

**Benner Township Supervisors
January 17, 2011
EXECUTIVE SESSION NOTICE**

Mr. Elnitski noted that the Board held an executive session this evening from 7:00 p.m. until 7:30 p.m. with all three board members present to discuss pending litigation.

**Copper Beeches Conditional Use Hearing
January 17, 2011**

The meeting to render the decision for the Copper Beeches Conditional Use Hearing was called to order at 7:32 p.m. by the Chairman, John J. Elnitski, Jr. with members Dave Breon and Randy Moyer present. Also in attendance were Mark Torretti, Wayne Engle, Brian McKinley, Valerie Lute, Amanda Shriver, Allen Neely, Pam Adams, Rex Mattern, Dan Mattern, David Wise, Katie Ombalski, Bill Hilshey, Gerald Clair, Doug Weikel, Dennis O'Leary, Timothy Schnoover, Renee Swancer and Sharon Royer.

Mr. Elnitski read the conditional use decision for Cooper Beeches aloud. There were no questions concerning the decision. Mr. Elnitski moved to approve the decision as read. Mr. Breon seconded the motion.

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

The meeting was Conditional Use hearing was adjourned the time being 7:40 p.m.

Sharon Royer, Sec.

**Benner Township Supervisors
January 17, 2011**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:42 p.m. by the Chairman, John J. Elnitski, Jr. with members Dave Breon and Randy Moyer present. Also in attendance were Wayne Engle, Brian McKinley, Valerie Lute, Amanda Shriver, Allen Neely, Pam Adams, Rex Mattern, Dan Mattern, David Wise, Katie Ombalski, Bill Hilshey, Gerald Clair, Doug Weikel, Dennis O'Leary, Timothy Schnoover, Renee Swancer and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

David Wise/Benner Commerce Park Street Dedications: Mr. O'Leary noted that the streets in the Benner Commerce Park have not been maintained during the several storms that the area has received and he is concerned about the Township taking the roads over in the condition that they are currently in and with the pending weather forecast. Discussion was held. The Board noted that

they would wait until Friday (January 21st) to assume ownership of the roads in the Benner Commerce Park to allow the roadcrew sufficient time to remove the snow/ice from the roadways.

Pam Adams: Mrs. Adams reported that the citation that was filed was closed prior to going to the hearing phase because that resident has agreed to start receiving garbage service. She further noted that she recently had to file 4 additional citations because several notices have been sent to these individuals and none of them have communicated back with her.

Mrs. Adams noted that a residential survey will be sent out in 2012.

Mrs. Adams noted that a flyer will be sent out to the commercial properties to make them aware of recycling requirements of the Township's ordinance.

Mrs. Adams noted that starting this year the township should also receive a recycling rebate and asked the Board to think about where they want to spend these funds. Mrs. Adams noted that the other municipalities use their funds to purchase garbage and recycling containers for their parks. The Board noted that they would also be interested in using their funds for containers as well.

Katie Ombalski/Bill Hilshey: Mr. Elnitski noted that the Game Commission has indicated a willingness to construct a parking lot while they are replacing the bridge at Shiloh Road. Mr. Elnitski asked Ms. Ombalski and Mr. Hilshey if they have any concerns with this proposal. Both noted that they have some serious concerns and need further information on what and where this parking lot is being proposed. Mr. Elnitski asked Ms. Ombalski to meet with Mr. Weikel to discuss this matter further.

Knapka Surveying – The Glen at Paradise Hills South: Mr. McKinley noted that he is present this evening asking that the Board conditionally approve the preliminary plan of The Glen at Paradise Hills South. He noted further that it is their goal to get this plan finalized so that they can present the final plan to the County at their February 3rd meeting. Mrs. Swancer noted that the zoning review and the roadmaster review are complete; however, Mr. Weikel still has engineering comments. It was noted that the Planning Commission didn't have a quorum at their last meeting but that they probably wouldn't have approved the plans due to the lack of the Engineer's approval. Discussion was held. Mr. Elnitski moved to conditionally approve the plans upon the approval of Mr. Weikel's review and signatures of the Planning Commission. Mr. Moyer seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

Amanda Shriver: Mrs. Shriver noted that she is in attendance this evening to ask the Board if they would consider amending the zoning ordinance to allow for the keeping of chickens on less than 10 acres as it is currently in the zoning ordinance. Mrs. Swancer noted that she has gotten several inquiries regarding this over the last few years. The board asked Mrs. Shriver to try to find examples of other ordinances that permits this and the regulations that go along with it.

Rex Mattern: Mr. Mattern noted that there is a company that is interested in renting two bays of the old Mansun Bus garage that he and a couple partners own. The company hauls "mud" for the gas well drilling. He noted further that their business hauls green mud which requires frequent maintenance on the pumps located on their trucks. Mr. Mattern noted that the company is seeking a one year lease with the option to renew. Discussion was held. Mrs. Swancer noted that the way the ordinance is written that the proposed use this will require the applicant to fall under conditional use approval process.

MINUTES

The minutes of January 3, 2011, were presented to the Board for their review and comments. Mr. Moyer moved to approve the minutes as presented to the Board. Mr. Elnitski seconded the motion.

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

BILLS

The bills of January 17, 2011, were presented to the Board for their review and approval. Mr. Elnitski 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 went over the plans that he has been reviewing on behalf of the Board.

ZONING OFFICER'S REPORT

Mrs. Swancer noted that she didn't have anything further to report.

COMMITTEE REPORTS

Mr. Breon noted that he will be attending both the Spring Creek Watershed Committee meeting and the Nittany Valley Joint Planning Commission meeting in the next week.

Mr. Elnitski noted that he will be attending the Canyon TAG meeting the first week in February.

OLD BUSINESS

Spring Creek Canyon Overlay Ordinance: The Board was presented a quote from EPD on further revisions to the Spring Creek Canyon Overlay Ordinance. It was noted that the cost of option "A" is \$3,400 includes addressing the discussed revisions to the ordinance that the Planning Commission had. Option "B" at the cost of \$1,500 includes additional revisions/analysis that may be requested dependant on the decisions made at the Planning Commission Meeting. Mr. Breon moved to approve Option A of the EPD proposed contract at the cost of \$3,400. Mr. Elnitski seconded the motion.

Vote: Mr. Moyer – no Mr. Breon – yes Mr. Elnitski – yes

Mr. Elnitski noted that the Board will need to decide at its next meeting whether or not to adopt the advertised/posted/correspondence version of the ordinance.

ROW Regulatory Ordinance Proposal: This item remains tabled.

Clair Court Decision: Mr. Elnitski stated that he does not feel that the judge correctly addressed the roadway issue that was before him on this matter. Mr. Elnitski explained that just because the judge stated that the Township must grant the waiver of the roadway right of way it in no way waives any other ordinance requirements. Mr. Elnitski moved to grant a right of way waiver as demanded in the Court’s decision for Gerald Clair from 50’ to 20’. Mr. Breon seconded the motion.

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

Peru Water System CDBG Funds request for 2011: A letter to the County Commissioners has been prepared to request additional funds for the installation of new waterlines in the Village of Peru. Mr. Elnitski moved to approve and sign this letter. Mr. Breon seconded the motion.

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

Benner Township Water Authority Appointment: Mr. Moyer moved to appoint Tom Eby to an additional 5 year term on the Benner Township Water Authority. Mr. Elnitski seconded the motion.

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

NEW BUSINESS

Surety reduction Village of Nittany Glen Phase 2A: It was noted that this item remains tabled as we have not received the necessary documentation to take action.

Sewage Planning Exemption Card for G.M. McCrossin: Mrs. Swancer noted that the request for a PNDI review has not yet been received therefore it is recommended that this item be tabled.

Copper Beeches Sewage Planning Exemption Card: Mrs. Swancer noted that the Board has everything needed to approve this postcard exemption card. Mr. Elnitski moved to approve the Copper Beeches Sewage Planning Exemption Card. Mr. Moyer seconded the motion.

Vote: Mr. Moyer – yes

Mr. Breon – yes

Mr. Elnitski – yes

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Copy of 2011 Kepler Pool Agreement
2. Principal Financial Pension Year Totals
3. Notice of award for 2011 County Liquid Fuels Funds
4. Notice of Grove Park Water System Transfer
5. Conservation District Reports
 - a. Grove Park Subdivision
6. County Planning Office Correspondence
 - a. Robert & Glenda Kucas Lot Addition/Subdivision
 - b. Minor Land Development Penn State Federal Credit Union Facility
 - c. Village of Nittany Glen Land Development Phase III-A
 - d. 24/7 Self Storage Plan – Null and Void
 - e. Benner Commerce Park Subdivision Phase I – Time Extension
7. SBWJA Minutes December 13, 2010

ADJOURNMENT

The meeting was adjourned the time being 8:54 p.m.

Sharon Royer, Sec.