

Benner Township Supervisors
August 3, 2009

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 were Renee Swancer, Timothy Schnoover, John Arway, Richard Shreve, Dennis Dusza, Russ Schleiden, Joanne Tosti-Vasey, Jennifer Shuey, Bill Hilshy, Ralph Seeley, Steve Lanich, Chris Perry, Ed Perry, Dave Putnam, Lynne Heritage, Gary Thornbloom, Bob Leonard, Steve Hinman, Anne Dauahy, Kerry Benninghoff, Ben Jones, Mike Pruss, and Bill Capouillez.

Fults Auto Body Conditional Use Hearing: Mrs. Royer noted that the Board is in receipt of a letter from Mr. Fults stating that he wishes to withdraw his conditional use application. The Board approved the withdrawal.

PERSONS TO ADDRESS THE BOARD

Bill Capouillez - PA Game Commission: Mr. Capouillez noted that along with himself he brought with him Denny Dusza, Mike Pruss, Ben Jones, Dave Putnam and Russ Schleiden all from the Game Commission.

Mr. Capouillez compared the Game Commission's mission statement with the Spring Creek Canyon Goals and commented that both have many common traits and goals.

Mr. Capouillez noted that he takes exception to the Spring Creek Canyon Master Plan study when it indicates that the Game Commission only has the ability to perform 13 management functions of the Canyon that the study outlines. Mr. Capouillez then gave the Board a presentation on how the Game Commission has the ability to meet 32 of the study's major management functions as outlined in EPD's study. Topics such as funding; personnel (Harrisburg staff, Regional staff and local staff); maintenance equipment available to them; experience with management and enhancement of terrestrial wildlife habitats, aquatic wildlife habitats, riparian buffers and floodplains; conversion of open fields as restored areas; reforestation; invasive species management; steep slopes and rock outcrops; environmental education; share crop agreements; building and maintaining buildings, bridges, roads and parking areas; experience in dealing with critical and unique habitat; research and studies; forest and woodlands conservation; and

inventory and mapping with GIS were gone over. At the conclusion of the presentation, Mr. Capouillez opened the floor to questions.

Mr. Breon questioned if it was true that the Game Commission is able to trade land. Mr. Capouillez indicated that the Game Commission is authorized to trade property; however, this would be one of those items that could be written as a restriction on the deed that prior to a trade that he is certain would never happen that the Township would be required to approve it.

Mr. Swartzell questioned, "What is the current size of the Game Commission?" Mr. Capouillez noted that currently the Game Commission employs around 730 people and has an operating budget of 80 million.

Mr. Breon questioned how the Game Commission deals with Conservation Reserve Enhancement Programs. Mr. Capouillez noted that anything that occurs on this property that they have oversight on will only be done for the highest and best use of the property whether its is recreation, habitat or shared cropping. He noted further that if it is found that farming is incompatible then it won't happen. And that just because the fields were farmed in the past doesn't mean that they automatically will be again. Agreements are written with the wildlife and habitat in mind.

Mr. Breon questioned how does the Game Commission view passive recreation? Mr. Capouillez noted as an example - a bike trail would only be permitted after a complete study is done. Then, only if appropriate, would only be placed in an area where the least amount of disturbance would occur. Mr. Capouillez noted that the Game Commission does not build biking trails. A group would have to petition the Game Commission and prove that they are both accountable and liable to build the trail. After the trail is built, the Game Commission would enforce regulations on those using it.

Mr. Capouillez was questioned on how the Game Commission protects endangered species. He responded that the Game Commission manages for both species and habitat. This is done by a collective review process and opinion of the Commission staff as a whole not just what one individual thinks should happen.

Mr. Capouillez was questioned how conflict is handled between Local/Regional/and Harrisburg Offices. He noted that the department operates under its "Standard Operating Procedures" manual in which everything that they do is spelled out with a protocol.

Mr. Capouillez was asked how many hunters there are in Pennsylvania. He was also asked how this land purchase would be funded. He noted that on average approximately 1 million licenses are sold each year. Replacement property from the lands that were lost from Penn State must be purchase within a 60 mile radius of the lost property which makes this property ideal. Funding for this purchase would come from the funds that Penn State was required to give to the Game Commission to purchase replacement property. This money can only be used for acquisition.

Mr. Elnitski noted that he has concerns with hunting being permitted in the Canyon area. Game Commission personnel noted that this property is not unusual to other property they own and safety is always a concern but not problematic.

Questions were raised as to local township ordinances. Mr. Capouillez noted that the Game Commission is exempt from local ordinances. Mr. Elintski used as an example if the Township didn't want any new buildings to be built on the property. Mr. Capouillez noted that if they need buildings in order to carry out their ability to manage how they need to manage then buildings will be built. He noted that he didn't have a problem with not allowing third party buildings being put up and that this could be done with a deed restriction. Mr. Capouillez noted that if they need to build a building they would be looking at the same concerns the Board would be looking at such as staying away from sensitive areas, building on poor soils verses high quality soils, easy access, utility access, etc.

Mr. Elnitski questioned if the Game Commission would be willing to allow the creation of a review Board that would look at projects they are planning to do on the property prior to them starting them. Mr. Capouillez indicated that they would not as they have far more expertise and would know more about what they are doing then for example a Township Supervisor. He noted further that the Game Commission does have a 15 year Master Plan that is revisited every three years and that the township would be welcomed

in reviewing that plan and asking questions and make suggestions at that time.

Mr. Elnitski questioned if there is any way to guarantee a certain amount of funding to this particular site on an annual basis? Mr. Capouillez noted that he can guarantee that this property will be managed to the highest and best use under the assets and resources that the Game Commission has available. Mr. Capouillez noted that the township could contribute funds to the management of the property and help oversee those projects. He noted further that this wouldn't be any different than partnerships that they have with organizations like "Ducks Unlimited", the "Wild Turkey Confederation", "Pheasants Forever", etc.

Mr. Elnitski noted that he has heard the words oil and gas leases come up. Mr. Capouillez noted that this would not be an issue on this property because these resources are not located on the property. Mr. Capouillez noted that he could, if worded correctly, agree to a deed restriction to not have these permitted on this property.

Mr. Elnitski questioned if more personnel would need to be hired if they acquire this property? Mr. Capouillez noted that a work load analysis would be done to determine if there are enough people on site to do the work that they are trying to accomplish. If the answer is no - then a reallocation of personnel is done.

The Board noted that they appreciate the presentation being given. Mr. Capouillez noted if the Board finds that they need anything additional to please contact him.

A five minute recess was taken.

MINUTES

The minutes of July 20, 2009, was 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 August 3, 2009, 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

ZONING OFFICER'S REPORT

Centre Communications - Purdue Mt. Tower: It was noted that Centre Communications has yet to respond to Mr. Schnoover's letter requesting information. Mr. Schnoover noted that he would follow up with an additional letter to the company.

COMMITTEE REPORTS

Spring Creek Watershed Commission: Copy of the July 15, 2009 minutes were received.

OLD BUSINESS

Spring Creek Canyon Property: Nothing new to discuss.

Bellefonte Borough Fire Protection Agreement: Tabled.

YMCA Facility: Mr. Elnitski noted that he discussed with Ditmer that should the YMCA project develop that he made him aware that the Township would investigate possible taxing revenue that could be collected from various sporting venues that are being proposed there.

Mr. Schnoover noted that he does sit on the State College YMCA Board but that he doesn't see that this will create any kind of conflict of interest.

Fullington Bus lighting request: This item is tabled until the next meeting.

Township Wide Trash Collection: Mr. Elnitski moved that the Benner Township Board of Supervisors agree to participate in the Centre Region COG's regional refuse/recycling program through the award of a contract to Veolia Environmental Services as described in its bid proposal dated June 24, 2009; and, further that the Board agrees to the award by the General Forum of a three year contract (January 1, 2010 to December 31, 2012) under the terms defined in the Request for Bids and the resulting bid

proposal from Veolia Environmental Services. Mr. Swartzell seconded the motion.

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

NEW BUSINESS

Air Traffic Control Access Easement Waiver Request: Mr. Elnitski moved to forward the Air Traffic Control Access Easement Waiver Request on to the Township Engineer for his review and comments. Mr. Swartzell seconded the motion.

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

Act 32 Tax Collection District: It was noted that the state has passed legislation that divides the state into different taxing districts that will collect the earned income taxes. The earned income taxes will no longer be collected locally. The state is requiring each municipality and school district select a person to serve on a Tax Collection Committee for Centre County. It was noted that this selection must be made by September 15th. The Board asked that this item be placed on their next agenda.

Concession Stand: Mr. Elnitski noted that he has been approached by the Ball leagues if the Township would consider placing a concession stand type shed on the Park property. It was noted that this shed could also be used for the haunted trail and the fall festival. More discussion on this will take place at the next meeting.

NOTES

Rishel Hill/Benner Pike Traffic Light- Mrs. Royer noted that the insurance company covered the damages to the traffic light from the lightning storm. The Township does have an agreement with the County for maintenance items; therefore she is going to send them the bill to cover the deductible.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes - July 13, 2009
2. CRMPO Public Hearing - 12 year Program - August 20, 2009
3. Centre County Planning Office
 - a. Fox Ridge Subdivision Time Extension
 - b. The Glen at Paradise Hills South Time Extension
 - c. Grove Park Subdivision Phase III

4. Centre County Conservation District
 - a. Bellefonte Fish Hatchery - effluent treatment upgrades
 - b. Penn State Deicing Apron Improvements
5. CRMPO response letter to Marion Township I-80 interchange
6. Penn Dot
 - a. Paradise Commons Traffic Impact Study
 - b. Amberleigh Traffic Impact Study
7. Centre County Federation of Sportsmen Club - email
8. Letter from Dolores Vogelsong

ADJOURNMENT

The meeting was adjourned the time being 10:03 p.m.

Sharon Royer, Sec.