

**Benner Township Supervisors
Ordinance 102 Hearing
November 17, 2008**

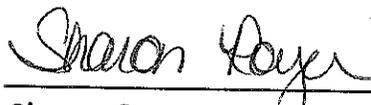
The public hearing for Ordinance 102 was called to order at 7:30 p.m. by the Chairman, John Elnitski, Jr. with members James Swartzell and Dave Breon present. Also in attendance were Doug Weikel, Dennis O'Leary, Miriam Locklin, Elaine Schaeffer, Helen Alters, Daniel Horner and Renee Swancer.

It was noted that this Ordinance enacts the "Local Services Tax" and sets forth the requirements to comply with the "Local Services Tax" as set forth in Act 7 which provides for a continuation of the occupational privilege taxes enacted before December 1, 2004. The tax rate will be raised from \$10 to \$52 per year.

No one from the audience had any comments on the ordinance. Mr. Elnitski moved to act on the adoption of this ordinance at the Board's next regular meeting. Mr. Swartzell seconded the motion.

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

The hearing was adjourned the time being 7:40 p.m.



Sharon Royer, Sec.

**Benner Township Supervisors
November 17, 2008**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:41 p.m. by the Chairman, John Elnitski, Jr. with members James Swartzell and Dave Breon present. Also in attendance were Doug Weikel, Dennis O'Leary, Miriam Locklin, Elaine Schaeffer, Helen Alters, Daniel Horner and Renee Swancer.

PERSONS TO ADDRESS THE BOARD

Elaine Schaeffer: Mrs. Schaeffer was present to discuss the proposed halfway house to be located on Fishburn Hill Road. She questioned if any new developments in this proposal have taken place. Mr. Elnitski noted that nothing new has been submitted. Mrs. Schaeffer noted that she has canvassed approximately a one mile radius of her neighborhood with a

petition stating that those that signed agreed that they don't feel that this use was appropriate in the community. She stated that she canvassed 142 people. She noted that out of those canvassed 8 people didn't sign because they felt that they didn't have enough information to make an informed decision. Mr. Elnitski noted that we can accept the petition and place it on record which could be used as evidence if needed at a later date. He noted that the petition its self cannot stop the halfway house from happening. It just merely informs the board of the feelings of those that signed it. Mr. Elnitski noted that the Township is seeking information from two different law firms to see what the township can and cannot regulate.

MINUTES

The minutes of November 3, 2008, 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. Breon - yes Mr. Swartzell - yes Mr. Elnitski - yes

BILLS

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

ENGINEER'S REPORT

Mr. Weikel was present to go over the projects that he has been reviewing on behalf of the board. Mr. Weikel noted that he has attended several meetings concerning the Benner Commerce Park's access on to Rishel Hill Road since legislation was vetoed by the Governor. He noted further that a meeting is scheduled on Friday to come up with proper notations to allow approval of the plan with the access "as is" but requiring relocation to form a plus intersection prior to occupation.

ROAD SUPERINTENDENT'S REPORT

Mr. Breon asked Mr. O'Leary to see if there is any more attractive sign poles that we can be ordering other than what we have been getting.

Mr. O'Leary reported the following:

*Repaving work from the sewerline project has been completed. A walk thru will be scheduled with the contractor.

*Still looking for a steel door for the building at the park. Discussion was held as to having a door fabricated for the building. Mr. O'Leary noted that he will inquire about that.

*State contract prices for a new backhoe were reviewed with the Board. Mr. O'Leary noted that he wants to test a John Deere before making a final recommendation.

*Mr. O'Leary gave the Board a preliminary equipment replacement schedule. The Board asked that a detailed replacement schedule for the equipment be prepared.

ZONING OFFICER REPORT

Mrs. Swancer noted that she didn't have anything new to report.

OLD BUSINESS

Zoning Ordinance: Nothing new.

Canyon Property: Mr. Elnitski went over the draft results of the key person interviews prepared by Environmental Planning and Design. He asked the Board to review the results and to get any comments back to him by the beginning of next week. Mr. Elnitski updated the Board on the changes to the EPD Contract. The Board agreed that they don't have an issue with the additional charges for the workshop/meeting arrangements. Mr. Elnitski noted that he does not recall the group requesting the meetings being Podcasted - that this is something that the firm has done on their own. He noted that he is going to look further into the proposal about the website fees. Mr. Breon updated the other Board members on the Canyon Meetings that he has attended.

Bellefonte Borough Fire Protection Agreement: This item was tabled.

University Park Airport - Traffic Control Tower Conditional Use Application:

The conditional use application for the Air Traffic Control Tower was presented to the Board. Mr. Elnitski moved to forward this application on to the Planning Commission for their review and comments. Mr. Elnitski asked that the airport to be prepared to submit a copy of the FAA Air Space Plan during the Board's hearing. Mr. Swartzell seconded the motion.

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

PA Wayfinding Signage Program: Information was received from the PA Wayfinding Signage Program. Mr. Weikel briefed the Board on the program. Mr. Swartzell moved to create a support letter for this program. Mr. Elnitski seconded the motion.

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

Bat Boxes: Mrs. Swancer noted that she spoke with a ranger at the Black Moshannon State Park who is very familiar with the bat boxes. This ranger has completed a special course regarding bats. The ranger noted that there are height and location suggestions when placing bat boxes. She noted that there is little to no maintenance for the boxes. Mr. Elnitski suggested that the scout leader contact this ranger for assistance in this project.

Sewer Project: Mr. Elnitski noted that he attended Spring Benner Walker Joint Authority's last meeting regarding the connection notice deadlines. The Board was agreeable to granting extensions should they be needed, however the hook on fee will still be required to be paid within the 60 day connection notice. Mr. Elnitski also noted that he has contacted Corman and Hanna's office regarding the creation of some kind of mechanism to loosen up lending requirements for this type of expense.

Kepler Pool: Mr. Elnitski noted that the invoices for Kepler pool have been revised so that only the funds needed to meet the pool expenses were invoiced.

NEW BUSINESS

2009 Budget: The tentative budget for fiscal year 2009, was presented to the Board. Mr. Breon moved to advertise the tentative budget for public inspection. Mr. Swartzell seconded the motion.

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

Benner Commerce Park/Cleveland Brothers Surety Reduction: Mrs. Swancer noted that the developers for the Final Land Development Plan for Cleveland Brothers is requesting a reduction in surety from \$625,000 to \$298,585.72. This request has been reviewed and approved by the Township Engineer. Mr. Elnitski moved to approve this surety reduction request. Mr. Swartzell seconded the motion.

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

Township Solicitor: Mr. Elnitski noted that he has spoken with a couple of potential candidates for the new Township Solicitor. A proposal from Babst/Calland/Clements/Zomnir has been received. It was noted that the Attorney Schoonover from the State College office would be the Township's main contact at this firm. Board members were asked to review the proposal for the next meeting.

Mr. Elnitski moved to appoint the firm of Babst/Calland/Clements/Zomnir to issue the Township a second legal opinion on the Halfway House issue. Mr. Swartzell seconded the motion.

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

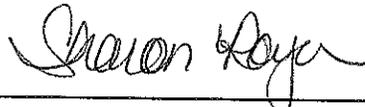
CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes of October 27, 2008
2. Clearwater Conservancy Fall Newsletter
3. Letter from FEMA Re: Flood Hazard Area Ordinance

ADJOURNMENT

The meeting was adjourned the time being 9:25 p.m.



Sharon Royer, Sec.