

**Benner Township Supervisors**  
**November 3, 2008**

The regularly scheduled meeting of the Benner Township Board of Supervisors 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 is Robert Bradley, Jessica Bradley, Tammy Hahn, Randy Hahn, Daniel Horner, Clair Stem, Don Singleton, Dan Swarm, Neil Carlson, Ruthie Carlson, Nate Campbell, Carrie Campbell, Warren Miller and Renee Swancer.

**PERSONS TO ADDRESS THE BOARD**

Warren Miller: Mr. Miller reported that 100 percent of the lines have been installed and tested. A few minor tweaks need to be worked out. The final walk through is scheduled for next week. Mr. Miller noted that notice to connect letters will be sent out probably within the week. Sixty days are given to connect. Mr. Miller noted that if the weather turns extremely cold that a time extension may be granted. Mr. Miller noted that a tap is located on each individual's property and each property owner will be expected to hook on. Mr. Miller noted that those with long pipe runs could perhaps use part of their existing piping to their current system, the Authority can come in and camera the lines to make sure that there isn't any issues with the existing pipe.

Mr. Miller noted that he felt the project went very well. He was pleased with the contractor and how they dealt with everyone involved.

Robert Bradley stated that he was told by Mr. Miller at meeting at the school that all of the roads in Willowbend would be repaved and would be raised to fix the roadway/curb height problems that the development has.

Mr. Miller replied that there was no road plan at the time of the meeting at the school. Mr. Elnitski noted that he was at the meeting and did not recall Mr. Miller making any of the statements that Mr. Bradley is saying was made and that if Mr. Miller would have said that he was raising the road he would have stated that he couldn't because the development was designed to use the curbs as designed to deal with stormwater.

Mr. Bradley noted that he would like to review the bid specs because he recalls that the paving of the roads was included. Mr. Miller noted that this

was not the case because at that point in time the lines were going to be placed in the yards not the roads. Yard easements were being obtained by the Authority from property owners at the time of that meeting.

Mr. Elnitski noted that all the Authority would have really had to do was to repaved half of the width of the roadway that was disturbed but instead they are paving the whole width of the roadway where the road was disturbed.

Neil Carlson questioned why the section of the roadway from Raymond's Lane to the first manhole wasn't being paved when every piece of equipment used in this project traveled over this section of road. Mr. Elnitski reported that the Engineer looked at that section of road and feels that the undisturbed roads should last another 10 to 20 years.

Mr. Carlson questioned if there was a provision in the township ordinance that if you were a certain distance from the sewerline that you were not required to hook on to the sewer. Mr. Elnitski noted that the township's ordinance does not include any distances in its connection ordinance. Township Ordinance 67 states "Section 2.01. The Owner of any Improved Property which is located in the Township and is adjoining and adjacent to the Sewer System shall connect such Improved Property to the Sewer System in such manner as this Township and the Authority may require . . . "

Residents questioned if there would be any extensions in time for the connection. Mr. Miller noted that if there is extenuating circumstances that time extensions may be granted. Each case will be looked at individually. Mr. Elnitski noted that he has also asked Senator Corman if there is any other funding methods for those that don't meet the extremely low income guidelines for the low interest loans.

## **MINUTES**

The minutes of October 20, 2008, 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. Breon - yes      Mr. Swartzell - yes      Mr. Elnitski - yes

## **BILLS**

The bills of November 3, 2008, were presented to the Board for their review and approval. Mr. Breon moved to approve the bills as presented. Mr. Elnitski seconded the motion.

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

## **ZONING OFFICER'S REPORT**

Mrs. Swancer noted that she spoke with Attorney French regarding regulating Halfway Houses. Mr. French believes that this is possible to some extent. Mr. Roth disagrees. Therefore, Attorney French has asked Mr. Roth to provide him with case law showing his case.

Mr. Elnitski commended Mrs. Swancer for the job that she did organizing the Haunted Trail. The event was well attended. Mrs. Swancer noted that she plans on creating a committee to help with the trail next year.

## **OLD BUSINESS**

Zoning Ordinance: Mrs. Swancer noted that as soon as the Halfway House language is resolved, the ordinance will be advertised. The hearing will be held on January 19<sup>th</sup>. It was decided to see if the school is available to hold this public hearing.

Canyon Property: Mr. Breon questioned if it would be possible for the Township to "deed" square inches of the canyon property off as a way of raising funds for its care. This is currently being done for Nittany Mountain Conservancy.

EPD Contract: This was tabled until the next meeting.

Bellefonte Borough Fire Protection Agreement: Mr. Elnitski reported that he met with Mr. Halderman to discuss the draft agreement. Mr. Elnitski noted that some of the items that they discussed were the need for a Fire Company Committee or Board, the need for advance notice should the contribution fee increase over a certain percentage, and a one year advance get out clause from the agreement. Mr. Elnitski noted that he informed Mr. Halderman that at this time, the township will not be signing the agreement.

Planning Commission Vacancy: Mrs. Swancer noted that it is the recommendation of the Planning Commission to appoint, Dan Horner to the current three year vacancy on the Benner Township Planning Commission. Mr. Swartzell moved to accept the recommendation of the Planning Commission for the appointment of Dan Horner. Mr. Breon seconded the motion.

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

## **NEW BUSINESS**

Boy Scout Bat boxes: This item remains tabled.

American Tower Conditional Use Hearing: The conditional use application for American Tower Corp. was presented to the Board. American Tower Corp. wishes to attach an additional antenna to an existing tower on Purdue Mountain. Mr. Swartzell moved to forward this application on to the Planning Commission for their review and comment. Mr. Breon seconded the motion.

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

Sewer Project Additional Paving by Residents: Mr. Elnitski noted that some residents of the Willowbend Development were unhappy that the entire roadway wasn't going to be repaved. Mr. Elnitski noted that he had Doug Weikel go and look at the roadways in question and Mr. Weikel feels that the road condition in the areas that aren't going to be paved are fine. Cost estimates were received from the contractor for each area that won't be paved and the opportunity was given to residents that felt so strongly about the pavement to pay from their own funds to have the other areas done. Mr. Elnitski noted that Thomas and Betty Simco have indicated that it is their desire to hire the contractor to complete the re-pavement of the Salix Cul-de-Sac from manhole WB-35 at the cost to themselves of \$16,055.00. Mr. Elnitski moved to grant the Simco's permission to hire the same contractor to complete this pavement baring the cost themselves. Mr. Swartzell seconded the motion.

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

PA Wayfinding Signage Program: This item was tabled until more information could be obtained.

Ken Schleiden letter: The Board is in receipt of a letter from Ken Schleiden stating that he does not wish to be reappointed at the end of his term in December.

### **CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. Copy of CATA's 07/08 Audit
2. Letter from PSU Re: Settlement Payment amount
3. SBWJA Minutes of October 13, 2008
4. PSATS New Bulletin
5. Centre County Planning Commission
  - a. The Glen at Paradise Hills South
  - b. Time Extension Penn State Federal Credit Union
  - c. Time Extension Kevin Mishock Subdivision
6. Mid Penn Engineering - Offering Engineering Services
7. Letter from PennDot Re: Bridge Issues

### **ADJOURNMENT**

The meeting was adjourned the time being 9:20 p.m.

  
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Sharon Royer, Sec.