

**Benner Township Supervisors  
Re-Organizational Meeting  
January 7, 2019**

The re-organizational meeting of the Benner Township Board of Supervisors was called to order at 7:00 p.m. by the Chairman Randy Moyer with members David Wise and Mark Capriani present. Also in attendance were Dennis O’Leary, Don Franson, Trevor Meyer, Tony Fruchtl, Andy Johnson, Brian Heiser, John Kostas, Tom Moyer, Warren Miller, Gene Stocker, Wayne Pagani, Rich Davis and Sharon Royer.

**ORGANIZATION OF THE BOARD**

**Chairman:** : Mr. Capriani moved to appoint Randy Moyer to serve as Chairman of the Board. Mr. Wise seconded the motion.

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

**Vice-Chairman:** Mr. Capriani moved to appoint himself to serve as Vice Chairman of the Board. Mr. Moyer seconded the motion.

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

**APPOINTMENTS**

**Secretary-Treasurer:** Mr. Moyer moved to appoint Sharon Royer as the Township’s Secretary/Treasurer. Mr. Capriani seconded the motion.

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

**Sewage Enforcement Officer:** Mr. Moyer moved to appoint Chuck Herr as the Township’s Sewage Enforcement Officer Mr. Capriani seconded the motion.

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

**Back up Sewage Enforcement Officer/SMP Administrator:** Mr. Moyer moved to appoint Pamela Winter as the back-up Sewage Enforcement Officer as well as the Septic Management Administrator. Mr. Capriani seconded the motion.

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

**Zoning Officer:** Mr. Moyer moved to appoint Penns Valley Code Enforcement Agency as the Township’s Zoning Officer. Mr. Capriani seconded the motion.

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

**Back Up Zoning Officer:** Mr. Moyer moved to appoint Sharon Royer as the Township’s back up Zoning Officer. Mr. Wise seconded the motion.

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

**Building Code Officers:** Mr. Moyer moved to all residents to have the choice of Building Code Officer from Harry Burd, Keystone Inspection Agency and Penns Valley Code Enforcement Agency as Benner Township’s Building Code Officer for 2019. Mr. Capriani seconded the motion.

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

**Solicitor/Firm:** Mr. Moyer moved to appoint Rodney Beard as the Township’s Attorney for 2019. Mr. Capriani seconded the motion.

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

**Engineering:** Mr. Moyer moved to appoint Franson Engineering as the Township’s primary Engineer. Mr. Capriani seconded the motion.

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

**Traffic Engineers:** Mr. Moyer moved to appoint the firm of McCormick Taylor as the Township’s Traffic Engineer. Mr. Capriani seconded the motion.

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

**Bank:** Mr. Moyer moved to appoint M & T Bank, Pliget, and Jersey Shore State Bank as banks of the township for 2019. Mr. Capriani seconded the motion.

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

**Mr. Moyer moved to appoint the following:**

**Roadmaster Appointment:** Dennis O’Leary as the Township’s Roadmaster/Road Superintendent.

**Road Crew Appointments:** Harold Meyer and Thomas Moyer and John Dutton as full time road crew staff, Koyln Mellott as part time, and Zane Dutton as seasonal. Full time staff to have a clothing allowance of \$250 and part-time/seasonal \$100. Mr. Capriani seconded the motion.

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

**PSATS Voting Delegate:** Mr. Moyer nominated himself as the 2019 PSATS Voting Delegate. Mr. Capriani seconded the motion.

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

**Benner Township Zoning Hearing Board:** Mr. Moyer moved to reappoint Ian Henderson to the Zoning Hearing Board for a 3 year term. Mr. Capriani seconded the motion.

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

**Benner Township Water Authority:** It was noted that Tim Edkin’s term is up and that he is interested in being reappointed. Mr. Capriani noted that he is very disappointed with the amount of money that the Water Authority has spent fighting the bio solid spreading in court. Mr. Capriani noted that he would like to see this position remain vacant for the time being. This appointment was tabled.

**Spring Benner Walker Joint Authority:** Mr. Wise noted that Brian Book has expressed an interest in serving on this Board and with all of his experience and a

potential sewerline extension in the Township feels that his experience would be very valuable. Mr. Wise moved to appoint Brian Book to a 5 year term on the SBWJA. Mr. Capriani seconded the motion.

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

**Benner Township Planning Commission:**

Mr. Capriani moved to reappoint Nate Campbell to the Planning Commission for a 4 year term. Mr. Wise seconded the motion.

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

Mr. Wise moved to reappoint Willis Houser to the Planning Commission for a 4 year term. Mr. Moyer seconded the motion.

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

Mr. Moyer moved to reappoint Paul Kurtz to the Planning Commission for a 4 year term. Mr. Capriani seconded the motion.

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

Mr. Capriani moved to appoint Larry Lingle to the Planning Commission for a 4 year term. Mr. Moyer seconded the motion.

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

**Centre County Tax Collection Committee:** Mr. Moyer moved to appoint Sharon Royer as the primary appointment with Randy Moyer being the alternate. Mr. Capriani seconded the motion.

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

**Spring Creek Watershed Commission:** Mr. Moyer moved to appoint Tim Robinson as the Township’s Spring Creek Watershed Commission representative. Mr. Wise seconded the motion.

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

Mr. Moyer moved to make the following appointments:

**Nittany Valley Joint Planning Commission** – David Wise and Paul Kurtz

**Fire Executive Board** – Sharon Royer

**Township’s Spring Creek Canyon TAG Representative** – Randy Moyer

Mr. Capriani seconded the motion.

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

**Centre Area Cable Consortium:** Mr. Moyer moved to appoint Mark Capriani to the Centre Area Cable Consortium Committee. Mr. Wise seconded the motion.

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

**Certified Public Accountant:** Mr. Moyer moved to appoint of the firm of BakerTilly (formally ParenteBeard) as the Township’s accountant for the 2018 year end audit. Mr. Capriani seconded the motion.

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

**Vacancy Board:** - Mr. Moyer moved to appoint Tom Moyer to the vacancy board. Mr. Capriani seconded the motion.

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

**Meeting dates/times:** Mr. Moyer moved to hold the Board of Supervisors meetings the first Monday of each month at 7:00 p.m. with the exception of September which will be held on Thursday, September 5th due to the holiday. Mr. Capriani seconded the motion.

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

The re-organizational meeting was adjourned the time being 7:18 p.m.

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Sharon Royer, Secretary

**BENNER TOWNSHIP BOARD OF SUPERVISORS  
JANUARY 7, 2019**

The regular meeting of the Benner Township Board of Supervisors was called to order at 7:20 p.m. by the Chairman, Randy Moyer with members David Wise and Mark Capriani present. Also in attendance were Dennis O’Leary, Don Franson, Trevor Meyer, Tony Fruchtl, Andy Johnson, Brian Heiser, John Kostas, Tom Moyer, Warren Miller, Gene Stocker, Wayne Pagani, Rich Davis and Sharon Royer.

**PERSONS TO ADDRESS THE BOARD**

**Trony Fruchtl – Penn Terra Engineering:**

Dunkin Donuts: Mr. Fruchtl noted that he was present tonight for the Dunkin Donuts plan. It was noted that there were some minor non-substantive changes such as the signs being installed and the location where the gas line was being run to the building.

It was noted that surety is being posted for those items that have yet to be completed due to weather conditions. Those items amount to \$220,663.31. These estimates have been prepared by Penn Terra Engineering and reviewed and approved by Mr. Franson.

Mr. Moyer moved to approve the non-substantive changes, surety package and plans. Mr. Capriani seconded the motion.

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

Rutter's Land Development Plan: Mr. Fruchtl presented the Sewage postcard mailer for the proposed Rutter's to be located in the Benner Commerce Park. Mr. Moyer moved to approve the postcard mailer. Mr. Capriani seconded the motion.

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

Rutter's Minor Subdivision Plan: It was noted that Tax Parcel 12-003-215A containing a total of 16.351 acres is being subdivided into two lots – Lot 4RB1 would be 8.2567 acres and Lot 4RB2 would be 8.0947 acres. It was noted that with this plan being a minor subdivision the county is only asking the Board if they have any comments. The Board indicated that they didn't.

**John Kostas:** Mr. Kostas questioned the Board on why Tim Edkin was not reappointed. Mr. Capriani noted that he is very upset with the Water Authority spending over a \$100,000 fighting over the spreading of biosolids that didn't go anywhere. Mr. Kostas noted that is not know yet at this point as the case has not been decided. Mr. Kostas asked Mr. Capriani if he was a public water customer and Mr. Capriani indicated that he was not. Mr. Capriani noted that the Water Authority has allocated \$60,000 in their 2019 budget to locate an additional water source and that the money that was spent fighting the biosolids would have gone a long ways to funding that expense instead of wasting it on legal fees.

**Brian Heiser:** Mr. Heiser was present to introduce himself as the new Executive Director of the State College Borough Water Authority. Mr. Heiser noted that should need the Board need anything that he would gladly try to assist.

**Trevor Meyer:** Mr. Meyer was present to discuss his potential subdivision on his property off of the Benner Pike. He noted that his surveyor told him that he should attend the meeting to see if the zoning line could be pushed back to align with where they intend to make his dividing line. It was noted that the stormwater areas for the lot in the front would end up spilling over into another zoning district. The Board noted that it wouldn't have any effect on the property with it having a different zoning district. It could be looked at but it was believed to have no real effect on his property as currently proposed.

## **MINUTES**

The minutes of November 27, 2018 and December 3, 2018 were presented to the Board for their review and comments. Mr. Wise moved to approve both sets of minutes as presented. Mr. Capriani seconded the motion.

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

## **BILLS**

The bills of January 7, 2019 were presented to the Board for their review and approval. Mr. Capriani moved to approve the bills as presented. Mr. Moyer seconded the motion.

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

## **ROAD SUPERINTENDENT'S REPORT**

Mr. O'Leary noted that he has received cost estimates from Penn Dot on the projects that were previously discussed and looked at with Board members that includes Rock Road from Buffalo Run Road to Fox Hill Road and some base repair on Purdue Mt. That estimate is approximately \$300,000. It was noted that along with the paving that some guiderail would need to be raised and additional tar and chipping some sections of Barns Lane is planned.

It was also noted that two dirt and gravel road projects were applied for in the 2018 round. One project was approved and completed and the other one was not. Mr. O'Leary noted that the pipe for the project that was not approved was purchased and that the Township forces were going to install, however we were recently contacted that not all of the funds for the Dirt and Gravel Roads program were used and now the County is indicating that they may go ahead and approve the township's project that was originally turned down. It was noted that if this happens that the pipe will be used in another location or be used as part of the match.

Mr. O'Leary noted that it is a possibility that the Township will be able to receive another used vac all from a nearby township that is replacing theirs.

Mr. Moyer moved to place the road projects out for formal bids. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

## **OLD BUSINESS**

Zoning Ordinance: The Board noted that they would like to advertise for a special meeting to be held on January 14, 2019 to begin at 2:00 p.m. at the Township Building. The Zoning Ordinance revisions and any other pending township business will be conducted at the meeting. The Board asked that the Township Attorney and the Zoning Officer be asked to attend.

SBWJA Sewerline extension: Mr. Moyer noted that he asked Mr. Miller to attend tonight's meeting.

Gene Stocker was present and questioned why public sewer is now being discussed when the area in question has been having their systems pumped and then inspected by Chuck Herr? Mr. Moyer noted that this proposal has only become available recently. The entire township that is on septic systems has been part of this septic management plan. It was noted that the Walnut Grove/Rock Road area has been part of the Township's Act 537 Plan since 2003.

Mr. Stocker noted that he feels that public hearings should be held before a bunch of money is spent on designing this system that may not be needed or wanted. Mr. Moyer

noted that SBWJA is an independent Board. The Township appoints Board members to serve on that Board.

Mr. Stocker questioned why is so much money being talked about being spent to run sewer lines to 60 to 70 homes when they were just all pumped and inspected with no issues currently known about? And why would this sewer be pumped the entire way to Bellefonte when UAJA is right there?

Mr. Miller noted that it was attempted to have the sewage treated at UAJA. UAJA's tapping and usage fees are significantly higher than SWBJA's fees. It was noted that flow coming into UAJA's treatment plant from outside the Centre Region is subject to a nutrient credit fee that would be added to the quarterly bills. It was noted that this fee will vary and has the potential to be as much as the sewer bill itself. Mr. Miller noted that the attempt was made for SBWJA to be the collection agency and have UAJA treat like they do currently with the Bellefonte Treatment Plant however an agreement couldn't be reached for this type of an arrangement. UAJA noted that they would do all or nothing.

Mr. Miller noted that it has been in the Township's 537 plan to service this area since 2001. Some areas do have large lots, however there is also steep slopes and rock outcrops where others wouldn't be able to locate a backup septic system location should they experience a system failure.

Mr. Miller noted that the SBWJA would offer home owners the opportunity to pay the tap on fees over a three year period with a low interest loan.

Mr. Stocker noted that he doesn't see where additional growth will be seen as most of the land in this area is owned by state entities.

Other route alternatives were discussed. Mr. Miller noted that the route being discussed is the shortest. It was noted that two lift stations will be required for this project. They would be submersible systems. Mr. Miller noted that it happens that Walnut Grove is in the path for the sewer line extension to Shiloh Road.

Mr. Moyer noted that the Board met with DEP and it was discussed that this is the way to go. Mr. Moyer noted that this is an opportunity to sewer the area. The value of the houses will go up and there could possibly be the opportunity to subdivide some of the larger lots. If it isn't done as part of this project, it will cost a lot more later.

Mr. Stocker noted again that he feels that public hearings should be held on this.

Mr. Wise questioned if any modifications are needed to the Township's 537 plan for this project to move forward. Mr. Miller noted that a Special Study will be needed.

Mr. Wise noted that the Board has only heard of Walnut Grove area being placed on sewer as part of this project a month and a half ago. He noted that he would like to see some maps, cost analysis, and schedule of the various options before a decision is made. He would like to also see a customer list. Mr. Wise noted that this doesn't need to be an \$80,000 study.

Mr. Miller noted that the project could be done without the inclusion of the homes, however he isn't sure that DEP would approve of it.

Mr. Johnson noted that as currently proposed it will include 12,000 feet of pressurized lines and 18,000 feet of gravity lines. Mr. Johnson showed the board a rough sketch of the area where the potential lines would be run.

Mr. Moyer noted that no tax payer funds are funding this line. It is paid by those connected to the sewer system.

Mr. Miller noted that he would like the Board's blessing for SBWJA to proceed. Mr. Miller noted that the Board needs to decide if the homes should be connected now as part of this project. It was noted that if it is decided not to include the homes that the project would probably be designed to take on the 70 homes at a later date, however at that time when the homes need to be added it will cost substantively more. At that point, the tap on fees in addition to the additional line cost will need to be paid for by the home owners.

Mr. Miller noted that there is about 27% of the homes of the 70 are considered potentially failing due to the date of the home being built prior to 1972 as per DEP standards.

More discussion was held. Mr. Miller noted that he wasn't going to have the Board start spending money on surveying when they could change their minds on who is going to be served.

Mr. Capriani noted that he feels that the residents should be more informed about what is going on.

Mr. Miller noted that he will contact DEP to see if they will approve the project without connecting the existing homes.

## **NEW BUSINESS**

CATA Agreement – Resolution 19-1: The Board is in receipt of the 2019-2020 CATA agreement for services. The amount of the agreed upon payment is \$5,109.00 which CATA will use as part of a match to match state funds for local operating funds. In addition, \$802.00 will be paid to be used towards capital funding. Mr. Wise moved to approve Resolution 19-1. Mr. Capriani 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 November 28, 2018
2. Benner Township Water Authority Minutes – November 20, 2018
3. Centre County Airport Authority Yearly Update
4. Centre County Recycling & Refuse Authority – Rate Adjustment Notice
5. Centre County Conservation District
  - a. Eagle Point NPDES Renewal
  - b. NPDES Permit Transfer Village of Nittany Glen to Allegheny Contracting
  - c. UP Airport Rehab GA Apron – NPDES Termination Approval Letter
  - d. NPDES Permit Transfer SilcoTek to Glenn O. Hawbaker
  - e. NPDES Permit Plan Revisions Village of Nittany Glenn to Columbia Gas
6. Act 14 Notifications from PA Fish & Boat Commission for NPDES Permits
  - a. Bellefonte State Fish Hatchery to Spring Creek
  - b. Pleasant Gap State Fish Hatchery to Logan Branch
  - c. Benner Spirng State Fish Hatchery to Spring Creek
7. DEP letter Acknowledgement of GP Permit for UAJA for Open Channel Outfall Upgrade
8. Centre County Planning Commission
  - a. BHP Final Subdivision Comment Letter
  - b. Time Extensions
    - Mammoth Restoration LD Plan
    - Dunkin Donuts LD Plan
    - Keystone Payroll LD Plan
    - Nittany Express Inc. LD Plan
    - SilcoTek Manufacturing LD Plan
    - SCI Rockview LD Plan
  - c. Homeland Manufacturing Services Comment Letter
  - d. ARL Land Development Plan Comment Letter
9. PSATS News Bulletin

## **ADJOURNMENT**

The meeting was adjourned the time being 8:45 p.m.

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Sharon Royer, Sec.