

## Benner Township Supervisors

June 6, 2022

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:00 p.m. by the Chairman, Randy Moyer with members Larry Lingle and Thomas Moyer present. Also in attendance were Brian Buehler, Pete Pateerzo, Allen Strouse, Treva Deibler, John Elnitski, Ed Galus, Ron Ferris, Gene Stocker, Kandy Wealler, Deb Smeal, Thomas Eby, John Kostas, Warren Miller, Rod Beard and Sharon Royer.

### PERSONS TO ADDRESS THE BOARD

Ron Ferris: Mr. Ferris thanked the Board for taking the time to listen to him. Mr. Ferris noted that he is asking the Board if they would authorize the Township's attorney and himself to sit down with Spring Benner Walker and UAJA to work out an agreement to allow the Rogers and Clair properties along Shiloh Road to be serviced by UAJA. He noted that if an agreement can be reached then he would like the Board to amend it's Act 537 Plan and pull Shiloh Road out and have it be given to UAJA. He noted that when SBWJA prepared the Act 537 Plan they were assuming 47,000 gallons per day. He noted that his proposed use would only use 1,400 gallons per day. He noted that the 47,000 gallons was used to calculate how SBWJA would pay for extending the service lines. With the actual proposed use of the property and the water usage dropping by 75 to 80% he does not see how it is fiscally feasible. Also another factor is the cost of installing the line at today's prices which are substantially higher than the estimates that were included in the plan. Mr. Ferris noted that he feels that it could possibly be years until the court cases are settled with the sewer extension to Walnut Grove. If given to UAJA, development could begin and the Township could start to realize tax dollars.

Mr. Lingle questioned Mr. Ferris if timing is of the essence and his usage is so low then why doesn't he investigate an on lot system until the sewer is figured out. Mr. Ferris noted that the dealership would only utilize approximately 25% of the 43 acre lot. He noted that this is an expensive property and the unused land would need to be sold off. Mr. Ferris noted that he has a big box interested in a 20 acre parcel of this property and they are only anticipating using 1,000 gallons per day.

Mr. R. Moyer noted that this is much more complicated than it appears. Even doing this would only allow sewer service to these two lots and not the rest of the area. It was noted that the 537 Plan would more likely need to be amended.

Mr. Ferris asked if it really makes sense to the Sewer Authority to run these lines when the usage is going to drop by 75% plus the fact that the material and labor costs have gone up so much. He continued that he feels what he is proposing seems much more environmentally friendly. Only running the sewer line 800 feet instead of what is currently being proposed.

Mr. Warren Miller noted that they are not building this system for the developers, they are building the system to take care of existing on lot problems. SBWJA is going to build the system for the future, so whatever happens, happens at the end of the line the system will be built so that no upgrades will be needed for the foreseeable future.

Mr. Ferris noted that he still feels that Shiloh Road should be covered by UAJA. Mr. Ferris asked Mr. Miller how long are they going to take to do this? It has been approved since 2006 to sewer this area and it still hasn't been done.

Mr. Ferris noted that it is going to take years to figure out who is going to be paying for the PFAS contamination. By taking these two lots out, they won't have to wait until this gets figured out.

Mr. Ferris noted that he would like to sit down with the Township Solicitor and both Authorities and see if he can get something worked out. Mr. Ferris noted that he would like to be involved since if a special rate district is established that he will be the one paying for it.

Mr. Lingle noted that no one really knows what will be built on the remainder of the property, it could be a high water user. Mr. Ferris noted that that it isn't his intention to sell to a high water user.

Mr. Ferris noted that he feels strongly that the Walnut Grove area will get public water and sewer with someone other entity paying for it due to the environmental contamination.

Gene Stocker: Mr. Stocker noted that the Sewer Authority or the Township won't be paying for what would be happening in Walnut Grove. Mr. R. Moyer noted that if Mr. Gene Stocker would drop the law suit that the sewerline extension could be proceeding.

Mr. Ferris noted that he still feels that an agreement could be worked out between the Authorities.

Mr. Stocker noted that the Township is losing out on tax dollars.

Mr. Stocker noted that the PFAS investigation is taking too long. He noted that some have been waiting for over six weeks for results. The Johnson family has yet to be tested and that both of them are very ill.

John Kostas: Mr. Kostas questioned if the E & S control plan for the airport renovations has changed. He noted that the excavated material seems to be in piles where previously it was planned to be trucked off site. Mr. R. Moyer noted that he doesn't know what may be going on. This would be up to the Conservation District.

Mr. Stocker asked how Mr. Franson is compensated? He noted that he feels that he should be going up and taking a look around to see what is going on. Mr. R. Moyer noted that we don't know that he isn't.

Mr. R. Moyer noted that in the latest update from DEP noted that they will be testing the soil in the ponds.

## **MINUTES**

The minutes of May 2, 2022, were presented to the Board for their review and comments. Mr. Randy Moyer moved to approve the minutes as presented. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

## **BILLS**

The general fund bill list in the amount of \$166,477.72 and the Accounts Receivable General Fund list of receivables in the amount of \$256,958.42 was presented to the Board for their review and approval.

Mr. R. Moyer moved to approve the bills as presented. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

## **OLD BUSINESS**

None.

**NEW BUSINESS**

Paving bids – Barns Lane: The sealed paving bids for Barns Lane were opened. The bid results were as follows: HRI, Inc. \$91,912.50 and Glenn O. Hawbaker, Inc. \$94,650.00. Mr. R. Moyer moved to award the bid to the lowest bidder, HRI, Inc. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

Septic system Repair Waiver: It was noted that Laron Horner, Township Sewage Enforcement Officer, dropped off a waiver form and asked that the Supervisors to sign off of it. The waiver notes that the replacement sewage system that was designed for 1708 Purdue Mt. Road will not meet the 100 foot well isolation distance. Attorney Beard noted that he doesn't recommend that the Board sign this document.

CATA 2022/2023 Funding Resolution: The Board is in receipt of the 2022/2023 CATA Fiscal Year funding agreement. This year's agreement is seeking Benner Township's fair share contribution of \$6,188.00 to match state funds provided and \$839.00 to go towards capital funding. Discussion was held on how many residents actually use this service. It was noted that by participating that residents can utilize the CATA Go van service which is seen frequently in the Township. Mr. R. Moyer moved to approve Resolution 2022-1. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

Zoning Ordinance Amendments: Mr. Beard presented the Board with a list of proposed zoning ordinance changes that have been accumulated over the last year. These items included inconsistencies found, typo, etc. The Board asked that these changes be placed in ordinance form and continued with the necessary review process for adoption. Mr. R. Moyer moved to continue these proposed changes through adoption process. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

**AGENDA ADDITIONS**

Mr. R. Moyer moved to amend the Township's agenda to include the following items that were not previously list on the agenda:

- 1. Nittany Valley Half Marathon road usage
- 2. Hidden Driveway sign request

Mr. Lingle seconded the motion to amend the agenda.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

Nittany Valley Half Marathon: The Board is in receipt of a request from Centre Volunteers in Medicine to hold the Nittany Valley Half Marathon on Sunday, December 4, 2022 on Fox Hill Road and Rock Road. Organizers noted that they will send postcards to residents along the road course as they have done in the past. A copy of the group's certification of liability insurance was also attached. Mr. R. Moyer moved to approve the roadway usage with the same conditions as in the past. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

Spring Creek Road Hidden Driveway signs: It was noted that the Township has received a request from a resident along Spring Creek Road for the installation of Hidden Driveway signs. It was noted that even though Spring Creek Road is a State Road, they will not install warning signs. Mr. R. Moyer noted that he was ok with this as along a Penn Dot feels that the signs are warranted and that the resident reimburses

the Township for the cost of the materials and installation. Mr. T. Moyer seconded the motion.  
Vote: Mr. T. Moyer – yes                      Mr. Lingle – yes                      Mr. R. Moyer – yes

**CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes April 25, 2022 & May 9, 2022
2. Benner Township Water Authority Minutes of April 19, 2022
3. Centre County Planning Commission Letters
  - a. Time Extensions
    - i. Belle Rose Townhomes
    - ii. Village of Nittany Glen, Phase VII
  - b. Comments on Spring Township rezoning
  - c. Non-substantive Changes Centre County Airport Authority Maintenance Bldg.
4. Engineering Review Comments
  - a. SCI K-9 unit building
5. DEP PFAS update
6. PSATS New Bulletin
7. Centre County Conservation District
  - a. NOT NPDES Permit Bellefonte Airport – Widen Runway 7-25/add taxiway
  - b. NOT NPDES Permit Columbia Gas
8. Bellefonte Medical Services 1<sup>st</sup> qt. Update

**NOTES**

Mr. R. Moyer noted that the Board will hold an executive session at the conclusion of the meeting on legal matters and that the meeting will not reconvene.

**ADJOURNMENT**

The meeting was adjourned the time being 7:55 p.m.

  
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Sharon Royer, Secretary