

Benner Township Board of Supervisors

January 2, 2024

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:21 p.m. by the Chairman, Randy Moyer with members Larry Lingle and Kathy Evey present. Also in attendance were Thomas Rishel, Therese Hollen, Ronald Hollen, Randi Gaicobbi, Tom Moyer, Jared Evey, Fred Gay, Allen Strouse, Treva Strouse, John Elnitski, Pete Nebroski, Thomas Eby, Deb Smeal, John Kostas, Sharon Royer and Rodney Beard.

RECORDING NOTICE: It was noted that this evenings' meeting will be recorded by the Township staff for note taking purposes only. It was asked that if anyone in attendance plans to also record the meeting to please make themselves known at this time. – No one in attendance responded in the affirmative.

PERSONS TO ADDRESS THE BOARD

McDonald's Land Development Plan: Randi Gaicobbi from the Engineering firm of MDM was present to review with the Board the land development plan for McDonalds. Ms. Gaicobbi noted that McDonalds will be located on the parcel known as the Benner Pike Shops along with Giant. The McDonald's parcel is 1.346 acres in size. It will be built on the corner of the Benner Pike and Paradise Hill Road. Stormwater facilities will be shared with the rest of the planned development for the overall property. The restaurant will be 4,285 sq. ft. with a two lane drive thru. The restaurant will have internal seating for 54 patrons and 32 parking stalls. It was noted that this will not operate as a 24/7 establishment. In the peak hour shifts the restaurant should employ 7 to 10 people. Ms. Gaicobbi noted that they plan to break ground in March.

Pete Nebroski: Mr. Nebroski was present to express his displeasure of the outside lighting of the new Buffalo Run Church. He added that he feels that with so much lighting that it takes away from the rural character of the area and that in order to maintain the integrity of the area, that limits should be established on lighting. Board members noted that the lighting could very well be a condition of insurance for the church. Mr. Nebroski noted that the other existing churches in the township are not lite up like this one. Board members noted that the existing churches are all pretty historic and wouldn't be up to today's standards. Mr. Nebroski questioned if the Board could make the church turn off the lights when the church wasn't being used. The Board noted that they have confirmation from the Zoning Officer that he went out and looked at the lights. The lights are shielded and meet any requirements that the Township has. Mrs. Evey suggested that Mr. Nebroski reach out to the church to see if something can be worked out. Perhaps timers could be on some of the lights so that not all of them are on at the same time. Mr. Moyer noted that churches are a permitted use in almost, if not all, zoning districts in the Township and that there isn't much, if anything, that can be done. Mr. Lingle noted that he also spoke with a member of the church and suggested that Mr. Nebroski speak with the church board directly. Mr. Nebroski noted that he has a sizable property and feels that he paid a lot for his property but with all of the development in the area he feels as though he is being squeezed. Mr. Lingle noted that he built his house on Purdue Mt. in 1981. At that time, there were probably 6 residents on the entire mountain and now there is over 100 homes. He noted further that since he didn't own the property that got developed that there is little he can do about it other than to welcome his neighbors. Mr. Moyer noted that the township does have lighting regulations and that the church lights meet those requirements it just so happens that the regulations don't seem to be to Mr. Nebroski's liking.

Kathy Evey: Mrs. Evey noted that she would like to make a statement and have it included in the minutes regarding the Centre Documenters' note posting. Mrs. Evey noted that there seemed to be a little bit of confusion when they published their Center Documenters notes online. She continued that

the way it was reported, people thought that they were the township's minutes. Mrs. Evey noted that she did some questioning about this and has found that this was not transparent or accurate reporting. She noted further that Mr. Kostas did not make any reference or comments to her name during the November 6, 2023 meeting concerning litigation that is going on with the township. It was in fact Mr. Elnitski who made the statements. Mrs. Evey also noted that for the record, that there is no possible way that she is using Mr. Beard for legal counsel, she noted that she is paying her own legal counsel. However, when two parties are on the same side of litigation many times the two attorneys will converse and work together. Mrs. Evey noted that she is aware of what a conflict of interest is. She noted that she is a person that follows the law and expects everyone else to do so as well. Mrs. Evey noted that she will abstain from voting on anything pertaining to this litigation.

MINUTES

The minutes of December 4, 2023, were presented to the Board for their review and comments. Mr. Moyer moved to approve the minutes as presented to the Board. Mr. Lingle seconded the motion.

Vote: Mrs. Evey – abstain Mr. Lingle – yes Mr. Moyer – yes

BILLS

The January 2, 2024, General Fund bill list in the amount of \$103,731.12 was presented to the Board for their review and approval. Mr. Moyer moved to approve the general fund bills as presented. Mrs. Evey seconded the motion.

Vote: Mrs. Evey – yes Mr. Lingle - yes Mr. Moyer - yes

The General Fund accounts receivable list was acknowledged as \$143,110.30 being received for the month. Mr. Moyer moved to accept this list of receivables. Mrs. Evey seconded the motion.

Vote: Mrs. Every – yes Mr. Lingle - yes Mr. Moyer – yes

The accounts payables from the State Fund in the amount of \$6,710.27 were presented for review and approval. Mr. Moyer moved to approve the State Fund bills. Mrs. Evey seconded the motion.

Vote: Mrs. Evey – yes Mr. Lingle - yes Mr. Moyer – yes

OLD BUSINESS

Diamond Towers Conditional Use Hearing: It was noted that the Board must decide on a date for the Diamond Towers Conditional Use Hearing request. It was decided that the hearing will be advertised and held on Tuesday, January 23, 2024 at 7:00 p.m.

NEW BUSINESS

Resolution 24-1: Proposed Resolution 24-1 updates the Township's current fee schedule. It was noted that the majority of the changes to the fee schedule were to those items where hearings are required. Mrs. Royer indicated that the current fee schedule didn't come close to covering the expenses that are realized when a public hearing is needed. Mr. Moyer moved to adopt Resolution 24-1. Mrs. Evey seconded the motion.

Vote: Mrs. Evey – yes Mr. Lingle - yes Mr. Moyer – yes

Barn's Lane Subdivision MOU: The County's standardized Memorandum of Understanding for fee reimbursement for the Barn's Lane Subdivision was presented for consideration. Mr. Moyer noted that he is affiliated with this subdivision, therefore he will be abstaining from voting. Mr. Lingle moved to approve the MOU. Mrs. Evey seconded the motion.

Vote: Mrs. Evey – yes Mr. Lingle - yes Mr. Moyer – abstained

CATA 2024/2025 Services: The Board is in receipt of correspondence from CATA regarding changes to services and fees for the upcoming year. A meeting is scheduled to be held with CATA representatives as well as from Spring Township and Bellefonte Borough on the 10th at the Spring Township. Mr. Moyer noted that he will attend the meeting on behalf of the Township and report back to the Board on what is discussed.

Tractor Quotes: Quotes for the three replacement tractors were presented to the Board. It was noted that each of these tractors will be purchased through the Commonwealth's Co-Stars state contract.

1) Kubota ZD1200 zero turn mower: \$13,411.70 (balance total after trading the Kubota ZD331) (Dotterer Equipment, Inc.)

2) John Deere 5060E Cab Utility Tractor with a sickle mower \$74,749.66 (LandPro Equipment LLC)

3) John Deere 5067E Cab Utility Tractor with a loader (balance total after trading the 2013 Mahindra) \$39,422.75 (LandPro Equipment LLC)

Mr. Moyer moved to complete these purchases using the American Rescue Funds. Mr. Lingle seconded the motion.

Vote: Mrs. Evey – yes

Mr. Lingle - yes

Mr. Moyer – yes

Open Storage Building for Equipment Storage: Mr. Moyer noted that this item will be tabled for tonight's meeting and will be discussed at the next meeting. Mr. Moyer moved to table this item. Mrs. Evey seconded the motion.

Vote: Mrs. Evey – yes

Mr. Lingle - yes

Mr. Moyer – yes

CORRESPONDENCE

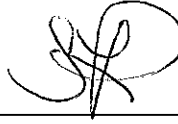
The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes – November 27, 2023
2. BTWA – Minutes of November 21, 2023
3. Centre County Planning Commission Letters
 - i. Time Extensions
 1. Greater Buffalo Run Church
 - ii. Comment letter Etters HVAC Office & Storage Building
 - iii. Comment letter Lot Addition/Replot Henry Kanagy & Mary Kanagy
 - iv. Comment letter on Benner Pike Tru by Hilton
4. Engineering Reviews
 - i. McCrossin TIA review (McCormick Taylor)
 - ii. Etters HVAC review (Franson)
5. December Zoning/Building Permit Report
6. DEP Letters
 - i. Act 537 Exemption granted for Tru by Hilton
7. Letter from David Roberts Re: Bellefonte Warehouse dated 12/16/23
8. Letters from Dan Alters Re: Bellefonte Warehouse
 - i. Dated December 11, 2023
 - ii. Dated December 21, 2023
9. Centre County Recycling & Refuse Authority 2024 Rate Schedule
10. CRMPO November Summary Report
11. Centre County Conservation District Letters
 - i. Co-Permittee Liability Release Lyn Lee Farms
 - ii. Benner Pike Tru by Hilton Hotel – Completeness Notification
12. Zoning approval letter for Etters Heating & Air Conditioning
13. DEP PFAS Investigation Year End Update 2023

EXECUTIVE SESSION: The Board noted that they will be holding an executive session at the conclusion of tonight's meeting to discuss personnel issues and that the meeting will not reconvene at its conclusion.

ADJOURNMENT

The meeting was adjourned the time being 8:50 p.m.

A handwritten signature in black ink, appearing to be 'SR' or similar initials, written above a horizontal line.

Sharon Royer, Secretary