

**Nittany Mountain Trail Rides
Conditional Use Hearing Continuation
December 1, 2014**

The continuation hearing for the Nittany Mountain Trail Rides was called to order at 7:00 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani. Also in attendance were Bill Long, Sam Bair, Joe Buffone, Howard Long, Maureen Mulvihill, Heather Little, Kurt Johnson, Leah Bug, Scott Barbara, Joy Barbara, Renee Swancer, R.B. Powell, Sam Fischer, Sandy Fischer, Thomas Eby, Brian Grove, Veronica Powell, George Powell, Michele Nicolas, John Marchek, Rod Beard, Robert Lumley-Sapanski, Kate Lumley-Sapanski, Stefanie Lucas, Jeffrey Lucas, Juanita Lysle, Ariana Winder, Sue Rockey, Ed Galus, Cindy Spicer, David Powell, Don Franson, Dennis O'Leary, Lindsay Schoch, and Sharon Royer.

Mr. Wise noted that since the last hearing the Planning Commission has reviewed this proposal and has made some draft preliminary recommendations. Mr. Powell indicated that he would like to hear the recommendations. Mr. Moyer read the list as follows:

1. Fence the perimeter of the property.
2. Hours must end at 9 p.m.
3. A vehicle access plan needs to be created and approved by the Township Engineer
4. Sewage disposal needs to be reviewed and approved by the township SEO if needed
5. No on or off site signs
6. No more than 2 full time employees
7. No alcohol
8. All federal, state and local regulations must be adhered to
9. Compliance with the County SALDO, if required
10. Any lighting needs to be shielded from neighboring properties

Mr. Powell commented that fencing probably wouldn't be a problem however some of the neighbors may not like that because they have been utilizing their property for dumping yard waste, etc.

He noted that this year their hayrides were run without incident. He noted that they operate in several locations.

Mr. Powell went briefly over the sequence of one of their events. He noted that on the weekends they have things wrapped up by 12:30, 11:30 during the week.

Noise levels were well below the limits of the noise ordinance, even though this didn't satisfy the neighbors located 300 yards away.

He noted that the bonfires are not as they have been explained previously by neighbors. The fires are extinguished at the end of each night.

Mr. Powell noted that they would like to expand their operations to include horse trail rides, birthday parties, hayrides to pumpkin patches, overnight camping, fishing, etc.

Mr. Powell noted that probably 60% of their events were done without alcohol.

Rod Beard, representing John Marchek, submitted a brief summary that he would like to enter into the record along with various other documents dealing with this operation. Mr. Beard, in his concluding remarks noted that this is really being operated as a commercial operation which is not permitted in this zoning district but would be permitted in other districts.

Mr. Beard noted that the burden of proof is on the Powells and that they can't meet the requirements as established under the Benner Township Zoning Ordinance for Conditional Use and asked the Board to deny this request.

Sam Fischer noted that if this allowed that the Supervisors would be ruining the community for residents that have lived in this community for years at the sake of one properties profit.

John Marchek questioned where the recommendations came from that Mr. Moyer read, as he attended the Planning Commission's meeting and that they recommended denying it.

Tom Eby questioned if police were required who would be called? And questioned what the township is getting out of this?

Heather Little noted that she feels that this is discrimination as there are currently three businesses being operated along Stanford Drive and one on Kuhlman Lane yet they are being allowed to operate.

Leah Bug thanked the board for issuing the cease and desist order.

Robert Lumley-Sapansky noted his concerns over the size of groups that have attended, one of the groups consisted of 5 school buses, kids not being carded, and has concerns relative to the mention of future overnight camping on the premises.

With nothing further, Mr. Moyer moved to close the conditional use hearing the time being 7:42 p.m. Mr. Capriani seconded the motion. Mr. Moyer noted that the findings of fact and decision will be prepared and voted on at the Board's January meeting.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise - yes

Sharon Royer, Sec.

**Public Ordinance Hearings
December 1, 2014**

Ordinance 118 – Weight Limit/Speed Limit/No Parking

Ordinance 119 - Snow Emergency – parking limitations

Ordinance 120 – Restatement of PSATS Life and Short Term Disability Insurance

Ordinance 121 – Restatement of PSATS UC Group Trust

The public hearing for Ordinance 118, 119, 120 and 121 was called to order at 7:45 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani. Also in attendance were Bill Long, Sam Bair, Joe Buffone, Howard Long, Maureen Mulvihill, Scott Barbara, Joy Barbara, Renee Swancer, Thomas Eby, Brian Grove, Michele Nicolas, Juanita Lysle, Ariana Winder, Sue Rockey, Ed Galus, Don Franson, Dennis O'Leary, Lindsay Schoch, and Sharon Royer.

Mr. Wise gave a brief overview of each of the ordinances and asked those in attendance if anyone had any comments or questions.

Mr. Galus noted that he has concerns with bicycles using Rock Road.

Ms. Winder noted concerns with people riding bikes along Rock Road. Mr. Franson noted that the road is posted and if it was left un-posted that the vehicular traffic would be allowed to travel at 55 mph.

Bill Long, of 162 Quarry Street, presented the Board with a written petition with signatures of 23 of 29 homes located along Quarry Street that they would like Quarry Street removed from Ordinance 118, Article II, Section 4(a) which prohibits parking along both sides of the street.

Mr. O'Leary noted that currently the Township doesn't have reoccurring issues with parking along Quarry Street, but in order to not have to re-advertise this ordinance to include Quarry Street should issues arise it was included in the ordinance. It was noted further that even though the road is wider than in other developments, the shoulders are thin and damage could occur should excessive parking take place. Mr. O'Leary noted that currently, there is no plans of installing the no parking signs on this street.

Joe Buffone, of 206 Amberleigh Lane indicated that he was unaware that the Amberleigh Development wouldn't allow for on-street parking when he purchased his home. The Board noted that this topic has been discussed at several board meetings and that it is a safety issue. It was noted that several different scenarios were looked at for some supplemental parking but the roads are too narrow to safely allow for fire or ambulances into the development with parking along even one side of the road. It was noted that it makes plowing the roads problematic as well. Mr. Buffone noted that this is going to create problems for the residents especially during the holidays when family comes to visit. It was explained that the Township realizes this but with safety on the line there is no way around this.

Being no further comments, the Ordinance hearings were adjourned. The time being 8:01 p.m.

Sharon Royer, Secretary

**Benner Township Supervisors
December 1, 2015**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 8:03 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani. Also in attendance were Bill Long, Sam Bair, Joe Buffone, Howard Long, Maureen Mulvihill, Scott Barbara, Joy Barbara, Renee Swancer, Thomas Eby, Brian Grove, Michele Nicolas, Juanita Lysle, Ariana Winder, Sue Rockey, Ed Galus, Don Franson, Dennis O'Leary, Lindsay Schoch, and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

No one was present to address the board concerning an item not on the Board's agenda.

OLD BUSINESS

Kepler Pool: Mr. Long noted that Spring Township made a motion to support the pool, but that the motion died due to the lack of a second. It was noted that it is anticipated that Walker Township will vote not to support the pool at their meeting on the 10th.

Mr. Wise noted that Benner Township wasn't anticipating creating a tax to pay for this debt service that it was discussed about paying for the pool debt service on a prorated basis and having the funds come from the Township's general fund monies amounting to \$35,000 to \$40,000/year. Mr. Wise moved for Benner Township to financially support the Kepler pool project debt service as described along with other contributing members in the 2015 budget.

Mr. Capriani noted that he has changed his opinion somewhat dealing with the pool project. Mr. Capriani noted that when the proposal was previously submitted it was an all or nothing, either pass a tax or the project was done. He noted that he feels that more time is needed and that more public/private partnerships need to be investigated to lower the costs to the townships. He noted that he doesn't want the pool project to die but can't support a 10 fold increase that has been suggested to support it.

No one would second Mr. Wise's motion, therefore the motion died due to the lack of the second.

Mr. Long noted that he felt that the Joint Recreation Authority did a thorough job in educating the public of what was going on, and suggested that a Board representative start to attend their meetings which are held the 2nd Wednesday of each month at 6:30 p.m. at the YMCA.

The Board noted that \$4,000 was included in the 2015 budget for the pool and if the remainder of the Townships will support the pool as in previous years that we would be willing to do that for an additional year.

MINUTES

The minutes of November 3, 2014, 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 – yes Mr. Moyer – yes Mr. Wise – yes

BILLS

The bills of November 3, 2014, 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. Capriani – yes Mr. Moyer – yes Mr. Wise – yes

ENGINEER'S REPORT

Mr. Franson noted that he plans to locate the foundation of the Benner Mansion and GPS it's coordinates and forward that information on to Bob Donaldson of the Centre County Historical Society to reassure them that the parking lot and trail are not in the vicinity of it.

ROAD SUPERINTENDENT'S REPORT

Mr. O'Leary reported on the following:

*The new chipper arrived and the Township received approval from DEP that we were permitted to trade the old on in on the new one.

*Noted that not all roads in the ordinances will be posted and won't be posted until issues arise.

ZONING OFFICER'S REPORT

Mrs. Schoch reported on the following:

*Planning Commission met on November 13, however she hasn't had time to complete their minutes.

*Received a complaint regarding junk cars on Valley View. Spoke with the man that the complaint was filed against who noted that he plans to move in July.

*Tom Songer – Zoning Hearing Board approved his variance requests along Spring Creek. The ordinance now requires the Conservation District and the Planning Commission to review prior to permits being issued for the work.

*Village of Nittany Glen Curative Amendment- It was noted that a curative amendment request has been submitted from Nittany Glen and that due to the holidays, and the complexity of the request that a time extension for a response will be requested otherwise a decision must be rendered by January 16, 2015.

COMMITTEE REPORTS

Mr. Wise gave the Board an update on the Rec Authority and MPO meeting that he attended.

Mr. Wise noted that with the amendments to the CCMPO bylaws, a year's notice must be given if a township wants to no longer wishes to be a paying/voting member.

Mr. Wise moved to draft a letter to the CCMPO stating that the Township will participate for 2015, but reserves to right and makes notice that they may not participate in 2016. Mr. Capriani seconded the motion.

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

NEW BUSINESS

2015 Budget: It was noted that there have been no comments concerning the proposed budget and that the proposed budget doesn't call for any tax increases. Mr. Wise moved to adopt the 2015 Budget as presented.

Mr. Moyer seconded the motion.

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

Flood Plain Ordinance: It was noted that FEMA is requiring the Townships to make amendments to their Flood Plain Ordinances in order for their residents to continue to participate in the National Flood Insurance Program. A consultant was hired by the State in order to help township's update their ordinance to meet the new requirements. It was noted that January 16, 2015 is the deadline for adoption of the amended ordinance to continue to participate in the NFIP. Mr. Capriani moved to approve advertising of the amended ordinance for adoption at the January meeting. Mr. Wise seconded the motion.

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

Chuck Herr/Alternate Zoning Officer: The Board is in receipt of a letter from Charles Herr indicating his willingness to act as the Township's alternate Zoning Officer per Mr. Moyer's request. It was noted that his rate would be \$50.00 hourly plus mileage at the IRS rate. Any administrative services would be billed at \$34.00/hour. Mr. Moyer moved to appoint Mr. Herr as the Township's back up Zoning Officer. Mr. Capriani seconded the motion.

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

Zoning Amendment Application from the Village of Nittany Glen: The Board acknowledged receipt of the curative amendment application. It was noted that a time extension will be requested.

Alexander Family Partnership Conditional Use Application: It was noted that the Alexander Family Partnership is seeking a conditional use hearing under Section 107. They are seeking

permission to build a banquet/catering facility in Alexander Park. Mr. Wise moved to 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

Ordinances 118 – 121: Being no further comments or questions regarding Ordinances 118, 119, 120 and 121, Mr. Wise moved for the adoption of these ordinances:

Ordinance 118 – Weight Limit/Speed Limit/No Parking

Ordinance 119 - Snow Emergency – parking limitations

Ordinance 120 – Restatement of PSATS Life and Short Term Disability Insurance

Ordinance 121 – Restatement of PSATS UC Group Trust

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. Centre County Planning Commission Correspondence
 - a. Graystone Court Time Extension
 - b. Remodelers Workshop Time Extension
 - c. Yeagle's Commence with Construction
2. Conservation District NPDES Permit Renewal Terry Rogers/Richard Fiore

3. Letter from Jessica Bradley RE: Kepler Pool
4. Letter from Maureen Mulvihill RE: Kepler Pool
5. CNET Proposal
6. SBWJA Minutes October 27, 2014, November 10, 2014
7. Letter from Chuck Herr RE: 2015 SEO Services
8. Letter from Jim Swartzell Re: Reappointment to Centre County Airport Authority
9. Application from Sherry Dawn Jackson RE: Planning Commission
10. Letter from Tim Miller RE: SBWJA Appointment
11. Letter from Genny Robine Re: Planning Commission reappointment

ADJOURNMENT

The Board moved to adjourn the meeting the time being 9:01 p.m.

Sharon Royer, Sec.