

**BENNER TOWNSHIP SUPERVISORS
REGULAR MEETING MINUTES
July 20, 2009**

CALL TO ORDER

The regular meeting of the Benner Township Supervisors was called to order at 7:30 p.m. by Chairman John Elnitski at the Benner Township Municipal Building.

ATTENDANCE

Present: Dave Breon, Jim Swartzell, and John Elnitski. Also attending was Carrie Campbell, Doug Deibler, Edward Galus, Jim Steff, Ted Onufrak, Barry Richner, Don Hyde, Kathy Struble, Carol & Raymond Young, Genevieve Robine, Linda Jacka-Frantz, Randy Frantz, Lee Copper, Mary Anna Miles, James Gillespie, Charles Wagner, Jr., Joyce Watson, Mr. & Mrs. Gary W. Walters, Jim Houser, Deb and Willis Houser, Tom Boesch, Mark Gabrovsek, Jared Evey, Jeromy Patterson, Treva Deibler, Renee Swancer, and Doug Weikel. Sharon Royer, Secretary/Treasurer was absent.

ROAD SUPERINTENDENT'S REPORT

Mr. Dennis O'Leary discussed the following with the Board.

1. Barns Lane is to be tar and chipped. An estimate was received from Pine Creek Township. Mr. Breon stated he received a lot of complaints last year about tar on vehicles and wants to make sure residents are warned in advance with flyers and signage on the roads.
2. Fullington Bus requested a street light at the intersection of Fox Hill Road and Fillmore Road. A safety study needs to be completed by Penn DOT to determine if a street light is needed.
3. Centre County Airport Authority requested a speed reduction on Fox Hill Road from 55 mph to 35 mph.
4. The new School Zone Signs are installed in front of Benner Elementary.
5. Amberleigh traffic signal is almost complete.
6. Rishell Hill traffic signal sustained damage from a lightening strike. 12 LED lights were replaced and a claim turned into our insurance. The Board asked if the signal maintenance is still covered by the County.
7. The backhoe cab is still leaking water. Representatives from the Company will be looking at it.
8. The steel door ordered for the Buffalo Run Community Park arrived damaged from the manufacturer. The door was reordered. Mr. O'Leary noted it may be easier to have the door installed by the company instead of having the roadcrew put it in.

PERSONS TO ADDRESS THE BOARD

Comments on the Township wide garbage/recycling collection:

Mr. Elnitski opened discussion by asking if the public has any comments on the proposed Township-wide garbage collection. Mr. Jim Steff, Executive Director and Pamela Adams, Refuse & Recycle Administrator, of Centre Region Council of Governments were present to answer questions.

Ms. Carrie Campbell. Ms. Campbell asked if coal ash would be collected. The answer "yes" as long as it is bagged in 40 lb bags. Ms. Campbell asked if the Township will still allow brush to be dropped off at the Township. Mr. Elnitski said the Township will still allow brush at this time. Ms. Adams indicated branches bundled in 4 foot lengths can be taken by the trash hauler.

Ed Gallus: What is door service? For \$2.50 extra a month, the trash hauler will pick up trash at the residence instead of curb side. What is unlimited? Answer, unlimited amount of trash. Mr. Elnitski added the Township will

be suspending Riff-Raff since bulk items will be picked up by the trash hauler twice a year. Mr. Swartzell added a newsletter outlining all details on the trash program will be mailed to all Township residents.

Mr. Gallas asked how hazardous materials will be disposed. The Centre County Solid Waste Authority will still handle these items with special disposal days.

Mr. Elnitski stated trash collection will be mandatory. The bids are competitive to receive the lowest rates. Illegal dumping should be reduced since everyone will have trash collected.

Doug Deibler: Mr. Deibler asked if residents with dumpster service will be required to have mandatory collection at their residence. The answer is "yes."

Don Hyde: Mr. Hyde does not like that a local company was not selected. Mr. Hyde asked how long will the price for trash be good for? The price is contracted for 3 years with a 2 year extension. He thinks Newman should be the hauler. Mr. Elnitski responded the bidding process was open to everyone. Commercial businesses are not affected, so businesses can contract with whomever they want.

Kathy Struble. She has a 1 gallon freezer bag of trash every two weeks. Ms. Struble asked if two houses can combine. Ms. Adams stated every case will be reviewed to see if it qualifies. Ms. Struble asked if the recycling bins will stay at the Township building. The answer is "yes." Ms. Struble is concerned trash cans will be tossed by snow plows. Ms. Adams noted residents usually find the best places to put cans to avoid this problem.

A question was asked will the Township still allow open burning. Ms. Adams stated the current Township Burning Ordinance is acceptable. The Township will continue to allow burning under the current Township Burning Ordinance.

James Gillespie: Mr. Gillespie doesn't like a non-local company collecting the trash.

Mr. Elnitski stated mandatory trash collection is not about the Township joining the Centre Region Council of Governments. The Township asked Walker and Spring Townships to join together for trash collection, but the other Townships were not interested at that time. Since then, Spring Township is now asking for bids for trash collection.

Lee Copper: Mr. Copper is opposed since he produces an extremely small amount of trash. Mr. Copper goes to the transfer station four times a year and spends about \$40.00 yearly instead of \$120.00. Mr. Copper proposes the Township amend the trash ordinance so if Township residents can prove they properly dispose of trash for less, they could be exempted from the mandatory collection. Mr. Swartzell does not want to see the Township create additional costs for administering exemptions. Mr. Elnitski does not want to hire additional employees to handle these administrative costs either. Mr. Elnitski noted the Township will be saving \$10,000 by not having riff-raff days.

Linda Jacka-Frantz: Mrs. Jack-Frantz asked about larger items. Ms. Adams noted the larger items will be picked up twice a year, and bulk items at other times can be picked by the trash hauler as part of the weekly pickup, as long as it can be picked up by one person.

Mr. Swartzell noted the award date for the trash collection bids is August. The Township needs to make a decision quickly and that was the reason why postcards were mailed to residents. If the Township does not participate with the Centre Region Council of Governments (COG), the Township cannot participate for next three years.

Mary Miles: Ms. Miles expressed disappointment that a local company is not hauling the trash. She is very worried about customer service. She called the 1-800 number and was transferred to an operator who had no idea where Bellefonte was or even Benner Township. She wants to know where she will be calling for customer service. Ms. Adams explained that Veolia [who the bid was awarded to] does have a local office and local office staff. A local number will also be listed on the billing. Ms. Miles does not want to see the majority of the company profits going out of Centre County.

Mr. Swartzell noted several trash companies opted not to bid. Everyone had equal opportunity to bid. Three (3) companies bid on the contract. One of those bids was late. Two bids were considered—Veolia and Waste Management.

Gary Walters: Mr. Walters is upset that trash is being dumped along the Upper Gyp Road in the ditches (bottles, cans, glass). Mr. Elnitski noted mandatory trash should help clean up our roads. Mr. Walters doesn't like his neighbors dumping yard waste on his property.

Ed Brumgard: Mr. Brumgard takes his trash to the transfer station. He thinks some may still pay and not have it hauled away from the property. Mr. Elnitski noted the Township has an ordinance against accumulation of trash on property.

Tom Boesch: Mr. Boesch is in favor of mandatory trash collection. As he sees it, the cost has been reduced, the bulk items will now be picked up at his home, and he is saving time and money. He is in favor of it.

Jamie Patterson: Mr. Patterson asked about disposal of animal carcasses. These items are to be placed in a bag and placed out for regular trash collection.

Mark Gabrovsek: Mr. Gabrovsek asked if the bid package could be expanded to include local trash collectors as an addendum. It was noted the bids would have to be redone to do any addendums now.

Debbie Houser: Ms. Houser wanted to know how trash will be billed? The answer is quarterly—it cannot be billed monthly.

Genny Robine: Ms. Robine noted during clean-up days about 10-12 truck loads of trash were removed from Upper Gyp Road where Mr. Walters was referring to. Ms. Swancer noted in past years, the Township has caught and prosecuted several individuals for illegally dumping along Upper Gyp Road. Ms. Robine said the Township, as a whole, needs to start thinking not as "individuals" and how it affects me individually, but how this decision will benefit the Township as a whole. Ms. Robine says mandatory trash collection for the Township "just makes sense."

Mr. Elnitski asked if anyone had any other comments or concerns regarding the mandatory trash collection in Benner Township. Hearing none, Mr. Elnitski moved on to the regular portion of the meeting.

MINUTES

The minutes from the July 6, 2009 meeting were presented for approval. Mr. Swartzell moved the approval of the minutes. Mr. Elnitski seconded the motion.

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

BILLS

Mr. Breon moved to approve the bills, as presented. Mr. Elnitski seconded the motion.

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

ENGINEER'S REPORT

The Board acknowledged the Engineer's Report. Mr. Doug Weikel went through the report. The Board had no questions for Mr. Weikel.

ZONING OFFICER'S REPORT

Ms. Swancer reminded the Supervisors about the joint meeting with the Planning Commission on July 30, 2009 with Environmental Planning & Design. Our attorney has sent a letter to Centre Communications regarding the tower on Purdue Mountain.

OLD BUSINESS

Spring Creek Canyon Property: Game Commission is coming to the August 3rd meeting. Clearwater was also invited to attend. It was noted that there are now three bills introduced regarding its transfer. Mr. Breon spoke with Mike Joseph and an article will appear in the Centre Daily Times.

Bellefonte Borough Fire Protection Agreement. - Tabled.

YMCA Facility - Mr. Elnitski stated he has been revising a letter of support. Mr. Swartzell expressed his difficulties with Mr. Elnitski's position regarding the YMCA. Mr. Swartzell thought at the last meeting the Board would ask the Benner Township Planning Commission their opinion regarding the matter and if the Planning Commission was in support of the project, then the Board would stand in support. The Benner Township Planning Commission is in support of the project and its location. Mr. Swartzell wonders if the issues being raised now are "conditional use" issues. Mr. Swartzell feels the Board should either be in favor or not. Mr. Swartzell does not feel "conditions" are warranted now. Mr. Elnitski responded these issues are not issues that can be placed in a "conditional use." Mr. Elnitski wants reassurances from the YMCA that the facility would be dedicated to the Bellefonte area since Benner is losing tax dollars. Mr. Elnitski noted these assurances were placed in a letter. Mr. Elnitski also wants the YMCA to agree they will not hinder Benner Township in pursuing other tax revenues. Mr. Swartzell's position is the YMCA is a Centre County YMCA, and how can the Township ask for preferential treatment? Mr. Elnitski wants their first mission to serve Penns Valley, Bellefonte, and Bald Eagle since there is a YMCA in State College. Mr. Swartzell couldn't see how the YMCA could agree to this. Mr. Elnitski responded they have. Mr. Elnitski does not want the YMCA to come back later and say that Benner Township is looking for tax revenues and there is a problem. He wants the YMCA to agree upon this now and that the YMCA will work with us on this.

Mr. Swartzell expressed how Nate Campbell, Chairman of the Planning Commission, said that in Erie, PA a recreational facility brought additional tax revenue to the area. Mr. Doug Weikel said the Townships in Erie didn't always agree on that point. One Township would receive additional money where the other Township would receive the impacts from the facility and no money. Mr. Elnitski said Mr. Ditmer agreed to serve the Bellefonte area. Mr. Swartzell said the by-laws of the YMCA says differently. Mr. Elnitski noted State College YMCA has a general serve area, and they won't deny others to use it. He wants to see Bellefonte have a general service area, as well. Mr. Ed Gallas said the Centre County YMCA will have the general serve area of Centre County has a whole, but branches in State College and Bellefonte, and in the future probably Philipsburg. Mr. Gallas further added the YMCA received a large grant for a Challenger Center. The grant is subject to a site being found.

Mr. Elnitski said the letter doesn't say they would give us priority, but Bellefonte would be the service area. Mr. Elnitski wants them to be in agreement, as a policy, that the YMCA would work with the Township on bringing tax money to the Township. This language is currently not in the letter, but both Mr. Elnitski and the YMCA are working on it. Mr. Elnitski is to forward this letter on to the Board members. The letter is in draft format. Mr. Elnitski feels positive now about the YMCA's location as long as he can get these two issues worked out. Questions

were raised as to whether an amusement tax could be used. Mr. Elnitski wants to ask Mr. Schoonover to look into additional tax revenues for the Township.

Committees and Boards: It was recommended that a permanent line item be added to the agenda to address the various committees and Boards which Supervisors serve.

Trash Users: Mr. Breon wants to know how many non-trash users are in the Township. Mr. Swartzell noted these numbers are in the trash study that was completed.

Act 220 Report. Mr. Breon presented revised disk to the Board.

Regional Police Services. Mr. Elnitski talked to Bill McMath of Spring Township and Don Holderman of Bellefonte Borough about regional police services. Spring Township said it would be \$100,000 per man. Mr. McMath thinks it takes two men to cover Benner Township. State Representative Hanna agreed to amend the police services legislation to exclude prisons from the calculations. Mr. Elnitski wondered if the Centre County Sheriff's Office should be contacted about police services. The Board agreed not to.

NEW BUSINESS

Line Painting Quotes. Quotes for line painting were received from:

- | | | |
|----|----------------------------|-------------|
| 1. | Interstate Road Management | \$6,673.20 |
| 2. | Alpha Space Control | \$6,878.00 |
| 3. | Ross Industries | \$7,059.00 |
| 4. | Heaton Construction | \$12,670.00 |

Mr. Elnitski moved to award the line painting quote to Interstate Road Management. Mr. Swartzell seconded the motion.

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

Letter from Fullington Bus about Street light at Fox Hill Road and Fillmore Road. The Board discussed that as long as it doesn't cost the Township, they had no problem with the street light at the intersection.

Road Bonds: The Township received the following road bonds for approval: Westbrier, Inc. - Fillmore Road; Maxwell Trucking - Rock Road/Fox Hill Road; and Fiore Construction - Rishel Hill Road. Mr. Elnitski moved to approve the road bonds. Mr. Swartzell seconded the motion.

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

Tar and Chipping: A quote was received from Pine Creek Township for tar and chipping of Barns Lane. The amount is \$18,140.00. The Township engineer questioned if three quotes were needed for the approval of the quote. The Board asked the Township Secretary to check and see if it is necessary since a Township is performing the work. Mr. Elnitski moved to approve the quote to Pine Creek Township, as long as it is not necessary to receive additional quotes. Mr. Swartzell seconded the motion.

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

CORRESPONDENCE

1. PSATS newsletter
2. Centre County Planning
 - a. Fox Ridge - commence
3. Centre County Airport Authority letter Re: Fox Hill Road Speed Limit

4. Centre Co. Conservation District Earth Disturbance Reports
 - a. Benner Commerce Park
 - b. Eagle Point
 - c. Village of Nittany Glen
5. Principal Financial Pension statements
6. SBWJA Minutes - June 22, 2009
7. Letter from Tim Schnoover Re: Clair case

NOTES

ADJOURNMENT

Meeting was adjourned.

Respectfully submitted by:
Renee Swancer, Zoning Officer