

Benner Township Supervisors

April 5, 2021

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:00 p.m. by the Chairman, Randy Moyer with members Larry Lingle and Tom Moyer present. Also in attendance were Christine Line, Bill MacMath, Allen Strouse, Treva Deibler, Rich Davis, Thomas Eby, Jim Lanning, John Kostas, Brandon Tarr, Ariana Winder, Dennis O'Leary and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Bill MacMath: Mr. R. Moyer noted that he asked Mr. MacMath, retired Spring Township Manager, to tonight's meeting to talk about a Subdivision and Land Development Ordinance. Mr. MacMath explained that if the Township decides to adopt its own SALDO that the biggest thing needed is someone to administer it. Someone will need to review the plans, get review letters and reports out and keep track of everything. He noted that DCED has a reference book entitled "Subdivision and Land Development in PA" that is a good resource. Mr. MacMath explained that Spring Township adopted a plan review schedule ordinance which they have found to be helpful in keeping track of plans. Mr. MacMath noted that there are items that will hold up a plan that are out of the Township's control such as traffic studies required by PennDot, Planning Modules, and other water and sewer issues. He noted that the county still has 30 days to review plans regardless if the Township has its own SALDO. Mr. MacMath noted that if the developer's engineer has done a good job putting together a plan that they can usually have it processed within 60 to 90 days. If there are outlying conditions it could take longer. It was explained that in Spring Township, the Zoning Officer does the review. The county still also does a review and will pick up on things, sometimes important things, that were overlooked. Some comments received from the county are less important and are not made to be changed. Mr. MacMath stressed that whoever is doing the plan reviews must know the ordinances inside and out picking up on everything that there is to pick up on. He also mentioned that there are some engineers that are notorious for leaving stuff off the plans just to see if the reviewer picks up on it or if they can get away with it. Mr. MacMath noted that in Spring Township, plans such as lot additions, etc. that the Zoning Officer takes care of these plans and they don't go before the Planning Commission or Board of Supervisors. Mr. R. Moyer asked Mr. MacMath what he felt were the pluses and minuses were of having their own SALDO. MacMath noted that the pluses are that developers can go through the system faster and that the Township is in control. A minus would be that the township must keep track of all timeline deadlines and sureties, etc.

Mr. Lingle questioned if Mr. MacMath feels that a developer would choose their township over another one just because they had their own SALDO. He indicated that he did not believe so. It all depends where the land is available and if property zoned.

Mr. T. Moyer indicated that he participated in a Zoom Workshop entitled Managing the Subdivision Review process last week and has some additional questions for Mr. MacMath.

"Does the Zoning Officer have a degree in Planning?" *No*

"Does the Zoning Officer do a complete review of easements, maintenance agreements, shared access agreements?" *Depending on complexity, they may go to the Township Engineer or Solicitor for review.*

"Does the Zoning Officer compile the comment letters?" *Yes. He also checks to make sure all comments are addressed. Mr. MacMath noted that the plan does not go back to the County for resubmission. They only review the plan one time.*

"Has Spring Township ever had a plan deemed approved due to a deadline being missed?" *Not for that reason but they have had plans deemed approved by the courts. Mr. MacMath noted that in many*

instances both the Township and the Developer may have to request time extensions for things not being completed in the allotted time frame.

“How often does the Planning Commission meet?” Planning Commission meets once per month.

“Does anyone on the Planning Commission have a background in planning?” No, not currently. At one time Lindsay Schoch was on the Planning Commission and she did have a degree in planning. When she was on the Board there were subcommittees at times that would meet outside of the regular meeting to go over zoning ordinance changes, etc.

“Does Spring Township bill for staff time for plan reviews?” No staff time is billed. If the Engineer reviews the plan, their time is billed to the client for reimbursement. Mr. MacMath noted that Spring Township does have a full time Zoning Officer. When he isn’t reviewing plans, he is doing other things such as issuing permits, doing inspections, etc.

The Board thanked Mr. MacMath for his willingness on attending tonight’s meeting and answering questions.

Christine Line: Mrs. Line noted that she represents Gene Stocker relative to the Benner Township Act 537 Special Study. Mrs. Line noted that she understands that the Plan Addendum #1 was submitted to the Township and DEP today, however the letter from the Township that accompanied the addendum was dated March 29th. Mrs. Line questioned, when did Benner Township give notice to residents of the alternate routes that are included in Addendum #1. Mrs. Royer explained that according to Warren Miller, when the Authority had their pre-submission conference with DEP they were told that it was not necessary to include alternatives in the Special Study Plan. After DEP received the study, they changed their minds and asked that the Alternatives that were included in the original 537 Plan be updated with today’s costs and be submitted as an addendum. It was noted that it was part of the deficiency letter that we received after the Special Study was submitted.

Mrs. Line noted that her first interaction with the Board was in July of 2020 when the Board acted on the study. She continued that the document that the Board approved didn’t include alternative routes and also didn’t include the archeological study. She noted that the public hasn’t had the opportunity to review this new information. She continued that by not affording them the opportunity to review and comment she believes that the Board is in violation of the Sunshine Law, the Municipalities Planning Code Sections as well as the Act 537 Regulations Code. She noted that not only has the Board not allowed the public to comment, but that it was just admitted that they just today received the addendum haven’t reviewed it themselves and have allowed the information to be forwarded to DEP via a letter that was signed on March 29th. Mr. R. Moyer noted that, yes, a letter was signed to go with the addendum, but that this was all that was required by DEP. Mrs. Line noted that she doesn’t feel that the Board is acting properly by not allowing the residents to review what Spring Benner Walker has provided to the Township that will have substantial tax and construction implications on them.

Mr. Lingle indicated that as he understands it, this information was already in the original Act 537 Plan this addendum just represents a refresh of the cost information.

Mrs. Line noted that the 2002 Study didn’t discuss alternatives for the Walnut Grove Estates area and adjacent areas, only alternatives for the Buffalo Run Road segment. It did mention future sewer projects where alternatives were mentioned to use UAJA.

Mrs. Line noted that she finds it troubling that a UAJA alternate wasn’t included in the addendum when the plant is right there.

Mr. Lingle noted that it does mentioned that UAJA was an alternative at one time but that now it isn't deemed possible due to all of the issues that SBW went through.

Mrs. Line noted that there is recent written correspondence that was provided to the Board when they were doing the vetting for the special study that UAJA and Cory Miller would happily accept these flows. It would involve purchasing nutrient credits. University Area Joint Authority wasn't going to do it for free but it was an option, it was right next door.

Mrs. Line indicated that she wasn't going to go away. She noted that they don't feel that this process has been compliant or executed properly. She indicated that she is still waiting for written response from the board from her correspondence to them from July. She noted that she does have written response from the Township's attorney that she should accept the written response from SBWJA and Gwin, Dobson & Foreman as the Township Supervisors response to her questions but doesn't feel that that is proper.

Mr. R. Moyer noted that SBWJA is the Township's agent on this. It was noted that the public comment period was even extended beyond what was necessary by approximately 30 days.

Mrs. Line noted that she is concerned that the Board is relying on a public comment period that expired in December of 2019 for alternative routes that the board just received today. That the public has no idea that even exists and hasn't been able to view.

Mr. R. Moyer noted that the study was paid by Spring Benner Walker Joint Authority funds, not by tax dollars. He continued that Spring Benner Walker Authority's funds are derived by service, not tax dollars.

Much discussion was held.

Mr. Beard noted that as he understands it, DEP instructed the Township to handle it this way. Mrs. Line noted that the regulations are statutory.

Mrs. Line questioned if the County has reviewed this new information? Mr. R. Moyer noted that he wasn't aware if county is required to comment again or if it was just the one-time review.

Mrs. Line questioned if the Board was going to allow the public time to review this new information. Mr. R. Moyer noted that they would if it was required under the law.

Mr. Richard Davis noted that Pat Ward had suggested several other alternatives and that none of them have been included in the alternatives listed in this addendum.

Mr. Lingle noted that Spring Benner Walker is taking the lead on this on behalf of the Township.

Mr. R. Moyer noted that he has a call into Warren Miller and will ask him these questions.

Mr. Beard noted that DEP has a complex review process. They review for administrative completeness, and then technical completeness, then there could also be deficiencies that they want to have corrected. Just because DEP has something that they want changed or adjusted doesn't mean that the process completely starts over including public comment period. Mr. Beard noted that this was

something the DEP requested as part of the back and forth it wasn't something that required public comment on.

Mrs. Line noted that she doesn't feel the same way, as the plan that was approved originally is now substantially different with this addendum and should have required additional public comment.

Mr. Beard noted that it will be up to the courts to decide if it was done properly or not should Mrs. Line object to the process that was taken.

MINUTES

March 1, 2021: The minutes of March 1, 2021, were presented to the Board for their review and comments. Mr. R. Moyer moved to approve the minutes as presented. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

March 8, 2021: The minutes of the March 8, 2021 work session were presented to the Board for their review and comments. Mr. R. Moyer moved to approve the minutes as presented. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

BILLS

The General Fund bills of April 5, 2021, were presented to the Board for their review and approval. Mr. R. Moyer moved to approve the general fund bills at \$67,384.38. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

The State Fund bills of April 5, 2021, were presented to the Board for their review and approval. Mr. R. Moyer moved to approve the State Fund bills at \$4,178.55. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

OLD BUSINESS

Zoning Ordinance: The board decided to hold a work session on April 22nd and 23rd at 8:00 a.m. to hopefully finalize the zoning ordinance with the hopes of getting the final draft out for public comment in May and then final adoption.

Summer Park & Rec.: Mrs. Royer noted that she spoke with Debbi Miller who has been running the Summer Park & Rec. program for several years now. Mrs. Miller is ok with having camp as long as it is capped off at 50 participants. Activities will have to be structured differently and camp won't be able to be held if the forecast is calling for rain due to social distancing. Mr. Lingle moved to have Summer Rec. this year with the modification discussed. Mr. R. Moyer seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

NEW BUSINESS

Paving Work: The sealed bids for the 2021 paving projects were opened. The bids were as follows: Glenn O. Hawbaker, Inc. - \$385,975.00 and HRI, Inc. - \$416,022.60

Mr. R. Moyer moved to award the 2021 paving bids to the low bidder Glenn O. Hawbaker, Inc. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

Road Materials: The sealed bids for road materials were opened. Bid results were as follows:

2021 BENNER TOWNSHIP ROAD MATERIALS				Hawbaker PU	Hawbaker Del.	HRI, Inc. PU
1	1500	ton	PA-2A SUBBASE	8.27	12.10	
2	250	ton	SELECT GRANULAR MATERIAL-2RC	8.27	12.10	
3	250	ton	AASHTO No. 1	9.21	13.04	
4	250	ton	AASHTO No. 57	9.42	13.25	
5	250	ton	AASHTO No. 8	15.00	18.83	
6	2500	ton	Washed AASHTO No. 8	16.00	19.83	
7	250	ton	Washed 1/4"	No Bid	No Bid	
8	300	ton	#3	9.42	13.25	
9	300	ton	R4	10.00	14.40	
10	300	ton	R5	13.00	17.60	
11	300	ton	R6	13.00	17.98	
12	200	ton	Surge Stone	10.00	13.83	
13	250	ton	SUPERPAVE WEARING COURSE, 9.5mm	59.00		56.00
14	250	ton	SUPERPAVE WEARING COURSE, 19.0mm	55.00		51.00
15	250	ton	SUPERPAVE BINDER COURSE, 19.0mm	55.00		51.00
16	250	ton	SUPERPAVE BINDER COURSE, 25.0mm	48.50		49.35
17	500	ton	DSA	13.00	16.83	
18	250	ton	Limestone Sand	10.00	13.83	
19	100	ton	UPM Cold Patch	130.00		
20	100	ton	Cold Patch	130.00		98.00

Mr. R. Moyer moved to award the road material bids to the apparent low bidder for each item. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

Salt Shed: Mr. O’Leary gave the Board an update on the new salt shed. It was noted that Brian Chilton, who the township has used in the past for structural engineering work, is preparing the bid package so that we can seek contracts for the new construction. It was noted that we hope to open the bids for the new structure at the Board’s May meeting.

Mr. O’Leary noted that he contacted 5 different contractors regarding the demolition of the existing salt shed, but only received two quotes back. A quote was received from G & R Excavating for \$14,865.00 and one from Walker Trucking in the amount of \$6,300.00. Mr. O’Leary noted that we would be looking into having this building removed in June.

Guideraill: Mr. O’Leary noted that the only item that wasn’t included in the paving projects would be the guiderail work that is needed. He noted that that cost is around \$8,500 and will be completed by Keystone Guiderail.

SMP Waiver for 2234 Barn’s Lane: The Township has been contacted by Josh Fitz who purchased 2234 Barn’s Lane in late 2019. Mr. Fitz is seeking a waiver from his SMP inspection and pumping 2021 notice. In November of 2019 the septic system was inspected as part of Mr. Fitz’s home inspection prior to closing by Dwelling Diagnostics. Minor issues were found and repaired and the tank was pumped out by Wasson Septic Pumping on 12/4/2019. Copies of the report and pumping receipts have been received. Mr. R. Moyer made a motion to waive the 2021 inspection since documentation has been received on the recent inspection and pumping. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

Sewer Connections for 222 Fishburn Hill Road and 2987 Benner Pike: The Board has been contacted by SBWJA that it has been over a year since talks were held with the owners of 222 Fishburn Hill Road and 2987 Benner Pike about connecting to the public sewer. To date they have not moved forward. It was noted that SBWJA would like to send these property owners a 60-day connection notice but would like the backing and support of the Board in doing so. The Board agreed that it is time these properties were connected and had no objections to the 60-day notice being sent out.

Resolution 2021-3 Supporting Bike Month: A draft resolution was provided by Edward Jenkins asking that the Board consider designating May as “Bike Month”, May 17 – 23, 2021 as “Bike to Work Week” and May 21, 2021 as “Bike to Work Day”. Mr. R. Moyer moved to adopt Resolution 2021-3 in recognition of Biking in May. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

PennDot Study Update: PennDot’s consultant reached out to the office asking if the Board wanted them to do an in-person update. The Board noted that it was not necessary.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes of February 22, 2021 and March 8, 2021
2. Benner Township Water Authority
 - a. Minutes of February 16, 2021
 - b. Water Authority Key Points
3. Centre County Planning Commission Comment Letters
 - a. Logan Greene Waiver Request
 - b. Comments on Logan Greene Subdivision Phase IB
 - c. Preliminary Plan Benner Pike Shopping Center
 - d. Time Extensions
 - i. Lands of LSC RP, LLC
 - ii. All Storage Solutions Phase III
4. Conservation District Letters
 - a. Seitz House Expansion – 532 Spring Creek Road
 - b. Completeness Notification Benner Pike Shopping Center
 - c. Logan Greene Subdivision NPDES Permit
5. Zoning Officer’s Report
6. Memo from Centre County Recycling & Refuse Authority re: potential loss of funding

7. Engineer Comment Letters
 - a. University Park Airport Rehab of Taxiway A
 - b. Logan Greene Phase IB Subdivision (3/6/21 & 3/15/21)
 - c. Land Development/Subdivision Plan of Lands of LSC RP, LLC
 - d. Benner Pike Shopping Center
8. PSATS News Bulletin
9. Traffic Engineer Comment Letters
 - a. Benner Pike Retail Development
 - b. Logan Greene Subdivision
10. Water Quality Management Permit for UAJA – Biosolids Upgrade Project Spring Creek

NOTES

1. The Act 537 Plan Addendum #1 was delivered to DEP today 4/5/21 so that they may continue with their review.
2. Requested and Received the following update on 3/30/21 from Cheryl Sinclair of DEP regarding PFAS: DEP recently received a draft report from their contractor containing historical information on potential PFAS sources and provided recommendations for moving forward with the investigation. The report is currently under DEP review and they will provide a response to the contractor with any needed changes. Once DEP receives the finalized report, they will develop a sampling plan and place the report in the public file.

ADJOURNMENT

The meeting was adjourned the time being 8:14 p.m.

Sharon Royer, Sec.