

**BENNER TOWNSHIP SUPERVISORS
MAY 15, 2000**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:10 p.m. by the Chairman Michael Kelleher with members Richard Lahr and David Breon present. Also in attendance were Alan Uhler, Clair Stem, Larry Lohr, Heather Lohr, John Rockey, Linda Jabco, Trooper Montresor and Renee McGowan.

EXECUTIVE SESSION NOTICE

The Board noted that they held an executive session on May 15, 2000 from Noon until 12:20 p.m. with the township solicitor regarding pending litigation. All three Supervisors were present.

PERSONS TO ADDRESS THE BOARD

Alan Uhler Re: Buffalo Run Industrial Track for SEDA COG Joint Rail Authority: Mr. Uhler noted that he was present to request waivers from the Stormwater Management and Street Standards Plan.

Control of the 100-year storm design. The applicant requests a waiver from controlling the 100-year storm design. Applicant has shown the increase in runoff to be .002% above existing conditions due to construction. Mr. Weikel agrees that this amount is insignificant and that additionally, the applicant will be constructing wetlands to provide natural retention. Mr. Weikel recommends that the waiver be granted. Mr. Lahr moved to grant this waiver upon the recommendation of the Engineer. Mr. Kelleher seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

Exceed the 3:1 side slope: The applicant requests a waiver to exceed the maximum slope of 3:1 where rock cuts are required. The applicant submitted documentation that slopes of up to 70% could be sustained in the rock as is evident in several cuts in the region. Soils above the rock cuts will be graded to 3:1. Mr. Weikel recommends that the waiver be granted. Mr. Kelleher moved to grant the waiver based on the Engineer's recommendation. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

Mr. Uhler noted that the project should be put out for bid late Summer.

MINUTES

The minutes of May 1, 2000, were presented to the board for their review and comments. Mr. Lahr moved to approve the minutes as presented. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

BILLS

The bills of May 15, 2000, were presented to the Board for their review and approval. Mr. Lahr moved to approve the bills as presented. Mr. Kelleher seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

ZONING OFFICER'S REPORT

911 Addressing: It was noted that signs will need to be erected for all private streets and lanes as well as those maintained by the township. Mr. Kelleher moved to keep the state and township streets/roads signs green and to erect blue signs for private streets as well as replacing the 4 existing green private signs with blue ones. Mr. Lahr seconded the motion.

Vote: Mr. Breon – no Mr. Lahr – yes Mr. Kelleher – yes

Sign Ordinance: It was noted that the final draft of the sign ordinance should be ready for the first meeting in June.

Overlay District Ordinance: A draft of the Overlay District Ordinance was given to the Board for them to review and comment.

Zoning Amendment: Ms. McGowan noted that the Planning Commission reviewed and recommended the rezoning request to amend the Campus Industrial District to include commercial recreational uses. The public hearing date is scheduled for June 19, 2000 at 7:30 p.m.

CONESTOGA WIRELESS CO. CONDITIONAL USE HEARING

Conestoga Wireless Co. is requesting a Conditional Use for the placement of a new antenna on an existing tower owned by Centre Communications located on the Clair Stem property. Conestoga is a Digital PCS Wireless Phone Company that has FCC licenses to cover 10 counties in Pennsylvania.

Ms. Wolfe noted that Conestoga has also leased a 12' X 17' ground space from Centre Communication. An 8' X 8' concrete pad will be poured for the outdoor equipment to be placed on. There will be no buildings built. Ms. Wolfe noted further that their antennae will be installed underneath the existing antennae so the tower height is not affected.

The hearing was adjourned the time being 7:25 p.m.

JOHN JABCO CONDITIONAL USE HEARING AUTO DETAILING SHOP – PURDUE MT. ROAD

The hearing was called to order the time being 7:27 p.m. Linda Jabco was present to note that John was called away due to an emergency and asked that a continuance be granted

until the Board's next meeting. The Board noted that they would continue this hearing at their June 5th meeting.

The hearing was adjourned the time being 7:34 p.m.
The regular meeting reconvened the time being 7:35 p.m.

PERSONS TO ADDRESS THE BOARD

John Rockey: Mr. Rockey was present to express his concerns with the closing of Rock Road for the sewer line pipe installation. The board noted that they have checked with the Township's attorney who searched the case law and has said that if Penn Dot wanted to they wouldn't have to even get a permit. It was noted that the road will be open to bus traffic and emergency vehicles. The Board is requesting that consideration be given to allow local traffic not thru traffic but that the township cannot guarantee anything.

Larry Lohr: Mr. Lohr asked questions concerning Conditional uses and what the requirements are to receive one. Much discussion was held with the Lohrs concerning their past dealings with the township.

Ms. McGowan noted that it is the Board's policy to have complaints put in writing in order to following up on them. Mr. Breon gave Mr. Lohr a copy of a complaint form.

Mr. Lohr also questioned if he will be required to do any additional work on the home he owns that is located beside the Jabco residence along 550. Ms. McGowan noted that all of the repairs that were required have been completed. Mr. Lohr asked that he been given a letter stating such.

OLD BUSINESS

Spring Township Agreement/Boundary Change: Tabled.

Patton Township/Benner Township Boundary: Tabled.

Fire Training Facility: Tabled.

Park Director Position: Mr. Lahr noted that he and Mr. Breon interviewed Mr. Greshock for the Park Director position; however, Mr. Greshock is looking for full time employment. Mr. Burns didn't show up for the interview. Mr. Lahr moved to appoint Helen Alters to the position of Park Director. Mr. Kelleher seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

The Board asked that Mrs. Alters attend an upcoming township meeting to discuss duties and expectations.

Summer Park & Rec. Director: It was noted that Michelle Yoko has called to say that both Laurice Mitchell and herself have been offered and accepted summer

employment with the Bald Eagle School District and won't be returning this summer. The board asked that an advertisement be placed in the newspaper that applications are being accepted.

Traffic Signal Maintenance Agreement: Tabled.

Road Bonding Releases:

Alexander Park – This item was tabled until written documentation is received back from HRG.

Endeavor Lumber – Mr. Kelleher moved to release Endeavor Lumber from their bond on Barns Lane. Mr. Lahr seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

NEW BUSINESS

Seasonal Road Maintenance Workers: Two applications were received. Mr. Lahr moved to hire Don Behrer on an as needed basis being paid \$6.00 per hour and having a 60-probation period. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

Deeds of Dedication for Crestview and Airport Park: These items were tabled until the next meeting.

Preliminary/Final Plan Lot Addition to lands of Robert Hendershot from Mary Thomas and corrective survey for DeBrasky: The Board reviewed this plan. No one had any comments. Mr. Kelleher moved to approve this plan with out comments. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

Minor Subdivision Plan for Thomas & Sara Breon and Joseph & Patricia Evock:

This plan was given to the Board for their review. *Mr. Breon noted that he was not related to this family.* Renee noted that this plan will meet the township's regulations after the public sewer is installed. Mr. Kelleher moved to approve this plan with a notation on the form that sewer is needed in order to meet with the township's lot size regulations. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

Memo of Understanding with Clear Water Conservancy: Mr. Lahr moved to approve the memo of understanding between the township and Clear Water Conservancy for the purpose of complying with the \$9,000 DCED Grant that has been awarded for the creation of the Overlay District Ordinance. Mr. Kelleher seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

Complaint Policy: Much discussion was held on how the township should handle complaints. Mr. Kelleher moved not to divulge the name of the complainant until a legal opinion is received back from the township solicitor clarifying this matter. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr – yes Mr. Kelleher – yes

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Letter to Helen Alters from Conservation District Re: Adopt a stream program
2. PSATS Alert
3. County Time Correspondence:
 - a. Polymics Land Development Final Plan Comments
 - b. Polymics Time Extension
 - c. Bellefonte Lime Company Plan Null & Void
 - d. Ray & Carol Walker Land Development Plan Revisions
4. Pellegrini Engineers – Bridge inspection report
5. Letter from E.L. Braid Claim Service, Inc. Re: Perts Fire Loss
6. AT & T Cable Service Line Up
7. Letter from Adam Scheidell Re: his company's availability - Building Code Inspection
8. SBWJA Minutes of April 24, 2000

NOTES

*Mr. Kelleher noted that the State Police investigated 3 wheeler complaints in Crestview over the weekend.

*Mr. Kelleher noted that he completed his road inspection for summer repairs on four of the township's roads.

*Mr. Lockard is going to head a group to erect the pavilion in the Buffalo Run Park in June.

*Mr. Kelleher noted that he was asked by Chad Spackman if the Township would consider donating time to remove and replace the warning area material on the High School's baseball field. Mr. Lahr moved to authorize the road crew to perform this work. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes Mr. Lahr –yes Mr. Kelleher – yes

ADJOURNMENT

The meeting was adjourned the time being 9:50 p.m.

Sharon Royer, Sec.