

Public Hearing
Ordinance 111
August 6, 2012

The hearing for the ordinance amended the Official Zoning Ordinance of Benner Township to add quadraplex as a permitted use within the multi-family residential zone (R-2) and correct a typographical error in the definition of quadraplex and add applicable references throughout the zoning ordinance to reflect this new use and to rezone tax parcel 12-005-41 from Highway Commercial (HC) to Light Industrial (I-1) and rezone tax parcels 12-003B-023, 12-003B-024 and 12-003B-042 from Highway Commercial (HC) to Multi-Family Residential (R-2) 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 Helen Alters, Gerald Clair, Michele Aukerman, Renee Swancer, Dave Breon, Lindsay Schoch, Nate Campbell, Allen Witherite, Carol Walker, Brian Walker, Chip Walker, Jim Miller, Tim Schoonover, Steven Marlatt and Sharon Royer.

Mrs. Royer surmised:

Walker Rezoning Request from Highway Commercial to Light Industrial:

The application for rezoning was submitted on November 10, 2011. The Benner Township Planning Commission reviewed the application and recommended approval at their December 8, 2011 meeting.

Witherite Rezoning from Highway Commercial to Multi-Family Residential:

The application for rezoning was submitted on February 29, 2012. The Benner Township Planning Commission reviewed the application and recommended approval of the request with the addition of parcel 12-3B-24 at their April 12, 2012 meeting.

East End Partnership Zoning Amendment Application: The application for a zoning amendment was submitted on April 2, 2012. The Benner Township Planning Commission reviewed the zoning amendment request at their March 8, 2012 meeting and recommended the change.

Letters were sent to the Centre County Planning Commission and the members of the Nittany Valley Joint Planning Commission for review and comments on May 8, 2012.

Letters were sent out to the property owners themselves on June 18, 2012, informing them of the hearing date and time.

The notice of public hearing was advertised in the Centre Daily Times on July 20th and July 27th, 2012.

The notice of intention to adopt the ordinance was advertised on July 20, 2012.

The properties were posted on July 25, 2012.

Mr. Marlatt noted that his property is the other parcel that is being proposed to be rezoned with the Witherite properties and questioned how this will change his property. Mr. Zimmerman noted that it won't affect his property as his home is allowed to remain a home. This change in zoning classification will also not affect his taxing status.

Mr. Elnitski moved to close the hearing on Ordinance 111. Mr. Moyer seconded the motion. The time being 7:36 p.m.

Vote: Mr. Elnitski – yes

Mr. Moyer – yes

Mr. Wise – yes

Sharon Royer, Secretary

Public Hearing
Ordinance 112
August 6, 2012

The hearing for proposed Ordinance 112 of Benner Township was called to order at 7:37 p.m. by the Chairman, David Wise with members Randy Moyer and John Elnitski, Jr. present. Also in attendance were Helen Alters, Gerald Clair, Michele Aukerman, Renee Swancer, Dave Breon, Lindsay Schoch, Nate Campbell, Allen Witherite, Carol Walker, Brian Walker, Chip Walker, Jim Miller, Tim Schoonover, Steven Marlatt and Sharon Royer.

It was noted that Ordinance 112 would allow for the Township to obtain a \$500,000 loan from the Pennsylvania Infrastructure Bank at the interest rate of 1.625% for 5 years. It was noted that the funds will be used for road projects and the repayment of the loan will be made with the Township's annual liquid fuels payment.

No one from the public had any comments. Mr. Elnitski moved to close the hearing the time being 7:39 p.m. Mr. Moyer seconded the motion.

Vote: Mr. Elnitski – yes

Mr. Moyer – yes

Mr. Wise – yes

Sharon Royer, Secretary

Benner Township Supervisors
August 6, 2012

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:40 p.m. by the Chairman, David Wise with members Randy Moyer and John Elnitski, Jr. present. Also in attendance were Helen Alters, Gerald Clair, Michele Aukerman, Renee Swancer, Dave Breon, Lindsay Schoch, Nate Campbell, Allen Witherite, Carol Walker, Brian Walker, Chip Walker, Jim Miller, Tim Schoonover, Steven Marlatt and Sharon Royer.

Ordinance Adoption: Mr. Elnitski moved to adopt Ordinance 111 and 112 as presented. Mr. Wise seconded the motion.

Vote: Mr. Elnitski – yes

Mr. Moyer – yes

Mr. Wise – yes

PERSONS TO ADDRESS THE BOARD

Gerald Clair: Mr. Clair noted that he feels that the township should have regulations dealing with road maintenance items that cause obstructions with emergency vehicles accessing properties along private roads within the Township. The Board explained that this is a private matter and that most private drives have road maintenance agreements dealing with issues like Mr. Clair has discussed. Mr. Clair noted that he wants a road maintenance agreement, however, the other residents that live along and use the road are not being cooperative.

Mr. Elnitski noted that he would try to facilitate a meeting with Mr. Clair, Mr. Panko and Ms. Azar concerning a driveway maintenance agreement.

Helen Alters: Mrs. Alters questioned if a permit is necessary to install a fence. Mr. Zimmerman noted that he would contact Mrs. Alters tomorrow afternoon to discuss.

MINUTES

The minutes of July 2, 2012, were presented to the Board for their review and comments. Mr. Wise 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 August 6, 2012, were presented to the Board for their review and approval. Mr. Elnitski moved to approve the bills as presented to the Board. Mr. Moyer seconded the motion.

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

ENGINEER'S REPORT

Mr. Franson noted that he has reviewed the estimate that was received from Mike Glass for the paving work in Amberleigh Development. He noted that based on the estimate, not all of the paving that was expected to be done is being proposed to be done. Mr. Franson stated that perhaps a loop is being proposed to be paved but the costs and description doesn't include the cost of the work that is needed for the cul de sac installation/closure of Valentine Hill Road.

The Board decided to have the Township Solicitor draft a letter to be sent to Mr. Glass that it is the Township's expectation that all of the roads in Benner Township are to be paved by the start of the school year. The Board noted that they also want to know what the estimate that we received is actually for.

The Board held discussion regarding the permits that are currently pending in the development. It was decided that the current building of 5 townhomes that has been submitted may be processed.

ROAD SUPERINTENDENT'S REPORT

*Mr. O'Leary noted that he spoke with PennDot regarding the permit for the Valentine Hill Road Closing and that the gentleman who is dealing with the permits said that if we sent in for an extension that he would grant us one more.

*Grove Park Phase I paving is complete.

*Opequon Hills Subdivision is to transfer ownership on Friday. Patching around the manholes will begin on Tuesday. Paving should follow immediately.

*Fibermat overlay is scheduled to start on Wednesday.

*Lower Gyp Road improvements are two-thirds complete.

*Additional roadwork on Barns Lane will be done since the paving and fiber matting projects have come in under what was anticipated.

COMMITTEE REPORTS

Mr. Elnitski noted that at the next meeting a Board member has with Kevin Kline of Penn Dot he would like his dis-satisfaction noted of the work that was done on SR550 and Spring Creek.

OLD BUSINESS

Spring Creek Canyon: Mr. Elnitski distributed the final draft of the road maintenance agreement for Shiloh Road which he believes is now ready for signatures. He noted that Benner Township would own the road, but that the Fish Commission would handle all winter maintenance on the road. The agreements outlines a funding formula for the road improvements until the limit of \$100,000 is reached. Mr. Elnitski moved to approve the Shiloh Road maintenance agreement with PA Game Commission, PA Fish and Boat Commission and PSU. Mr. Wise seconded the motion.

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

Right of Way Ordinance: A draft of the final document has been received and will be forwarded to Mr. Franson and Mr. O’Leary to begin their review and modifications.

Krout Lane Bridge: Mr. Elnitski noted that he, Mr. Franson and Ms. Aukerman met to discuss the various ways of moving forward with this project. It was noted that if the bridge was vacated with a settlement in place then the Krout’s could use the funds to make improvements by hiring their own company thus eliminating prevailing wage bidding. It was also noted that to vacate the road that a MOU with all properties that have access to the road would need to be completed including SEDA COG and the PA Fish & Boat Commission. Mr. Elnitski moved to authorize Ms. Aukerman of Uni-Tec to prepare a presentation on the proposed bridge repairs to present to the Krouts and Cathermans. Mr. Wise seconded the motion.

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

Valentine Hill Road Closing: The Board agreed to submit the necessary paperwork to ask PennDot for an additional extension for this roadway closing.

Pool Authority: Mr. Wise noted that there had been a temporary setback in creating the recreation authority for the pool as the Borough was only initially willing to donate the pool only and no property to go along with it. They have now reconsidered and are willing to deed 5 acres of property to go along with the pool.

Mrs. Royer noted that Sue Rockey who resides on Purdue Mountain called and expressed an interest in being a member of the Recreation Authority once it is established. She noted that she recently retired from Penn State and dealt with grants and grant applications and several of her children have participated in school swim team activities.

Septage Management: Tim Miller, Board member of the Spring Benner Walker Joint Authority, was present to see if the Board had any questions or comments regarding the letter that Warren Miller sent outlining the various levels of management that could be implemented for the septage management plan. The Board noted that they would prefer Level I, which would include having tanks pumped every 4 years. This would also include having existing steel tanks and cess pools replaced with new tanks. Mr. Miller noted that it will be much easier having the plan approved with DEP if all three townships agree on the same level of management. He noted that another idea that was mentioned that should save the residents money is to bid out the pumping services similar to what was done with the garbage.

NEW BUSINESS

Centre County YMCA: The Board was in receipt of a letter from the Centre County YMCA asking if the Board would again be interested in sponsoring the Annual Charity Auction. Mr. Wise moved to sponsor the Charity Auction with a \$250 sponsorship. Mr. Elnitski seconded the motion.

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

Bellefonte Youth Football League/Cheer League Donation: The Board is in receipt of a letter from the Bellefonte Youth Football and Cheer League seeking a donation of \$5,000. The Board noted that they would like a representative to attend an upcoming meeting so that questions could be answered.

CATA 2012/2013 Agreement: The 2012/2013 CATA agreement was presented to the Board for their approval. Mr. Wise moved to approve Resolution 12-4 which affirms that the Township will contribute \$3,498.00 for services. Mr. Elnitski seconded the motion.

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

PIB Loan: Mrs. Royer noted that Resolution 12-5 authorizes the Chairman and the Secretary to sign the PIB Loan documents. Resolution 12-6 authorizes the creation of a bank account at M & T Bank to deposit the PIB Loan Funds. Mr. Elnitski moved to approve Resolutions 12-5 and 12-6. Mr. Wise seconded the motion.

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

Surety Reduction for the Glen at Paradise Hills South: The developers for the The Glen at Paradise Hills South is seeking a reduction in surety from \$111,859.00 to \$58,503.50. It was noted that Mr. Franson has reviewed the request and concurs with the amount. Mr. Wise moved to approve the surety reduction. Mr. Elnitski seconded the motion.

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

MOU for the Village of Nittany Glen Phase III-A Extension: Mr. Moyer moved to approve the Memo of Understanding for the Village of Nittany Glenn Phase III-A Extension. Mr. Elnitski seconded the motion.

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

Fishburn Hill Road Bonding: Mr. O’Leary noted that Eric Albright needs to bond Fishburn Hill Road due to the excessive amounts of fill that is needed for his lot. Mr. Elnitski moved to approve the road bond. Mr. Wise seconded the motion.

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

Meetings: Mr. Elnitski noted that he would like to see the Board go back to two meetings per month for the remainder of the year. Dave Breon questioned if the Board could in fact do this as they set their meeting dates at their organizational meeting. Mr. Schoonover noted that he would look into this matter further as he felt that it could be possible to advertise the dates and state that normal township business would be conducted. Mr. Elnitski moved to advertise the additional meetings for September, October and November pending Mr. Schoonover’s determination. Mr. Wise seconded the motion.

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

Fall Festival: Mrs. Royer noted that Melissa Gummo feels that she has enough volunteers lined up to have this year’s Fall Festival.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Centre County Planning Commission
 - a. Letter Re: Lot addition and replot proposal Betty Delafield
 - b. Time Extension Lions Gate Self Storage
 - c. Time Extension Paul & Ellen Hartle Subdivision
 - d. Time Extension Graystone Court
 - e. Letter Re: SilcoTek Manufacturing
2. Centre County Conservation District
 - a. SCI Rockview Earth Disturbance report
 - b. Bellefonte Airport Earth Disturbance report
 - c. SilcoTek NPDES Permit
3. Judgment Notice Re: Ramish
4. SBWJA Minutes of June 25, 2012 and July 9, 2012
5. Copy of letter that was sent to Mike Glass Re: Amberleigh
6. PSATS News Bulletin
7. Thank you letter from Bellefonte Cruise
8. Copy of letter that SBWJA sent to Bellefonte Borough Re: New Controls
9. Notice of Intent letter Re: Bellefonte Water to support drilling development operations

ADJOURNMENT

The meeting was adjourned the time being 9:07 p.m.

Sharon Royer, Secretary