

Patrick Burns
Conditional Use Hearing
July 2, 2012

The meeting to determine the decision on the Patrick Burns conditional use hearing was called to order at 7:30 p.m. by the Chairman, David Wise with members Randy Moyer and John Elnitski present. Also in attendance were Betsy Dupuis, Colina Seeley, Justin Herford, Michele Aukerman, Dustin Musser, Pat Burns, Dave Breon, Renee Swancer, Genie Robine, Mark Haefner, Gary Barone, Don Franson, Dennis O'Leary and Vaughn Zimmerman. The decision on the conditional use hearing for Patrick Burns was read aloud. Mr. Elnitski moved to approve the decision as read. Mr. Moyer seconded the motion.

Vote: Mr. Elnitski – yes Mr. Moyer – yes Mr. Wise – yes
Meeting was adjourned the time being 7:36 p.m.

Sharon Royer, Sec.

Benner Township Supervisors
July 2, 2012

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:37 p.m. by the Chairman, David Wise with members Randy Moyer and John Elnitski present. Also in attendance were Betsy Dupuis, Justin Herford, Michele Aukerman, Dustin Musser, Pat Burns, Dave Breon, Renee Swancer, Genie Robine, Mark Haefner, Gary Barone, Don Franson, Dennis O'Leary and Vaughn Zimmerman.

PERSONS TO ADDRESS THE BOARD

Justin Harford: Mr. Harford indicated that he intends to purchase the remaining undeveloped properties in the Opequon Hills Development. He noted that after obtaining ownership he intends to have the roads completed yet this paving season. Mr. Franson indicated that he and Mr. O'Leary has re-inspected the road and adjusted the costs at today's numbers for the remainder of the work that needs to be complete. The new figure required to be posted for surety for the development is \$93,478.00. Mr. Harford asked if there was a way for him to post a cash payment in the surety amount that expenses for work completed can be drawn from after Township approval. Ms. Dupuis indicated that this is possible that she has set up accounts like this in the past. She further indicated that the amount of 110% of the uncompleted work will need to be maintained in the account until final approval is given by the Township. The Board asked Mrs. Royer to contact the transportation office at the school to let them know of the paving plans. Mr. Wise made a motion to conditionally approve the release of the Opequon Hills Surety from the prior owners after the new agreement is obtained from Mr. Harford with proper new surety being secured. Mr. Elnitski seconded the motion.

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

Mark Haefner/Gary Barone – Silcotek: Mr. Haefner and Mr. Barone were present to give an overview of the proposed Silcotek Company that intends to build on lot 1 of the Benner Commerce Park. Mr. Haefner indicated that the company plans on constructing

at 37,900 sq. ft. building and hopes to employ 300 people by 2020. The Board indicated that Silcotek will be a welcomed addition to the Township and county.

Silcotek MOU: Mr. Elnitski moved to approve the memorandum of Understanding with Silcotek. Mr. Wise seconded the motion.

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

David Cassett – Mr. Cassett asked to be on the agenda but did not attend the meeting.

Craig Bernier: Mr. Bernier asked to be on the agenda but did not attend the meeting.

MINUTES

The minutes of June 4, 2012, were presented to the Board for their review and comments. Mr. Elnitski moved to approve the minutes as presented to the Board. Mr. Moyer seconded the motion.

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

BILLS

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

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

ZONING OFFICER REPORT

*Letter from John Sepp dated 6/19/12: Mr. Zimmerman went over the letter that was received from Mr. Sepp. Mr. Zimmerman noted that he agrees that it makes sense to have Mini-warehouses in the Highway Commercial District changed to be a use by right instead of a conditional use. He stated that as far as Mr. Sepp's other comments, he doesn't agree with them. He noted that the 70% maximum impervious coverage amounts are generous as they are and feels if the Township addresses landscaping changes that they would have to be looked at and if changed would need to be changed Township wide. The Board decided that until a formal application for Zoning Amendments is submitted that this letter will be tabled.

*Code Enforcement issues: Mr. Zimmerman noted that he has not been appointed as the Township's Code Enforcement Officer and therefore is unable to handle other complaints that the Township has received that are not related to the Zoning Ordinance. Mr. Elnitski noted that he will contact the individual that has complaints to see if he can assist handling the problems.

ENGINEER'S REPORT

Amberleigh Development: Mr. Franson noted that he and Dennis O'Leary went out and did an onsite inspection of the remaining items needing to be addressed in the Amberleigh Development and has calculated new cost estimates for the remaining work. He noted further that the matter of the road closing permit with Penn Dot will also need addressed before work on the closing of Valentine Hill Road can proceed and that he has sent an email to the permitting officer at PennDot to see what will be needed.

Mr. O'Leary noted that he spoke with Mr. Glass last week and that he indicated that he now has budget funds from the company to complete the work and that he was working with firms to get contract quotes to complete the work. Mr. O'Leary noted that he will follow up with Mr. Glass in a week if he doesn't hear back from him.

Discussion was held concerning writing Mr. Glass a letter to express the urgency and seriousness of this issue. The Board noted that they felt that a plan of action with a contract in place and work to be completed by the end of August is reasonable so that the school district could make arrangements for the bus schedules. It was also discussed that perhaps the Township would have to resort to withholding building permits to get action to take place. Mr. Franson noted that he is aware of other municipalities who do withhold permits. Mr. Elnitski moved to approve drafting and sending Mr. Glass a letter with the points discussed mentioned in the letter. Mr. Wise seconded the motion.

Vote: Mr. Elnitski – yes

Mr. Moyer – yes

Mr. Wise – yes

Graystone Court: It was noted that over the course of a couple days that several complaints were received concerning the blasting at the Graystone Court site. Mr. Franson noted that he conducted an onsite visit and met with the blasting company who confirmed that all blasts have been done within DEP regulations. It was further noted that only one more blast was thought to be needed for the site.

ROAD SUPERINTENDENT'S REPORT

*Opequon – was previously discussed.

*Grove Park – It was noted that he has been told that Phase I of the Development is tentatively scheduled to be paved during the week of July 16th.

*Graymont – It was noted that Graymont has agreed to contribute 50% of the costs to have Gyp Road's road oiling, tar and chipping and the entrance to the road paved.

*PIB Loan – it was noted that the loan has finally received approval at the state level.

*Line Painting – Mr. O'Leary noted that he would be having our line painting done later this year after the fiber matting work is completed.

OLD BUSINESS

Spring Creek Canyon: Mr. Elnitski noted that the subdivision plan has been recorded and the deeds should be recorded on Thursday.

ROW Regulatory Ordinance: Mrs. Royer noted that the final draft was just received today and will be forwarded on to the Engineer and Road Superintendent for their review and comments.

Krout's Road Bridge: Mr. Elnitski noted that he would try to schedule a meeting with the engineers next week to further discuss this item. It was noted that a decision needs to be made as to whether to vacate the bridge but include funds in the settlement agreement to make the necessary repairs or to make the necessary repairs and then vacate the roadway.

Zoning Amendments: It was noted that the Ordinance hearing is scheduled for August 6th.

Valentine Hill Road Closing: This item was previously discussed.

Kepler Pool/Recreation Authority: Mr. Wise reported that the pool had the highest number of guests in the month of July since June 2007. The documents to create the Recreation Authority are still being drafted.

NEW BUSINESS

Eagle Point Deed of Dedication: Mrs. Royer noted that we have received the deed and the maintenance bond for the road and that the road is now ready to accept. Mr. Elnitski moved to approve Resolution 12-3 which accepts the Deed of Dedication for Eagle Point Road. Mr. Moyer seconded the motion.

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

Purdue Mt. Road Clean Up: Mrs. Royer noted that the Centre County Solid Waste Authority would like to make one of their main clean up projects for next year a dump site located at the bottom of a cliff along Purdue Mt. Road. The Authority is seeking assistance with this effort by utilizing the Township’s maintenance crew. They are planning to conduct this in April.

Paul Kurtz: Mr. Kurtz was present and noted that he would like to be appointed to the vacant spot on the Township’s Planning Commission. Mr. Krutz noted that he is retired and has lived in the Township for almost 10 years. Mr. Elnitski moved to appoint Mr. Kurtz to the Planning Commission for a term of five years. Mr. Wise seconded the motion.

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

NOTES

*Mrs. Royer noted that for the first week of Summer Park and Rec. that we had an average daily attendance of 85 kids.

*It was also noted that the Township has received notice that the insurance company has given Mr. Hoy a settlement of \$25,000 for his law suit.

Willowbend Detention Basin: Mr. O’Leary noted that the Township had received a complaint about one of the detention basins in the Willowbend development not draining properly. He noted that after investigating the matter that there are trees planted in the Township’s easement. The other issue that has been found is that the recorded plan notes that the home owner association is to maintain the basins and as of our knowledge no home owner association exists.

Mr. Elnitski moved to have Mr. Schoonover send a letter to the property owners of Willowbend addressing the issue of maintaining the basins and the trees that have been planted in the Township’s easements. Mr. Wise seconded the motion.

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

CORRESPONDENCE

The Board received the following correspondence:

1. Centre County Planning Commission

- a. East End Partnership Lot Consolidation Plan
- b. Pennwood Home & Hearth Minor Land Development
- c. Lot addition plan for Tom/Sara Songer
- d. Time Extension Disposition of Commonwealth Property
- e. Time Extension Wolf Furniture Store
- f. Time Extension Village of Nittany Glen Phase III-A
- g. Time Extension G. M. McCrossin
- h. Preliminary Plan V Final Plan Glenn at Paradise Hills West Land Development

Plan

- 2. Letter from John Sepp Re: Text Amendment to Zoning Ordinance
- 3. Centre County Conservation District
 - a. Graystone Court
 - b. PSU Ag Waste Stacking Pad
- 4. SBWJA Minutes of May 29, 2012 and June 11, 2012
- 5. Benner Township Water Authority Minutes of May 15, 2012
- 6. Application from Paul Kurtz Re: future Zoning Hearing Board position

EXECUTIVE SESSION

The Board called an executive session the time being 8:48 p.m. for the purpose of discussing personnel matters. The meeting was reconvened at 9:00 p.m. Mr. Wise made the motion to offer Lindsay Schoch the part time position of Zoning Officer Assistant at the rate of \$16.00/per hour without benefits to work for a period of 15 to 20 hours per week and a six month probation period. Mr. Moyer seconded the motion.

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

Code Enforcement Concerns: The Board noted that for now they will handle any code enforcement complaints that come in.

ADJOURNMENT

The meeting was adjourned the time being 9:04 p.m.

Sharon Royer, Secretary