

**Benner Township Supervisors
American Tower Conditional Use Hearing
December 1, 2008**

The Conditional Use Hearing for American Tower was called to order at 7:30 p.m. by the Chairman, John Elnitski, Jr. with member James Swartzell present. Mr. Breon was absent. Also in attendance were Tucker Lahr and Renee Swancer.

It was noted that American Tower is requesting permission to collocate telecommunication equipment at an existing telecommunications tower facility located at 211 Hummingbird Lane, Bellefonte, PA. All adjoining properties and both airports were notified of this request and hearing. This equipment will be used by T-Mobile. It was noted that the Planning Commission reviewed this request at their November 13, 2008 meeting and recommended approval.

Mr. Elnitski asked that the Township Engineer have a look at the drawings prior to the final approval.

The hearing was closed the time being 7:39 p.m.



Sharon Royer, Sec.

**Benner Township Supervisors
December 1, 2008**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:40 p.m. by the Chairman, John Elnitski, Jr. with member James Swartzell present. Mr. Breon was absent. Also in attendance were Renee Swancer.

Executive Session: Mr. Elnitski noted that the Board of Supervisors held an executive session on November 17, 2008, from 9:30 p.m. to 10:10 to discuss pending litigation. All Board members were present.

PERSONS TO ADDRESS THE BOARD

Nancy Killeen: Mrs. Killeen was not present as she expected to be. The Board however, was in receipt of a letter from her requesting permission to

keep her concrete septic tank to be used as a compost container. Discussion was held. The Board questioned how this tank would be secured. The Board asked that the Township Engineer review this request and provide feedback.

MINUTES

The minutes of November 17, 2008, 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. Breon - absent Mr. Swartzell - yes Mr. Elnitski - yes

BILLS

The bills of December 1, 2008, were presented to the Board for their review and approval. Mr. Elnitski moved to approve the bills as presented to the Board. Mr. Swartzell seconded the motion.

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

ZONING OFFICER REPORT - Nothing new to report.

OLD BUSINESS

Zoning Ordinance: Discussion was held about having a joint meeting with Centre Peace Representatives and those that oppose the operation of the halfway house. Dates for this meeting will be chosen at a later date.

Canyon: Mr. Elnitski updated the Board on the meeting the public meeting he attended.

Bellefonte Borough Fire Protection Agreement: Mr. Elnitski noted that he has reviewed the first draft of this and made several comments about sections needed further clarification.

EMT Tax Ordinance 102: It was noted that the public hearing for this Ordinance was held on November 17, 2008. The typo-graphical errors were cleaned up and the resolution for the tax collector has been created. Mr. Elnitski moved to adopt Ordinance 102 which established the EMT Tax at \$52.00. Mr. Swartzell seconded the motion.

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

Resolution 08-7 - Tax Collector Appointment: Resolution 08-7 was presented to the Board. The purpose of this resolution was to appoint the

Bellefonte Area School District to act at the Township's agent in collecting the EMT Tax. Mr. Swartzell moved to adopt Resolution 08-7. Mr. Elnitski seconded the motion.

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

NEW BUSINESS

Bellefonte Borough Pretreatment Resolution 08-8: It was noted that the Pennsylvania Department of Environmental Protection is requiring Bellefonte Borough to adopt different standards at their sewage treatment plant. It is also a requirement that each Township and/or Authority that sends sewage waste to this plant for treatment adopt the same amendments. Resolution 08-8 has been prepared to meet this requirement. It was noted that SBWJA has reviewed this resolution with their consultants and has found it acceptable for adoption. Mr. Swartzell moved to adopt Resolution 08-8. Mr. Elnitski seconded the motion.

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

Penn Dot Salt Contract: It was noted that the Township is in receipt of a contract with Penn Dot for salt purchase should the need arise as a back up option. Mr. Swartzell moved to adopt Resolution 08-9 which allows the Township to purchase salt off of the State's contract should the need arise. Mr. Elnitski seconded the motion.

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

Grazzini Land Development Plan: Mrs. Swancer noted that a final inspection has been completed with the township engineer on the Grazzini Land Development Plan. All necessary items were found to be complete therefore surety may be released. Mr. Elnitski moved to release the surety for the Grazzini Land Development Plan. Mr. Swartzell seconded the motion.

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

Insurance for 2009: The insurance quotes were given to the Board for their review. Mr. Swartzell moved to remain with Selective Insurance as the Township's insurance provider with St. Mary's Insurance Agency acting at the Township's agent. Mr. Elnitski seconded the motion.

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

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. DEP letter to Bellefonte Borough Re: Rockview State Prison Expansion
2. Conservation District Report RE: Eagle Point Fill Site
3. Centre County Planning Office Time Extensions
 - a. Benner Commerce Park
 - b. Self-Storage for You
 - c. Fox Ridge Subdivision
 - d. Fulton Bank
 - e. Phase 7B Snow Removal Equipment Building University Park Airport

ADJOURNMENT

The meeting was adjourned the time being 8:03 p.m.



Sharon Royer, Sec.

BEFORE THE BOARD OF SUPERVISORS OF BENNER TOWNSHIP

In the matter of:

American Tower	:	Conditional Use Application
	:	Article X, Section 9
<i>Property Location</i>	:	
211 Hummingbird Lane	:	
Clair Stem (12-002-,018G-,0001)	:	

PROCEDURAL BACKGROUND

Applicant submitted an application for a conditional use hearing on October 30, 2008. This request was referred to the Benner Township Planning Commission for review and comments by the Board of Supervisors on November 3, 2008. The Planning Commission recommended approval of the application on November 13, 2008. The board then advertised this request for a hearing in the Centre Daily Times to be held on December 1, 2008.

Present on behalf of the Board was Chairman, John Elnitski, Jr., and Vice Chairman, James Swartzell.

Present on behalf of the applicant was Tucker Lahr.

Present on behalf of the Township: Renee Swancer, Zoning Officer.

There was no objection to the proceedings by American Tower. At the close of testimony, the Board discussed the case in an open meeting.

FINDINGS OF FACT

1. The parcel in question has a tax code of 12-002-,018G-,0001 owned by Clair and Shirley Stem located on Purdue Mountain.
2. Applicant wishes to co-locate on an existing telecommunication tower that is 180' SABRE Self Support lattice Tower owned by American Tower.
3. Applicant wishes to locate their three additional antenna array at the 155' level mark of the 180' tower.
4. Applicant has noted that no structure changes will be made to the tower itself.
5. Applicant certifies that all adjoining property owners have been notified of this request as well as the airports located in the township.
6. American Tower proposes to construct a 10' X 20' concrete pad within a 10' X 21' lease area with one equipment cabinet.
7. Applicant offered the following exhibits into evidence during the Conditional Use Hearing:
 - A1 Supporting documentation demonstrating compliance with Ordinance 70 Article 5, Section 13
 - A2 Plan
 - A3 NEPA Checklist
 - A4 Emissions Report
 - A5 Structural Evaluation
 - A6 FCC License
 - A7 Proof of Insurance
8. Applicant stated that all federal and state aviation requirements shall be met as applicable.

DISCUSSION

The uses permitted by conditional use in the Forest District established by Article II, Section 4.1 of the Benner Township zoning Ordinance are as follows:

1. Communication towers and antennas.

Article V, Section 12 also regulates Towers and Antennas.

DECISION

The application of American Tower is granted a conditional use permit with the following conditions:

1. Compliance with any State, Federal, County or local requirements as they may apply.
2. Secure proper leasing agreement prior to applying for a zoning and building permit.
3. Obtain a Zoning and Building Permit for the construction of the facilities.
4. Tower shall meet any and all Federal Aviation Administration requirements, as applicable.
5. All sub-leases of tower or antenna space must apply to the Township for a Zoning permit.

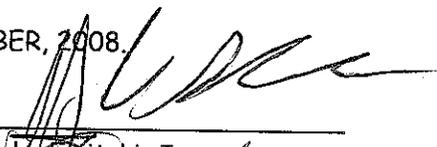
BEFORE THE BOARD OF SUPERVISORS OF BENNER TOWNSHIP
IN THE MATTER OF:

American Tower : Conditional Use
: Application, Article X,
: Section 9
Property Location: :
211 Hummingbird Lane :
Clair Stem (12-002-,0186-,0001) :

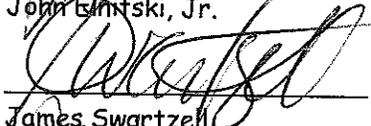
AND NOW, the foregoing Opinion and Decision of the Board in the
above-captioned matter is adopted or defeated by a vote of the Board as
follows:

	YES	NO	ABSTAIN	ABSENT
John Elnitski, Jr.	X			
James Swartzell	X			
David C. Breon	X			

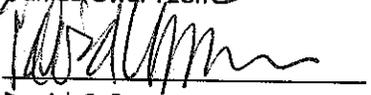
ADOPTED, THIS 15th DAY OF DECEMBER, 2008.



John Elnitski, Jr.

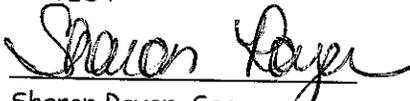


James Swartzell



David C. Breon

ATTEST:



Sharon Royer, Sec.