

Benner Township Supervisors

September 7, 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 Renee Swancer, John Sepp, Tom Kulakowski and Garen Smith.

PERSONS TO ADDRESS THE BOARD

Tom Kulakowski/Grove Park Phase I Final Plan:

Surety Package: The surety package for Grove Park Phase I Final Plan was presented to the Board for their approval. The amount of the surety is \$714,474.95 which has been reviewed and approved by the township engineer. Mr. Breon moved to approve the surety package for Phase I of Grove Park. Mr. Elnitski seconded the motion.

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

Grove Park Phase I - Final Plan: Now that surety has been posted, the plans for Phase I of Grove Park may be approved. Mr. Elnitski moved to approve plans for Phase I of Grove Park. Mr. Breon seconded the motion.

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

John Sepp - Rockview Business Park: Mr. Sepp was present to update the Board on the preliminary outline of the protective covenants that the Rockview Task Force has drafted for the Rockview Business Park. Mr. Sepp noted that regulations are being proposed for those who wish to use incentives and for those who do not. A review board will be set up to review and determine approval or denial of all incentives. Mr. Sepp noted that he is beginning to work on the layout of the business park. He noted that he should have more information to share with the Board at their October 2nd meeting. Discussion was held concerning TDRs. Mr. Sepp noted that without having the details and parameters of the TDRs in writing he would have a hard time recommending them.

MINUTES

The minutes of August 21, 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 - yes

BILLS

The bills of September 7, 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 - yes

ZONING OFFICER'S REPORT

Amberleigh: It was noted that the sewer issues have been resolved and several building permits for town homes have been issued.

Rockview Easements: Mrs. Swancer noted that new drafts of the easements have been forwarded and that the new drafts have removed the liability requirements.

TDRs: Discussion was held whether or not a TDR program will work for our township if the Rockview property isn't rezoned. Discussion was held on Mr. Roth's proposal to write the TDR program for the township. Mrs. Swancer noted that she would check with Mr. Roth to see if there were any different tools other than TDRs to achieve a similar result. It was noted that it was unclear whether or not the county is going to do some kind of an analysis as to how much sending and how much receiving is needed.

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.

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

Legislation Language for Canyon Property Transfer:

Penn State MOU: Mr. Elnitski moved to approve the MOU that has been drafted and before the board. Mr. Breon seconded the motion.

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

Fish Commission MOU: Mr. Elnitski moved to approve the MOU with the Pennsylvania Fish and Boat Commission pending no substantial changes are made. Mr. Breon seconded the motion.

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

Gerald Clair - driveway access/subdivision: A copy of the letter that was submitted to Mr. Stover from Mr. French was provided to the Board. This letter outlined the necessary steps that Dr. Clair would need to take for possible consideration of a waiver.

Three Lot Subdivision for Rockview Lot 5: It was noted that Lot 5 will now have a pan handle to Rishel Hill instead of having an easement. Mr. Elnitski moved to approve this non-substantive change. Mr. Breon seconded the motion.

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

Peer to Peer Grant: It was noted that Mr. French has reviewed contract and recommended approval. Mr. Elnitski moved to approve and sign the DCNR Peer to Peer grant contract. Mr. Swartzell seconded the motion.

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

NEW BUSINESS

None.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Spring Creek Watershed Commission - July 25, 2006 minutes
2. SBWJA Minutes - August 14, 2006
3. PSATS News Bulletin
4. Notice of Rockview Electrical Upgrade
5. 2005 State of the Water Resources Report
6. Notice of Minor Operating Permit Modification for Graymont Inc.
7. Cleveland Brothers - August 23, 2006 minutes

ADJOURNMENT

The meeting was adjourned the time being 8:58 p.m.

Sharon Royer, Sec.