

**Benner Township Supervisors  
April 3, 2017**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:00 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani present. Also in attendance were Frank Savino, Don Franson, Dennis O'Leary, Kevin Abbey, Nate Campbell, Paul Kurtz, Willis Houser, Sherry Dawn Jackson, Patti Neyhart, Joe Neyhart, Shirley Gryczuk, Diana LaRoche, John Kostas, Tom Moyer, Derek Cenova, and Sharon Royer.

**PERSONS TO ADDRESS THE BOARD**

Todd Smith – ELA Group RE: Lot 70 Driveway: Mr. Smith was present to seek waivers from the Benner Township Street Standards Ordinance, Article II, Section 5.10.a(2) and Article III, Section 2, Item 2.6 for Lot 70 in Grove Park. It was noted that the area originally depicted for the driveway location and the agreements written and recorded between Lots 69 and 70 will no longer be valid. Mr. Wise moved to grant the requested waivers noting that prior to an occupancy permit being issued to the home being built on Lot 70 that all agreements and deed modifications must be changed, recorded and submitted to the Township. Mr. Capriani seconded the motion.

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

**MINUTES**

The minutes of March 6, 2017, 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. Capriani – abstained                      Mr. Moyer – yes                      Mr. Wise – yes

**BILLS**

The bills of April 3, 2017, were presented to the Board for their review and approval. Mr. Capriani moved to approve the general fund bills in the amount of \$107,589.37. Mr. Moyer seconded the motion.

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

Mr. Wise moved to approve bills in the State Fund in the amount of 16,744.71. Mr. Moyer seconded the motion.

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

**ENGINEER'S REPORT**

Mr. Franson reported on the following:

Spring Creek Canyon Trail:

*Trail Agreements:* Mr. Franson noted that the Township is in receipt of an agreement with the PA Fish Commission concerning utilization of their property for the portion of the trail will be crossing their property. It was noted that there isn't anything out of the ordinary in the agreement. Mr. Wise moved to accept and sign the agreement with the PA Fish & Boat Commission. Mr. Moyer seconded the motion.

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

Mr. Franson noted that we are also in receipt of an agreement with the PA Game Commission, however approval and signatures are not required.

*Bids:* Mr. Franson noted that with the approval of the agreements, it is his recommendation to award the contract to the lowest bidder, John Claar Excavating in the amount of \$162,650.00. Mr. Moyer moved to award the contract to John Claar Excavating. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

Mr. Franson noted that he will ask that our NPDES permit to be amended to add John Claar Excavation as a co-permittee.

Purdue Mt. Engineering Proposals FEMA Repair/Design Work:

It was noted that out of the three RFPs that were sent out for the design/repair work on Purdue Mt. Road as a result of the October flood that the Township received two proposals back. CMT – Penn Terra Engineering in the amount of \$75,000.00 and Hilles Carnes – Sweetland in the amount of \$24,300. Mr. Franson noted that he believes that both firms have a good understanding of the project ahead and are qualified to do the work. Mr. Capriani moved to award the contract to Hilles Carnes/Sweetland Engineering in the amount of \$24,300. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

**ROAD SUPERINTENDENT’S REPORT**

Mr. O’Leary reported on the following:

*Amberleigh Speeding:* It was noted that we have received a few complaint regarding speeding in the Amberleigh Development. It was noted that those who wrote were requesting consideration of speed bumps being installed. Mr. O’Leary noted that he explained that these were illegal. Speed humps are legal however he doesn’t recommend that the township start installing them. He noted that he explained to those complaining that they should work to educate those in the development on the speeding issues as those that are guilty of it most likely live in the development as this isn’t a cut through shortcut for anyone. He noted that he will try to install the speed warning sign in the development.

*Emergency Work Backup:* Mr. O’Leary noted that he has asked Ameron Construction for a list of prices for labor and equipment should the Township ever be placed in a position where additional man power and equipment are needed. The Board discussed and decided to table this item until a future meeting.

*Deer Crossing Signs:* It was noted that a request has been made for deer crossing signs along Rock Road.

*Russell Standard Work:* It was noted that Russell Standard has agreed to come back this spring and redo a few spots where their product didn’t seem to adhere to the road.

*Ballfield FEMA Repairs:* Repairs on the damage that occurred during the October flood have been started at the Buffalo Run Community Park.

*Rodgers Fill Site:* It was noted that the Township is constantly receiving complaints about the road condition of Rishel Hill Road due to the truck entrance of the Rodgers fill site. It was noted that trucks are now being cited hauling materials out and not just in. Noting that this

was to be a fill site, not a processing site. The Board noted that Mr. O’Leary should check with the Township attorney to see what our options may be.

**OLD BUSINESS**

New Municipal Building: It was noted that RFPs were sent out to several banks for the remaining \$450,000 needed for the municipal building construction project. Proposals were received from JSSB, S & T Bank, and First National Bank.

Bank Name	JSSB	S & T Bank	First National Bank
Interest Rate	2.15%	3.37285%	2.37%
Monthly Payment	\$6,667.38	\$6,912.30	\$6,711.06
Total Interest Paid	\$30,051.31	\$47,685.76	\$33,196.51
Bank Fees	\$1,500.00	\$500.00	\$500.00
Total Payback	\$481,551.31	\$498,185.60	\$483,696.32

Mr. Wise moved to proceed with JSSB for the township building loan. Mr. Moyer seconded the motion.

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

Agreement with Centre Region COG Re: Duputy EM Coordinator: Some discussion was held. Mr. Moyer and Mr. Capriani both noted that they had concerns with the agreement and if it was needed. It was noted that they believe if this is to move forward that a not to exceed clause would have to be added to the agreement verbiage. It was also noted that a clear answer has yet to be received as to whether or not this cost could be included in the calculation for reimbursement in the in-lieu-of agreement with Penn State. This item remains tabled.

FEMA Update: Mrs. Royer noted that she has received several notices from FEMA concerning the reimbursement of funds for storm damage repairs. The correspondence indicated that that some of the payments could be expected in 4 to 6 weeks from 3/30/17.

Zoning Officer Vacancy: Some board members questioned if just having evening hours would work for the township. It was noted that this will be discussed in executive session at the end of the meeting. Members of the Planning Commission expressed that they need assistance in finishing the zoning ordinance with a professional and believes that they have done all that they can do. The remaining work needs to be completed by a professional that works with these documents and is up to date on the various laws concerning such a document. The Planning Commission members also expressed the need to fill the vacancy on the Planning Commission Board, noting that Scott Brumbaugh expressed interest several months ago, but no action has ever been taken.

**NEW BUSINESS**

Road Material Bids: The bids for road materials for 2017 were opened and were as follows:

	GOH, Inc.		Hanson		HRI	HEI-Way
3,000 tons (+ or -) PA 2A subbase	<b>7.16</b>	10.99	7.20	<b>10.95</b>		
1,000 tons (+ or -) Select Granular material – 2RC	<b>6.50</b>	<b>10.33</b>	6.60	10.35		
500 tons (+ or -) AASHTO No. 1	9.21	13.04	<b>9.00</b>	<b>12.25</b>		
500 tons (+ or -) AASHTO No. 57	9.21	13.04	<b>9.00</b>	<b>12.25</b>		
500 tons (+ or -) AASHTO No. 8	14.91	18.74	<b>14.00</b>	<b>17.75</b>		
5000 tons (+ or -) Washed AASHTO No. 8	14.91	18.74	<b>14.00</b>	<b>17.75</b>		
500 tons (+ or -) #3	9.21	13.04	<b>9.00</b>	<b>12.75</b>		
500 tons (+or-) R4 stone	<b>10.00</b>	<b>14.40</b>	11.00	14.75		

500 tons (+ or -) R5 stone	<b>12.00</b>	16.60	12.25	16.00			
500 tons (+ or -) R6 stone	<b>12.70</b>	17.68	13.00	16.75			
400 tons (+ or -) AASHTO No. 3		9.21	13.04	9.00	12.75		
100 tons (+ or -) Cold patch	130.00					88.00	<b>84.00 102.25</b>
900 tons (+ or -) Superpave wearing course 9.5 mm	<b>54.00</b>					56.65	
500 tons (+ or -) Superpave wearing course 12 mm						<b>55.65</b>	
500 tons (+ or -) Superpave wearing course 19 mm	<b>47.00</b>					50.40	
600 tons (+ or -) Superpave binder course 19.0 mm	<b>47.00</b>					50.40	
500 tons (+ or -) Superpave binder course 25.0 mm	<b>42.00</b>					45.35	
2,500 tons (+ or -) DSA	10.97	14.80	<b>10.85</b>	<b>14.60</b>			
500 tons (+ or -) Limestone Sand	9.16	12.99	<b>9.00</b>	<b>12.75</b>			

Mr. Wise moved to award each product to the lowest bidder. Mr. Moyer seconded the motion.  
Vote: Mr. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

ARL Planning Module: The revised ARL Planning Module was presented to the Board for approval. It was noted that the first submission was rejected by DEP and modifications and additional testing was required. Mr. Wise moved to approve Resolution 17-06. Mr. Moyer seconded the motion.

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

Dunkin Donuts Conditional Use Hearing: The Board is in receipt of the Conditional Use application for Dunkin Donuts. It was noted that due to the fact they wish to have a drive up window the Conditional Use process was required. Mr. Wise moved to accept and pass this application on to the Planning Commission for their review. Mr. Moyer seconded the motion.

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

All Storage Solutions Conditionall Use Hearing: The Board is in receipt of a Conditional use application for All Storage Solutions. They wish to build a mini storage warehouse on the Tressler property along Rock Road. . Mr. Wise moved to accept and pass this application on to the Planning Commission for their review. Mr. Moyer seconded the motion.

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

Cable Consortium Representative: It was noted that a board member needs to be appointed to this position as it is going to become active again. Mr. Wise moved to appoint Mark Capriani to this position. Mr. Moyer seconded the motion.

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

Memo of Understanding Village of Nittany Glen Phase III C & D: The Memo of Understanding was received for approval from the Village of Nittany Glen for Phase III C & D. Mr. Wise moved to approve the memorandum. Mr. Capriani seconded the motion.

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

Fisherman’s Paradise LP Surety: The surety package renewal for Eagle Point (Fisherman’s Paradise LP) was presented for approval in the amount of \$29,478.03. Mr. Wise moved to extend this surety for an additional year. Mr. Moyer seconded the motion.

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

Grove Park Phase II Surety: The surety renewal for Grove Park, Phase II in the amount of \$49,973.00 was presented to the Board. Mr. Wise moved to approve this surety package for an additional year. Mr. Capriani seconded the motion.

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

Zoning Officer: Mr. Wise moved to continue to have Sharon Royer as acting Zoning Officer for the month of April. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

### **CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes February 27, 2017 and March 13, 2017
2. PSATS proposed resolutions
3. PennDot projects for 2017/2018
4. County Planning Correspondence
  - a. Sullivan's Mini Storage Phase VII (building #8)
  - b. Dunkin Donuts
  - c. Rockview Police Barracks – time extension
  - d. Mammoth Construction – time extension
  - e. SCI Rockview Restricted housing – time extension
5. Franson review letter Dunkin Donuts
6. Benner Township Water Authority Minutes of February 21, 2017
7. Notice of Public Accommodations and fair housing public meeting

### **NOTES**

Mr. Wise noted that he spoke with the Rockview barracks concerning the number of calls that they respond to at SCI Benner and SCI Rockview. Last year the number was 55 at SCI Rockview and 58 at SCI Benner.

### **ADJOURNMENT**

The meeting was adjourned the time being 8:33 p.m.

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Sharon Royer, Secretary