

Benner Township Supervisors
Special Meeting
January 9, 2012

The special meeting of the Benner Township Board of Supervisors was called to order at 8:07 a.m. by the Chairman, David Wise with members Randy Moyer and John Elnitski, Jr. present. Also in attendance were Timothy Schoonover, Genevieve Robine, Nate Campbell, Carrie Campbell, Dick Lahr, Rocco DiGuardi, Gary Sweeney, Lyle Beal, Randy Greene, Zachary Gay, David Crunick, Terri Breon, Dave Breon, Helen Alters, Frank Swancer, Renee Swancer, Connie Peters, Gerald Moyer, G. F. Clair, Julie Elnitski, Fred Gay, Carol Gay, Clair Stem, Cheryl Fugate, Boyd Corl, Ken Hart, Mike Anthony, Duane Grove, Ed Dunkelberger, Edward Galus, Robert Nellis, Pete Nebroski, Jim Swartzell, Jim Wilson, Chris Rosenblum and Sharon Royer.

Executive Session Notice: Mr. Schoonover noted that the Board held an executive session this morning (1/9/2012) from 7:55 a.m. until 8:06 a.m. to discuss personnel matters. All three Board members were in attendance.

PUBLIC COMMENT

Lyle Beal: Mr. Beal indicated that although he resides in Spring Township he lives on the Spring Township/Benner Township boarder and has concerns that Benner Township plans to eliminate zoning. He quoted Mr. Moyer's campaign slogan of "You own it, you zone it."

Mr. Moyer responded that it was on his campaign signs but that he doesn't intend on completely eliminating zoning in the township.

Genevieve Robine: Mrs. Robine noted that she has been on the Township's Planning Commission for 10 years and has lived in the Township for the past 34 years and has enjoyed the simplistic way of life in the township.

Mrs. Robine stated that she feels that the Board should be making their decisions on what is in the best interest of the Township not on how they feel about Renee personally. She stated that the Township is not a business or corporation but is a community. She stated that she doesn't believe that anyone knows that township ordinances the way Renee does. She also stated that Renee does not write the ordinances of the Township; her position is to enforce the ordinances as written and adopted by the Board of Supervisors. Mrs. Robine noted that Renee's duties also include being the liaison between the Board of Supervisors and the Zoning Hearing Board and Planning Commission. She compiles their minutes, agendas and is the link between board members. Mrs. Robine noted that Renee along with Sharon Royer run the Township Office by writing correspondence, answering phones, assisting residents with problems, writing

grants and take care of other items that aren't part of the normal job description but items that make the Township a community such as a children's egg hunt, the Fall Festival and the haunted trail.

Mrs. Robine asked the Board to rescind their motion from the organizational meeting and appoint Renee Swancer back to the position of Zoning Officer. She noted that the Board should be working with the Township not dismissing people.

Zack Gay: Mr. Gay noted that while he does not live in the township, he is a land surveyor who has worked with Renee on projects in the Township. Mr. Gay noted that he has found Renee to be professional, competent and fair. He noted that her job is an unenviable one by enforcing ordinances that confiscates personal property rights without compensation. Mr. Gay noted that if the Board doesn't agree with the ordinance, they are the ones that need to change it.

Helen Alters: Mrs. Alters noted that she is a past Township Supervisor and knows that legally what they did is probably something that they could do but questioned if there is no one here right now to help with the zoning what are people to do that need permits? Does the Board have a process in place to take the next step? Mr. Wise noted that that if action is taken later on in the meeting that there is no Zoning Officer, that the Board will name an interim to the position and possibly a back up to the interim. He noted further that the Board will put in place a process to solicit and decide how the Township will provide zoning services.

Gary Sweeney: Mr. Sweeney noted that he works for the McKee Group that owns the Village of Nittany Glen off of Fillmore Road and is speaking on behalf of the developers. Mr. Sweeney noted that he submitted a permit last week and has another to turn in and wants to know how they will be handled. Mr. Sweeney noted that the McKee Group has had no problems with the Township in the past 7 years getting their permits in a timely manner. Mr. Sweeney noted that with the current market being as it is - turn around is key.

Pete Nebroski: Mr. Nebroski noted that he is a resident of the Township and asked the Board why they would decide that they don't want an employee who is working very competently for over twenty years without even talking to her about her job performance. Mr. Nebroski questioned how the Board can justify this.

Mr. Wise explained that this is not a performance based decision but that it is a new board of supervisors with a new vision on how to deliver zoning services.

Mr. Nebroski stated that he believes the Board of Supervisors owes the residents an explanation on their actions as it seems as though the Board just doesn't like Renee for some reason.

Mr. Moyer noted that the appointments/reappointments of all township positions takes place at the re-organizational meeting.

Mr. Elnitski stated that he does not agree with the other board members actions in releasing Renee Swancer from her employment. He noted that he does not agree with not reappointing her without going through some discussion with the Board working together and would like to see a six month time frame of the Board working with Renee on their new ideas.

Jim Swartzell: Mr. Swartzell noted that he is also a past supervisor of the Township and finds the action of the Board appalling. He questioned Mr. Wise stating that if this decision was not based on job performance was it made on personal issues that the Board members has with Renee.

Dave Breon: Mr. Breon also questioned how things will be handled now that the Township doesn't have a zoning officer, when will the interium be put in place and will it be done in private or in the public.

Mr. Wise responded that the interium would be appointed immediately, the Board does have a couple solutions in mind and that it would take place in a public setting.

Mr. Breon noted that he is assuming that the individual that is to be appointed meets qualifications and will follow the responsibilities as established under state law. He stated further that the Board must understand that the new zoning officer will have to do the same exact job that Renee has done for 20 years - they will have to interrupt the zoning ordinance literally. He noted that the new person does not have the right or the power to provide any kind of deviance from the ordinances nor does the Supervisors have the power to override what the zoning officer is doing.

Dr. Gerald Clair: Dr. Clair questioned, with the way the economy is today, has the Board considered sharing services with another township. He stated that this would decrease Township expenses by having a part-time zoning officer.

Genevieve Robine: Mrs. Robine stated that she still doesn't understand what is so critical that the Board can't do with the current zoning officer. She asked that the Board rescind their motion and reappoint Renee. She noted that she doesn't think that the Board is representing the Township. She stated that if the Board

has issues with the zoning that they should have been attending planning commission meetings to discuss the issues.

Dick Lahr: Mr. Lahr noted that he is also a former Supervisor and served two terms. Mr. Lahr noted that to this point, he has heard no just cause for Renee to be terminated. He noted further that if the Board is terminating her because she is doing her job - that is wrong. Further indicating that doing her job is not just cause.

Boyd Corl: Mr. Corl noted that he is a life long resident, homeowner and tax payer of the Township and feels that the residents have a right to know what the motivation is concerning Renee's employment. He noted further that he doesn't feel that the Board has addressed that question.

Renee Swancer: Ms. Swancer thanked those who have attended this morning's meeting on her behalf. She noted that she has made this township her home and has taken this job personally because she looks as the Township as her family. She noted that her position is difficult due to the fact that you can't always make everyone happy no matter what. She noted that all she can do is to administer the ordinances that the Board gives her to administer.

She noted that she always has welcomed new Board members, and expressed disappointment that Mr. Wise didn't give her any opportunity to get to know her or even say hello to her. She noted that she had no opinions about Mr. Wise or any preconceived ideas. She noted that she feels that she has worked with Mr. Wise in a professional matter in the dealings with the CBICC and the Benner Commerce Park. She noted that she is taken back by the fact that he isn't giving her the opportunity to work with her.

She noted that she has had the opportunity to work with Mr. Moyer for the past two years and has always given him respect. She noted that there were disagreements between them regarding things that has happened down in Milesburg. She noted that she contacted Mr. Moyer when issues were going on in Milesburg and told him to make sure he had the necessary permits as several people in Milesburg were upset with him filling in the flood zone. She noted that she never attended a meeting regarding that issue that she separated herself from that issue. She noted that she thought that the Milesburg issue was put behind them. She noted that she always treated Mr. Moyer the same as the other Supervisors. She noted that Mr. Moyer has had the past two years to discuss things with her but hasn't. She noted that she has heard from a number of people that Mr. Moyer has told them that, "As soon as I get elected, I will make sure that I get rid of the Township Engineer and the Township Zoning Officer". She noted that Mr. Moyer has not expressed any dissatisfaction with her performance in the past two years what so ever. She noted that if there

has been issues with residents that she has approached the Board to see how they would like her to handle them because she knew that they were delicate matters.

She noted that there are a lot of people that need to have things happen quickly, as time is money. She noted that there is a developer that has been left hanging due to the fact that the Board fired the Township Engineer. She explained that he needs engineering comments so that he could move forward with his plan.

She noted that if the Board would reconsider their decision that she would still welcome the opportunity to work with this Board. She noted further that if the Board tells her what their objectives are she would work hard to make those objectives happen.

John Elnitski: Mr. Elnitski noted that he feels that Renee has shown that she is willing to work with this Board. He stated further that he believes that the Community needs to see that the Board cares about what the residents think; that the Board is here to work for them. He also stated that he feels by reappointing Renee to her position and moving forward that it would set a standard in the Township that the Board is here to lead together.

Krout Lane Bridge: Mr. Wise noted that the Board wishes to ratify publicly that the Township will be spending Township funds relating to the bridge on Krout's Lane. Expenses may include surveying, engineering services, permits and materials to make required repairs. Mr. Elnitski gave those present an overview on this matter. It was explained that PennDot has changed priority ratings on some of the issues with the bridge to a "0" rating which means that the Township has 7 days to start repairs or could face the bridge being closed. Mr. Elnitski moved to approve up to \$5,000 to be allotted for necessary expenses to begin the required bridge repairs. Mr. Moyer seconded the motion.
Vote: Mr. Elnitski - yes Mr. Moyer – yes Mr. Wise – yes

Employment Issue: Mr. Wise moved to terminate Ms. Swancer as of today and that she be paid all benefits earned and due her as provided by the Benner Township Employee Handbook. Mr. Moyer seconded the motion.

Mr. Elnitski noted that he doesn't think that this is the right move. He stated that Renee should be given an opportunity to implement how the new Board wishes to change zoning and zoning processes. Mr. Elnitski noted that he doesn't see any justification in this action. He added that no one who spoke this morning spoke against her and feels that by taking this action that the community, Planning Commission and Zoning Hearing Board won't trust the Board.

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

Interim Zoning/Code Enforcement Officer: Mr. Wise noted that Spring Township has offered sharing, on an interim basis, their zoning officer Vaughn Zimmerman. Mr. Wise moved to accept Spring Township's offer and appoint Vaughn Zimmerman as Benner Township's interim Zoning/Code Enforcement Officer. Mr. Moyer seconded the motion.

Mr. Elnitski noted that the Township has not received anything official in writing from Spring Township. He questioned, "How this would work?" He noted that having this arrangement without even a letter that the other township agrees with this arrangement is not the way to go.

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

Back Up Zoning Officer: Mr. Wise noted that it has been suggested that the Township appoint a back up Zoning Officer. He noted further that Tim Schoonover, the Township Solicitor, has offered to act as the Township's back up Zoning Officer. Mr. Wise moved to appoint Tim Schoonover to the position of Township Zoning/Code Enforcement Officer. Mr. Moyer seconded the motion.

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

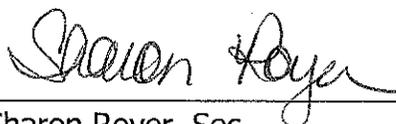
Engineering Services: Mr. Lahr questioned what the Board was going to do about engineering. Mr. Wise indicated that the Board intends to solicit for engineering services. This topic will be on the agenda at the Board's next meeting. Mr. Lahr stated that the Board should have looked for a replacement prior to letting the current one go.

Mr. Elnitski made a motion to ask HRG to finish the current projects that they were reviewing and any projects that need to be moved on and act as the interim engineer until a replacement is found.

Mr. Wise indicated that he was not willing to second that motion but that he would contact HRG to see what their willingness would be.

ADJOURNMENT

The meeting was adjourned the time being 8:58 a.m.



Sharon Royer, Sec.