Benner Township Supervisors March 4, 2024

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 Kathy Evey present. Also in attendance were Susan Rockey, Cindy Kunes, John Elnitski, Therese Hollen, Thomas Eby, Allen Strouse, Treva Strouse, James Lanning, Everett Spicer, Ronald Spicer, John Kostes, Rodney Beard, Brian Dunn, and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

<u>Cindy Kunes/Sue Rockey - NVJRA</u>: Mrs. Kunes noted that she was present to give the Board an update on the status of the Kepler Pool project. It was noted that the committee is still awaiting word on the LSA grant that was applied for late last year, adding that it will be later this year until they hear anything on that application. Mrs. Kunes noted that this project has been quite the challenge. The Authority currently has 1.2 million secured in grant funds as well as local community funding in the amount of \$34,000. She noted that they applied for one million from the LSA funds, with the realization that they probably won't get all that they asked for but are hopeful that they will get a couple hundred thousand dollars from that application. It was noted that the estimated cost of Phase I of the project is projected to cost 2.9 million dollars. This includes the cost of the main pool, all of the operating systems, decking, concrete, electrical and a splash pad feature. Phase II will come later on and will include updating the restrooms and additional water features. The final design is complete. Mrs. Kunes noted that the group is applying for an additional DCNR grant in this current round of funding which is due April 1st as well as a Greenways Trails and Recreation grant and a Planning and Neighborhood Assistance Application Grant. Mrs. Kunes noted that the Authority is asking that the Township authorize the previous \$50,000 donation that was given to the Authority be used as a match for the DCNR application that will be submitted next month. The Authority is also asking that the Township work to try to find an additional representative from the Township for the Recreation Authority. Mr. Moyer moved to allow the previous \$50,000 donation to the Nittany Valley Recreation Authority from the township to be used as matching funds for the DCNR grant that is being applied for and to write a letter of support for the grant. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

<u>Jim Lanning/Tom Eby:</u> Mr. Lanning noted that he is here for the water and that everything affects the water. Mr. Eby noted that they are available for questions when the water topic comes up later in the meeting.

<u>Tom Eby</u>: Mr. Eby questioned if there are regulations concerning the placement of power poles in the right of way adding that some of the new poles along Rock Road seem extremely close to the edge of the roadway. Mr. Moyer noted that the power company is regulated by the PUC. Mr. O'Leary noted that he spoke West Penn Power to see if the poles could be moved back and they indicated that they couldn't be. That they needed to remain in a straight line.

MINUTES

The minutes of February 5, 2024, were presented to the board for their review and comments. Mrs. Evey commented that a reason for Mr. Moyer abstaining from voting on the Barns Lane Sewage Planning Module was not given and needs to be listed in the minutes. Mrs. Royer read the section of the minutes where the Barns Lane Sewage Planning Modules was discussed and it was stated in the minutes, "Mr. Moyer indicated that he is involved with the subdivision, therefore, he will be

abstaining from voting." Mrs. Evey apologized, stating that she missed that when reviewing the minutes. Mr. R. Moyer moved to approve the minutes as presented. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

BILLS

The General Fund bill list in the amount of \$91,486.46 was presented to the Board for their review and approval. Mr. Moyer moved to approve the general fund bills as presented. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

The General Fund accounts receivables in the amount of \$155,441.15, were presented. Mr. Moyer moved to approve the general fund accounts receivables list. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

The State Fund bill list in the amount of \$12,765.19 was presented to the Board for their review and approval. Mr. Moyer moved to approve the state fund bill list. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

The State Fund accounts receivables in the amount of \$274,655.90 was presented. Mr. Moyer moved to approve the state fund accounts receivables list. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

OLD BUSINESS

Fire Company Billing Ordinance 143: The proposed Ordinance 143 which would allow the Fire Companies that service Benner Township to be able to bill insurance companies for incidents that they respond to has been advertised for public comment. No comments have been received. Mr. R. Moyer moved to adopt Ordinance 143 as proposed. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

<u>Vacancy Board</u>: The Board decided to table the appointment to Board and place an article in the Township's newsletter to see any additional applicants would apply.

<u>Diamond Towers Conditional Use Decision:</u> Mr. Beard went over the Conditional Use Decision that was prepared for Diamond Towers application for the Spicer property. John Elnitski questioned if there was a transcript made of the hearing. It was indicated that the hearing was not transcribed. Mr. Moyer moved to approve the conditional use decision as prepared by Attorney Beard. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

Mr. Beard noted that the decision will now be forwarded to Diamond Towers for them to acknowledge the decision that was rendered.

NEW BUSINESS

<u>Truck Upfitting – Revised quote:</u> Mr. O'Leary was present to review the two state co-stars upfitting quotes that were received for the new plow truck chassis that has been ordered. Mr. O'Leary noted that it is his recommendation to award the upfitting to A & H Equipment at the cost of \$89,311.00. It was noted that this quote is \$2,234.31 more than the other quote received, however he feels that

the components are better made. Mr. Lingle moved to award the upfitting quote to A & H Equipment. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

<u>Tractor Quotes:</u> Mr. O'Leary presented tractor quotes to the Board. Both tractors will be purchased using the Costars Contract. The first tractor is a New Holland Powerstar 75 Tractor with a loader. The Township's 6110 Mahindra Tractor will be traded in on the purchase leaving a balance of \$47,324.00. The purchase will be made with Messick's from Halifax, PA. Mr. Moyer moved to purchase the PowerStar 75 tractor from Messick's as outlined in the quote dated 2/9/2024. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

The second tractor is also being purchased through Messick's on state contract - a Kubota, M6060HFC tractor with a KSB6 Sickle Bar mower at the total cost of \$68,704.30. Mr. Moyer moved to authorize this purchase. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

<u>2024 Proposed Paving Projects:</u> Mr. O'Leary provided the Board with a copy of the proposed road work to be bid out during the 2024 paving season. Sections of Barn's Lane, High Tech Road, Fox Hill Road, Leib Street, Green Street and Rishel Hill Road are proposed to have work done to them. It was noted that PennDot's estimate of the work is \$424,000.00. Mr. Moyer moved to have this work advertised for bids. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

Grove Park Water System: Mr. Eby noted that the system to treat the Grove Park water system for Nitrates is estimated to be approximately \$135,000. It was noted that this will not treat all of the water but will treat part of it to get the nitrate levels down. Mr. Eby stated that this system addition will not allow for any future expansion of the Grove Park Water System. Mr. Lingle noted that he would be willing to give the Water Authority some of the Township's American Rescue Funds to fund part of the treatment system. Mr. Moyer moved to cover the cost of the nitrate removal system at 50% of the cost, not to exceed \$60,000. Mrs. Evey seconded the motion.

Vote: Mrs. Evey – yes

Mr. Lingle – yes

Mr. Moyer - yes

PA Rural Water Association: Mrs. Evey noted that she attended the last Water Authority meeting. One Board member hasn't been attending on a regular basis and two of the members are voting against the other two members so nothing is getting accomplished. It was noted further that Mr. Eby and Mr. Lanning would like the Water Authority to join the PA Rural Water Association with hopes that they could receive assistance with writing grants for the Township's water system. Mrs. Evey moved to pay the membership fee of \$485 for one year for the Benner Township Water Authority to the PA Rural Water Association to see if it proves to be worthwhile to them. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

Logan Greene Traffic Improvements/Grant Application: Mrs. Royer noted that Berks Homes approached the Township to see if we would be willing to apply with them on a municipal/developer grant application that is available to pay for traffic improvements. Patton Township has worked with developers on a few of these traffic improvement projects. A meeting was held with the Township's Traffic Engineer, Rob Watts and Patton Township's Manager to discuss their experiences with this. Ms. Farkas suggested that if the Township decided to move forward with an application that she would recommend that a third party be hired to apply and manage the grant application as well as

having the developer be responsible for all necessary matching funds. Mr. Moyer moved to express a willingness to apply with Berks for grant funding for traffic improvements as long as a cooperative agreement is written spelling out the responsibilities of each party and that it is done with no cost to the Township. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

<u>Bellefonte Warehouse MOU:</u> The County's standard Memorandum of Understanding was presented to the Board for the revised Bellefonte Warehouse land development plan. Mr. Moyer moved to approve the MOU. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

Zoning Ordinance Amendments: Mr. Beard reviewed the zoning ordinance changes that have been found by Mr. Lesniak since that last zoning ordinance amendment as well as himself when using the ordinance. The changes include:

- 1) An adjustment to the Master Use Schedule to removed a separate line reference for kennel and it is duplicative with the line reference for Animal Hospital and Kennels.
- 2) Amend Section 14.16 to provide that "Animal Hospitals and Kennels shall also be allowed as a conditional use in the RR zone to match the Table A Master Use schedule for Animal Hospital and Kennels.
- 3) Requirement for flag lots, delete the last sentence of Section 15.6 C (1) reading: "The access drive associated with the staff shall be no closer than 200 feet from a neighboring driveway on an existing roadway or 100 feet on an interior street of a development. Mr. Beard noted that he believes that this was left over from the "Roth" Plan and that it no longer makes any sense with the provisions in the current ordinance.
- 4) Re-lettering the provisions of Section 14.37 pertaining to Communication, Transmitting and Receiving Facilities for consistency so that the provisions starting with "Setbacks", are lettered with capital letters rather than numbers and the subsections thereunder are numbers rather than small letters.

Mr. Lingle moved to circulate the changes for comments and advertising. Mrs. Evey seconded the motion. Mr. Moyer indicated that he was abstaining from voting since the amendment on the flag lot wording would be relevant to his recent subdivision plan that has been submitted.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer – abstain

<u>Village of Nittany Glen, Phase III A MOU:</u> The County's standard Memorandum of Understanding was presented to the Board for Phase III A of the Village of Nittany Glen. Mr. Moyer moved to approve the Memorandum of Understanding. Mr. Lingle 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 January 22, 2024 & February 12, 2024
- 2. BTWA Minutes of January 16, 2024
- 3. Centre County Planning Commission Letters
 - 1. Time Extensions
 - a. BelleRose Townhomes
 - b. The Cascade Lot 11R
 - c. WaWa Land Development Plan
 - d. McDonald's

- 2. Comment letter
 - a. Non-Substantive Change for McDonalds L.D. Plan
 - b. Tru by Hilton Hotel & Retail Building Comment letter
 - c. Barns Lane Subdivision
- 3. Sullivan Mini Storage Phase VIII Buildings 9-11
- 4. Etters Commencement with construction
- 5. Withdrawl of Bellefonte Warehouse Land Development
- 4. Engineering Reviews
 - 1. McCormick/Taylor TIS Review of Arby's
 - 2. McCormick/Taylor WaWa TIS Review
 - 3. Franson Engineering review Sheetz Rebuild
- 5. DEP Letters
 - a. Cascade NPDES needed corrections/time extension
 - b. Barns Lane Subdivision Planning Module Approval
 - c. Letter from Walnut Grove Alliance to DEP and DEP's Response
- PA Department of Corrections notice of application to renew Title V Permit 14-00005
- 7. Copy of letter to SCBWA from Sierra Club Moshannon Group re: public water to Walnut Grove Development
- 8. Copy of support letter from Bellefonte Borough to MPO RE: Benner Pike Corridor Improvements
- 9. Zoning Review Letters
 - a. Sheetz Store Demo and Rebuild
 - b. McDonald's
 - c. Sullivan's Mini Storage Phase VI
 - d. Barns Lane Subdivision
- 10. Notice that Pat Burns Salvage & Excavating renewal of NPDES Stormwater permit
- 11. 2022 Liquid Fuel Audit

John Kostes questioned if a reason was given as to why the Bellefonte Warehouse Land Development Plan was withdrawn. It was noted that they decided to change the configuration of their facility and that a new plan is to be submitted in coming months.

EXECUTIVE SESSION

The board noted that they will be going into an executive session at the conclusion of tonight's meeting on personnel matters and that the meeting will not be reconvened after.

ADJOURNMENT

The meeting was adjourned the time being 7:53 p.m.

Sharon Royer, Secretary