

Benner Township Board of Supervisors  
February 13, 2017

The rescheduled 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 Nate Campbell, Shirley Gryczuk, Don Franson, Mark Torretti, Michael Pipe, Kevin Abbey, Edward Galus, Tom Moyer, John Kostas, Wayne Engle, Marilyn Engle and Sharon Royer.

**PERSONS TO ADDRESS THE BOARD**

**Michael Pipe – Centre County Commissioner:** Mr. Pipe was present and gave those in attendance an overview of the Transportation Bill (Act 89 of 2013) which gives Commonwealth Counties the option to increase registration fees by \$5 starting in 2015. Mr. Pipe noted that he is seeking as much feedback on this topic as possible before the Board of Commissioners votes on whether to enact this fee or not. Mr. Pipe explained that should this fee be enacted it would increase the amount that the County could distribute to Centre County municipalities/borough for transportation projects by approximately \$789,000. A copy of the survey that the County is asking each municipality to complete was given to Mr. Wise. The Board noted that they have mixed feelings on this. Noting that while it will generate more funds, the amount is relatively small and really won't accomplish much in the scheme of things. Others noted that another fee is something that they don't feel that the general public will be happy about even through the amount is again small, there are small fees that seem to be added everywhere and as a whole are adding up.

**Wayne Engle - Sullivan Mini Storage Building #7:** Mr. Engle was present from Nittany Engineering to present the surety agreement for the Land Development Plan for Sullivan Mini Storage Building #7 in the amount of \$10,155.20. It was noted that this cost estimate has been reviewed and approved by the County Planning Office and Don Franson, Benner Township Engineer. Mr. Moyer moved to accept the surety agreement for Building #7. Mr. Capriani seconded the motion.

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

**Sullivan Mini Storage Building #7 Land Development Plans:** It was noted that now that the surety package is in place that the Plan may now be signed and approved. Mr. Capriani moved to approve the Land Development Plan for Sullivan Mini Storage Building #7. Mr. Wise seconded the motion.

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

**Sullivan Mini Storage Building #8 Memorandum of Understanding:** Mr. Moyer moved to approve the standard Memorandum of Understanding for the Sullivan Mini Storage Building #8 Land Development Plan. Mr. Wise seconded the motion.

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

**Mark Torretti – Penn Terra Engineering – ARL Land Development Plan:** Mr. Torretti was present to go over the ARL Land Development plans. It was noted that an additional building is being proposed to be built approximately 8,000 sq. feet in size. It was noted that the use for the building will be the same as the existing building already on the premises. Mr. Torretti noted that once the commencement with construction letter is issued, and the building

is built that he will return seeking final approval from the Board of Supervisors with either the building being complete or with a surety package.

The Sewage Planning Module for the ARL Building was presented. Mr. Moyer moved to approve Resolution 17-03 which is approval of the Sewage Planning Module to be sent to DEP. Mr. Wise seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

**Kevin Abbey – ClearWater Conservancy:** Mr. Abbey was present to see if the Board has made a determination if they will be participating in the Slab Cabin Run initiative. Mr. Wise noted that the final decision on that topic will be dependent on the Spring Creek Canyon project. The Board asked Mr. Abbey when he would need to know of their decision on the Slab Cabin Run project and he indicated that ClearWater would like a decision by the end of May.

**Don Franson –**

**\*Spring Creek Canyon Trail Project Bids:** Mr. Franson noted that that bids were opened earlier today for Phase I of the Spring Creek Canyon Trail Project. It was noted that the bids ranged anywhere from \$462,000 to \$162,000. The apparent low bidder was John Claar Excavating. Mr. Franson noted that he would review the bids and prepare a bid tabulation for the Board's next meeting as well as review the grant documents and proposed funding.

**\*Purdue Mt. Road:** Mr. Franson noted that he and Mr. O'Leary walked the old Jenny's Gap Road to see if there was an option of reopening this roadway instead of the repairs to Purdue Mt. Road. It was noted that the costs involved to widening this path into a road, purchasing the rights of ways back from the property owners and all of the requirements with the roadway next to the intermittent waterway would cost a lot more than what is being proposed to be received from FEMA.

**\*New Municipal Building:** Mr. Franson noted that it is the point where the contracts for the new municipal building may now be signed. It was recommended that a preconstruction meeting with the site and building contractors be held soon to get the project timeframes established.

**Clerk of the Works:** Mr. Franson noted that Mr. O'Leary, Mrs. Royer and himself interviewed two of the candidates that had applied for the clerk of the works position associated with the new municipal building. Mr. Franson noted that he would recommend Mr. Woods for the position as he is more than qualified with all of his past employment experiences. The Board noted that they would also like to meet with Mr. Woods prior to a job offer being made.

**\*MS4 Waiver:** Mr. Franson noted that he is still awaiting a decision on if DEP will grant the township a waiver on the MS4 requirements.

**Pinnacle Erosion Control Road Bonding:** It was noted that Mr. O'Leary noted that he has completed the final inspection on Raymond's Lane for the road bonding for Pinnacle Erosion Control. Mr. Wise moved to release the road bond for Pinnacle. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

## **MINUTES**

The minutes of January 3, 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 – abstain                      Mr. Moyer – yes                      Mr. Wise – yes

## **BILLS**

The bills of February 13, 2017, 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. Capriani – yes                      Mr. Moyer – yes                      Mr. Wise – yes

## **COMMITTEE REPORTS**

NVJRA: Mr. Capriani noted that he attended the last Nittany Valley Joint Recreation Authority meeting. A presentation was given by Gary Thull Pools. It was noted that the existing pool has sunk and that this has been determined to be some of the reason for the water loss. It is now being determined that instead of refurbishing the existing pool at the cost of 2.4 million dollars the Authority now believes that the pool should be demolished and install a new pool at the cost of 1.1 million. And now that a new pool is being proposed, it will now be eligible for grant funding. Mr. Capriani noted that detailed costs and proposed contributions will be forthcoming to the townships from the Authority.

Fire Executive Board: Mrs. Royer noted that she attended the Fire Executive Board meeting on January 26<sup>th</sup>. It was noted that the wrecked Undine firetruck is going to be repaired with damages in excess of \$60,000. The estimated time for repairs could easily approach a year.

## **OLD BUSINESS**

Emergency Operations Tour: The Board noted that either March 16 or 17 should work for the tour of the Emergency Operations Center.

Storm Damage: Mrs. Royer noted that she and Dennis O’Leary attended a FEMA Procurement Class this evening prior to the meeting. It was noted that it will take some time to decipher the information that was provided and must be followed. Also noting that time has certainly been added to the entire process.

Resolution 17-02: It was noted that Resolution 17-2 was an agreement between Benner Township and Spring Township designating that the work on Purdue Mountain would be handled by Benner Township instead of two separate projects being done. It was noted that Spring Township approved the Resolution at their meeting on February 6<sup>th</sup>. Mr. Capriani moved to approve the resolution as presented. Mr. Moyer seconded the motion.

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

SBWJA/Shiloh Road: Mr. Moyer updated the Board on the conversations that he had with UAJA – Cory Miller and SBWJA – Warren Miller on the request of Gerald Clair for sewer service. Mr. Moyer noted that what it all comes down to is that when a plan and a planning module is submitted that warrants sewer service a decision can be made at that time. It was also noted that Dr. Clair has two options for sewerage his property which is to his advantage.

## **NEW BUSINESS**

Zoning Officer Interviews: The Board noted that they will consult their calendars after the meeting to pick dates and times.

Annual Easter Skating Event: Mrs. Royer noted that she received a request from the Township Churches if the Board would consider assisting with paying for the skating rink for the event. Mr. Moyer moved to cover the cost for the rink rental for the annual egg hunt/skating event. Mr. Capriani seconded the motion.

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

Spring Creek Clean Up: Mrs. Royer noted that Mrs. Robine has contacted the office to ask the Supervisors if they would once again allow the Township Road crew to gather up the trash that is collected in the Township during the annual Spring Creek Watershed Clean Up. The Board agreed to assist again.

Bellefonte Sunrise Rotary Club: The Board is in receipt of a request for a donation towards the Bellefonte Children’s Fair. Mr. Wise moved to donate \$100 towards this cause. Mr. Moyer seconded the motion.

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

Crain Family Limited Partnership Subdivision: It was noted that the Crains are subdividing a lot off for one of the members of the family to build a home. This was done as the single plan procedure and was provided to the Board if they did or did not have any comments. The Board indicated that they did not.

Septic Management Program Fee Schedule: A draft of Resolution 17-4 was provided to the Board. The resolution was drafted to adjust the fee schedule associated with the Township’s Septic Management Program. It was noted that currently the fees are \$200 for the pump with the inspection and \$60 for the pump only notification. The proposed fees would be reduced by \$20 for both so that at the end of the 1<sup>st</sup> six year cycle everyone would have paid the same amount - \$260.00. Mr. Capriani noted that he really dislikes residents paying a \$60 administration fee for the pumping part of the program. It was noted that when letters are sent out that it does cost something. Mr. Campbell noted that whatever the cost is that it should be strictly borne by those on septic systems as those on public sewer have paid their tapping fee and pay their quarterly bills for their sewer and that tax dollars from those on sewer shouldn’t be benefiting those on septic systems. Discussion was then held about keeping the pump with inspection fee at \$200 with the pump only costing nothing. Mr. Capriani moved to amend the fee schedule to the \$200 and \$0. Mr. Moyer seconded the motion.

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

State Budget Proposal: Mr. Wise noted that he wanted to make the Board aware that under the Governor’s current budget proposal that he is proposing that those municipalities who do not have their own police force will be assessed a \$25/pp fee for police protection. Benner’s estimated bill would be \$222,700.00. To cover such a cost would require the Township to double its real estate taxes.

Zoning Ordinance: Mr. Moyer noted that he would like to give Chuck Herr the Township’s draft Zoning Ordinance to complete. Mr. Herr has provided him a fee schedule for this work and believes that since he is the Township’s back up Zoning Officer that he should do this. He indicated that he feels that this zoning revision has been going on entirely too long and just needs to be completed. Mr. Capriani noted that he did attend the Planning Commission’s

meeting that it seems as though it is coming to its completion. Mr. Capriani noted that he would like to see Mr. Herr act as a resource for the Planning Commission and offer support to them in wrapping this project up. Mr. Campbell noted that it doesn't make any sense for Chuck to review this now when it isn't done. Mr. Wise noted that he isn't comfortable in giving this to Mr. Herr without hearing from him about what he feels what it is going to take and what he is going to do for the Board. Mr. Moyer noted that he wants Mr. Herr to be the point man on this. Mr. Moyer moved to appoint Mr. Herr to take the lead on this zoning ordinance for completion. Mr. Wise noted that he feels that perhaps that Mr. Herr should start attending the next several Planning Commission's meetings to see where they are at. He noted further that he doesn't feel that giving Mr. Herr the moving, constantly revising draft at this point is money well spent. Mr. Campbell noted again that it makes no sense for him to review at this point when it isn't complete. If he wants to review it once it is done, then he is fine with it, but at this time he feels that it is pointless. Mr. Capriani moved to authorize Chuck Herr as the appointed alternate Zoning Officer to work at the direction of the board on the current proposed new zoning draft but that he is not in favor of disregarding the current draft of the Planning Commission. Mr. Wise noted that he still feels that he needs to meet with Mr. Herr before he begins any work. He wants to make sure Mr. Herr knows where things currently are and what yet needs to be worked on and that he has an understanding as to why and what changes were made. Mr. Moyer seconded the motion of Mr. Capriani. More discussion was held. Mr. Campbell noted that several changes were made to Mr. Herr's draft that were necessary to keep in compliance with the Nittany Valley Comprehensive Plan.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – no

Planning Commission: Mr. Moyer noted that he would like to see the number of the Planning Commission members dropped down to 5 members instead of 7. Discussion was held. Mr. Campbell noted that he disagrees with this logic and that the Planning Commission hasn't had a problem with getting a quorum even though they are a volunteer group and have twice as many meetings as the Board of Supervisors have.

## **CORRESPONDENCE**

The Board acknowledge receipt of the following correspondence:

1. SBWJA Minutes of December 12, 2016, January 9, 2017
2. 2016/2015 Building Permit Comparison Report
3. Franson Comment letter Re: ARL Land Development Plan
4. PSATS New Bulletin
5. Letter from CNET Re: Special Meeting Broadcasting fees
6. Pleasant Gap Fire Company 2016 Year End Report
7. Benner Township Water Authority Minutes of December 20, 2016
8. Centre County Conservation District ARL E & S Plan approval letter

## **ADJOURNMENT**

The meeting was adjourned the time being 9:15 p.m.

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Sharon Royer, Sec.