

Re-Zoning Request Harmon Farm (Benner Pike)
May 2, 2005

The re-zoning hearing request for the Harmon Farm was called to order at 7:30 p.m. by the Chairman, John Elnitski, Jr. with members James Swartzell and David Breon present. Also in attendance were Tom Kulakowski, Ed Galus, John Miknis, Renee Swancer and Francis Smead.

It was noted that the property was posted and the adjoining property owners were notified in writing. Mrs. Swancer commented that several people called to see what was being proposed, but no comments oral or written were received.

Mr. Swartzell moved to have the attorney prepare an ordinance to change the zoning for this property and advertise it. Mr. Breon seconded the motion.

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

Ordinance 91 Public Hearing
May 2, 2005

The hearing for Ordinance 91 was called to order at 7:45 p.m. by the Chairman, John Elnitski, Jr. with members James Swartzell and David Breon present. Also in attendance were Tom Kulakowski, Ed Galus, Renee Swancer and Francis Smead.

Ordinance 91 deals with adopting the implementation agreement for the Nittany Valley Joint Comprehensive Plan. No comments have been received regarding the advertisement of this Ordinance. Mr. Breon moved to adopt Ordinance 91. Mr. Swartzell seconded the motion.

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

Ordinance 92 Public Hearing
May 2, 2005

The hearing for Ordinance 92 was called to order at 7:55 p.m. by the Chairman, John Elnitski, Jr. with members James Swartzell and David Breon present. Also in attendance were Tom Kulakowski, Ed Galus, Renee Swancer and Francis Smead.

It was noted that Ordinance 92 deals with adopting Spring-Benner-Walker Joint Authority's rules and regulations as an amendment to the Township Building Code regulations.

No public comments were received from this ordinance's legal advertising.

Mr. Elnitski moved to adopt Ordinance 92. Mr. Breon seconded the motion.

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

**Benner Township Supervisors
May 2, 2005**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 8:05 p.m. by the Chairman, John Elnitski, Jr. with members James Swartzell and David Breon present. Also in attendance were Tom Kulakowski, Ed Galus, Renee Swancer and Francis Smead.

PERSONS TO ADDRESS THE BOARD

Tom Kulakowski: Mr. Kulakowski was present to ask the Board if they could accept a Performance Bond or Subdivision Bond instead of a letter of credit for him to post surety for Phase I the Opequon Hill Subdivision. Mr. Kulakowski reported that the bonding company has an A+ rating. Mr. Kulakowski noted further that approximately 50% of the stormwater infrastructure is installed, the rough grading is almost complete and the sewerline installation will be started tomorrow. Discussion was held. Mr. Elnitski moved to accept a performance bond from Mr. Kulakowski for the posting of his surety for Phase I of the Opequon Hill Subdivision. Mr. Swartzell seconded the motion.

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

MINUTES

The minutes of April 4, 2005, were presented for the Board's review and comments. Mr. Swartzell made note of a few grammar errors to be changed in the minutes. Mr. Swartzell moved to approve the minutes as corrected. Mr. Elnitski seconded the motion.

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

BILLS

The bills of May 2, 2005 were presented to the Board for their review and approval. Mr. Breon moved to approve the bills as presented to the Board. Mr. Swartzell seconded the motion.

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

*Mr. Elnitski asked that the Centre County Airport Authority be sent information regarding the Patron Parking Ordinance to see if they fall within the ordinance regulations on the parking space that they are renting to the car rental agencies.

ZONING OFFICER'S REPORT

PSU Manure Storage: It was noted that several residents have contacted the township building regarding a letter that Penn State sent them regarding having their wells tested. Mrs. Swancer noted that she has contacted DEP which reported that there has been no further action on the PSU permit for the manure storage site than the last time she communicated with them.

Complaints: Mrs. Swancer noted that she has received several complaints from an individual about the condition of some of the cabins along Spring Creek. Property owners were contacted where warranted. Some of the places that were complained about meet the requirements of the ordinance and do not require repairs at this time.

Jake Brake Ordinance: Mr. Elnitski noted that he has made modifications to the proposed ordinance. Mr. Swartzell moved to advertise the proposed ordinance for adoption. Mr. Breon seconded the motion.

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

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: This item remains tabled until a renewal agreement is reached.

NVJPC Zoning and Implementation agreement: Mr. Breon noted that the County Planning Office has started to work on the new zoning regulations. Work will begin on the Ag Districts first.

Mrs. Swancer gave the Board a copy of the task list that the Planning Commission was asked to put together. The document listed the top 10 tasks that the Planning Commission recommends being completed in the Comprehensive Plan. Mr. Swartzell moved to pass this list on to the Nittany Valley Joint Planning Commission. Mr. Elntiski seconded the motion.

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

DeMaire Complaint Letter: The Board noted that after a review of the Penn Dot study, they weren't sure what more they could do to help the DeMaires since the noise readings didn't exceed the limits. Mr. Elnitski asked that a letter be sent to the DeMaire's letting them know that the Board is advertising a Jake Brake Ordinance.

Gruendler Planning Module: Tabled.

Principal Financial Contract Amendments: Mr. Swartzell noted that he has his financial advisor reviewing the documents and that they should be ready for the Board's action at the next meeting.

Copier/Scanner/Printer Bids: It was noted that we are waiting for another quote. Staff will also be going to see the machines in operation.

NEW BUSINESS

Road Paving Bids: Sealed bids were open for the 2005 paving of Fox Hill Road. The bids were as follows:

Option 1

G. O. Hawbaker, Inc. HRI, Inc.

1	800	Tons	2A aggregate base course	9.50	20.00
2	200	LF	Milling of bit. Paving notch	2.00	3.00
3	13288	SY	Reclamation of existing pavement	1.70	1.85
4	2223	Tons	ID-2 Bit. binder course	33.75	37.25
5	470	Tons	ID-2 Bit. leveling course	39.25	40.75
6	1068	Tons	ID-2 Bit. wearing course	39.25	40.75
7	12955	Gallons	Calcium chloride	.99	1.00
			TOTAL AMOUNT OF BID	\$178,807.80	\$199,618.05

Option 1a (Superpave)

G. O. Hawbaker, Inc. HRI, Inc.

1	800	Tons	2A aggregate base course	No BID	20.00
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2	200	LF	Milling of bit. Paving notch		3.00
3	13288	SY	Reclamation of existing pavement		1.85
4	2223	Tons	HMA binder course, 19.0 mm Mix		38.50
5	470	Tons	HMA Wrg. Crs. (leveling) 9.5 mm "Fine Graded" Mix		40.25
6	1068	Tons	HMA wearing course, 9.5 mm Mix		40.25
7	12955	Gallons	Calcium chloride		1.00
			TOTAL AMOUNT OF BID	-0-	\$201,627.80

Option 2

G. O. Hawbaker, Inc. HRI, Inc.

1	800	Tons	2A aggregate base course	9.50	20.00
2	200	LF	Milling of bit. Paving notch	2.00	3.00
3	13288	SY	Reclamation of existing pavement	1.70	1.85
4	2223	Tons	ID-2 Bit. binder course	33.75	37.25
5	751	Tons	ID-2 Bit. Wearing course	39.25	40.75
6	12955	Gallons	Calcium chloride	.99	1.00
			TOTAL AMOUNT OF BID	\$147,918.05	\$167,547.80

Option 2a (Superpave)

G. O. Hawbaker, Inc. HRI, Inc.

1	800	Tons	2A aggregate base course	No Bid	20.00
2	200	LF	Milling of bit. Paving notch		3.00
3	13288	SY	Reclamation of existing pavement		1.85
4	2223	Tons	HMA binder course, 19.0 mm Mix		38.50
5	751	Tons	HMA wearing course, 9.5 mm Mix		40.25
6	12955	Gallons	Calcium chloride		1.00
			TOTAL AMOUNT OF BID	-0-	\$169,951.05

After discussion was held, Mr. Swartzell moved to award Glenn O. Hawbaker, Inc. bid option 2 in the amount of \$147,918.05. Mr. Elnitski seconded the motion.

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

Road Bonding:

Crestview/Emel Excavating: It was noted that a final inspection was done for the Crestview road bonding and that it may now be released. Mr. Swartzell moved to release Emel Excavating from their road bond. Mr. Elnitski seconded the motion.

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

Crestview/Paradise Construction: It was noted that all of the documentation and bonding papers have been received from Paradise Construction to bond the roadways in the Crestview Development for the work that they will be doing for the Opequon Hill Subdivision. Mr. Elnitski moved to approve the road bonding for Paradise Construction. Mr. Swartzell seconded the motion.

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

Speiglemeyer Road Bonding Release: It was noted that a final inspection has been completed on Barns Lane and the Speiglemeyer road bond may now be released. Mr. Breon moved for the release of the Speiglemeyer road bond. Mr. Swartzell seconded the motion.

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

Letter from Francis Smead: Mr. Breon noted that he would draft a response letter to Mr. Smead.

Nittany Express, Inc. Conditional Use Request: Mr. Elnitski moved to pass this conditional use request on to the Planning Commission for their review and comments. Mr. Breon seconded the motion.

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

Resignation letter from Rich Mauser: Mr. Elnitski moved to approve the resignation of Richard Mauser from the Benner Township Water Authority. Mr. Swartzell seconded the motion.

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

Resolution RE: Nittany Valley Joint Zoning Ordinance: Mr. Breon noted that Ms. Hannegan was to forward a copy of the resolution for the Board's adoption. This resolution has not yet been received, thus this item will be tabled until it is received.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes of March 28, 2005
2. SCBWA Water-Level measurement report
3. HRG Comment Letters
 - a. Opequon Hills
4. County Comment Letters
 - a. Time Extension Central Counties Youth Center
 - b. Preliminary Plan for Airport Park Subdivision
 - c. Final Plan of the Opequon Hill Subdivision Phase I

5. Approval letter for Weaver-Martin septic planning
6. Notice of permit application of ConLime for a NPDES permit
7. PSATS News Bulletin
8. Sewer Complaint for 185 Upper Gyp Road
9. Thank you letter from Benner Elementary School PTA

NOTES

Mr. Breon and Mr. Elnitski noted that they would both like to pave an area in front of their mailboxes along the berms. It was noted that permits will be required from the Roadmaster prior to doing this work.

CATA Funding request: Mr. Breon noted that we received a letter from Hugh Mose asking that the Board consider giving CATA a contribution towards bus transportation they provide in the township. After reviewing the request and the last letter that was sent in response to the last request, the Board noted that their position remains unchanged.

ADJOURNMENT

The meeting was adjourned the time being 10:55 p.m.

Sharon Royer, Sec.