

**Benner Township Supervisors
November 5, 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 Denny Krout, Carol Shuey, Michele Aukerman, David Aukerman, Bob and Gladys Garmes, Carol Wess, Jake Weldon, Trish Meek, Helen Alters, Gregory Angle, Andy Ramish, Tracy Ramish, Rick Weaver, Elaine Meyers, Eric Michielle, Alexander Cadman, Mark Iannelli, Tiffany Wisniewski, Dennis O'Leary, Don Franson, Lindsay Schoch, and Sharon Royer.

EXECUTIVE SESSION NOTICE

It was noted that the Board held an executive session October 26, 2012 from 7:30 a.m. to 8:15 a.m. discuss personnel issues. All three board members were present.

PERSONS TO ADDRESS THE BOARD

Andrew & Tracey Ramish: Mr. Ramish reported to the board that new perk tests were done on his lot with better results and in turn allowed for a smaller system. He noted further that the new system has been designed and installed with a final inspection to take place in the morning. Mr. Wise noted that after the system is finalized discussion can then take place regarding the lien on the property and the outstanding fees due to the township in association with the system.

Amberleigh Development Residents: Residents of the Amberleigh Home Owners Association were present requesting information on the status of the development's roads. Mr. Wise noted that the township has been told numerous times over the last several months by the developer, Mike Glass, that he was going to pave the roads in the development and also finish the required closing of Valentine Hill Road and shares the resident's frustration with the situation. It was also noted that Mr. Glass's surety will expire mid-month November and that the Township has notified the bonding company that it wishes to collect on the surety bond. The Board has offered the option to Mr. Glass that they will renew his bond at a higher amount of \$272,723.00 (which reflects current pricing) until June 1, 2013 with the condition that Valentine Hill Road be closed and vacated with the required work being completed no later than May 1st and the paving of all roads in the development located in Benner Township be completed no later than June 1st or surety will be called upon for the newer higher surety amount. The board noted that after the current surety agreement expires (mid November) that no new permits will be issued for the development as Mr. Glass will be in violation of the agreements in place. The Board noted that the PennDot permit for the Valentine Hill Road closure expires on June 30, 2013, and that one way or another the road will be closed before the permit expires.

MINUTES

The minutes of October 1, 2012 and October 18, 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 November 5, 2012, were presented to the board for their review and approval. Mr. Wise moved to approve the bills as presented. Mr. Moyer seconded the motion.

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

Mr. Wise moved to approve the checks for the expenditures from the Township's Pennsylvania Infrastructure Board Loan. Mr. Elnitski seconded the motion.

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

ENGINEER'S REPORT

Mr. Franson noted that all of his related items are on the agenda elsewhere.

ROAD SUPERINTENDENT'S REPORT

*Day of Caring – it was noted that approximately 20 high school kids participated by staining benches and picnic tables here at the Township Building and at the Buffalo Run Community Park.

*Building addition: Mr. O'Leary noted that he has received two quotes for the addition to the equipment building and is waiting for the third. Mr. Elnitski moved to award the contract to whomever Mr. O'Leary finds to be most favorable. Mr. Wise seconded the motion.

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

*Leaf/Brush Collection: Collection of brush is now over and leaves are now being collected. It was noted that the list for leaf collection is substantially larger than in years past.

*Fibermatting: Mr. O'Leary noted that he asked the fibermatting company to provide the Township a letter stating that they would come back in the spring to fix the areas that need repaired, they wouldn't provide such a letter so Mr. O'Leary is suggesting that 10% of the invoice be held until spring when the work is corrected. Mr. O'Leary noted that he discussed this with the Township's PennDot representative and that he concurred with this recommendation. The Board agreed that 10% of the invoice should be withheld from the payment.

ZONING OFFICER ASSISTANT'S REPORT

Mrs. Schoch thanked the Board for allowing her to attend the Planning Conference and paying for half of the registration fee. She noted that she attended several classes that will help her in the future.

COMMITTEE REPORTS

It was noted that the Ordinance to establish the Recreation Authority is now scheduled for adoption at the Supervisors - January 7th meeting.

OLD BUSINESS

Krout's Road Bridge: Ms. Aukerman went over the new drawings for the repairs to the Krout Road Bridge as recommended by PennDot. She noted that the new cost estimate for the repair is \$244,331.00 of which would qualify for the \$100,000 retro money from the MPO. It was noted that temporary access will be needed for the repairs that are being proposed as the project may cause the lack of access for several weeks. Mr. Krout noted that he would be willing to use existing farm lanes through his property on to the CBICC property (Benner Commerce Park) then ultimately on to the Benner Pike. It was noted that minimal work would need to be done to achieve this access. Mr. Elnitski noted that he would call for a meeting with CBICC to see if access in this location is possible. Ms. Meek noted that she would recommend meeting with Mr. Pretash early on to insure his approval with the design concepts. Mrs. Aukerman noted that after obtaining Mr. Pretash's approval, the GP11 application will need to be submitted to DEP, bids would be let out and the steel beams would be ordered. She noted that if the strict time line is followed that the new bridge would be able to be installed during the 2013 construction season. Mr. Elnitski moved to authorize UniTec to proceed with the bridge project and begin meetings with PennDot. Mr. Moyer seconded the motion.

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

Recreation Authority Appointments: Mr. Wise moved to advertise the Recreation Authority Ordinance and to appoint Susan Rockey to a 4 year term and Duane Grove to a 3 year term on the Nittany Valley Recreation Authority. Mr. Elnitski seconded the motion.

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

Amberleigh Development Surety: Mr. Moyer moved to conditionally approve the Amberleigh Development surety pending receipt of the new surety agreement being executed and a new bond in the amount of \$272,273.00 being received. Mr. Wise seconded the motion.

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

NEW BUSINESS

Tractor with Bucket attachment Bids: The Board opened sealed bids for a new minimum 59 HP turbo charged diesel 4WD utility tractor with cab and an attached bucket. Only one bid was received and was as follows:

Weldon Equipment – Mahindra 6110 Tractor with a ML 161 loader with a 72" bucket at the cost of \$30,943.00.

Mr. Wise moved to award the bid to Weldon Equipment at the cost of \$30,943.00. Mr. Moyer seconded the motion.

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

2013 Tentative Budget: Mr. Wise moved to tentatively approve the 2013 budget and place it out for public inspection. Mr. Moyer seconded the motion.

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

MS4 Permit: It was noted that we are in receipt of notice from DEP that the Township is required to submit new paperwork for an extension for an exemption to the MS4 requirements. Mr. Franson noted that he would work with Township staff to fill out the required paperwork.

Glenn @ Paradise Hills West Waiver Request: It was noted that the developer is seeking a waiver from the Stormwater management Ordinance to install an 8' berm width instead of the requirement for a minimum width of a 10' berm for the stormwater detention basin. Mr. Franson has reviewed this waiver request and doesn't object to its approval. Mr. Elnitski moved to approve the waiver request for the size of the berm to be installed to 8'. Mr. Moyer seconded the motion.

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

Driveway Standards Waiver Request for Allen Witherite: Mr. O'Leary noted that Mr. Witherite's property which was recently rezoned to allow for a duplex is seeking a waiver from the Township's driveway and street standards ordinance. Mr. O'Leary noted that there is no way for this lot to meet the requirements due to the lot's width. Mr. Witherite is proposing to install two twelve foot wide driveways with a three foot separation in between them, which will in the end be less impervious coverage then if he installed two twenty foot driveways. Mr. O'Leary noted that this would be similar to the driveways installed in the Amberleigh Development. Mr. Moyer moved to approve the driveway waiver request. Mr. Wise seconded the motion.

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

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Spring Creek Watershed 2011 Report
2. Centre County Planning Office
 - a. Howard & Shirley Grove Subdivision Comments

- b. SilcoTek Commencement with Construction letter
- c. Fillmore Farms proposed changes
- d. SilcoTek Time Extension
- e. Beginning Properties Self Storage Time Extension
- f. Graystone Court Time Extension
- g. Paul & Ellen Hartle Time Extension
3. SBWJA Minutes of September 24, 2012 & October 8, 2012
4. BTWA minutes of September 18, 2012
5. Penn State 2012 In Lieu of Payment Determination Letter
6. CNET letter Re: Membership proposal
7. Email from Sheryl Flick Re: Cancellation of Haunted Trail & Fall Festival
8. Email from Shawnee Ripka Re: Cancellation of Haunted Trail

ADJOURNMENT

The meeting was adjourned the time being 9:13 p.m.

Sharon Royer, Secretary