

**Jeff Byers Conditional Use Hearing
July 7, 2016**

The Conditional Use Hearing for Jeff Byers was called to order at 7:00 p.m. by the Chairman, David Wise with member Randy Moyer present. Supervisor, Mark Capriani was absent. Also in attendance were Dennis O’Leary, Don Franson, Chris Anderson, Jeff Byers, Ty Smalsty, Ean Jonoscrat, Emily Janoscrat, Greg Jeffries, Jayson Lose, Tom Moyer, Melinda Conrad, Tammy Ammerman, Shirley Gryczuk, Andrew Swales, Thomas Eby, Jack Rimer, Fred Haberberger, Helen Alters, Dave Breon, Renee Swancer, Doug Deibler, Elene Bleumenthal, John Kotes, Shannon Burtoft, Jeff Lucas, Lisa Roberts, John Elnitski, Edward Galus, Tim Deibler and Sharon Royer.

Mr. Byers noted that he would like to use the “excess” property at his business, “Handy Delivery” located at 2197 High Tech Road, State College, PA with the tax parcel of 12-4-35C to create a fenced in parking lot (10,000 sq. feet) for parking larger vehicles (RVs) in, as well as two storage unit structures (2,750 sq. ft. each) that will be divided for personal rental units and a warehouse (4,000 to 5,000 sq. ft.) for their existing moving business. Mr. Byers noted that these projects will be phased in with the fenced in parking area being the first priority. It was noted that with the new added impervious areas the impervious coverage of the lot will be at approximately 56% which is below the requirement maximum of 60%.

Mr. Anderson noted that the Planning Commission reviewed this request at their meeting that was held on June 23, 2016 and recommended approval of the proposal.

Mr. Moyer moved to approve the conditional use request. Mr. Wise seconded the motion.

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

The hearing was adjourned the time being 7:15 p.m.

Sharon Royer, Secretary/Treasurer

**Benner Township Supervisors
July 7, 2016**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:16 p.m. by the Chairman, David Wise with member Randy Moyer present. Supervisor, Mark Capriani was absent. Also in attendance were Dennis O’Leary, Don Franson, Chris Anderson, Jeff Byers, Ty Smalsty, Ean Jonoscrat, Emily Janoscrat, Greg Jeffries, Jayson Lose, Tom Moyer, Melinda Conrad, Tammy Ammerman, Shirley Gryczuk, Andrew Swales, Thomas Eby, Jack Rimer, Fred Haberberger, Helen Alters, Dave Breon, Renee Swancer, Doug Deibler, Elene Bleumenthal, John Kotes,

Shannon Burtoft, Jeff Lucas, Lisa Roberts, John Elnitski, Edward Galus, Tim Deibler and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Tim Deibler: Mr. Deibler was present concerning the township buildings that will be removed during the process of constructing the new municipal building. He noted that he would be interested in the 36 X 30 storage pole building and would remove the building for the materials instead of paying a contractor to take the building down. He noted that the removal would be done in a timely manner agreed upon by both parties. He noted that he would also be interested in the large work shop and office building removing the metal, wood, insulation, doors and windows leaving behind the blocks and concrete. The Board noted that they would be interested in arrangement for the smaller building but that the logistics of the larger building could be more complicated. The Board noted that they will contact Mr. Deibler once better timeframes are established.

Renee Swancer: Mrs. Swancer noted that passed Supervisors, as well as present and past Water Authority members and Planning Commission members and residents are all here to support Tom Eby on requesting that a public forum be held on the importance of protecting water sources.

Tom Eby: Mr. Eby noted that after much discussion the group feels that a Public Forum would be a great way to educate the public with water testing, etc. He noted that the Water Authority's responsibility lies with their water systems and their customers and therefore feels that the Supervisors should also be involved with those using private supplies and educating the public on possible sources of contamination.

Mr. Eby stated that the Water Authority's Source Water Protection Plan should be completed within a few weeks. It was suggested that a presentation of the Source Water Protection Plan could be given at the public forum.

Mr. Wise noted that he and his wife had their water tested today at the cost of \$130. Mr. Jefferies questioned what his water was being tested for. Mr. Wise noted that they were asked to identify what type of area that they live in – his was determined agriculture so those types of things were tested for.

Mr. Jefferies noted that to test for bio-solid contaminates is much more expensive.

Melinda Conrad noted that she would like to see the Supervisors take the lead in public notification by placing stuff on its website, in the newsletter and public notices and make the public aware that there is farms in the area that are spreading bio solids and make them aware of that and what they should be testing their water for as a base line to protect themselves.

Mrs. Royer indicated that previously the Water Authority said that they would provide a list of possible contaminants to test for to include on the Township's website but has now been told that they will no longer do so. It was noted that with the way society is now with filing law suits, the Water Authority is reluctant to provide a list of what to test for. The Supervisors agreed. It was suggested that places for the public to educate themselves on testing and decide on what is best for themselves is what should take place.

Mr. Elnitski questioned if it has been determined how much testing costs for each load of bio-solids? He suggested that the Supervisors demand that each load be tested and by an independent testing facility and not the Borough. Mr. Elnitski noted that he feels that the Supervisors should pass an ordinance to slow this process down.

Mrs. Swancer noted that a group of residents have discussed and are willing to set up a committee to spearhead the organization a public forum on the Source Water Protection areas. The Board noted that they don't have a problem at all with having a public meeting.

Mr. Jefferies read an email written by Nate Campbell, Chairman of the Planning Commission, regarding the importance of a public information meeting dealing with water testing, bio-solids and source water protection.

More discussion will take place on setting up a public forum meeting at the next supervisors' meeting.

Jayson Lose: Mr. Lose, the Township's Emergency Management Coordinator was present to ask the Board if they would purchase a Tablet to aid him in his position. He noted that the County has agreed to give him access to their GIS program that would assist with various emergency calls. He referenced two missing persons cases and the recent airplane incident. Mr. Wise moved to purchase Mr. Lose a tablet at the cost of \$100. Mr. Moyer seconded the motion.

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

MINUTES

The minutes of June 6, 2016, 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 – absent Mr. Moyer – yes Mr. Wise – yes

BILLS

The bills of July 7, 2016, 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 – absent Mr. Moyer – yes Mr. Wise – yes

ENGINEER'S REPORT

Mr. Franson noted the following:

*Phase One of the Spring Creek Canyon trail is waiting for final approval from DEP on the NPDES Chapter 105 permit. A few additional pieces of information was requested and was submitted back to them. The E & S plan has been approved by the Conservation District. Mr. Franson noted that he would like permission to go ahead and bid the project once all of the approvals are received instead of waiting until another township meeting. The Board noted that they didn't have a problem with bidding the project once the approvals are received.

ROAD SUPERINTENDENT'S REPORT

Mr. O'Leary noted the following:

*The road crew has been working on prepping roads that have planned road projects scheduled.

*The tentative schedule for the micro-surfacing is the second week in August.

ZONING OFFICER'S REPORT

Mr. Anderson reported on the following:

*4 permits were issued in the month of June, one of them being for a new home.

*He attended a class on Changing Law of Zoning

*The Zoning Hearing Board granted the approval of the variance request for the new Rockview State Police Barracks.

*Sullivan Storage Units has submitted plans for the next phase of their development.

*It was noted that the State Police is also planning to construct a hangar at the University Park Airport and meetings have been held on this.

COMMITTEE REPORTS

Mr. Wise noted that he has attended work sessions with the following:

*Bellefonte Borough

*PSU regarding Emergency Management Services at the Airport

*Spring Benner Walker Joint Authority

OLD BUSINESS

New Municipal Building: Mr. Moyer noted that he and staff held an interim/progress review with the firm that is preparing the HVAC/plumbing and electrical aspects of the new building. It was noted that it has been determined that a new transformer will need to be installed. Based on the delays with the construction details it was also decided that it would be best to bid the project this fall with a spring construction.

Verizon: Mrs. Royer noted that we did finally hear back from Senator Corman's Office. The Department of General Services noted that we would need to make a formal

request before they could give us a determination. At the meeting with the Airport earlier in the week the location and highest elevation was given to Bryan Rodgers to see if he thought that it would be a problem with the airport approach zones before the next step is taken with the General Services Office.

Draft Bio-Solid Ordinance: Mr. Wise noted that this item was tabled at the last meeting for various reasons. Mr. Wise noted that he thought that the Burnside Township Ordinance was currently being reviewed by the Attorney General's (AG) office and found out after the meeting that it was not. The AG's Office dismissed the review of this ordinance because the complaint was not received concerning spreading bio-solids on a farm lands it was dealing with spreading materials on reclaimed coal stripping grounds.

Mr. Wise noted that with Attorney Rayman's family concerns during the past month, the draft ordinance wasn't forwarded to him for his review.

Discussion was held about various conversations that were held between residents and Representative Hanna's office and Senator Corman's office. Residents expressed that they feel that the Supervisors should go ahead and adopt the ordinance as a means of a "stop gap" and as a way to force Bellefonte to come to the table. Mr. Wise noted that he has spoken with four different attorneys on this proposed ordinance and all of them feel that there are sections of this proposed ordinance that are unconstitutional. Mr. Moyer noted that the Supervisors are doing things. They are attending meetings and having discussions, getting information.

Mr. Anderson noted that he plans to contact Rob Wilig from the Attorney General's Office to see if they would be willing to do a cursory review of the draft ordinance that the Planning Commission has forwarded to the Supervisors.

Shirley Gryczuk noted that she also attended the Bellefonte Borough meeting last evening and questioned the Board on how they will now approach Bellefonte since they have determined that for about an additional \$1 per month/per customer that an alternative method of getting rid of bio-solids can happen. Mr. Wise noted that the approach will be the same as we handle all joint issues with Bellefonte. It will need to be determined if this is something that all stake holders wish to do (the three townships and Bellefonte Borough). If it is, then it will need to be determined how it will be paid for. The draft document that Bellefonte noted at the meeting will need to be reviewed to ensure that that cost estimate is correct. Mr. Wise noted that it appears to be a bargain at a dollar per month, but will need to be looked at.

Astare/Side Walk: It was noted that this item is on the agenda to have closure. It was noted that the Supervisor's received a letter at their last meeting from the Astares regarding the electrical box that is placed in the center of the sidewalk in front of their home and their request of having it moved. It was noted at that time that the

Developer, Garren Smith, was looking into it. We have now received a copy of a letter from Mr. Smith stating that he has reviewed the request and has found that nothing additional needs to be done.

NEW BUSINESS

Freebird Partners (Hartman Group) Land Development Plan: It was noted that the land development of the Freebird Partners has been complete. The final walk through was done by Mr. Franson and everything has been found to be complete, therefore the plans can be signed and recorded. Mr. Wise moved to approve the Freebird Partners Land Development Plan. Mr. Moyer seconded the motion.

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

Penntech Drive Name Change: It was noted that on the original plans of Benner Commerce Park that Penntech Drive was to complete a loop. The plans have been altered and the roadway will no longer loop, therefore it has been determined that a section of roadway be renamed so as not to cause confusion in locating businesses located along that section of roadway. The new name of the road will be Industrial Drive. Mr. Moyer moved to approve Resolution 16-07 which establishes the name change of a section of Penntech Drive to Industrial Drive. Mr. Wise seconded the motion.

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

2016/2017 CATA Agreement: The 2016/2017 fiscal CATA agreement was presented to the Board for their review and approval. It was noted that the Township’s fiscal contribution has been established at \$4,423.00 to match state funds and \$1,201.00 for capital funding. Mr. Wise moved to approve Resolution 16-7 which spells out the Township’s fiscal contribution to CATA for 2016/2017. Mr. Moyer seconded the motion.

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

MBC Development LP Memorandum of Understanding: The Board was in receipt of a memorandum of understanding from the MBC Development LP for a land development plan that they are submitting for a hangar project for the PA State Police at the University Park Airport. Mr. Wise moved to approve MOU. Mr. Moyer seconded the motion.

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

John & Florence Strouse Public Sewer Connection: It was noted that back in 2000 when the public sewerline was extended up Seibert Road, the Strouses located at 528 Seibert Road paid for two taps. One for their existing home and one for a possible lot that they contemplated creating. On July 2, 2001, Warren Miller attended a Board of Supervisors with a list of properties that have yet to connect to the sewerline and were asking for exceptions on connecting. Since the connection ordinance was an Ordinance of the Township, and not of the Sewer Authority, the Board of Supervisors were asked to make a determination on the connections. The Strouse property was on the list for a

determination. At the subsequent meeting held on July 16, 2001, the Board of Supervisors voted that the Strouses' could waive connection until a septic system failure occurs or until the property is sold. When the properties are sold, both connections must be made. The Strouses currently have their home on the market and have been contacted about the need to connect. They are stating that they were unaware of the decision made in 2001, and don't have the funds to connect and don't wish to connect. Ordinance 67 states that any property that is located adjoining and adjacent to the sewerline must connect. Mr. Wise moved that sewer connection to 528 Seibert Road will need to be completed no later than six months from the date of the closing of the property and that if a new lot is created that it will need to connect to the additional tap that was purchased in 2000. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – absent

Mr. Moyer – yes

Mr. Wise – yes

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. DEP letter RE: Minor Act 537 Plan Approval – Pump Station 7 Upgrade
2. Centre County Planning Comments Re: Rockview Barracks Land Development
3. FEMA approval letter of Hazard Mitigation Plan
4. SBWJA Minutes – May 23, 2016 and June 13, 2016
5. Benner Township Water Authority Minutes May 17, 2016
6. Copy of letter sent to SBWJA RE: Shiloh Road Sewer Service
7. Conservation District Earth Disturbance Report Rick Shawley
8. Copies of Notice to connect to Benner Pike Sewer Line extension
9. Letter from Howard Long RE: Notice that YMCA is applying for a Multimodal Transportation Fund Grant Application
10. Benner Letter Re: Ray Walker/Centre County Solid Waste Authority

ADJOURNMENT

The meeting was adjourned the time being 8:32 p.m.

Sharon Royer, Sec.