

**Benner Township Supervisors
December 18, 2006**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:30 p.m. by the Chairman, David Breon with members James Swartzell and John Elnitski present. Also in attendance were Doug Weikel, Todd Smith, Rob Fugate, Ed Gallas, John Sepp, Jim Martin and Renee Swancer.

PERSONS TO ADDRESS THE BOARD

John Sepp/James Martin Re: Cleveland Brothers: Mr. Sepp noted that they were present to go over a few outstanding items prior to the Centre County Planning Commission meeting tomorrow night. Mr. Sepp noted that several of the items fall under the Township's Interchange Overlay requirements. These include the installation bike rack on site and a bus shelter. Mr. Sepp noted that they would install a bike rack but is asking that surety be allowed to be posted for the bus shelter at this time. It will then be constructed during the construction of the Rockview Business Park. Mr. Sepp noted that the traffic impact study narrative will be revised to state that the proposed access meets the requirements of the ordinance in regard to spacing from adjacent rights of ways. Discussion was also held concerning Rishel Hill Road issues. Mr. Sepp noted that CCIDC has agreed to post surety for the realignment of the County Prison access road to align with the Rockview Business Park Road should it be required. With this proposal, Penn Dot has approved the traffic impact study. Mr. Sepp noted that he will now submit the paperwork to Penn Dot for the Route 150 HOP. The Chamber will also be posting surety for the traffic light and turning lane on Route 150. Storage of materials in the storage area was also discussed. Mr. Sepp noted that a note will be placed on the plan stating: "Bulk fuel and oil storage will not be occurring on this site. No type of exterior wash bay equipment including washing or cleaning operations is proposed for this project. Approval by Benner Township and Centre County will be required if bulk fuel and oil storage on the site or washing and cleaning operation is proposed on site. Any approval of these uses will require paving or placing concrete over the outside storage area."

Discussion was held concerning amending the zoning ordinance to require any washing areas to be concreted or otherwise paved.

Mr. Sepp noted that Cleveland Brothers is also seeking a waiver from showing the stormwater swales profiles on the plan. Mr. Weikel noted that he is recommending approving of this waiver. Mr. Elnitski moved to approve this waiver. Mr. Swartzell seconded the motion.

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

MINUTES

The minutes of December 4, 2006, were presented to the Board for their review and comments. Mr. Swartzell moved to approve the minutes as presented. Mr. Elnitski seconded the motion.

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

BILLS

The bills of December 18, 2006, were presented to the Board for their review and approval. Mr. Swartzell moved to approve the bills as presented. Mr. Elnitski seconded the motion.

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

ENGINEER'S REPORT

Mr. Weikel went over the various plans that he has been reviewing on the Board's behalf.

Mr. Weikel noted that Dr. Clair's engineer has provided documentation that the existing driveway meets the minimum site distance requirement for a minimum use driveway. More discussion will be held concerning this matter at the next meeting.

Mr. Weikel noted that he is still waiting for the accident reports from the State Police before he can finalize the amendment to the "No Parking and Speed Limit Ordinance".

ZONING OFFICER'S REPORT

Mrs. Swancer noted that there has been a recent court decision concerning who may complete inspections. She noted further that Mr. Burd is having the agency that he works for investigate and give an opinion on the decision.

Auto Body Shop Complaint: It was noted that a complaint was registered that a auto body shop was operating in the Willowbend development.

Traps: A woman called to complain about someone setting traps in the waterway at the park.

OLD BUSINESS

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

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

Comcast Franchise Fee Agreement Renewal: It was noted that the franchise agreement needs to be extended for an additional six months. Mr. Elnitski moved to approve Resolution 06-10 which will extend the Franchise Agreement until June 30, 2007. Mr. Swartzell seconded the motion.
Vote: Mr. Elnitski - yes Mr. Swartzell - yes Mr. Breon - yes

Nittany Valley Joint Planning Commission - Zoning: As the Board requested, Mr. Roth has prepared an estimate to compose Benner Township's new Zoning Ordinance. Discussion was held. Mr. Fugate noted that the Planning Commission discussed whether or not to include TDR components into the ordinance and all Commission members agreed that they are generally in favor of including them. Mr. Elnitski moved to approve the contract with Roth Plan to prepared the new Zoning Ordinance with TDR components at the cost of \$30,320 payable in 18 equal monthly payments. Mr. Breon seconded the motion.

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

Canyon Property Transfer: Mr. Elnitski questioned if more information should have been included in the study as to what would happen if Penn State received the upland portion of the property that they are requesting and farmed it. Much discussion was held concerning the Western Pennsylvania Conservancy Study. Some discussion was held as to if it would be possible for the township to hold ownership of all of the property and leased only the area deemed safe for Penn State to farm in order to further protect the canyon. This way if it is shown that damage is occurring the lease could be revoked.

Mr. Breon noted that Mr. Donaldson felt it would helpful if the Penn State Landscape Architecture class who did projects on the canyon do a

presentation for the Citizen's Advisory Committee. Mr. Donaldson also mentioned that he thought it would be a good idea to create a Technical Advisory Committee. The Board stated that they weren't sure if now is the time for this committee.

In conclusion, the Board decided that it would be helpful for the Citizen's Advisory Committee to hear from accredited scholars from Penn State Environmental Departments on their view points as well as the students from the Landscape Architecture class.

A recess was taken from 9:43 to 9:47 p.m.

Township Building Repairs: Mr. Weikel prepared a draft RFP to have a space plan completed. This item was tabled until the next meeting so that the Board had more time for review.

Job Descriptions - Recreation Manager/Grant Writer: Mr. Swartzell gave the Board draft copies on these job descriptions for the Board to review and comment on at an upcoming meeting.

Hampton Hills Surety: Mrs. Swancer noted that Mr. Weikel conducted a final review and recommends releasing surety for the Hampton Hills Subdivision Plan. Mr. Elnitski moved to release surety. Mr. Swartzell seconded the motion.

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

NEW BUSINESS

Avail Medical Land Development: It was noted that the Avail Medical building addition is now complete and that the Land Development Plan may be signed. Mr. Swartzell moved to approve and sign the Avail Medical Land Development Plan. Mr. Elnitski seconded the motion.

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

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Centre County Planning Commission
 - a. Bridleridge Subdivision Comments
 - b. The Village of Nittany Glen
2. Restek Corporation NPDES Permit Notification
3. SBWJA November 13, 2006 Minutes

4. Letter from SBWJA to Penn Terra RE: Eagle Point Subdivision sewer capacity
5. DEP Sewage Planning Approval for Cleveland Brothers
6. Comcast - Price Adjustment Notice

ADJOURNMENT

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

Sharon Royer, Sec.