

**JOHN JABCO CONDITIONAL USE HEARING  
JUNE 19, 2000**

The Conditional Use Hearing for John Jabco was called to order at 7:35 p.m. by the Vice Chairman, Richard Lahr with member David Breon present. Mr. Kelleher was absent. Also in attendance were Steve Small, Marty Meiser, John Manos, Robert Davis, Doug Weikel, Clair Stem, Brian Book, Renee McGowan and Cory Miller.

No new information was received from Mr. Jabco and no one present had anything to add. The hearing was officially closed the time being 7:40 p.m. The Board noted that the Township's solicitor would be preparing the conditional use decision for action by the Board at the Board's next meeting.

**BENNER TOWNSHIP SUPERVISORS  
JUNE 19, 2000**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:42 p.m. by the Vice Chairman, Richard Lahr with member David Breon present. Mr. Kelleher was absent. Also in attendance were Steve Small, Marty Meiser, John Manos, Robert Davis, Doug Weikel, Clair Stem, Brian Book, Renee McGowan and Cory Miller.

**EXECUTIVE SESSION NOTICE**

It was noted that the Board of Supervisors held an executive session with legal counsel on June 13, 2000, from 12:00 noon until 1:00 p.m. All three members were present. Personnel matters and a pending legal issue were discussed.

**PERSONS TO ADDRESS THE BOARD**

Cory Miller - UAJA: Mr. Miller was present to discuss with the Board a possible in lieu of tax agreement between UAJA and Benner Township. Mr. Miller proposed that the Authority would pay the Township an amount based on what the Authority would have paid when the ground was zoned agriculture. He noted that the Authority would want a "get out" clause should UAJA start to provide sewage service in the township. Discussion was held. Mr. Miller noted that he would look at the various assessed values for the Authority and come back to the Board with a proposal for consideration.

Ray & Carol Lee Walker Land Development Plan, Phase I: Marty Meiser was present to present to the Board the Ray & Carol Lee Walker Land Development Plan, Phase I. It was noted that all previous comments by the county and township engineer have been addressed. Mr. Breon moved to approve and sign the plan as submitted. Mr. Lahr seconded the motion.

Vote: Mr. Breon - yes      Mr. Lahr - yes      Mr. Kelleher - absent

Steve Small: Mary Thomas – Robert Hendershot – Edward DeBrasky: Mr. Small was present to go over with the Board the Thomas/Hendershot/DeBrasky plan. It was explained that after the ground is distributed that there will be a small area left along Valley View Road that will be useless and non-buildable. This area has been left over from years ago when the original subdivision was done. Mr. Small was present to ask the board's permission to simply call this area the tract residue. It was further noted that the county was in agreement to handle this area in this manner. Mr. Lahr moved to allow the section of property that is left to be called the residue tract. Mr. Breon seconded the motion.

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

John Manos/Bob Davis – Fullington: Mr. Manos and Mr. Davis were present to request that the building permit be issued for the Fullington's to start construction of the fueling building and containment basin. Mr. Davis noted that if the permits are not issued soon that the Fullingtons will lose their contractor. Discussion was held as to what the steps the Fullingtons have done to come into compliance with their conditional use decision. It was pointed out that several of the items could have easily been taken care of by this point. Mr. Manos noted that the Fullingtons have agreed that they will not occupy the building until all items are addressed. Ms. McGowan stated that she doesn't believe that they will wait until the occupancy permit is issued to start using the fueling facility. Ms. McGowan stated that she will be inspecting the property on a regular basis and that if they are found to be using any portion of the building prior to the occupancy permit fines will be issued on the spot.

Mr. Breon moved to issue Fullingtons their building permit. Mr. Lahr seconded the motion with reluctance in doing so.

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

## **MINUTES**

The minutes of June 5, 2000, was presented to the Board for their review and comments. Mr. Breon noted that he would like to have the following amendments made to the minutes:

Page 3: Minutes approval of May 15, 2000 to change to say – “Park Director Position” – appoint Helen Alters to the position of Park Director given her past experience and proven success ***in grant acquisitions and park development.***

Page 4: John Elnitski/Bellefonte Airport – (add) ***The Board directed the Zoning Officer to draft a letter to Mr. Elnitski's attorney to address his concerns.***

Page 4: ***Cycle to Sickle***

Page 5: LaPalme to *LaParne* (add) ***The Board also agreed to have the repair pavement overlay to Rock Road done as a single pass overlay, thereby requiring that Rock Road be closed to accomplish this work as well.***

Mr. Lahr moved to approve the minutes as amended. Mr. Breon seconded the motion.

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

### **BILLS**

The bills of June 19, 2000, were presented to the Board for their review and approval. Mr. Lahr moved to approve the bills as presented. Mr. Breon seconded the motion.

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

### **ENGINEER'S REPORT**

Mr. Weikel was present to go over the items that he has been reviewing on behalf of the Township.

### **ZONING OFFICER'S REPORT**

*Fullington Bus* – It was noted that the Highway Occupancy Permit for Fullington was still awaiting approval from Penn Dot.

*Gambers*- It was noted that the Gambers want to raise and sell 1,000 organic chickens a year from their property. The Department of Agriculture is not going to regulate them as long as they sell the chickens when they are alive and kill them for free. The Gambers are planning to compost the remains of the chickens in a wood chip pile on their property. Ms. McGowan noted that she wants to check into this further to make sure that there are not any other state regulations that they will have to follow.

*Proposed Ordinance 75*: It was noted that the legal ad for Ordinance 75 was not advertised correctly by the Centre Daily Times and, therefore, it will have to be re-advertised for the Board's July 17<sup>th</sup> meeting.

*Penn Bio Organics Conditional Use*: Mr. Lahr moved to pass the conditional use request of Penn Bio Organics on to the Planning Commission for their review and comments. Mr. Breon seconded the motion.

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

## **OLD BUSINESS**

*Spring Township Boundary Agreement:* It was noted that everything has to be completed including the order by the judge and into the elections office by August 8<sup>th</sup> to be on the November ballot.

*Patton Twp./Benner Township Boundary:* Tabled.

*Traffic Signal Maintenance Agreement:* Tabled.

*Road Bonding Release for Alexander Park:* It was noted that all the paperwork for the road bonding release has been completed. Mr. Lahr moved to release the bond. Mr. Breon seconded the motion.

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

*Deed of Dedications:*

**Crestview** – It was noted that we are still waiting to receive the original deed to finish the paperwork.

**Airport Park** – It was noted that everything is in order for the Township to accept the deed of dedication for Airport Park. Mr. Lahr moved to accept the deed of dedication for the roads in Airport Park. Mr. Breon seconded the motion.

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

## **NEW BUSINESS**

*Robbins Preliminary Final Plan:* Ms. McGowan went over the preliminary final plan for Robbins. It was noted that Robbins wish to change the use of the lot from Agricultural use to a Commercial use. They are planning to level out an area and store some of their portable toilets on the sites. Mr. Lahr moved to approve the Robbins Preliminary Final Plan. Mr. Breon seconded the motion.

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

*Line Painting Quotes:* None were received. Tabled until the next meeting.

*Bill Hughes –Drainage Ditch :* The Board was in receipt of a letter from Bill Hughes regarding a drainage ditch located along his property. Discussion was held. Mr. Lahr moved to approve township labor to install the 18” pipe, if Mr. Hughes purchases it. Approval is also given for fill to be placed over the pipe. Any topsoil or grass seeding needed will be the responsibility of Mr. Hughes. Mr. Breon seconded the motion.

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

*537 Plan:* Mr. Book from HRG was present to go over Spring Benner Walker Joint Authority’s draft of the 537 Plan. Areas that were studied in Benner Township include Upper Seibert, Walnut Grove and Shiloh Road areas. It was

decided that the hearing date for the 537 plan would be held during the Planning Commissions meeting on July 13<sup>th</sup>.

*July 3<sup>rd</sup> Meeting Date:* Mr. Breon moved to reschedule the Board's July 3<sup>rd</sup> meeting to July 5<sup>th</sup>. Mr. Lahr seconded the motion.

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

*Summer Park & Rec.:* The Board decided to cancel the Summer Park & Rec. program on July 3<sup>rd</sup> and 4<sup>th</sup>.

*Pension Plan:* The secretary noted that the Township is currently undergoing their pension plan audit by the state. Due to the recent investing problems that the school districts have had, the state is now requiring GASB25 forms to be completed and provided to them as a requirement of their audit. These reports must now be completed by Principal to complete our audit.

## **CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. Copy of Plans for review:
  - a. Burnham Farm Estates
  - b. Fleetwood Farms Subdivision
    1. Letter from Ralph Houck Re: Plan/Module Review
2. Spring Creek Watershed Restoration Permit from Brian Auman
3. Upcoming Events for the Spring Creek Watershed Commission
4. Notice from Con-Lime, Inc. Re: New Ventilation Shaft
  1. Letter from HRG Re: Act 537 Plan Revision
  2. Spring-Benner-Walker Joint Authority minutes of May 22, 2000
  3. HRG Letters
    - a. Fullington Bus – Airport Park – Lot 31, Phase 1
    - b. Ray & Carol Lee Walker Land Development
    - c. Fillmore Farms – Phase 1 (Hammerhead Turn Arounds)
    - d. Mattas/Dunlap Motors Stormwater Management Plan
4. Centre Regional Planning Agency Draft of 2001-2004 Centre County TIP

## **NOTES**

Mr. Lahr noted that he will not be at the July 17<sup>th</sup> meeting.

## **ADJOURNMENT**

The meeting was adjourned the time being 10:15 p.m.

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Sharon Royer, Sec.