.

Mr. Miller noted that the developer is crunching numbers at this point. He noted that he and the engineer have spent a few days out in the field in the Walnut Grove area looking at how they could possibly go about sewerage in this area as well as along the stream. Mr. Miller stated that he feels that they have a pretty good handle on how this could be accomplished. Mr. Miller noted that if the whole system is constructed that it would consist of approximately 15,000' of gravity line and 10,000' of pressurized lines. It was noted that it is approximately 4,000' from the proposed Shiloh Road project to the stream. The 4,000' is the area that the developer is considering if he wants to build or have the Authority to construct the entire line and then enact a special purpose tapping fee for that area.

Mr. Miller noted that when they were looking at the homes that could be connected down along the stream, that it was found that several of them were constructed prior to 1972 when the Clean Water Act became effective. It was stated that the homes that were built prior to 1972 are deemed to be suspected failures because they were built before the regulations came into effect. He added should these systems fail that it could be difficult to find areas for replacement systems due to the lot sizes and the topography of the area.

Mr. Miller noted that SBWJA doesn't want to spend a lot of time and funds looking into this if the area is going to be given to UAJA to serve. It was noted that this proposed project would be discussed in much more detail at SBWJA's next Board meeting. Mr. Miller stated that he feels that SBWJA could complete this project in approximately 12 to 18 months. Since this area is already in the existing 537 plan, no additional planning should be needed.

Mr. Moyer questioned if this project would take in Walnut Grove and those homes along Rock Road. Mr. Miller indicated that yes, it would. He noted that the swale that Penn Dot created when they installed I-99 makes an excellent area to run the sewer line. Mr. Miller noted that two pump stations would be required. One would be down along the stream on the west side of Spring Creek near the I-99 bridge crossing of Rock Road and the other would be just up from Big Hollow on Walnut Grove Drive. He noted that both would be submersible pump stations, no buildings would be constructed. Mr. Wise questioned if a third pump station would be needed at Shiloh? Mr. Miller noted that the developer's engineer is looking at this, but at this time it is thought not to be needed.

Mr. Wise noted that he doesn't understand how that when he attended a SBWJA meeting in June that this project was thought to be a 3 to 4 million dollar project, after that he was told that it was up to 5 million and now it is some other number?

Mr. Miller noted that there is a lot of variables to this project. One such variable would be if the developer decides to construct the line from Shiloh Road to the stream themselves. Mr. Miller noted that he now believes that the entire project could be done for less than 4 million.

Mr. Moyer questioned what would it cost the developer if it was done with SBWJA. Mr. Miller noted that it just depends. It could end up costing them just the tapping fee and inspection fees. Or if they decided to install a section of pipe on their own it would be a lot less than if SBWJA would have in it at prevailing wages. Mr. Moyer then questioned what does Mr. Miller think that it would cost homeowners connecting to this new line? Mr. Moyer noted that this is a concern. Mr. Miller noted that it has been the tradition of the SBWJA Board, and that the Board would need to again approve, but traditionally when sewer is extended to existing homes that they would pay a \$2,500 tap fee and a \$50 inspection fee plus whatever it would cost them to run a line from the main line into the home. Mr. Miller noted that those that would need grinder tanks would be treated the same those that have gravity sewer. The Authority has paid for the grinder tanks and installation and would maintain them. The homeowner would be responsible to extend the electric line to the tank and for the electric bill required to run them.

Mr. Moyer questioned what the time frame would be if the Authority received the go ahead? Mr. Miller noted 12 to 18 months. He noted that the planning is done. They estimate 3 to 5 months for engineering and permitting, and then 9 to 12 months for construction.

Mr. Franson questioned how the sewer line would get from Shiloh to Rock. Mr. Miller noted that it would run along the PennDot I-99 right of way.

Mr. Wise questioned if Mr. Miller really believed that he would be able to obtain permits from DEP and the Fish Commission in 3 to 5 months for this project? Mr. Miller noted that is the timeframe that their engineer told him today. Mr. Wise noted that the Township will need a lot more in writing before any decisions can be made. It will require an engineering cost estimates, schedule, maps, etc. Mr. Wise stated again that he doesn't understand how in June it was going to cost the developer 4 million dollars and then just a few minutes ago it was stated that it may not cost the developer anything. Mr. Miller noted that there must be confusion. He noted that the developer needs to decide if they want to install part of the line themselves and perhaps get reimbursement as per Act 57 or if they want the Authority to

construct the entire system. Mr. Miller noted that the 4 million is for a Walnut Grove/Shiloh Road project.

Mr. Wise noted that Walnut Grove was not on the radar and was never in the discussion until this evening. Mr. Miller noted again that SBWJA won't spend time and money on engineering a project that could be given to UAJA.

Mr. Moyer questioned what time frame was the Walnut Grove extension listed in the 537 Plan. Mr. Miller stated that he believes that it was in the 5 to 10 year time frame which is way past the timeframe outlined.

Mr. Kostas questioned what it would cost to redo the Township's 537 Plan? Mr. Wise noted that it wasn't necessary to redo the 537 Plan it would just require a Special Study at the cost of two to three thousand dollars.

Mr. Moyer noted that he feels that the Developer needs to make a decision as to which way he wants to go.

Mr. Wise noted that he doesn't feel that the Township should force the residents of Walnut Grove to connect just to make this project viable.

Mr. Miller noted that the project is still doable without the home connections, that it could be done for the cost of about 2 to 2.5 million. This project would consist of 4,000' gravity and 11,000' of force main and two pump stations. It was explained that if done this way then the costs would be borne of the Shiloh Road developers because the project would be done just for them.

Mr. Moyer questioned if a certain percentage of properties must be failing in order to have the homes connected in Walnut Grove and Rock Road. Mr. Miller noted that the properties were previously looked at when the 537 Plan was written and is the reason that they were included in the plan back then. Mr. Miller noted that he thinks that DEP would use the pre-constructed 1972 ruling and consider those homes to be suspected or potential failures. Mr. Miller again noted that slopes in the area will hinder replacement sites to be found for the homes in this area.

Mr. Moyer questioned if Shiloh Road goes to UAJA and then systems start to fail in Walnut Grove/Rock Road area what happens then? Mr. Moyer questioned who decides when it is time to sewer an area? Is it the Township? Is it the Sewer Authority? Mr. Miller noted that it is the 537 plan and the septic management plan. Mr. Moyer questioned if by giving Shiloh Road to UAJA could this potentially financially hurt the Walnut Grove area if they need sewer later on? It was noted that the sewer authority could have them pay the tap on fee of \$2,500 per home, per edu. And the Authority would have the option available to them to create a special purpose tapping fee. That would be the cost of the project divided by the number of homes to be connected. Mr. Moyer questioned if this has ever been done? Mr. Miller noted that it hasn't been done for their Authority but that it is done all of the time in other Authorities. It was noted further that SBWJA does have special purpose tapping fees that is similar but not exactly the same. They have this for existing systems when pump stations have needed to be upgraded due to increased development.

Mr. Miller noted that the project will need to be bid to actually find out the real number. Mr. Miller noted that by using numbers on projects that were recently bid he thinks that the project could potentially be 3.5 million.

Mr. Moyer noted that he will reach out to the developer to see where they want to go. Mr. Moyer noted that he just wants to sewer the area he doesn't really care how or who does it. The developer needs to decide.

Mr. Wise noted that UAJA has sewer lines running right through residential area of Benner Township in question so if at some point in time this area needs sewered it doesn't hinge on Shiloh Road. Mr. Miller noted that it will still require a pump station.

Mr. Miller noted that if this area is given to UAJA he doesn't feel that it will be of any benefit to the Walnut Grove area and explained how it would end up being a separate project. Mr. Wise noted that this potential project to Shiloh Road really has nothing to do with Walnut Grove and never has.

Mr. Miller noted that in the Township's 537 Plan it states that sewerage this area can be handled by an agreement between SBWJA and UAJA however, Cory Miller has closed the door on this happening. Cory Miller has indicated that it is all or nothing for them (UAJA). Mr. Wise noted that the 537 Plan would need to be changed by a Special Study which is easy to do. It will take some time but does not need to be approved by DEP or Centre Region COG. Mr. Wise noted that it could also be done by a unilateral two paragraph agreement between SBWJA and UAJA stating that SBWJA agrees to give up this area to UAJA. Mr. Miller noted that he wouldn't recommend his board approving such an agreement giving up service area.

Mr. Miller noted that he believes that the costs will be similar regardless who does it noting that while the upfront costs to go to UAJA may be cheaper they will pay a lot more for the tap on fees and sewage treatment.

Mr. Moyer again noted that he will reach out to the developer to see what they are thinking.

**Thomas Dilella – (All Storage Solutions):**

Surety Package Phase I: Mr. Dilella noted that his storage building project is nearing completion. It was noted that there is some additional work needed on the lights, fencing, top soil in the detention ponds and the top coat of paving. Cost estimates have been prepared by Sweetland Engineering for the unfinished items and has been reviewed and approved by the Township's Engineer, Don Franson. A surety package in the amount of \$82,000.00 is being submitted for approval. Mr. Wise moved to approve the surety package for Phase I of the All Storage Solutions Land Development Plan. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – absent                      Mr. Moyer – yes                      Mr. Wise – yes

Final Plan Phase I of All Storage Solutions: It was noted that with the surety package in place the Board may now approve the Phase I Final Plan. Mr. Moyer moved to approve the Phase I final plan for signatures and recording. Mr. Wise seconded the motion.

Vote: Mr. Capriani – absent                      Mr. Moyer – yes                      Mr. Wise – yes

## **MINUTES**

The minutes of October 1, 2018, 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 – absent                      Mr. Moyer – yes                      Mr. Wise – yes

## **BILLS**

The bills of November 5, 2018, were presented to the Board for their review and approval. It was noted that the PIB loan funds have yet to be disbursed and that time is running out to get the final paperwork submitted to FEMA/PEMA for the close out of Purdue Mt. Road Project. Part of the necessary documentation is that all bills are paid and that canceled checks for all invoices be submitted. Therefore, the remaining invoices for HRI, Inc. are being paid out of the General Fund with funds from the PIB loan to reimburse the General Fund once they become available.

Mr. Moyer moved to approve the bills as submitted. Mr. Wise seconded the motion.

Vote: Mr. Capriani – absent                      Mr. Moyer – yes                      Mr. Wise – yes

## **ROAD SUPERINTENDENT'S REPORT**

Mr. O'Leary reported on the following:

\*Dirt and Gravel Road project on Barnes Lane was completed. The final inspection and paperwork will be completed soon.

\*Conservation District representatives have indicated that the other Barnes Lane project that was submitted to the Dirt and Gravel Road grant which was not approved was very close to reaching approval and therefore was recommended to be resubmitted for next year's funding cycle. Mr. O'Leary noted that he has already purchased the pipes for this area but that they could be utilized in other areas.

\*Equipment maintenance is being done in light of the upcoming winter season.

## **ENGINEER'S REPORT**

Mr. Franson noted that this area is close to meeting the record for the wettest year on record at 59".

## **OLD BUSINESS**

Agreement with Centre Region COG Re: Duputy EM Coordinator: This item remains tabled.

Zoning Ordinance Comment Letters: It was noted that the Board is in receipt of comment letters on the proposed Zoning Ordinance from the following:

- a. Andrea Murrell
- b. Mark Torretti
- c. Spring Township

## **NEW BUSINESS**

MOUs: Memorandum of Understandings have been received for approval from the following: Rutters, Homeland Manufacturing, and ARL. Mr. Moyer moved to approve these memorandums. Mr. Wise seconded the motion.

Vote: Mr. Capriani – absent                      Mr. Moyer – yes                      Mr. Wise – yes

2019 Proposed Budget: The proposed budget was presented to the Board. It was noted that a new line item was created showing a contribution being given to the Bellefonte Ambulance. It was further noted that the budget was balanced and no tax increases were proposed. Mr. Wise

moved to tentatively adopt the 2019 budget for the public review period. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – absent                      Mr. Moyer – yes                      Mr. Wise – yes

Centre County United Way: The Board was in receipt of a letter from the Centre County United Way asking the Board if they would consider sponsoring signs asking for donations for the United Way. The Board asked that this item be tabled.

CNET: The Board was in receipt of a proposal from C-Net asking if the Board would be interested in membership for 2019. The cost to the Township would be \$8,320 which is a decrease in what was proposed in 2018. The Board noted that they are not interested in this service.

Surety release for The Glen at Paradise Hills: The Board is in receipt of the final inspection report from Don Franson stating that all required improvements have been satisfactorily made therefore the surety of \$22,558.60 that the Township is holding for the Glen at Paradise Hills may be released. Mr. Wise moved to return the surety in the amount of \$22,558.60. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – absent                      Mr. Moyer – yes                      Mr. Wise – yes

GM McCrossin Surety Package: A surety package from GM McCrossin for their proposed land development plan was submitted to the Board for approval in the amount of \$275,817.87. It was noted that this package was reviewed by Mr. Franson and found to be acceptable. Mr. Moyer moved to approve the GM McCrossin surety package as presented. Mr. Wise seconded the motion.

Vote: Mr. Capriani – absent                      Mr. Moyer – yes                      Mr. Wise – yes

Letter from Keller Williams Realtors: The Board has received a letter from Denise Wood and Virginia Frank concerning the listing of Brian and Mike Miller with the tax parcel of 12-003B,041C located along Radio Drive and the Benner Pike. It was noted that there is no direct access to Bellefonte Borough's public water lines on this parcel. It was stated that the owners have been in communication with the surrounding property owners regarding obtaining an easement for the waterline extension but that to date no one was willing to grant such an easement. Communications have been made with Bellefonte Borough who state that permission to drill a well instead of public water connection would be the decision of the Benner Township Board of Supervisors. The Board noted that with no mandatory water connection ordinance in place that they had no objections to a well being drilled.

## **CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. Letter from PSU Re: 2018 In Lieu of Payment Calculation
2. PSATS News
3. Centre County Planning Commission Correspondence
  - a. Keystone Payroll Commence with Construction Letter
  - b. SilcoTek Commence with construction letter
  - c. Non-substantive Changes to Keystone Payroll
  - d. Lot Addition/Replot Davann Gordon
4. Benner Township Water Authority September 18, 2018 minutes

5. Proposed Re-Zoning in Bellefonte Borough
  - a. Comments from Spring Township on Bellefonte Borough Rezoning proposal
6. SBWJA minutes September 24, 2018 and October 8, 2018
7. Letter from PSU Re: Stocker concerns/sinkhole
8. Notice of liquor license transfer from Bonfatto's Inc. to 1747 Beer & Wine LLC
9. DEP letter Re: Small Stream Discharge permit for Judson Mantz and Lynn Chaplin
10. NPDES Permit approval for SilcoTek

**ADJOURNMENT**

The meeting was adjourned the time being 8:21 p.m.

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Sharon Royer, Secretary