

**Benner Township Supervisors
Ordinance 94 Hearing
July 18, 2005**

The public hearing for Ordinance 94 was called to order at 7:30 p.m. by the Chairman, John Elnitski with members James Swartzell and Dave Breon present. Also in attendance were Brian Simmons, Franklin Moore, John Coleman, Jim Eckert, Thomas Eby, Brooks Harris, Todd Smith, Tom Kulakowski and Renee Swancer.

No one in attendance had public comments and no written comments were received. Mr. Breon moved to adopt Ordinance 94. Mr. Swartzell seconded the motion.

Vote: Mr. Breon - yes Mr. Swartzell - yes Mr. Elnitski - yes

**Conditional Use Hearing
Commonwealth of Pennsylvania
July 18, 2005**

The conditional use hearing for the Commonwealth of Pennsylvania was called to order at 7:35 p.m. by the Chairman, John Elnitski with members James Swartzell and Dave Breon present. Also in attendance were Brian Simmons, Franklin Moore, John Coleman, Jim Eckert, Thomas Eby, Brooks Harris, Todd Smith, Tom Kulakowski and Renee Swancer.

Mr. Simmons noted that the Commonwealth wishes to co-locate radio equipment upon and existing 190' telecommunications tower on Purdue Mountain in connection with the construction of a statewide radio network that will be built, owned and operated by the Commonwealth.

The specifications on the tower have been received and reviewed by the township engineer and were found to meet the Zoning Ordinance requirements. The Planning reviewed this request and recommended approval.

The hearing closed the time being 7:48 p.m.

Sharon Royer, Sec.

Benner Township Supervisors
July 18, 2005

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:50 p.m. by the Chairman, John Elnitski with members James Swartzell and Dave Breon present. Also in attendance were Brian Simmons, Franklin Moore, John Coleman, Jim Eckert, Thomas Eby, Brooks Harris, Todd Smith, Tom Kulakowski and Renee Swancer.

PERSONS TO ADDRESS THE BOARD

Jim Eckert/John Coleman: Mr. Eckert and Mr. Coleman were present to discuss with the Board the proposal of the State to subdivide three parcels of ground off of the Rockview property. One of the parcels, approximately 250 acres in size, would be deeded to the CBI CC. It would then be up to the CBI CC to file a plan with the county and deal with the local zoning issues. The County Commissioners have expressed an interest in the lot that is located next to GM McCrossins. There is currently nothing planned for the remaining lot. Mr. Eckert noted that a lot of discussion is taking place within various state departments about the area that Penn State would like to have. Mr. Eckert noted that Mr. Coleman and himself will be attending the Nittany Valley Joint Planning Commission meeting on July 21st to present the proposal to them for their comments.

Brooks Harris/Amberleigh Subdivision: Mr. Harris was present to present the Sewage Planning Module for the Amberleigh Subdivision. It was noted that the amount of EDUs has changed from what was originally approved by the Bellefonte Borough and Spring-Benner-Walker. Discussion was held. Mr. Breon moved to conditionally approve the planning module with the condition being that proof is provided to the township that both Bellefonte Borough and Spring-Benner-Walker have reviewed the revisions and give their approval of the changes. Mr. Swartzell seconded the motion.

Vote: Mr. Breon - yes Mr. Swartzell - yes Mr. Elnitski - yes

Todd Smith - Opequon Hill: Mr. Smith noted that construction of the infrastructure is continuing for Phase I. The Land Development Plan for Lot 83 is being prepared. Mr. Smith also noted that they hope to submit the final plan for Phases II and III to county before their August deadline submission.

Discussion was then held concerning water system that will serve the development. Mr. Smith questioned why he and his client were not made aware that the Water Authority was holding discussions concerning the Opequon Hill system. Mr. Elnitski noted that discussions will be taking place concerning this system at each of the Water Authority's meetings until action is taken to either take the system over or not. Mr. Eby noted that the Water Authority's engineer has found some inconsistencies while reviewing the paperwork that was submitted to DEP for the well permit. He noted further that ideally they would like to see the 48-hour pump test redone. Mr. Kulakowski noted that he will redo the test probably beginning on Wednesday of this week. Mr. Smith asked that the lines of communication be more open and that if questions or problems arise that he or his client be notified directly.

MINUTES

The minutes of July 5, 2005, were presented to the Board for their review and comments. Mr. Breon moved to approve the minutes as presented. Mr. Swartzell seconded the motion.

Vote: Mr. Breon – yes Mr. Swartzell – yes Mr. Elnitski – yes

BILLS

The bills of July 18, 2005, were presented to the Board for their review and approval. Mr. Breon moved to approve the bills as presented. Mr. Elnitski seconded the motion.

Vote: Mr. Breon – yes Mr. Swartzell – yes Mr. Elnitski – yes

ENGINEER'S REPORT

It was noted that Mr. Weikel's wife was ill tonight, therefore, he was unable to attend. A copy of his written report was provided to the Board.

ZONING OFFICER'S REPORT

Mrs. Swancer provided the Board with a copy of her written report. An update was given on the Teddy Brown clean up project.

OLD BUSINESS

Spring Township Agreement/Boundary Change: This item continues to be tabled.

Patton Township/Benner Township Boundary: This item continues to be tabled.

Beezer Hill Road Closure: This item continues to be tabled.

Parking Lot Paving: This item continues to be tabled.

Adelphia Franchise Fee Agreement Renewal: Mr. Breon moved to approve Resolution 05-04 which extends the Township's Franchise Agreement with Adelphia until 12/31/05. Mr. Swartzell seconded the motion.

Vote: Mr. Breon – yes Mr. Swartzell – yes Mr. Elnitski – yes

Discussion was also held concerning the various formulas that are being presented to fund CNET.

Nittany Valley Joint Planning Commission: Mr. Breon noted that he had nothing new to report.

Gruendler Planning Module: This item continues to be tabled.

NEW BUSINESS

Polymics Conditional Use application: Mr. Breon moved to acknowledge this application and forward it on to the Planning Commission for their review and comments. Mr. Swartzell seconded the motion.

Vote: Mr. Breon – yes Mr. Swartzell – yes Mr. Elnitski – yes

Nittany Express Memo of Understanding: Mr. Swartzell moved to approve and sign the Memorandum of Understanding for Nittany Express. Mr. Breon seconded the motion.

Vote: Mr. Breon – yes Mr. Swartzell – yes Mr. Elnitski – yes

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes of June 27, 2005
2. 2004 Water Resource Management Report
3. Thank you note from Craig Lahr (scholarship recipient)
4. Notice from DEP Re: minor modification for Solid Waste Permit 101568 (UAJA) to allow liquid wastewater sludge from Huston Township
5. HRG Comment letter RE: Grove Park Minor Subdivision

6. Opequon Hill Plan - Phase 2 and 3
7. Avail Warehouse Building Addition Land Development Plan
8. Nittany Express Land Development Plan

ADJOURNMENT

The meeting was adjourned the time being 9:35 p.m.

Sharon Royer, Sec.