

**Benner Township Supervisors
July 17, 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, Jr. present. Also in attendance were Doug Weikel, Renee Swancer and John Sepp.

MINUTES

The minutes of July 6, 2006, were presented to the Board for their review and comments. Mr. Swartzell moved to approve the minutes as presented. Mr. Breon seconded the motion.

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

BILLS

The bills of July 17, 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 items that he has been reviewing on the board's behalf.

John Sepp/Non-Substantive Change Request for Eagle Point: Mr. Sepp went over the items that will change with non-substantive change request for the Eagle Point Preliminary Plan. These items include:

- a. Going from 10 to 12 townhouses
- b. Eliminating two single family lots
- c. Road name change
- d. Plan has been divided into two phases

Mr. Breon moved to approve the request for the non-substantive change as requested for the Eagle Point Preliminary Plan. Mr. Swartzell seconded the motion.

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

Water Authority Update: Mr. Weikel reported that the Benner Township Water Authority has now adopted Rules and Regulations Governing Water

Service and a Developer's Handbook for additions and extensions to public water systems.

Memorandum of Understandings/ Nittany Glen Club House & Eagle Point

Phase I Final Plan: Mr. Elnitski moved to approve and sign the memorandums of understanding for the Nittany Glen Club House and the Eagle Point Phase I Final Plan. Mr. Swartzell seconded the motion.

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

Eagle Point Preliminary Plan: Discussion was held. It was noted that since the Non-Substantive change has been approved, the Eagle Point Preliminary plan is ready for approval pending signatures being placed by the Benner Township Planning Commission on the plan. Mr. Swartzell moved to approve the plan and affix signatures on the plan after Planning Commission signatures are obtained. Mr. Elnitski seconded the motion.

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

Cleveland Brothers: Mr. Sepp noted that a few comments have been generated regarding the revised zoning language and that they were e-mail to Mrs. Swancer late this afternoon.

Discussion was held about possibly creating a memo of understanding with CCIDC that no additional development will take place in the Rockview Park until the I-3 regulations are written and in place. Mr. Elnitski noted that he would like to see more detailed regulations included into the ordinance language concerning chemicals, washing, etc. since Cleveland Brothers does not want their uses listed as Conditional Uses. Mr. Elnitski also noted that he would like to have something included in the language that addresses Sales Display areas. He noted that he wouldn't have a problem with having a few pieces of equipment in the front of the building tastefully done with the remainder of the sales area in the back of the building.

Mr. Sepp reported that the joint meeting between Bellefonte Borough and SBWJA was cancelled. However, it is his understanding that Mr. Miller and Mr. Stewart were able to agree on language to create a letter that was enough to get the grant application on to the next phase.

It was also noted that the Board may want to have Home Heating Oil Delivery businesses omitted from the district as a permitted use.

Comprehensive Plan/Zoning Amendment: Mr. Elnitski moved to prepare the legal advertising document for the comprehensive plan/zoning amendment once the date for the public hearing can be determined. Mr. Breon seconded the motion.

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

Adelphia Franchise Fee Agreement Renewal: Reviews are continuing with the Master Regulatory Ordinance. It was noted that legislation is pending that would turn cable franchising over to the Federal Government.

NVJPC Zoning: It was noted that supplemental regulations were distributed at the last meeting. The next meeting is scheduled for July 20th at the Spring Township Building.

Legislation/Canyon Property: Mr. Breon reported that Mr. Hickey has told him that the legislation has been written and that he has it. Mr. Eckert has reported that he hasn't seen it and indicated previously that Senator Corman would need to be involved in it's creation. Discussion was held concerning the pending draft memorandums with Penn State and the Fish Commission relative to the transfers of the properties. Mr. Swartzell indicated that he was turning his assignment of working with Penn State on the memorandum over to Mr. Elnitski.

Gerald Clair - Driveway/subdivision waiver request: Discussion was held concerning the letter that Mr. French sent to Mr. Stover. Mr. Swartzell indicated that he thought that Mr. French was going to issue a legal opinion on what the Board's liability would be if they went ahead and granted the waiver for the driveway. Mr. French explained to Mrs. Swancer that before

discussions can be entertained on waivers it first needs to be determined if this easement settlement agreement of November 8, 1972, means anything other than two party agreement. This was the reasoning the letter was written as it was to determine if Mr. Stover has case law to support his request because Mr. French could not find any to support their position.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Notice that Graymont has submitted an application for Minor Permit Modification
2. SBWJA minutes of June 26, 2006
3. Thank you letters for Scholarship awards
 - a. Victoria Feters
 - b. Jordan Williams
4. Centre County Planning Office Correspondence:
 - a. Minor Land Development Proposal for Robert Novosel
 - b. Comment letter Re: Final Plan for Remodelers Workshop Land Development
5. Copy of letter SBWJA sent to Amberleigh Re: sinkhole

ADJOURNMENT

The meeting was adjourned the time being 9:37 p.m.

Sharon Royer, Sec.