

**Benner Township Supervisors
April 2, 2012**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:30 p.m. by the Chairman, David Wise with members Randy Moyer and John Elnitski, Jr. present. Also in attendance were Michele Aukerman, Patrick Ward, Lyle Beal, Dave Breon, Wayne Engle, Pam Adams, Mimi Cooper, Dustin Musser, Pat Burns, Tony Fruchtl, Dick Lahr, Dennis O'Leary, Don Franson, Timothy Schoonover, Sharon Royer and David Panko.

Executive Session Notice: It was noted that the Board of Supervisors held an executive session on March 14, 2012, from 3:00 p.m. to 3:40 p.m. to discuss personnel matters. All three board members participated in the executive session.

PERSONS TO ADDRESS THE BOARD

Pam Adams/Mimi Cooper: Mrs. Adams was present to introduce her new part time assistant, Mimi Cooper. Mrs. Adams went on to review with the Board the garbage survey results for both the entire contract and then Benner Township's figures being broken out. She noted that the majority of persons who returned the survey were at least satisfied or very satisfied. She added that due to the survey results the contract with Veolia was extended for an additional two years ending in December of 2014. She noted that she and Mimi will be concentrating more on the commercial business recycling in upcoming months.

Wayne Engle:

East End Partnership Zoning Amendment: Mr. Engle presented an application for a zoning amendment request from East End Partnership who is asking for quadplexes to be permitted in the Multi-family Residential Zone. Mr. Elnitski moved to forward this request on to the Planning Commission for their review and comments. Mr. Moyer seconded the motion.

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

DaVann Gordon Planning Module: Mr. Engle reported that the DEP was requiring additional information therefore the Planning Module needed to be resubmitted. Mr. Wise made a motion to approve the DaVann Gordon Planning Module. Mr. Moyer seconded the motion.

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

Alan Witherite Rezoning Request: It was noted that Mr. Witherite's request was reviewed by the Township Planning Commission who is favorable of the requested change with the condition that the other property on the street be rezoned as well. The Board asked that the process of the request be continued to its proper channels.

Tony Fruchtl: Mr. Fruchtl was present to seek a waiver request for the Graystone Court at Eagle Point Final Land Development Plan from the Benner Township Stormwater Ordinance recharge requirements Chapter 84, Section 304C. It was noted that CMT Laboratories performed soil tests that showed that overall the soils are very shallow and that the subsurface rock was not likely to allow for the infiltration of water. The developer is proposing to underdrain the detention basin and forebay and filter twice the

recharge requirement through an amended soil that will also act as a water quality measure. Mr. Franson reviewed the waiver request and stated that based on the use of underdrain utilizing a soil filter that will treat twice the required recharge volume that he has no objections to the waiver. Mr. Elnitski moved to approve the waiver request based upon the engineer's approval. Mr. Moyer seconded the motion.

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

David Panko: Mr. Panko noted that he was in attendance to get an update on the Gerald Clair subdivision. Mr. Panko noted that he has not yet seen a copy of the proposed subdivision plan nor has he seen any draft of a maintenance agreement for the driveway. Mr. Panko supplied the Board a packet of materials dealing with the various items dealing with this subdivision and driveway. Mr. Panko asked the Board not to grant any waivers to the driveway standards until he is able to see a copy of the maintenance agreement for the driveway.

Dustin Musser/Pat Burns: Mr. Burns noted that he has purchased the W & W used car lot along the Benner Pike near the motel and wishes to continue to use this property as a used car lot. Mr. Moyer noted that according to the zoning ordinance this use falls under the conditional use criteria and suggests that he complete the conditional use application and submit it to the board at their next meeting.

MINUTES

The minutes of March 5, 2012, were presented to the Board for their review and comments. Mr. Elnitski moved to approve the minutes as presented. Mr. Moyer seconded the motion.

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

BILLS

The bills of April 2, 2012, were presented to the Board for their review and approval. Mr. Moyer moved to approve the bills as presented. Mr. Elnitski seconded the motion.

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

ENGINEER'S REPORT

Mr. Franson reported on the following:

*PSU Manure Storage – Mr. Franson noted that Penn State has requested an on site meeting for this project that was started some time ago. It was noted that this area is to be covered by a hoop building. He noted that he would kept the Board updated on this project.

ROAD SUPERINTENDENT'S REPORT

Mr. O'Leary reported on the following:

*It was noted that the Buffalo Run Community Park fields have been straightened up and the infield mix has been installed.

*New swings were purchased for the swingsets at the Township Building and an infant swing seat was purchased for the Buffalo Run Park.

*It was noted that work is needed on the traffic signal located at the Rishel Hill/Paraside Hill/Benner Pike intersection. The estimated repair costs is approximately \$1,800.

*Mr. O'Leary reported that he would like to see the old Ordinance 46 updated and adopted. This ordinance covers items such as speed limits, weight limits and no parking areas. He noted further that he recommends that the Township adopts a sidewalk ordinance as soon as possible.

*It was reported that the PIB loan application has been completed and is ready for the Board's approval. The loan would be for \$500,000 for 5 years. This money would be used for the matching funds for the Krout Bridge, some paving, application of fiber matting on several roads and some tar and chipping. Mr. Wise moved to approve and submit the PIB loan. Mr. Elnitski seconded the motion.

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

*Discussion was held concerning the final roadwork needed in pending developments. Mr. O'Leary noted that additional work will be required in all of the open developments prior to the final paving taking place. It was decided that a current and true cost estimates need to be obtained and meetings should be set up with each of the developers to see where they stand with the work.

*Mr. O'Leary noted that Harold Meyer will be out on disability leave for approximately 12 weeks due to having shoulder surgery.

*Mr. Elnitski noted that he is in communication with Graymont to see if they would be willing to contribute funds to help maintain the Gyp Road.

COMMITTEE REPORTS

MPO: It was noted that the Township has been approved for \$100,000 in retroactive bridge funding for the Krout Bridge from the CCRMPO.

Mr. Wise also reported that Ferguson Township is requesting that the CCRMPO funding formula be revised. It was noted that Benner Township's current figure of \$7,100 would go to \$8,300 under the proposed formula. Mr. Elnitski noted that Mr. Zilla is preparing some other documents regarding this matter showing where projects have been funding.

Spring Creek Watershed: Mr. Wise noted that he attended this meeting and that the USGS recharge model was reviewed.

Fire Task Force: Mr. Elnitski reported that the fire task force seems as though it is stalling out and losing focus.

Fire Executive Board: Mr. Elnitski noted that Bellefonte is suppose to be discussing allowing a member of both Benner and Spring to be active, voting members of the Borough's Fire Executive Board.

OLD BUSINESS

Spring Creek Canyon: Mr. Elnitski noted that the plan is almost ready for signatures as the final details of the easements are being completed. He noted that a meeting will be held on April 17th to discuss the Conservation Easement that Clearwater is suppose to have on the township's property. Mr. Elnitski noted that he plans to reapply for grant funds for the trail but that too much work was needed to be completed in order to apply for the April submission date.

Right of Way Ordinance: This item remains tabled.

Krout's Lane Bridge: Mr. Elnitski reported that PennDot has indicated that if the Township can get the bridge project completed by August 31st that it is possible that they can find the remainder of the 80% of the retroactive funds for the project and not just the \$100,000 in the CCRMPO funds.

It was noted that the next step on this project is to advertise for the Engineering RFPs. Mr. Franson has prepared them. The Board asked that they be sent to all the firms that responded to the Engineering RFP and for it to be advertised. It was decided that the RFPs should be turned in to the Township on April 19th and that the Board will schedule an additional regular meeting on April 23rd to award the RFP. Mr. Elnitski moved to advertise the RFP and to advertise for an additional regular meeting on April 23rd. Mr. Moyer seconded the motion.

Walker's Rezoning Request: This item remains tabled.

Township Vacancies:

Zoning Officer: Mr. Wise noted that the Board should select their top two candidates and that a phone screening interview would be held with a face to face interview to follow.

Engineering: Mr. Wise noted that of the firms that submitted RFPs that he would like to interview Pennoni, Uni-Tec and Nittany Engineering. Mr. Wise asked that the Board members revisit the proposals to see if they agree with his selections or have any additional firms that they would like to add to the list. It was noted that interviews will be scheduled in the near future.

Beezer Hill Road Closing: It was noted that we are still awaiting a meeting to be scheduled with Mr. Glass to discuss the status of paving of the roads in the Amberleigh Development.

Kepler Pool Recreation Authority: Mr. Wise noted that it was mentioned at the last meeting that the estimate needed to create a Recreation Authority would be around \$5,000 to get it setup. The Committee feels that this is the step that is needed so that they can start to see what fundraising could look like. The model to of this authority would be approximately 25% from each Benner, Spring, Walker and Bellefonte Borough. The Authority would be borrowing the money to upgrade Kepler pool at the same time the Authority would take ownership of the pool and the grounds that surround the pool facility. Another meeting is scheduled for April 12th to tour the Park Forest pool and to speak with them to learn what they have learned from going through their upgrade. Mr. Wise noted that the model of the upgrades/debt is that the pool revenues should pay for both operational costs and debt service for the loan for the upgrades.

SEO Services: The Board noted that they would attend Spring Benner Walker Joint Authority's meeting to be held on May 14th at 7:00 p.m. to discuss SEO services and the septic management program.

NEW BUSINESS

Grove Park Phase II: It was noted that Grove Park is submitting a surety renewal agreement for Phase II of their development in the amount of \$96,758.68. It was noted that due to the shortness of time to be able to review the estimates in the surety agreement that this surety be continued with the same amounts as last year. Mr. Elnitski moved to approve Phase II of the Grove Park Subdivision surety in the amount of \$96,758.68. Mr. Moyer seconded the motion.

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

Eagle Point Phase IIa: It was noted that this surety agreement has been increased 10% over last year’s agreement to a new total of \$18,301.80. Mr. Wise moved to approve the Eagle Point Phase IIa surety agreement in the amount of \$18,301.80. Mr. Moyer seconded the motion.

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

Prevailing Wage Resolution: Mrs. Royer noted that she prepared a resolution for the Board that would support the amendment to the prevailing wage laws increasing the limits. Mr. Wise moved to approve Resolution 12-01. Mr. Moyer seconded the motion.

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

Road Material Bids: Sealed bids were opened for the following materials. The bid results are as below.

	Glenn O. Hawbaker		Hanson		HRI, Inc.	
	<u>Plant</u>	<u>Delivered</u>	<u>Plant</u>	<u>Delivered</u>	<u>Plant</u>	<u>Delivered</u>
3,000 tons of 2A stone	7.00	11.07	6.50	10.00		
1,000 tons of 2RC stone	5.00	9.07	5.75	9.00		
500 tons #4 stone	9.00	13.07	8.50	12.00		
400 tons of 2Bs	9.00	13.07	8.75	12.25		
3,000 tons Washed 1Bs	9.50	13.57	13.50	17.00		
300 tons 1Bs stone	9.00	13.07	13.50	17.00		
400 tons Surge Stone	9.00	13.07	8.50	12.00		
300 tons Limestone Sand	9.00	13.07	8.75	12.25		
100 tons Cold patch	80.00				82.00	
900 tons 9.5 mil binder	67.50				67.00	
600 tons 19 mil binder	57.00				56.50	
500 tons #3 stone	9.00	13.07	8.50	12.00		
500 tons 25 mil binder	51.00				53.50	
1,000 tons DSA	9.80	13.87	11.00	14.50		
	Midland Asphalt		Hammaker East			
5,000 MC 70		3.917		4.54		

Mr. Elnitski moved to approve the low bidder for each of the materials. Mr. Moyer seconded the motion.

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

Gerald Clair Planning Module: It was noted that the Board is in receipt of the Sewage Planning Module for the Gerald Clair subdivision. It was noted that the SEO, Zoning Officer and Planning Commission have approved and signed off and that it is ready for the Board’s signatures. Mr. Wise moved to approve the Planning Module. Mr. Moyer seconded the motion.

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

Beer Tax: Mr. Elnitski noted that he would like the solicitor to check to see if the Township would be able to assess a beer tax on the beer that is sold at the airport.

Geisinger Health Plan/Policy Renewal: Mrs. Royer noted that the over all rate increase for the current policy is 8% for next contract year. Mr. Wise moved to approve and renew the Geisinger Health Plan Policy contract. Mr. Moyer seconded the motion.

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

Comcast Notice: Mrs. Royer noted that Benner and Halfmoon Townships received the Comcast notice of determination. The members of the Cable Consortium felt that a cable attorney should review the documents to determine what the documents actually mean. It was noted that the municipalities have agreed to split the cost of the review based on the prior agreement.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes
 - a. February 27, 2012
 - b. March 12, 2012
2. Benner Township Water Authority Minutes
 - a. January 17, 2012
 - b. February 21, 2012
3. Centre County Planning Office
 - a. Minor Land Development Penn Skates (daycare facility)
 - b. Greg Bartram Minor Land Development (home gunsmith shop)
 - c. Novosel Machine Shop Minor Land Development Plan
 - d. G.M. McCrossin Land Development Plan Time Extension
 - e. Rockview Disposition Plan Time Extension
 - f. Wolf Furniture Store Land Development Plan Time Extension
 - g. Village of Nittany Glen Land Development Phase IIIa Time Extension
4. Centre County Conservation District
 - a. University Park Airport parking lot
 - b. Amberleigh NPDES Permit
5. David Panko letter Re: Clair Subdivision/driveway
6. Geisinger Health Plan – Insurance renewal
7. Comcast Notice of Determination

EXECUTIVE SESSION NOTICE

The Board held an executive session dealing with personnel from 9:42 p.m. to 10:36 p.m. All Board members were in attendance.

ADJOURNMENT

The meeting was adjourned the time being 10:37 p.m.

Sharon Royer, Sec.

