

### **Executive Session Notice**

Mr. Elnitski noted that the Board held an executive session at the Township Office on November 15, 2010 from 7:10 p.m. to 7:35 p.m. to discuss possible litigation. All three board members were in attendance.

### **Ordinance 108 Public Hearing November 15, 2010**

The public hearing on proposed Ordinance 108 was called to order at 7:36 p.m. by the Chairman, John Elnitski, Jr. with members Dave Breon and Randy Moyer present. Also in attendance were Dan Sieminiski, Allen Neely, Bryan Rodgers, Sandra Ross, Helen Alters, Genevieve Robine, Jim Swartzell, James Meyer, Carol Shuey, Doug Shuey, Steve Buck, Gerald Rogers, Nate Campbell, Mike Glass, Chris Ramish, Virginia Eisenstein, Cindy Lorenzo, Doug Weikel, Dennis O'Leary, Timothy Schnoover, Renee Swancer and Sharon Royer.

Dan Sieminski, Penn State University Associate Vice President for Finance and Business/Commonwealth Operations, was present and asked that his letters dated November 5, 2010 which references a letter dated October 20, 2010 and his November 11, 2010 be made part of the Township's record for this evenings hearing.

Mr. Sieminski noted that the University pretty much supports the ordinance when dealing with the primary zone areas all but in a small location. He noted that in regards to the secondary zone he questions the need for it mainly due to the fact that the township already has a Conservation District and that most of the area in the secondary zone is currently in the Conservation District which already places additional regulations on these properties. He suggested that perhaps the Conservation District just needs some minor modifications to it. His last concern is having the Airport located within this zone.

Mr. Elnitski noted that one of the purposes of the Secondary zone is for watershed protection. He pointed to the Master Plan which states that the watershed protection should go beyond the Township's boundaries and feels that that the township needs to go by these recommendations before asking municipalities upstream to do the same thing. An additional purpose is that he feels that some of the private properties around the primary zone values will increase and that they need environmental protection as well. Mr. Elnitski noted that the Township has amended the draft ordinance to address the airports concerns regarding the lighting requirements so that FAA regulations can be met.

Mr. Breon noted that the National Inventory study that was done in Centre County and funded by the state composed by the Western Pennsylvania Conservancy in 1991 identifies this area (primary zone) plus another area in Big Hollow which is directly adjacent to it as exceptional biological areas that need protection. He noted that in the 2002 update of the plan that both of these areas were joined together as one parcel and recommended that this area being protected as a truly exceptional bio diversity area. Mr. Breon noted that to him the logic of including the parcels in the secondary zone is clear. He noted further that it will take those upstream municipalities such as College,

Patton Townships as well as those even further upstream to make changes in order to further protect this area.

Mr. Breon noted that it isn't the Township's intention to penalize the airport because it is in this zone but that we want to see how development takes place here to insure that the best possible methods are used in this area so that we can protect what needs protecting.

Mr. Elnitski noted that he feels that the township should be more restrictive now and as issues come up to work on them. He stated that he would rather do this than to be less restrictive and something happens for the township to say that they wish that they would have done something and for it to be too late.

Much more discussion was held.

Mr. Breon pointed out that he feels that the University must put forth much better arguments and supporting evidence than what they have to date as to why the airport properties shouldn't be included in the secondary zone. He noted further that he is fully in favor of including most of the airport just because of the impact that it does have on this area.

Allen Neely, solicitor representing Penn State University, noted that concerning the airport that their wish list includes 1) Remove the Secondary Zone 2) Carve out the airport and 3) provisions acknowledging the primary affect of other agencies regulations on airports (FAA or other State or Federal Agencies)

More discussion was held. The University asked that the Ordinance not be voted on tonight so that additional discussions can be held.

James Meyer, Manager of the Centre County Airport Authority, asked that his letter of October 27, 2010, also be entered into tonight's record. Mr. Meyer noted that it is the Authority's wish that the Authority's property be removed from the Ordinance but also that the entire Airport should also be removed from the ordinance. Mr. Meyer questioned why the commercial property that is currently undeveloped at this time, that is located near the primary zone near Shiloh Road has been completely left out of this ordinance when it drains directly into the primary zone. Mr. Meyer also questioned why the residential areas of Walnut Grove was removed.

Virginia Eisenstein, Attorney representing the Centre County Airport Authority, noted that she feels that since the Airport Authority is already developed that it should be excluded from the ordinance as well as the existing airport areas. She noted that several sections of the ordinance will only cause them more difficulty. An example that she used was parking and landscaping. She noted that the Authority is in the middle of installing solar panels for electrical needs yet the ordinance requires planting of trees that would make the solar essentially useless.

Mr. Elnitski moved to close the hearing on Ordinance 108 with the time being 8:50 p.m. Mr. Breon seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

### **Benner Township Supervisors**

**November 15, 2010**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 8:51 p.m. by the Chairman, John Elnitski, Jr. with members Dave Breon and Randy Moyer present. Also in attendance were Dan Sieminiski, Allen Neely, Bryan Rodgers, Sandra Ross, Helen Alters, Genevieve Robine, Jim Swartzell, James Meyer, Carol Shuey, Doug Shuey, Steve Buck, Gerald Rogers, Nate Campbell, Mike Glass, Chris Ramish, Virginia Eisenstein, Cindy Lorenzo, Doug Weikel, Dennis O'Leary, Timothy Schnoover, Renee Swancer and Sharon Royer.

#### **MINUTES**

The minutes of November 1, 2010, were presented to the Board for their review and comments. Mr. Elnitski moved to approve the minutes as presented.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

#### **BILLS**

The bills of November 15, 2010, were presented to the Board for their review and approval. Mr. Breon moved to approve the bills as presented. Mr. Moyer seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

#### **ENGINEER'S REPORT**

Mr. Weikel presented his monthly written report on the plans that he has been reviewing on the Board's behalf and noted that he was open for any questions on his report.

Mr. Elnitski questioned what the status was of the situation with the companies hauling water out of Penn Eagle Industrial Park. Mr. Weikel noted that he spoke with Mr. MacMath of Spring Township last week and that currently nothing new has been done. It was noted that more than likely the trucks do not exceed the permitted weight limit but that there was talk of the company going ahead and bonding the road regardless incase damage was done.

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

Mr. O'Leary made the following notes:

\*Penn State has removed the tree that was of most concern on Big Hollow Road. He noted that they have agreed to meet to and look at other trees that are of concern on other roads.

\*The Township's first residential leaf collection has been completed. It was noted that over 17 tons of leaves were collected.

\*Paint machine. Mr. O'Leary noted that he would like to purchase a line painting machine yet this year. It was noted that there is still money in the equipment line item for this purchase. It was further noted that the cost of the machine is around \$6,200. He noted that it will make the painting more efficient and safer for the roadcrew.

Discussion was held concerning a full road report/plan. It was decided that the deadline for this report would be at the Board's second meeting in February.

## **ZONING OFFICER'S REPORT**

MOU Beginnings Properties: Mrs. Swancer noted that a MOU has been submitted for Beginnings Properties that is ready for approval. It was further noted that this company purchased the property and plans from 24/7, the storage facility that was to be built in Airport Park. Mr. Elnitski moved to approve the MOU for Beginnings Properties. Mr. Moyer seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

## **COMMITTEE REPORTS**

Building Code Enforcement: Mr. Breon noted that he will be attending a meeting this week with Bellefonte Borough, Walker Township and Spring Township to discuss possible solutions for code enforcement reviews should Mr. Burd decide to retire.

Spring Creek Watershed Commission: Mr. Breon noted that the Commission has a meeting this week.

Kepler Pool: Mr. Elnitski noted that he met with Howard Long concerning the end of the year pool figures. It was noted that accounting was handled differently this year. The YMCA's portion of the pool expenses/revenues that they handled came out +\$1,000. It was noted that the Borough with their expenses such as pumps, chemicals, etc. suffered losses. It was further noted that the Borough did not charge for labor that was done with their staff. Mr. Elnitski noted that with everyone contributing the \$1 per person that the pool will have \$6,000 to start out with going into next year. Mr. Elnitski noted that the new census figures would be used for next year's contribution. Discussion was held concerning the long term plans of the pool. It was noted that additional meetings will need to be scheduled to discuss this topic further – Regional Recreation Authority, YMCA ownership, etc. The Board noted that they would not be in favor of continuing the current arrangement much longer.

TAG: Mr. Elnitski noted that the first TAG meeting is scheduled for December 7<sup>th</sup>. He noted that he anticipates that the items to be discussed will be outstanding items to get the plan approved through the county as well as the road agreements.

DCNR Meeting: Mr. Elnitski noted that he met with this regions' DCNR representative to start discussions on possible grants for the parking lots and walking trails. It was noted that the Township may be permitted to use the value of the land that it is receiving as our match for the grant application for the parking areas. The Board asked Mr. Weikel to come up with cost estimates on creating these parking lots.

## **OLD BUSINESS**

Spring Creek Canyon Cooperative Agreement: Mr. Elnitski went over the final changes that has been made to the agreement. Mr. Elnitski moved to approve Resolution 10-6 which approves the signing of the Cooperative Agreement document. Mr. Breon seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

Shiloh Road Commercial Properties/Sewer Service: Mr. Breon reviewed his notes on the meeting that he had with Cory Miller, Executive Director of the University Area Joint Authority. Key points that were received from the meeting were: 1. If the Township wants these properties sewered by UAJA, UAJA will want to own the system. UAJA will not support a bulk service agreement with SBWJA. 2. If the Township wants College Township's support, a shared revenue agreement will need created with them so that both townships realize the development that is envisioned for the area. 3. Both Benner and College Townships' Act 537 plans will need to be revised.

A copy of Mr. Breon's meeting notes were provided to Gerald Rogers.

**NEW BUSINESS**

Amberleigh Surety Agreement: Mrs. Swancer noted that Mr. Glass wishes to exchange his letter of credit for a Subdivision Bond for the remainder of the improvements that are required for the Amberleigh Development. The amount of the outstanding improvements is \$207,243.00. Mrs. Swancer noted that this agreement has been reviewed by Township counsel and has been found in order. Mr. Elnitski moved to approve and accept the Subdivision Bond in the amount of \$207,243.00. Mr. Breon seconded the motion.

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

Discussion was held concerning the closing of Valentine Hill Road with Mr. Glass. It was noted that the top coat needs to be placed on Barrington Lane, Cambridge Lane and Dorchester Lane prior to Valentine Hill Road being dead ended and closed to the Benner Pike. In addition it was noted that Penn Dot has indicated that they are not willing to continue the time extension on the road closing permit. Mr. Glass noted that he will get the paving for these roads taken care of first thing in the spring.

2011 Budget: The proposed 2011 Township Budget was provided to the Board. Mr. Elnitski moved to tentatively approve the 2011 budget and place it out for public inspection. Mr. Moyer seconded the motion.

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

Ordinance 108: Discussion was held concerning Ordinance 108. Mr. Elnitski expressed interest in adopting the ordinance this evening and starting immediately on the comments that were received to see if amendments should be made. Mr. Breon noted that he felt that the comments should be reviewed first to see if adjustments to the ordinance are necessary prior to any action. It was decided to take no action on the proposed ordinance this evening. It was decided that the Board would like to have a joint meeting scheduled with the Planning Commission, EPD and those who have comments/concerns on the proposed ordinance to try to resolve some of the issues brought up.

**CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

- 1. SBWJA Minutes October 25, 2010
- 2. County Planning Commission
  - a. Schaeffer Subdivision Time Extension

- b. Village of Nittany Glen Act 46 Time Extension
  - c. Non-Substantive Change Request Benner Commerce Park
  - d. Revisions Amberleigh Phase 1 & 2
  - e. Lot Consolidation Plan Edward Brungard, Jr.
3. State College Borough Water Authority – Water level report
4. Conservation District Reports
  - a. SCI Benner
  - b. University Park Airport Parking
  - c. Eagle Point Fill Site
  - d. Fox Ridge
  - e. Benner Commerce Park Phase I
5. HRG Comment Letter on Benner Commerce Park
6. Bellefonte Borough Fire Protection 2011 Budget
7. HRG Comment letter Re: SWM Report University Park Parking Lot
8. PA Historical & Museum Commission letter RE: Land Exchange Rockview
9. Notice of CATA Meeting Re: RIDE program

**ADJOURNMENT**

The meeting was adjourned the time being 9:31 p.m.

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Sharon Royer, Sec.