

Patrick Burns – Flea Market
Conditional Use Hearing
July 7, 2014

The Conditional Use Hearing for Patrick Burns to operate a Flea Market at his property located at 3490 Benner Pike, Bellefonte, PA 16823 with the tax parcel of 12-003B-046 was called to order at 7:00 p.m. It was noted that Mr. Burns is proposing to operate the flea market every other Sunday during the months of April through October. Mrs. Schoch noted that those in attendance at the Planning Commission meeting expressed concerns regarding keeping people contained to the property with some type of caution tape or fencing and also shared concerns about having the booths dismantled and cleaned up after each event. It was noted that both of those concerns have been addressed in the proposed decision. Mr. Wise read the proposed decision aloud. Mr. Moyer moved to approve the decision as presented. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

The hearing was adjourned the time being 7:13 p.m.

Sharon Royer, Secretary

Benner Township Board of Supervisors
July 7, 2014

The regularly scheduled meeting of the Benner Township Board of Supervisors was called or order at 7:05 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani present. Also in attendance were Ed Galus, Garen Smith, Kevin Abbey, Pam Adams, Tim Miller, Lindsay Schoch and Sharon Royer.

EXECUTIVE SESSION NOTICE: It was noted that the Board met in executive session from 6:30 p.m. until 7:00 p.m. this evening to discuss a pending legal matter. All three board members were in attendance.

PERSONS TO ADDRESS THE BOARD

Garen Smith: Mr. Smith was present to see if the Board of Supervisors still has an interest in ownership of Lot 21 in Grove Park. It was noted that the plan calls for this lot to be dedicated to the Township and a previous Township Supervisors spoke of building a t-ball field on this area. Mr. Smith noted that the lot is approximately 2.5 acres in size, it has the development's sign and various easements on it. Mr. Smith continued that the HOA pays \$3,400 a year for the mowing on this lot and approximately \$125.00 in taxes per year. Mr. Smith was approached by the HOA members at a recent HOA meeting that they would like to retain ownership of the lot and he is here tonight to see what the Township thinks about that. Questions were asked on what would need to be done to the plan for such a change. It was noted that the county would need to be contacted and that probably a non-substantive change to the plan reflecting a different owner would need to be done. The Board noted that they would think about it until the next meeting and would get back to Mr. Smith with a decision then.

Pam Adams: Mrs. Adams was present to give the Board an update on the garbage contract process. It was noted that a new garbage contract will begin on January 1, 2015. She noted that five haulers attended the pre-bid meeting that was held. Bids will be opened on July 28th and it is anticipated that the bids will be awarded on September 22nd. The contract will be for three years with the possibility of a two year extension. Some modifications to this contract include a definition of unlimited. Unlimited will actually be equal to no more than 8 bags. Under this contract the Centre County Recycling Authority will be the designated recycling collector. In the past this wasn't specified, but the contractor always used them as the recycling collector. There is also a clause in this contract for an alternate bid to use CNG vehicles. Mrs. Adams noted that she will be back in touch once the bids are received.

Kevin Abbey: Mr. Abbey noted that the Conservation Easements for the two Spring Creek Canyon Parcels "A" and "D" have been completed and signed by all required parties. It was noted that legislation to eliminate the need for these easements was drafted and approved by both the House and Senate and was signed into law on July 2nd by the Governor. Otherwise known as Public Law 100. It has been discussed that the Department of General Services feels that it is still necessary for the easements to be recorded or some other type of document in order to finally relieve the Township of this requirement. Mr. Abbey noted that neither Clearwater Conservancy nor DCNR feels that this is necessary and due to accreditation issues no longer wishes to have the easement recorded. The Board noted that they will await further instruction from DGS on this matter noting that the two year deadline to complete this matter is July 11th.

Tim Miller – Spring/Benner/Walker Joint Authority Member: Mr. Miller noted that he is down to having six months remaining on his term to the Authority. Discussion was held concerning any future development along Shiloh Road. Mr. Miller pointed out why in the long run it may be in the best interest of a developer to have his sewage disbursed to SBWJA. The construction cost would be higher upfront but other fees and long term fees are lower.

	SBWJA	UAJA
EDU charge/ per quarter	\$65.00	\$104.00
Connection fee per EDU	\$1,750.00	\$4,619.00
Tap fee	\$750.00	\$509.00 to \$2,895.00
Construction cost	1 million*	\$360,000 to \$875,000*

(*based on the 537 cost estimate – not adjusted)

So as an example, Mr. Miller stated that if the development required 50 EDUs the annual cost for treatment at SBWJA would be \$13,000 per year and the cost at UAJA would be \$20,800 per year. Also the connection and tap fees for 50 EDUs at SBWJA would be \$125,000 whereas at UAJA they could be anywhere from \$256,000 to \$375,000.

The Board thanked Mr. Miller for his analogy but noted that regardless, a buyer for the property must first be found and a plan for the property must be presented.

MINUTES

The minutes of June 2, 2014 and June 16, 2014 were presented to the Board for their review and comments. Mr. Moyer moved to approve the minutes as presented. Mr. Capriani seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

BILLS

The bills of July 7, 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

ZONING OFFICER'S REPORT

Mrs. Schoch reported on the following:

*The Planning Commission met two times since the last Supervisor's meeting and have continued to review the zoning ordinance. Mrs. Schoch noted that the Planning Commission would like to schedule a special work session with the Board of Supervisors to review the proposed changes. The date of July 21st at 7:00 was chosen.

*The airport is seeking three variances. One from lighting, one from plants and one from stormwater due to the Spring Creek Canyon Overlay.

*Signs: It was noted that sign section of the ordinance will be looked at and compared to other ordinances as they are a constant topic of discussion.

*SALDO – Mrs. Schoch noted that she has a copy of the Spring Township SALDO and is comparing it to the County's ordinance to see where the differences and similarities are.

*Pool support. It was noted that a family from Meadow Flower Circle called and voiced their support of the proposed pool project

COMMITTEE REPORTS

MPO: Mr. Wise reported that the committee is working on ranking the proposed highway projects. Discussion has also been had on changing the bylaws which will have an effect on the funding formula.

Rec Authority: Mr. Wise reported that the Rec. Authority has attended a meeting of each of the 4 municipalities on the status of the pool and what it is going to take to keep the project moving. It was noted that the committee is taking a look at what an entirely new pool would look like and how much it would cost. It was stated that this is the only way that the project would be able to qualify for a state grant. Otherwise if the current pool is just modified, it won't be eligible for any grant funding. The committee is looking for a \$10 per resident commitment in funding. Benner Township's portion would amount to approximately \$38,000 per year. It was noted that the Recreation Authority will be looking for a firm commitment in the next couple months.

OLD BUSINESS

Amberleigh Development: It was noted that no further correspondence has been received from Michael Glass. Mrs. Royer noted that she did contact the Attorney's office for the Bank

that Mr. Glass used and they stated that the communication that they had with him was that he intended to take care of the street dedication very quickly. Mr. Wise noted that he would draft a letter to Mr. Glass requesting a status update.

Opequon Hill Street Dedication: No new information has been provided.

NEW BUSINESS

Principal Financial Non-Uniform Pension Plan: Mrs. Royer noted that there are several items that need to be acted on with the Township's Non-Uniform Pension Plan.

1. Approval of a Contract Amendment to add additional investment funding sources. This will allow Principal a broader group of investments to choose from to invest pension funds in.
2. An amendment to the pension plan in order to comply with the Pension Protection Act.
3. A reinstatement of the Pension Plan. This updates the pension plan with all timely amendments/ changes amended into the Plan to keep it current. (i.e. the Pension Protection Act, Heart Act, etc.) It was explained that this normally happens about every 5 years.

Mr. Moyer moved to approve the above three action items dealing the Township's Non-Uniform Pension Plan. Mr. Capriani seconded the motion.

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

Administration/Actuarial Services for Pension Plan: The Board is in receipt from two proposals from firms to fulfill the Township's administration and actuarial services for the Non-Uniform Pension Plan. It was noted that by having someone else do these items other than Principal could realize a cost savings of around \$6,000 per year. Proposals were received from R.J. Hall Co. who was referred to the Township by Principal Financial Services and Trident Retirement Services. Under this proposal Principal Financial would remain the investor and hold of the township's pension plan; one of these firms would merely do the paperwork/reporting of the plan. Copies of the proposals were given to the Board for their review. This item was tabled until the next meeting.

Geisinger Health Plan: The new contract for health care was received for the 2014/2015 contract year. Mr. Capriani moved to stay with Geisinger Health Care and sign the new contract. Mr. Moyer seconded the motion.

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

Water Authority Vacancy: The Board is in receipt of a letter from Jerrold May expressing interest in serving on the Benner Township Water Authority. The open term would be the remaining term of Mark Capriani. It was noted that Mr. May is a water customer in the Peru area of the Township. Mr. Capriani moved to approve the appointment of Mr. May to the Benner Township Water Authority for the remainder of the current vacancy. 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. SBWJA Minutes –
 - a. May 27, 2014
 - b. June 9, 2014
2. Benner Township Water Authority Minutes – April 15, 2014
3. PSATS News Bulletin
4. Minor Land Development Plan for Wade Robbins
5. Non-Substantive Changes - Graystone Court Proposed Changes

NOTES

Mr. Capriani noted that he has received a phone call regarding a dead tree at the corner of Fishburn Hill Road and Spring Creek Road. It was noted that it is a very large tree and the caller was questioning whose responsibility it would be to remove it. Mrs. Royer noted that she would ask Mr. O’Leary about it.

ADJOURNMENT

The meeting was adjourned the time being 9:00 p.m.

Sharon Royer, Sec.