

Patrick Burns
Conditional Use Hearing
June 4, 2012

The conditional use hearing for Patrick Burns to operate a used car dealership on Tax Parcel 12-003B-046 that has the address of 3490 Benner Pike, Bellefonte, PA 16823 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 Patrick Burns, Dusty Musser, Helen Alters, Betsy Lockwood, Jerry Bohinski, Robert Capuro, Richard Catherman, Michele Aukerman, Nate Campbell, Wayne Engle, Renee Swancer, Tom Kerney, Rodney Beard, Bob Mellott, Edward Guenot, Tom Kulakowski, Genny Robine, Dick Lahr, Don Franson and Sharon Royer.

Mr. Wise made a motion to close the hearing and testimony with a decision to be rendered at the next meeting. Mr. Moyer seconded the motion. The time was 7:48 p.m.

Sharon Royer, Sec.

Benner Township Supervisors
June 4, 2012

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:50 p.m. by the Chairman, David Wise with members Randy Moyer and John Elnitski, Jr. present. Also in attendance were Patrick Burns, Dusty Musser, Helen Alters, Betsy Lockwood, Jerry Bohinski, Robert Capuro, Richard Catherman, Michele Aukerman, Nate Campbell, Wayne Engle, Renee Swancer, Tom Kerney, Rodney Beard, Bob Mellott, Edward Guenot, Tom Kulakowski, Genny Robine, Dick Lahr, Don Franson and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Jerry Bohinski – Re: Keystone Opportunity Zone: Mr. Bohinski, Mr. Beard and Mr. Kerney were present to further discuss passing a resolution to place the Benner Commerce Park and the two Commonwealth parcels that are planned to be sold as surplus into a Keystone Opportunity Zone. It was noted that it has been determined that Fire Taxes are not abated on properties located in this Zone. Mr. Beard and Mr. Kerney noted that they feel very confident that that Industrial Development Corporation Board would be willing to share the risk with the Township should increased costs be passed on to the Township for public safety services though they are uncertain of the cost sharing mechanism.

Nate Campbell, township resident and Planning Commission Chairman, addressed the Board and stated that he did not feel that the two Highway Commercial lots that are currently owned by the Commonwealth should be placed in this Zone as he feels strongly that they will develop without this special designation.

Mr. Elnitski moved to approve Resolution 12-2 which approves placing the lots located in the Benner Commerce Park owned by the Centre County Industrial Development Corporation into a Keystone Opportunity Zone. Mr. Moyer seconded the motion.

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

Mr. Moyer moved to approve Resolution 12-3 which approves placing the two lots owned by the Commonwealth of Pennsylvania located in the Highway Commercial into a Keystone Opportunity Zone. Mr. Wise and Mr. Elnitski noted that at this time they cannot vote to support such an action, therefore the motion died due to a lack of a second.

Wayne Engle Re: Glen at Paradise Hills South: Mr. Engle noted that the Glen at Paradise Hills South is seeking permission to change the orientation of the building to be located on Lot 6R. Mr. Engle noted that both the Planning Commission and Mr. Franson have reviewed the changes and gave conditional approval after all changes to the plan are made. Mr. Elnitski moved to approve after the remaining items are addressed and sign the plan outside of a meeting. Mr. Wise seconded the motion.

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

Thomasz Kulakowski Re: Opequon Hills Subdivision: Discussion was held concerning the final paving of the roads in the Opequon Hills Subdivision. The Board noted that the Township has received numerous inquiries and complaints regarding the lack of completing the roads in the Opequon Hills Development. Mr. Kulakowski stated that they would like to top coat Buttercup Way, Bergamot Way and Yarrow Way this paving season and to post revised surety amounts for what isn't paved for an additional year so that they can take care of the remaining paving during next year's paving season. Mr. Kulakowski also noted that they would pave up to the manholes in the roadway to try to minimize those current obstacles. The Board noted that they would be agreeable to this proposal but to realize that the Board does not intend to renew the surety past 2013.

Genny Robine: Mrs. Robine noted that she would like to express her gratitude to Nate Campbell for doing all of the work relating to the Planning Commission. Mrs. Robine questioned when the Planning Commission could expect to someone to start attending their meetings and relieving Mr. Campbell of the duties that he has taken on in the absence of a full time zoning officer. Mrs. Robine further noted that the Planning Commission would like to have the Zoning Officer attend their meetings so that questions can be answered and additional direction can be given when plans are presented to them. Mr. Wise noted that they hope to have the issue of staff addressed by the end of this evenings meeting.

Clair Stem: Mr. Stem asked the Board not to allow the Zoning Officer or Building Code Official to issue any permits for AT & T or Verizon towers located on his property until he gives his approval. The Board stated that they would inform Mr. Zimmerman of this request.

MINUTES

The minutes of May 7, 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 June 4, 2012, were presented to the Board for their review and comments. Mr. Wise moved to approve the bills as presented. Mr. Moyer seconded the motion.
Vote: Mr. Elnitski – yes Mr. Moyer – yes Mr. Wise – yes

ENGINEER'S REPORT

Amberleigh: Mr. Franson noted that he has yet to hear back from Matt Harlow regarding the walk through at the Amberleigh Development, therefore, he has sent him an email informing him when he and Dennis will be present to conduct the walk through. He noted that he will then identify the deficiencies and prepare cost estimates for the work.

Clair Subdivision: Mr. Franson noted that there are still outstanding items to be addressed and that no road agreements have been reached.

COMMITTEE REPORTS

NVJPC: Mr. Wise reported that he attended the recent Nittany Valley Joint Planning Commission meeting. He reported that the Township's new estimate of funds to be received by the Marcellus Gas funds is around \$7,000. A report must be submitted by April 1, 2013 as to how these funds were used.

Mr. Wise also noted that the Planning Commission has decided to conduct a review of the Comprehensive Plan instead of doing an entire new plan. The current plan will be reviewed to see where updates need to be inserted and where revisions need to be made. It is anticipated that this review will take place and be completed in the next two years.

TAG: Mr. Elnitski noted that he attended a TAG meeting in which the Centre County Historical Society attended and gave a presentation to the canyon property land owners regarding the services that they are offering them.

OLD BUSINESS

Spring Creek Canyon: It was noted that the closing on the properties will be taking place in the next several weeks. Mr. Elnitski noted that he is trying to organize some work to be done on the trail.

ROW Regulatory Ordinance: Continues to be tabled.

Krouts Bridge: Mr. Elnitski noted that a meeting took place with the property owners and that the owners want to see a written proposal with the various different options. The property owners seemed opened to taking the bridge and roadway back but want to see everything in writing first as to what the Township is proposing. Mr. Elnitski noted that he would speak with Mr. Schoonover to see legally what the Township can and can't do. Then a scope of work can be created along with a project schedule.

Zoning Amendments: It was noted that the proposed zoning amendments for Walker's, Witherite's and East End Partnership are all scheduled for July 2, 2012.

Vacancies: Zoning Officer: Mr. Wise stated that he has spoken with Lindsay Schoch about employment as a part time employee. While employed she would be taught by Mr. Zimmerman relative to the zoning officer position. She would also attend the Planning Commission's meetings and deal with the work load that Mr. Campbell has been dealing with. Mr. Elnitski noted that he was hesitant to hire anyone without first having a job description written to present to Mrs. Schoch. The Board noted that Mr. Zimmerman would stay on in his current capacity through the end of December.

Mr. Elnitski moved to conditionally employ Lindsay Schoch after it is determined what her job description will be and the amount of pay she is to receive. Mr. Wise seconded the motion.

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

Engineering Services: The Board noted that they are very pleased with the services that they have been receiving from Mr. Franson and Uni Tec Engineering and therefore will be tabling this matter.

Beezer Hill Road Closing: No new information is available at this time.

Kepler Pool/Recreation Authority: It was reported that the cost estimate to prepare the legal documents for the Recreation Authority is around \$5,000. Benner's portion would be around \$1,800. Mr. Wise moved to approve expenditures up to \$1,800 for the legal preparation to create a joint recreation authority. Mr. Elnitski seconded the motion.

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

SEO Services: Mrs. Royer noted that the date in Mr. Houck's letter for his retirement was this month, therefore a replacement needs to be made for him. It was noted that currently Warren Miller acts as the Township's alternate SEO. Mr. Moyer moved to appoint Chuck Herr as the Township's Sewage Enforcement Officer through December 31, 2012. Mr. Wise seconded the motion.

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

Bid Awards: It was noted that the Township is still awaiting word from the state that our PIB loan will be approved. It was further noted that we have the funds to complete the paving work if the funds are received or not. Mr. Elnitski moved to award the paving bid to the low bidder, Glenn O. Hawbaker, Inc. and to tentatively award the fiber matting work to Midland Asphalt after receiving confirmation that the loan was approved. Mr. Moyer seconded the motion.

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

Mr. Elnitski noted that he has spoken with representatives from Graymont and it seems favorable that they will be willing to help contribute funds to help tar and chip Lower Gyp Road and may also assist in helping to pay to pave the entrance of the road on to 550.

NEW BUSINESS

Deed of Dedication for Eagle Point: This item is tabled.

Benner Township General Excellence Award: After discussion and review, Mr. Wise moved to award the 2012 Benner Township General Excellence Award to Alexa Rishel and Luke DuBois. Mr. Moyer seconded the motion.

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

Vacancy Board: Mr. Moyer noted that he learned while attending the PSATS Convention that the Township should have someone appointed to serve on the Township's Vacancy Board. He noted that he is aware that Jim Leigy has expressed interest in serving in this capacity. Mr. Moyer moved to appoint Jim Leigy to the Vacancy Board. The Board noted that they would like Mr. Leigy to complete a Board/Commission application form before further consideration is made.

Tree Removal: Mrs. Royer noted that Dennis O'Leary has received three quotes for the removal of several large trees that are located in the Township's ROW. The lowest quote was received from B & H Tree Service at the cost of \$1,800. Mr. Elnitski moved to approve this quote. Mr. Moyer seconded the motion.

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

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Centre County Planning Commission
 - a. Non-Substantive Change Graystone Court Land Development
 - b. Graystone Court Commencement with Construction Letter
 - c. Proposed changes to Final Plan of Paul & Ellen Hartle Subdivision
2. SBWJA Minutes – April 23, 2012 & May 14, 2012
3. BTWA Minutes – March 20, 2012
4. Letter from Chuck Herr – withdrawing interest in Zoning Officer position
5. Centre County Conservation District
 - a. SCI Benner – NPDES Permit
6. Comcast Notices
7. Notice of Civil Action filing against Andrew & Tracey Ramish for malfunctioning septic system

AJOURNMENT

The meeting was adjourned the time being 9:11 p.m.

Sharon Royer, Sec.