

**Benner Township Supervisors  
January 18, 2010**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:30 p.m. by the Chairman, John J. Elnitski, Jr. with member Dave Breon present. Mr. Moyer was absent. Also in attendance were Clair Stem, Pam Adams, David Butterworth, Steve Morris, Brian Lowery, Dennis O'Leary, Rod Fye, Doug Weikel, Renee Swancer and Sharon Royer.

**Executive Session Notice:** Mr. Elnitski noted that he and Mr. Breon held an executive session this evening from 7:15 p.m. to 7:30 p.m. to discuss possible litigation issues. No decisions were reached during this executive session.

**PERSONS TO ADDRESS THE BOARD**

Steve Morris and Brian Lowery: Mr. Morris and Mr. Lowery were present to ask the Board if they would reconsider paying the remainder of the bill that Bellefonte Borough is requesting towards the Kepler pool losses. They noted that they are Benner Township residents and their children are on the swim team and use the pool during summer months. They noted that it would be a huge disadvantage to those who use the pool for sports events if the pool was closed. The Board noted that they only ever agreed to pay up to \$1.00 per resident – the Rockview population towards the pool. Payment was made to the Borough in the amount of \$3,205.00. The Board noted, as they understand it, the Borough is requesting each municipality that they have billed pay their bill in full or the pool will not reopen. The Board encouraged Mr. Morris and Mr. Lowery to see how they make out with the other municipalities involved and report back. Mr. Elnitski noted that he would consider payment of the remainder of the funds if the Borough wouldn't ask for additional funds this year.

Pam Adams: Mrs. Adams gave the Board an update on the trash collection program. It was noted that Benner Township has approximately 1,600 customers. Out of those, approximately 60% of them were existing Vieolia customers. She noted that she has received around 60 phone calls from residents and out of those calls she estimated that 10 of them outright objected to participating in the program. Mrs. Adams stated that three residents have applied for the hardship program. She noted that those that are complaining the most are those that have businesses and take their household trash to their business for disposal. Mrs. Adams noted that they feel that they are having to pay twice. Mrs. Adams noted that she will attend one of the Board's meetings next month.

Rod Fye: Mr. Fye introduced himself at the Centre County Solid Waste Authority's enforcement officer. Mr. Fye provided those present with a slideshow on what garbage issues the county faces and the advantages of recycling. Mr.

Fye also discussed his position and how to contact him if dump sites or issues he can assist in are found.

David Butterworth: Mr. Butterworth was present to seek permission to use Rock Road, Fox Hill Road and Fillmore Road for the University Park Time Trail to be held on Wednesday, June 2<sup>nd</sup>. Mr. Butterworth noted that the road wouldn't be closed. Racers are disbursed a few minutes apart. He estimated that the racers from start to finish would be using the roads for a total of 3 to 4 hours. Race marshals would be staged around the race way, signs will be posted to warn motorists, an EMT will be on site. The Board noted that they just wanted to make sure Mr. Butterworth was aware of the traffic and conditions of the roads that he was proposing to use. He indicated that he was aware and has biked the roads himself on several occasions. Mr. Elnitski moved to allow the usage of the roadways so long as the board's standard requirements were met. Mr. Breon seconded the motion.

Vote: Mr. Moyer – absent                      Mr. Breon – yes                      Mr. Elnitski – yes

**MINUTES**

The minutes of January 4, 2010, were presented to the Board for their review and comments. Mr. Elnitski moved to approve the minutes as presented. Mr. Breon seconded the motion.

Vote: Mr. Moyer – absent                      Mr. Breon – yes                      Mr. Elnitski – yes

**BILLS**

The bills of January 18, 2010, 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. Moyer – absent                      Mr. Breon – yes                      Mr. Elnitski – yes

**ENGINEER'S REPORT**

Mr. Weikel went over the projects that he has been reviewing on the Board's behalf. Mr. Weikel suggested that if the Board had no project for the MPO TIP at this time that they choose one that was already on the list and support that project to help advance it further.

GIS: Mr. Weikel gave the Board a written proposal on the Professional Services for the development of a GIS program for the Township. After discussion, Mr. Breon moved to go with Option 2 – WebGIS which includes the creation of a web application and project for Township GIS data and any public domain data from PASDA and Centre County. HRG would host the website. The cost for this option of \$2,500 with an annual fee of \$1,200 after the first year. Mr. Elnitski seconded the motion.

Vote: Mr. Moyer – absent                      Mr. Breon – yes                      Mr. Elnitski – yes

Well Drilling Ordinance: Mr. Weikel noted that he has reviewed the draft ordinance and agrees that it will provide a measure of groundwater protection. One concern he has is who will have the responsibility to enforce the ordinance and do the inspections.

### **ROAD SUPERINTENDENT'S REPORT**

Mr. O'Leary noted that he really doesn't have anything for the board this month.

### **ZONING OFFICER'S REPORT**

Mrs. Swancer noted that the issue with one family keeping chickens is on going in Willowbend. She noted that she did a follow up inspection today and believes that they are now finally gone.

### **COMMITTEE REPORTS**

Earned Income Tax Committee: Mrs. Royer noted that she provided the Board with an update on what happened at the last meeting with their meeting packets.

Nittany Valley Joint Planning Commission: Mr. Breon noted that the next meeting of the NVJPC is schedule for next week and he will report back at the next meeting.

### **OLD BUSINESS**

Spring Creek Canyon: Mr. Elnitski noted that the public meeting is scheduled for January 28<sup>th</sup> at the Benner Elementary School. He noted that the last proposal that he was informed about gave the Fish Commission the property that the Township would have received all but about 4 acres that would be located at a trail head.

Canyon Overlay Ordinance: Mrs. Swancer reported that she received comments back from EPD on the comments that were received regarding language about special groups have the ability to do a review if a project or work was being proposed. EPD's thoughts were that since it is a conditional use that any special interest groups would have the ability at the time of a conditional use hearing to review what was being proposed. This way no group was receiving preference over another.

Bellefonte Borough Fire Protection Agreement: Mr. Elnitski noted that he has met with the Alphas and Pleasant Gap to see if there are any areas of the Township that would make better sense for them to cover than Bellefonte. Discussion was held as to which two topics that Council has asked the Board to come up with for the January 27<sup>th</sup> meeting. It was decided that they would be 1. What kind of contract does the Borough want? A Joint Shared Service or a

Contract for Service and 2. Finalize the method of how values will be determined.

Resolution 2010-1 Authority Board Term Limits: Mr. Elnitski noted that the Board has determined that it would be in the Township's best interest that Authority Board members' terms be limited to two terms. This resolution outlines this policy. Mr. Breon moved to adopt Resolution 2010-1. Mr. Elnitski seconded the motion.

Vote: Mr. Moyer – absent                      Mr. Breon – yes                      Mr. Elnitski – yes

Kepler Pool Invoice: It was noted that at this time no further discussion needs to take place on this topic.

Benner Commerce Park Historic Findings: Mr. Breon brought Mr. Elnitski up to date on what is being proposed to promote/document that findings at the Benner Commerce Park Site.

Revised 2010 MMO: Mrs. Royer noted that she was contacted by Principal Financial Group stating that due to regulations that were past, the Township's Minimum Municipal Obligation formula needed to be changed. As a result of this change the amount of the pension contribution will decrease about \$5,000 for the year 2010. Mr. Elnitski moved to approve the revised 2010 MMO. Mr. Breon seconded the motion.

Vote: Mr. Moyer – absent                      Mr. Breon – yes                      Mr. Elnitski – yes

### **NEW BUSINESS**

Bellefonte Little League: Mr. Elnitski noted that the funds have been depleted from the Bellefonte Little League Account. Mrs. Royer has calculated that in the Township's Park and Rec account (that was created when the township ran the areas T-ball and Pee Wee Leagues) there is \$799.92 in which funds were mostly raised from the ball program fund raisers. Mr. Elnitski moved to forward these funds to the Bellefonte Little League. Mr. Breon seconded the motion.

Vote: Mr. Moyer – absent                      Mr. Breon – yes                      Mr. Elnitski – yes

Filing Cabinets: Township staff noted that space is becoming a premium in the office and more filing cabinets are needed. It was noted that staff has found a cabinet that is designed to use the same amount of floor space as a traditional cabinet but will actually hold the same amount of files as three cabinets. Staff noted that they would send the Board a link to review what was being proposed.

### **CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. USDA Notice of Pesticide Application
2. Well Measurement Report for Alexander Well Field

3. Downstream Notification for Centre Oil & Gas
4. Principal Financial Group - yearly report
5. Penn Dot comment letter Re: Sheetz HOP
6. Clair Case Answer

**ADJOURNMENT**

The meeting was adjourned the time being 10:14 p.m.

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Sharon Royer, Sec.