

**Benner Township Supervisors
November 6, 2006**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:30 p.m. by the Vice Chairman, James Swartzell with member John Elnitski, Jr. present. Mr. Breon was absent. Also in attendance were Marlin Shuey, Earline Shuey, Jonas Price, Rocelle Price, Genny Robine, Renee Swancer and John Sepp.

EXECUTIVE SESSION NOTICE: Mr. Swartzell noted that the Board held an executive session on November 2, 2006 from 7:15 to 7:25 pm. to discuss personnel issues. Mr. Swartzell and Mr. Elnitski, Jr. were present.

PERSONS TO ADDRESS THE BOARD

Jonas Price: Mr. Price was present to go over his hopes of purchasing the Marlin Shuey property and convert the home into a bed and breakfast establishment with a small fly shop in the one out building. It was noted that as long as the Prices intend to live in the home, a bed & breakfast establishment is permitted. It was also explained that the Prices may operate a home occupation business in the home, however, everything that is sold their must be made by them. No products made and produced by others can be sold at their establishment. Much discussion was held. Mr. Elnitski suggested that the Prices try to find some kind of case law to support what they wish to do so that the township attorney can review it and make his determination if it applies in this case.

John Sepp: It was noted that the County has provided their review comments on the Cleveland Brother Land Development Plan. The County wants Penn DOT to issue a Highway Occupancy Permit (HOP) on Route 150 before any construction can occur. Mr. Sepp indicated the temporary driveway, as originally proposed, off Route 150 is now not acceptable to the County. The County is requiring an internal road to be built and dedicated to the Township off Route 150. Due to time constraints, Mr. Sepp is proposing to use the Township's Rishel Hill for a temporary driveway to the site. Mr. Sepp indicated that CBICC would post surety for the traffic light and widening on Route 150. Mr. Sepp indicated that Trans Associates has also reviewed Rishel Hill and believes the driveway could be used in its present location, and it would be better than lining it up with the County Prison driveway. The Board agreed to do a "conditional" approval for the use of a

temporary driveway onto Rishel Hill Road, "if" the Township Engineer finds this acceptable.

Cleveland Brothers Planning Module: It was noted that a variance is needed to be approved by the Zoning Hearing Board in order to allow for a temporary holding tank to be issued to Cleveland Brothers. Mr. Elnitski moved to conditionally approve the Cleveland Brothers Planning Module pending the Zoning Hearing Board approval. Mr. Swartzell seconded the motion.

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

MINUTES

The minutes of October 16, 2006, were presented to the Board for their review and comments. Mr. Elnitski moved to approve the minutes as presented. Mr. Swartzell seconded the motion.

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

BILLS

The bills of November 6, 2006, were presented to the Board for their review and approval. Mr. Elnitski moved to approve the bills as presented. Mr. Swartzell seconded the motion.

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

ZONING OFFICER'S REPORT

Eldred Contracting: Mrs. Swancer noted that Eldred Contracting has decided not to construct a home on Lot 68 in Opequon that they have applied for a permit for. In light of this, they are asking if the township would consider refunding them their building permit application. Mr. Elnitski noted that due to circumstances and because time has been spent reviewing the application that the township would refund 75% of the building permit application fee paid. Mr. Swartzell seconded the motion.

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

Zoning Ordinance: Mrs. Swancer reported that the Planning Commission is currently comparing the County version of the Zoning Ordinance with ordinances that had been written by Harry Roth and the Township's existing ordinance.

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: 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.

Nittany Valley Joint Planning Commission Zoning: Nothing new to report.

Legislation for Canyon Property Transfer: Mr. Elnitski reported that the legislation will probably not be introduced until January 2007.

Municipal Building Repairs: The Board noted that they would like to schedule a meeting with the Supervisors, Doug Weikel, Pat Bernhard and the office staff to walk the property and get ideas.

NEW BUSINESS

2007 Tentative Budget: Mr. Elnitski moved to tentatively adopt the 2007 to place it out for the required public comment period with the final adoption to be on December 4th. Mr. Swartzell seconded the motion.

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

Employee Physicals: Discussion was held concerning having CDL employees having regular CDL physicals. Mr. Elnitski moved to require Township Employees holding CDL licenses to have regular CDL physicals. Mr. Swartzell seconded the motion.

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

Centre County Industrial Park Reclassification Plan: Mr. Elnitski moved to conditionally approve the plan pending HRG's review of the access roads and comments on such. Mr. Swartzell seconded the motion.

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

Park & Recreation: Discussion was held about employee positions for the upcoming year. Mr. Elnitski moved to not reappoint the current Park and Recreation Director for 2007 and re-advertise for a Park & Recreation Operations Manager and a Grant Writer. Mr. Swartzell seconded the motion.

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

Water Authority Vacancy: It was noted that Sarah Young has presented her resignation letter from the Water Authority. It was further noted that Jack Rimer has expressed an interest in being reinstated on the Board if they are ok with him missing three meetings a year. He indicated that he would be willing to work from Florida on issues as warranted. Mr. Elnitski moved to appoint Jack Rimer to the Benner Township Water Authority for the remainder of Sarah Young's term and that the Township will pay for teleconferences if needed while he is in Florida. Mr. Swartzell seconded the motion.

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

Benner Township History Books: The question was asked if the Township plans on reducing the price of the History Books. It was noted that they discussed doing this when Nittany Glen spoke of buying the remainder of the books. Mr. Swartzell noted that the books originally cost approximately \$13 to publish and that the book sales to date have more than paid for themselves. It was decided that the remainder of the books will be sold for \$15/ea.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Burns Salvage & Excavating NPDES permit
2. Notice to Joseph Pistone Re: Septic System Malfunction
3. Copy of letter from SBWJA to Centre Region Re: UAJA Expanded growth area
4. Centre County Planning Commission Letters
 - a. Time Extensions
 1. Omar Ahmed
 2. Avail Medical
 3. Opequon Hill
5. Copy of letter CCIDC sent to Ed Rendell Re: SCI Rockview land
6. SBWJA Minutes - October 9, 2006
7. Copy of 2007 Rules and Regulation Re: Earned Income Tax & Net Profits
8. Graymont Quarry Landfill-permit Renewal

9. Notice that Glenn O. Hawbaker - General Permit Notification of moving Portable Mineral Processing Plants to Stonecrest Drive Construction site
10. Notice of Clean Streams Law Violations Glenn O. Hawbaker - Amberleigh

ADJOURNMENT

The meeting was adjourned the time being 9:07 p.m.

Sharon Royer, Sec.