

BAILIWICK NEWS

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April 19, 2018 SCBWA meeting, transcript excerpts

By Katherine Watt

At the regular meeting of the State College Borough Water Authority on April 19, 2018, the authority board discussed two topics of particular relevance to community efforts to protect public water supplies at the Harter and Thomas wells and Slab Cabin Run – the focus of a grassroots citizen campaign that is now entering its fourth year

One of the topics was the proposed Whitehall Road Regional Park, and the other was a proposed easement the water authority may grant to Toll Brothers to install a pipe across deed-restricted SCBWA land to convey sewage from a Penn State student housing development and the park to the University Area Joint (Sewer) Authority treatment plant off Shiloh Road.

Following is a transcription of two sections of the meeting video produced by C-Net.

The first section starts just after a presentation by Centre Region Parks and Recreation Director Pam Salokangas about the proposed Whitehall Road Regional Park, running from roughly minute 46 to minute 60. The second section runs from roughly 1:12 to 1:53. [Editorial notes in brackets.]

SECTION 1 – Whitehall Road Regional Park Discussion

Bernie Hoffnar, SCBWA Board Member

I have a comment. I looked at the plan. There's not much open space. It's almost all playgrounds. So to say there's a lot of open space is not quite true. It depends on what 'a lot' means. But there's probably less than 20% open space here, I mean unless you count parking lots. What I'm saying is: is that what is presented here and what you say seems to not be in line.

Pam Salokangas, CRPR Director

I guess it does depend on how you define open space, so again the number of structures compared to the number of acres in this park. There's very few structures on it. So open space is still there, but it is designed space, it is designed space, for multiple use.

Jason Grottini, SCBWA Board Member

A lot of us on this board have long been appalled by the design of this park. And have some serious concerns. And if we had any feedback – and correct me if I'm wrong – we would like to see more passive use incorporated into the plan for sure. I'd be interested to know how much of that

Phase 1 budget is going to go toward alternative stormwater management and public education of our water resources, which is not really part of what we've ever looked at.

Pam Salokangas - And since I've been hired, of course, stormwater management has changed in Ferguson Township, so that's one of the biggest areas we have to focus on as we bring this plan up to the 2018-2019 process, is we do have to look at stormwater. So I know Stahl-Sheaffer is looking at that very closely on our behalf. And I was not here for original design. As a parks and rec professional I might have made some changes to it myself.

Jeff Kern, SCBWA Board Chair

If I could give you some history, the water authority bought some land that's up there with the specific purpose of having it be very passive, open, to protect the water. And the question is, is a heavy use active use park fitting in with the original intent that the authority spent money on?

And I think you'll find that many of the board members here have some questions about where we're going with this at this point. Therefore - spending the money of the water authority on something that was not - doesn't seem to fit our original intent.

Pam Salokangas - Right.

Gary Petersen, SCBWA Board Member

That's right. I was involved in some of the early discussions about having this passive park. I know one of the concerns that we did have, is there going to be like blasting and land leveling and artificial structures and concrete and runoff? You know, those are issues that I think we're concerned about.

Pam Salokangas - Yeah, I said to Brian [Heiser, acting SCBWA Executive Director], when we get a little bit further in this process, I would be glad to come back and show you the plans. Again, when I met with your former director [John Lichman] when I first got hired, we talked about blasting and types of infrastructure. We do have some soil movement to make, there is some slope at that park that you have to account for -- [group laughter]

Bernie Hoffnar - There is some slope.

Jeff Kern - Correct.

Pam Salokangas - There is some slope there. Little different from Oak Hall. One of the things that Ms. Dininni has talked about, through Ferguson Township communication

to the [Centre Region Parks & Recreation] Authority, is the acreage that won't be developed yet, right, so the acreage that will remain as open space because we don't have the money to develop it right now, we are making considerations of what could be done there, whether it's grass trails, pollinator planting and some other natural areas, because we don't have a timeline for when Phase 2 could be developed. We don't know when the funding would be available, so we want to make some accommodations for that space.

It's currently farmed, but because of the way access comes into to the park right now, and how it will change, once the new road is built, there's no way for our farmer to be able to get into that parcel for farming so we do want to make sure that that soil is protected and does have a good use and it makes for a great educational opportunity as well. There's still many, many decisions to make for this project.

Bill Burgos, SCBWA Board Member

It's probably going way too far back in the decision-making process that happened, but there were parcels that were bought with ideas of wellhead protection, viewshed protection.

And, you know, looking at this map where the water authority has this large parcel that's closer to Whitehall and the most topographically challenging one is the one that's further in to the property, the proposed park, that on a transect with respect to capture zone of our wells, is more out in an area where travelling towards those wells, that flipping those properties and developing closer to Whitehall where the grade is smoother -- again, I'm sure we're way beyond that possibility.

But had we known that this property was going to be leveled for ballfields instead of the, ah, passive trail connector to Musser Gap, I don't know how -- 'cause I was on the authority on a previous stint, and I don't know that that's what we thought was going to happen when we entered into that whole agreement.

Jeff Kern - Right.

Pam Salokangas - Yeah, unfortunately, I'm in the middle of this disconnect because I was not here either. But I have heard that there was lots of discussion about this remaining passive, and then I have heard and been directed by my predecessor [Ron Woodhead] that this was always going to be an active park, and so I'm in the midst of a dichotomy and I'm trying to please many, many people with the land that we currently have in our possession.

Jeff Kern - Let me assure you that this authority would not have purchased the land to be an active anything. So the authority feels as though it has spent a good bit of money and not getting its money's worth.

Pam Salokangas - May I ask you a history lesson, please?

Jeff Kern - Sure.

Pam Salokangas - I'm sorry. The purchase of the land - I know the lot that you're talking about -- the purchase of the land north of the proposed park. That was purchased after? 'Cause I'm not putting together why that was purchased as passive use.

Jeff Kern - It was meant to be a portion of the whole park. We were approached to become a bigger park area, to be passive and to preserve the water. And as Bill is saying, if there was a swap of land, it would be a lot more amenable to what we're -- 'cause that's already level. It's already near the road. A parking lot would not be a difficult issue where the water's not running directly into the wellfield.

You are about to develop, by leveling, a piece of land that we as a water authority would prefer not be leveled, become the passive part of the park, and we have a piece of land that is fairly level and close to the road that you could probably put some ballfields on and everybody would be sitting here smiling about.

That's -- and the disconnect happened because we made a decision to assist in the park, not to build a park, but to protect the water source. And hey, if you guys want to have a park and we want to protect the water source, let's have a passive thing and let's all use it together. And it seems like the opposite happened somewhere along the way.

Pam Salokangas - Thank you. Because I didn't have that piece. I didn't have that piece of history. I appreciate that.

Jeff Kern - So maybe you can move the plan around a little bit and we wouldn't be having this discussion so much. Since you're waiting for the master plan to finalize it.

Pam Salokangas - I appreciate that.

Jeff Kern - Anything else?

Jason Grottini - Seems like an opportunity to design a better park.

Jeff Kern - I agree.

Gary Petersen - Who's going to use this park? Is it going to be a local park or is it going to be used by other folks?

Pam Salokangas - So, the way, it is defined as a regional park, and for us, with COG, the Council of Governments, the regional is determined via how it's funded and supported. So it is a regional park, but it is designed for local residents as well as non-residents here, and as well as out-of-towners because the kind of activities that we host or the kind of activities that youth groups in the area host, does attract people from the outside. So we are building an all-inclusive, an all-ability playground at that park. It will draw people from out of this area, because one does not exist.

But your local residents who have kids playing in Centre Soccer or kids playing in lacrosse or whatever it may be, will come to this park, but they also may host a tournament as a fundraiser for their organization, that is going to bring people from the outside. There are folks interested, people are always calling us, Centre Region Parks and Rec, to get space in the community because they're running tournaments or they're running activities, whatever it may be.

And our job, through our cooperative agreement, is we manage those park facilities on behalf of the municipalities. So we do deal with mostly local folks, but there are times where out-of-towners do come in, and they have, you know, they have the ability to rent a facility if it's available. So I will say it's a mix, but predominately it will be local. It will be local folks.

Bernie Hoffnar - I have one more point. I have a date, timeline here, of when that property was sold for that purpose and when we bought the property. It was the same year.

Pam Salokangas - Same year?

Bernie Hoffnar - 2008. And I can tell you how much you paid for it.

Jeff Kern - It was meant to be a coordinated deal. And the coordination ended.

Bernie Hoffnar - Yes.

Pam Salokangas - Okay.

Jeff Kern - And I don't know that artificial turf and lights fit into the passive coordination of that either. That's a really disturbing thing.

Pam Salokangas - There's a -- again the pro-con list is very important. Because as somebody who plans for parks and recreation and as somebody who has to manage the fields on behalf of the municipalities, there is a lot of demand for field use, for sports, and other activities in the area.

One of the issues, because of Central PA's weather, like we're having right now in the middle of April, right now we have no fields open. So those folks that have started a sports season in mid-February to early March, are not playing right now. So they're behind the curve. That is a "pro" for example, of having synthetic turf.

Synthetic turf used to be available to the community. You all probably are aware of that, that synthetic turf that is owned by our university is not available to the local community anymore, because we wouldn't be trying to build it if we could still go and play there. But we're not able to play there. Those fields are closed to us. And so all those youth groups that would like to extend their seasons and be able to play, has been a demand, that's been shared with the

parks and rec authority. So, just sharing one "pro." That's all.

Jeff Kern – Anything else?

Bernie Hoffnar – Just two points. The Chicago Cubs haven't played for awhile either this year. So that's not a good reason we should have another baseball park. That's one thing. [group laughter]

Pam Salokangas - That doesn't connect, but okay.

Bernie Hoffnar - The second thing is, there is a -- under our deed, our deed, to our property, above you, that very specifically defines what we do. What we should do, what we can do. And, you know, the use of the property is to protect the water recharge area, and that the property shall remain in an undeveloped state or used by the authority. And there's more to it than that. So, I mean, that's in the deed that we agreed to when we bought it to cooperate.

Pam Salokangas - And, was the Authority? Did what – did you all have meetings with the [Parks] Authority at that time to share those ideas?

Jeff Kern - [Nodding yes.] This thing came out of the blue.

Pam Salokangas - Okay. I'm just trying to piece the history together. Thank you.

Jeff Kern - Thank you.

Gary Peterson - I think we'd like to be in the loop, for sure.

Pam Salokangas - Yes, actually, every group that I've met with, I'm in the same situation that I don't have a lot of information to offer right now but I am pledging that we will be back when we have more robust information to give you, we can certainly come back another time and I can work with Brian on an agenda.

Jeff Kern - We would just like for you to come back in a dialog, rather than just a presentation about what you're going to do. Because as we just heard earlier, we need get in more dialogs among agencies around here rather than just 'this is what we do, this is what you do.' 'Cause that makes the walls go up and that makes future cooperation go away. Thank you.

Pam Salokangas - Sure. Thank you everybody. Appreciate it.

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SECTION 2 – Toll Brothers Sewer Force Main Easement Discussion

Jeff Kern - Okay, we have another item that's not on your agenda. Two months ago we tabled a motion to approve an easement for the sewer authority to put a line across our

property – we were just talking about this property – so they can hook the park and Toll Brothers to the sewer department and we tabled it until we got a request from the sewer authority to do that, because it was just sort of a random request.

And the sewer authority has written to us and requested – I can read what Brian wrote or Brian can say it – or, we have the sewer authority here to tell us what it is they need. They've already submitted the easement agreement. It's a matter of, the sewer authority, we asked them to actually request it, rather than us just sort of randomly approving it.

Cory Miller, University Area Joint Authority Director

Thank you. To be clear, UAJA doesn't actually do the requesting of easements. We are the ones who end up owning the easements. The easement is transferred to us by the developer. So the developer is getting it – this is for the Toll Brothers project – and ultimately service for the park as well. So once they have installed everything, then we get the pipes, the pump station and everything handed over to us.

So, we were concerned, UAJA was concerned, about the sourcewater protection area and making sure that what was being put in was going to adequately protect that. And so we stopped and checked into that to see what you folks wanted in that respect.

So we had a meeting, it was about two weeks ago, to talk about what we thought was necessary to adequately protect the wellhead, and determined that based on Brian's recommendation that we should look at ductile iron pipe that has restrained joints. So that was the original proposal.

We now have a second one that came up since that time. Engineers like to spend a lot of time looking at alternatives because things change. We also looked at high-density polyethylene pipe and I think Brian has looked at that as well and we think that that's an even better alternative and is even more protective because it involves less joints, the pipe is more flexible, so if the ground shifts a little bit you have less strain on a joint and it's very unlikely that an HDPE pipe is going to break.

The other part of that is, is if you hit HDPE pipe with a backhoe it doesn't usually break, it usually just gets scraped whereas ductile iron pipe may shatter if you hit it hard enough and fast enough.

So I think this is really a better alternative, so that's what the easement agreement is for, is to specifically install that particular pipe. And, I guess the HDPE pipe was okay with you?

Brian Heiser - Yeah, my research on the HDPE pipe, this morning, I checked with one of Gwin Dobson's engineers as well as checked with another organization. It's going to be a better pipe for this purpose. Essentially when it's done, it's

what, approximately 4,200 feet of pipe? It'll essentially be a 4,200-foot piece of pipe instead of however many 20-foot sections that a restrained ductile iron line would be.

Jeff Kern - Okay, the motion was tabled. So, the chair's just going to pull it off the table and we can now talk about it again. And we have some people, some experts here that can answer questions....

[unintelligible cross talk]

Bernie Hoffnar - ...What is that motion?

Jeff Kern - The motion was to approve --

Bernie Hoffnar - No, no, the motion was not to approve. Not to approve. The motion was not to approve.

Jeff Kern - Okay fine. The motion was to not approve.

Bernie Hoffnar - Yes.

Bill Burgos - Yeah, so how did we go from getting recommendations on the material when I thought one of the objections was the connection point? Like, where did the – what was the discussion there, with respect to tying into the Borough [of State College] as compared to tying into Ferguson?

Cory Miller - We also had a discussion about that and in order to go into the Borough there would have to be some kind of study in order to determine if there was capacity, which would take a considerable amount of time. And that would delay the Toll Brothers project while that was being done and, well, if it is delayed, somebody is going to be unhappy.

Bernie Hoffnar - Is it going to be you?

Cory Miller - No! [group laughter] No. But UAJA specifications do not allow us to force somebody to go a shorter route. So we don't have the ability to tell them "Go this way," or "that way." We brought it up because it's a sourcewater protection area and we thought that everybody ought to stop and take a look at this and see what they thought.

Were still in the position that we can't really force them to do an option that is not in our specifications. We are in the process of changing our specifications so that should this ever happen again, we will be able to force them to do something differently.

And, in particular, what we're looking at is changing it so that any time there's a pump station or force main that is in a Zone 1 or Zone 2 contribution area, that it requires input from the public water supplier in question, so whether that be the Borough water authority, College Township Water Authority or Penn State. So, it would require review of the

location of the pump station, force mains and pipe materials etcetera.

So, we're just in the preliminary stages of looking at that. You'll be getting that really soon and we'll be going through a comment period to make sure that we have that nailed down.

The idea is, again, talking about this, "more communication," you know, we don't know where the fracture traces and things that are. You do. So when a pump station is being located, it's kind of important that you folks get to give your input on, you know, should we move it this way and that way and things like that.

So, we'll nail that in the future. But for this one, I think, it's a little hard to go backwards and say "Take a different route." So that's why we settled on the HDPE pipe as the best we can do in this particular case.

Bill Burgos - Yeah, so that's commendable progress on that, for you guys getting that policy in place for the future. But in a scenario, let's say, the water authority doesn't grant the easement, what would happen? Could we have any control on designating that, this pipe material. I guess not?

Cory Miller - Probably not. That comes down into, what do the lawyers have to say? If you don't grant this easement, they will likely get an easement from the other side of the road [the north side of Whitehall Road] or from the road itself [PennDOT] and at that point, I think you do lose a little bit of control over what ultimately has to be put in there.

Bill Burgos - Another 4,400 foot of road being torn up in the area?

Cory Miller - Yeah. Whitehall Road. It would be the bike path. So it would only be the people who ride bicycles that would be upset.

Bernie Hoffnar - That is not correct.

Jeff Kern - But it would not necessarily have the piping you were -- ?

Bill Burgos - Who makes the decision about the material that goes under the road? Is it someone at this table?

Cory Miller - So, it would fall back under our specifications currently. Because we don't have the portion of the specification that says it has to go to the water authority to get approved for materials and things. So it would fall back under our existing specifications which say that it would be -- PVC pipe would be acceptable

Jeff Kern - So at this point, us granting the easement gets us some control over the kind of pipe?

Cory Miller - Yes.

Jeff Kern - And you can't force them to go the other direction until you change the rules.

Cory Miller - Right.

Jeff Kern - So if they wanted to go the direction they want to go to, they could go to the highway department people which would be either Ferguson or PennDOT, whichever, and say "we're going to put a pipe under the road" and we'd have another road with pipeline under it.

Cory Miller - Yes. Or they could go to the other side of the road, outside of the easement of the highway, and get easements from property owners [living on the north side of Whitehall Road].

Bernie Hoffnar - And you could control what went in there.

Jeff Kern - No.

Cory Miller - No. I can only control it based on the specs that are in place right now. I can't -- the project has already been approved, it went through initial sewer approval and the specs that were in place at that time are the specs that apply to that project.

Jeff Kern - The reason we're getting better pipe is because we have control of the easement.

Bernie Hoffnar - I have a question. But why didn't we be consulted before that spec was put down?

Cory Miller - The specs were written ages ago.

Jeff Kern - Yeah, 10 years ago.

Bernie Hoffnar - So?

Cory Miller - Probably even before -- in fact I know this -- the specs were written before you even designated what your Zone 2 wellhead area was. That's how old those specifications are for the piping.

Bill Burgos - How quickly can the Borough do its sewer capacity analysis?

Deborah Hoag, State College Borough Director of Public Works

We actually -- we would have to have a request to do something and someone who's going to be paying for it, before we would enter into that. So we would be looking at having meters installed to see what capacity there is, looking at what the new flows would be, what the peak flows would be. There'd be some time involved.

Bill Burgos - Did somebody do the sewer capacity analysis for Ferguson?

Laura Dininni - Yes. Well, I'm sorry, I shouldn't answer that. I imagine that Cory had to do some sort of analysis.

Cory Miller - Yeah, for the UAJA system yes, that analysis was done. So, by going into Stonebridge and going that way, it's a completely different route. It actually goes all the way around through Big Hollow and goes that direction.

If it goes the other direction, it's hitting the other divide and going through the Borough system and ultimately what we call the old College-Harris Interceptor. So it comes the other way, down along Slab Cabin Run etcetera and through Trout Road, goes up the pump station into the plant. Completely different interceptor system.

Brian Heiser - Also keep in mind that if they would make the request for the Borough to do the study and the Borough does the study and they decide to move the wastewater through the Borough, again it would probably fall back to, we would lose control over what type of pipe they would be using on the force main from the pump station up out of the Toll Brothers site. They could end up using your current standard which is PVC.

Bernie Hoffnar - But it would all be on the Toll Brothers property though.

Cory Miller - Yes. The service point would be in the right-of-way of --

Bernie Hoffnar - Wouldn't the force main go from the pump station up to just go uphill?

Cory Miller - Yeah, up to Whitehall Road.

Bernie Hoffnar - And that is Toll Brothers property.

Deborah Hoag - There's a manhole cover --

Brian Heiser - --along Blue Course Drive

Bernie Hoffnar - I'm talking about the pump station to Whitehall.

Brian Heiser - That's what I'm talking about. Because Blue Course Drive will be extended from Whitehall down to the area of the pump station.

Bernie Hoffnar - I don't understand it.

Deborah Hoag - If it were to go to a Borough line, it would fall under Borough specifications. And obviously, the Borough doesn't currently have any pump stations. Therefore I would have to look to see if we even have a force main specification that existed from back when there were.

Bill Burgos - Looks like a bad day for the bikers, right?

Brian Dempsey, UAJA Board Member Liaison to SCBWA

One thing that had been discussed previously too, is if Toll Brothers decided to get the easement under the road, then not only would the road be torn up, but it would entail future costs to UAJA, because if something happened, God forbid, to that line, then the costs would be much greater in terms of repair.

Cory Miller - Well, not only that, but in the event that [Whitehall] road gets expanded [widened], UAJA would be on the hook for the money to move that line. That's one of the reasons why we force all of these things out of PennDOT right of ways, because we end up paying -- you folks have experienced this too. You pay the PennDOT relocation if you're in the easement. They tell you to move, you gotta pay.

Jeff Kern - Further discussion?

Robert Mix, SCBWA Solicitor

Let me just say one more thing. When this came up previously, Brian asked me to take a look at our deed, which does have a restrictive covenant in it. Dr. Hoffnar has the deed and the specific wording. But it's basically for passive use. And in my opinion, granting the right of way does not change our use of the lot and the restrictive covenant wouldn't apply. But out of an abundance of caution, if we do approve it, I would suggest that it be conditioned on Penn State University's consent or approval to make sure that they don't feel otherwise.

Bernie Hoffnar - A force main is a passive use?

Robert Mix - It does not change our use of the property. It would still be leased to a farm.

Bernie Hoffnar - Okay. A force main is not a passive use. It's an active use.

Jeff Kern - Well, I guess that's a legal thing, Bernie. I think when we're talking about the use we're talking about the surface, not the subsurface use of the property. Okay, we have a motion on the floor to deny the --

Audience Member

Public comment, sir?

Jeff Kern - Sure. Yeah, yeah, yeah.

David Stone, Nittany Valley Environmental Coalition Vice President

Again I really think this should be on the agenda in some way before you take a final vote on the actual easement. That would give us a chance to absorb all this. I mean, I've been scrambling today to try to get our organization to

understand what's going on. I think we may have some good input.

If you are going to vote today then in an excess of caution I need to rattle off some back of the envelope concerns and preserve whatever rights we need to exercise. I hope it doesn't come to that.

I think a lot of the thinking here is on the right track. I would argue, to follow up on Bernie's point, if your purpose, if the purpose of the covenant was to protect ground water, then if the force main has extra risk, arguably, that does sort of impinge on your covenant. If the only reason you got it was to protect groundwater and if the force main – you're kind of in that ballpark now.

As I understand it – I can rattle of a few concerns – if you think you're going to vote today on the actual issuance of the easement. Or, if. Okay. I guess it remains to be seen whether you'll – okay.

So basically I would say that the direct route is something that needs to be looked at closer now. And I'm not sure how much of the little pieces of that would be in the public right of way where you'd have your pavement concerns and other concerns.

But a direct route – I've heard numbers like 700 feet if they go direct at one thing. If they follow the Blue Course alignment it might be a bit more. I think there is a great advantage to have it all along the Toll Brothers land. I would hope that out of this would come a discussion, a dialog, where perhaps, aspects of the force main system itself could be modified.

I believe that your constituent municipalities – such as Ferguson and the Borough – have powers, through their charter [Community Environmental] Bill of Rights that, both procedural and environmental, that they may want to bring into the discussion.

And I think by having the vote later, that would give us a chance to go back to Ferguson, and the Borough, and see if they're willing to get a dialog going with Toll Brothers.

We've been in dialog with the Toll Brothers before and we've found them to be reasonable. I think UAJA's found them to make an offer --- . I really doubt they would go back to the inferior pipe. I don't think as a public relations matter, or even as a legal matter, once the sewer authority has established that this is desirable, I really don't think they have any basis to cheapen it up just as some kind of a slap back to you guys or to the community. That's just not –

I mean, we literally, as you guys know, have more trouble with Penn State than we do with Toll Brothers in terms of their reasonableness. And we thought we had a win-win-win that would have made all of this stuff unnecessary.

I don't think we can push the dialog back that far. I don't think we can push it back all the way to where the park was gummed up either. But I do think it's good to stir things up, let the public get involved, let's go back see what the Borough might want to do, what Ferguson might want to do.

It's great public awareness too, we learn more about these issues, we get more involved, and that way we don't have to reflexively preserve our position. Thank you.

John Sepp, PennTerra Engineering, on behalf of Toll Brothers

When the Supreme Court reversed the [Centre County Court of Common Pleas] decision [vacating the Ferguson Township supervisors' approval of the Toll Brothers plan], the first thing, one of the first things I did was went and met with Cory about the force main, talking about putting it in the PennDOT right of way and Cory said it'd be better from a maintenance standpoint, as you said before, if it was not underneath the pavement.

If we don't get the easement from the water authority, we will put it in the pavement, which is going to be 20 feet over from where it is now. It's going to be no different from an environmental standpoint here or 15, 20 feet over.

Toll Brothers has been, as you know, cooperative with everything that has been requested of them. When we went through the stormwater design, when Cory suggested at the time the ductile iron pipe and then to the fused HDPE, they agreed to the extra cost right away.

Either way it's going to go to Stonebridge. It's either it would go in your easement or it will go underneath the pavement. 'Cause we will get a -- I have the highway occupancy permit ready to submit. And I've met with PennDOT. They will issue the permit.

From a practical, from an engineering standpoint, a maintenance standpoint, it really is a better route to go in the easement along the frontage of the road. And just to be clear, we're not going through the middle of your property. We're going right along the frontage of Whitehall Road. Thank you.

Jeff Kern - Thank you. Any questions?

Gary Petersen - Well if we did a swap, let's say, with the park, is that going to impact the park at all, if it has the easement? Let's say we flip the land. Is that going to impact the park's plans at all, to have this easement go through your park?

Jeff Kern - It's close enough to the road to be a setback from the road anyway, for any construction, probably.

Pam Salokangas - I'm not able to answer that at this point.

Jeff Kern - When you're planning on the easement, it's close enough to the road that nothing could be built there anyway.

John Sepp - It would be set back. If that were to happen, it would have no impact. It would still be grass.

Pam Salokangas - The land swap has an impact on the park.

Bill Burgos - John, do you think you'd be willing to wait a month to file the request with PennDOT with respect to the road so that we might have the opportunity to table this one more time, to for example allow for the public to come in?

Right now we're somewhat cornered making a decision on this request. And there's valid comments from the community as far as having some input on it.

John Sepp - Yeah, um, they want to break ground in June. As far as the comments go, even if we were to go to the Borough, which is not going to happen, I can tell you that right now, that is not an option.

Bernie Hoffnar - Why not?

John Sepp - Why not? Because the feed-- the initial feedback we got from the Borough was not positive. It was tentative at best. It would throw probably three, four, five months onto the approval process.

Bernie Hoffnar - So?

John Sepp - Excuse me?

Bernie Hoffnar - So?

John Sepp - Well, they want to break ground in June.

Bernie Hoffnar - So? What if they don't make it?

Jeff Kern - Well, time is money, Bernie.

Bernie Hoffnar - So?

Jeff Kern - And they're in the business, same as we all are.

Bernie Hoffnar - I understand that.

Jeff Kern - And we don't delay all of our projects because somebody doesn't like them either. Time is money and everything we do is time and money.

John Sepp - And the final thing I wanted to point out, if it did go to the Borough, it would be going underneath parking lots. That's where it would be going, is underneath parking lots of the project. Which again, is not ideal from UAJA's point of view of having the force main going underneath parking lots as opposed to going along the grass along the shoulder of the street.

Gary Petersen - How close would it go to the road?

John Sepp - In your easement? Probably 10, 15 feet off the shoulder? It would be right behind the telephone poles to give you a sense of where that would be.

Gary Petersen - It's really right on the edge of our property, essentially.

John Sepp - Yeah.

Jeff Kern - Yeah, it's right on the edge of our property on the other side of the property.

Unknown - ...big headache for UAJA.

Steven Jackson, Ferguson Township Representative/Liaison to SCBWA

What is the relationship between the proposed structures in the park and this sewer line? Is the park's - if there are going to be toilets in the park - are they linked into that sewer line or is - ?

John Sepp - Yes, all into the same pump station. This pump station does serve the park as well.

Jeff Kern - Any other comments?

Jason Grottini - Bill? I was mostly just where you're going there, to table for another month and allow public comment. Did any of that change your mind? I'm looking to you, Jeff?

Jeff Kern - Oh, me? I guess, I don't know. Gary just asked the question and [John] answered the question I had. Their intention is to build it either 20 feet one side of the right of way or 20 feet on the other side of the right of way. The same pipe, the same line, the same everything. The same - - it affects the same property either way.

Bernie Hoffnar - I don't agree with that--

Jeff Kern - -- Moving it 20 feet over.

Bernie Hoffnar - It's more than 20 feet. It's 20 feet off the right of way [in opposite directions]. That's more than 20 feet.

Jeff Kern - If there's a leak, it's still going to run downhill. It's not going to run uphill, Bernie. My point is if we're here to protect the water, protecting the water is moving it somewhere else, but not just moving it 20 or 30 feet horizontally. That's all I wanted to hear. Is that what you're talking about. And that's the question you asked, [Gary]. My question is, what do we gain by waiting a month? That's all.

Bernie Hoffnar - We keep them off our property.

Jeff Kern - I don't want to keep Toll Brothers off our property for spite, Bernie.

Bernie Hoffnar - It's not Toll Brothers. I don't want Toll Brothers in this. It's a force main of sewage. It has nothing to do with Toll Brothers.

Jeff Kern - We've already heard that we're going to get the force main either way. That's been – that's the statement we were just told by the applicant and we've been told by the sewer authority that they've approved that process with the pipe that's put in there. I don't – I haven't heard anybody say that there's an alternative that we're going to get from this. If there is, fine. But I'm listening and I don't hear an alternative out there.

Gary Petersen - Seems like, if we grant the right of way to control the piping, I think that's pretty important.

Deborah Hoag - Jeff, can I ask a question?

Jeff Kern - Yes.

Deborah Hoag - John, if the pipe were to go in the PennDOT right of way, would it be the PVC that's currently in the spec for UAJA, or would it be the fused HDPE that you've been able to agree with by having staff and engineering review?

John Sepp - It could be the PVC under the current spec.

Deborah Hoag - And if my memory is correct, the PVC that UAJA currently has, has been more prone to fail, when you have the longer force mains.

John Sepp - It's – the fused HDPE is the Cadillac of force main, as both Cory and Brian have said. That's what you would get by putting it in your right of way.

Deborah Hoag - So you'd get a better pipe material if it goes in the water authority compared to having it go underneath the PennDOT highway where you may not be getting that same quality of pipe installation and there could be more problems from a pipe integrity perspective, as well as having to move it in the future should the road be widened.

John Sepp – Correct.

Deborah Hoag - Alright. I wanted to make sure I understood that.

Bill Burgos - I mean, those are the two clear advantages with respect to moving forward and making a decision. Okay. But it's with the big disadvantage of not necessarily being responsive to the community. I mean, we have people here, right now saying, we'd like more time to hear about it. Now, it may push it into the road. As a board member, it's sourcewater protection and water quality – that's our duty. But at the same time, we serve the community. So we're in a corner. We're in a lousy corner at this point.

Rachel Brennan, SCBWA Board Member

You almost have to take - balance the risks of both situations in protecting the water, right?

Jeff Kern - We have Laura and then one more and then I'm going to call the question.

Laura Dininni, Ferguson Township resident

Hi. Laura Dininni, Ferguson Township resident. Thank you for the opportunity to speak.

And thank you for working on this problem. It's frustrating to me – it's greatly frustrating to me – that the representative for the Toll Brothers stands here and says how well they comply with things and they understand now what would be best in this situation and yet are still sort of threatening that they'll use the cheaper pipe.

So, I attended the water forum last night. And a lot of people were like, "Hey, we don't need regulation! We can just do these things together as a community, cooperatively."

And I was like, "That's very positive of you, but a lot of times unfortunately it doesn't work that way."

So I just, actually wanted to take a minute because this very poorly thought out and constructed deal with this particular developer, has brought to this region an immense opportunity to revise our regulations and our cooperation and our review processes to be more resilient and immune to threats to develop from developers that really actually don't want to work with our community.

So I want to thank you all for stepping up to the plate, because we've had a lot of opportunities that have been brought to our door through this.

So just one more quick observance. So, when I heard, or I thought I understood that originally the University Area Joint Authority wanted the sewer to go in the opposite direction and hook to the Borough, I was like, "Okay, that's cool. We still have capacity, it's just a different direction, why would that be a problem?"

But then I learned that something like "the Borough doesn't have capacity." But then I kind of, like, "Wait, they're in the Act 537, they're just like the rest of us, so they have capacity."

So I'm thinking, "Hm. If Patton Township were there, it would not take all this extra time and effort and work and question. We would just send it that direction."

So I kind of see, like, maybe, there's actually yet another problem and it's manifest itself here in this Toll Brothers situation where we have a potential solution but we can't

force that or assess that quickly enough to be able to actually put that on the table.

So, being that Ferguson Township is on the other side of the sewage treatment plant, from the Borough, and I'm hearing from Cory "there's this way around and there's this way around," I'm thinking, like, "Hm. that is a potential other place where we're paying extra costs or not being able to do good environmental solutions because our system isn't integrated in the proper manner."

So maybe that's not true. But it kind of seems like I'm hearing that. So in the longer term I'm hoping that, like, we can start to see that from a longer vision in terms of Ferguson Township accessing UAJA.

So thanks for your time. And I'm sorry that this particular developer has kind of made it more difficult for you to make this choice. Thanks. That's it.

John Sepp - Yes, thank you, and this'll be it for me. I just want to clarify some misrepresentations that have just been made.

As you know, because we worked with you guys, Toll Brothers worked very well with the water authority on the stormwater management project [for which there was still no executed Stormwater Management Agreement on file at Ferguson Township as of April 9, 2018, despite execution of the agreement being a stated pre-condition for the November 2015 final municipal approval].

Toll Brothers is doing a lot of different things as part of the project that I won't go into.

But, as far as them fighting the process, they have not. I've worked with clients – this is one client that has not fought recommendations, suggestions, that has been very cooperative.

We, as far as putting you in a corner, we did come in February [2018, for a project that began design in 2012 and was approved by Ferguson Township in November 2015], and we've been working with the sewer authority since then. It isn't that, all of sudden, like, I came here last minute.

Cory brought up the idea of the ductile iron pipe and then we went to the fused HDPE pipe after it as the way to get this solved. To be honest with you, we didn't talk about what would happen if we went back in to the PennDOT right of way because we were focusing on going in your easement which is going to be beneficial to UAJA.

If Toll Brothers was here and you asked them, "If you had to go in the PennDOT right of way, would you put the fused pipe in?" from my dealing with Toll Brothers, they would probably say "Yes." So now you've got the fused pipe underneath the road. It's still a less than ideal situation.

John Sepp (continued) - But what this has done, it's spurred a more stringent regulation on force main by UAJA, which, is just that, something that I came to realize when Cory and Brian and I met and Deb met a couple of weeks ago. So, even if – they would be permitted to put the stick joint pipe under the pavement. Even if you were to ask them and they agreed to put the fused pipe under the pavement, it's still not the optimal route. Thank you.

Dave Stone - Yeah, so I just need to say, procedurally, that the motion that came back out of being tabled was one to deny the easement. So there was no motion active to approve the easement. And I would argue that if you're going to put that, you need to put that on the agenda and give public notice.

I can't – I appreciate everybody's thinking here today but kind of what everybody's doing is a back of the envelope thing based on what we've just heard.

We need to consult our solicitor. I think the procedural thing is pretty clear-cut. We would rather be dealing with PennDOT, I guess, because they have procedural steps that if we object to it, we'd much rather be in a tussle with them. I've been in that before. And I feel that there's matters of principle, there's matters that can still be negotiated. There could be additional assurances you guys can get for granting the easement. This is an assurance that the sewer authority got. I don't think you guys have been in there talking yet.

A couple weeks ago in Ferguson there was a little public hearing trying to negotiate some additional insurance and bonds, and I don't know that that's possible. But you've got leverage.

And we as a group, Nittany Valley Environmental Coalition, can't give up whatever leverage, because we feel a responsibility to get this thing mitigated as best as possible.

So I have to say, I'd rather be tussling with PennDOT than you guys because I really like a lot of what I'm hearing today. Give us a month, let us wrap our heads around it, and when you make the new motion, give the public the notice. I don't think it's procedurally correct to vote on the other motion you would need to do, without that being in the agenda and without the public notice

Gary Petersen - John, in your opinion, from an engineering point of view, which would be the preferred route?

John Sepp - In the easement.

Gary Petersen - And Cory, if for some reason we had some type of a failure at that site, how do you folks handle that and how quickly is the response?

Cory Miller - Depends on how fast somebody calls us and lets us know that it's happening. We do have notification at the pump station, so if we see a drastic change in pressure

coming out that's going through the SCADA [Supervisory Control And Data Acquisition] system, through the, it's just like your water pumps, so if we see a drastic change in pressure we know something's wrong out there.

So somebody would get out there. It's about a 20-minute drive from the plant, for somebody to get out there.

Keep in mind the wet well also has capacity in it. There's storage capacity in the wet well that we have required and actually oversized, so that there's enough capacity in there so that we have time to deal with these things. So if the force main breaks, we can shut off the force main, shut off the pumps, and fill it into the wet well and simply truck the sewage out of there while we're working on the force main.

So there should not be a significantly long period of time where you would have sewage going into the ground and into the aquifer. We should be able to detect that pretty quickly, meaning, within an hour or two after it starts. That's how quick we should be able to fix it meaning stop it, stop the flow, then go out and assess what broke. Did the pipe split? Did a joint fail? Did somebody hit the pipe?

Gary Petersen - So from your experience, with these kinds of failures, you can respond pretty quickly. Has there been any long-term damage, or any damages from past failures? Or is it something we're overreacting to?

Cory Miller - So, force mains, in the engineering world there's no such thing as 100% foolproof. There's always a risk. So a good example of the risk in what happens is our Scott Road pump station. So it's another long force main coming up from Pine Grove Mills. That force main has broken. It failed at a joint and it failed at another spot where it wasn't a joint. So we had two opp--, two times where that pump station failed.

It was diagnosed relatively quickly. The first time it took a little bit longer because it was in the middle of a snowstorm and we couldn't find the spot. We knew something was going on but we couldn't find it. It took a little bit longer but during that period of time we were hauling the sewage up the hill. So we had pump trucks hauling it up there.

The second time we noticed it fairly quickly because again, we noticed it on the SCADA system, that the pressure at the pumps was way out of whack. Why was it out of whack? The only reason it can be out of whack is because something stuck in the line or the line broke. So we found it and fixed it.

Those -- that line also happens to be within your Zone 2 wellhead contribution area.

Jeff Kern - Right. Exactly.

Cory Miller - And that is not the type of pipe that -- it is the PVC pipe. So that's why we think it's better with the HDPE pipe. If we had that one to do all over again we would be putting in HDPE pipe.

Jeff Kern - Okay, we have a motion on the floor to deny the easement. We can vote on it, or somebody can move to table it.

Rachel Brennan - I would move to table it until our own the sourcewater protection committee can discuss this further, in the interests of time, to allow for public comment and mainly out of principle that it was not on the agenda for today.

Bill Burgos - Second.

Jeff Kern - All those in favor? The ayes have it. It's tabled 'til next month. Thank you all.

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