

**Benner Township Supervisors  
May 10, 2021**

The rescheduled May monthly meeting was called to order by the Chairman, Randy Moyer with members Larry Lingle and Tom Moyer present. Also in attendance were Jim Lanning, John Kostas, Gene Stocker, Tom Eby, John Elnitski, Ed Galus, Ariana Winder, Brandon Tarr, Brian Book, John Sepp, Rita Moyer, William Aiello, Tom Richey, and Sharon Royer.

**PERSONS TO ADDRESS THE BOARD**

John Sepp/Penn Terra Engineering/Benner Pike Shopping Center: Mr. Sepp was present to go over the Preliminary Plan for the new "Shops at Paradise". Mr. Sepp noted that the plan has received Conditional Approval of the Centre County Planning Commission. The remaining items for NPDES approval were submitted with anticipated approval in the next few days. The Township Planning Commission has approved. It was noted that the Traffic Impact Study scoping was approved and is now going through the channels with PennDot and the Township's traffic engineer. The development that will take place on the 14.474 acre parcel includes a 53,750 sq. ft. Giant Supermarket with gas pumps, a 7,200 sq. ft. office/medical building, two fast food restaurants and a coffee shop/fast food restaurant. Mr. Elnitski questioned if there will be any screening installed along the back of the property to screen it from Spring Creek. Noting that several complaints were received about the apartment high rise being able to be seen from that area. It was noted that all of these buildings will only be one story and it shouldn't be a problem but that they will take this under consideration when constructing. The Board noted that they feel that this project will be a great asset to the community and are happy to have them. Mr. R. Moyer moved to approve the preliminary plan for the Shops at Paradise. Mr. Lingle seconded the motion.

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

Brian Book/SBWJA: Mr. Book noted that he was present this evening to ask the Board for consideration of some of the funds that the Township is going to receive through the American Rescue Plan Funding to SBWJA. He noted that he knows that there will probably be several entities seeking money. It was noted that the Authority's letter of April 30, 2021, outlines what possible uses that the Authority could use the funds for. Mr. Book added that before the Township would return any funds that consideration be given to them.

Rita Moyer: Ms. Moyer noted that she is attending tonight to get more information on the Septic Management Program and a breakdown on where these funds are spent. She noted further that she feels that the fees are way too high for all the more effort seems to be put into these inspections. She also inquired why the SMP administrator told her to come to the Board for a waiver. Mr. R. Moyer noted that he will get some answers and get back to her. Ariana Winder also noted that she too has questions on this program and the ability to get a waiver.

Gene Stocker: Mr. Stocker noted that his engineer, Pat Ward, is friends with the individuals that had an option to buy the Gerald Clair properties and has found out that that deal has expired and a deal for sale couldn't be reached with the current owners. Mr. Stocker noted that with the extreme price increases and now no potential development why would the Township want to continue with this project? Mrs. Royer noted that Dr. Clair's daughter, Amy, called last week and indicated that they are still very much interested in public sewer. She noted that they have several interested parties in the property and that they still want the sewer. Mr. R. Moyer noted that DEP has approved the 537 Plan. This sewer extension is part of this Act 537 Plan. It was noted that this is the last part of the Township under the 537 Plan to receive public sewer. Mr. Stocker question if all of the funds would be spent to extend the sewer to the Shiloh Road area with no official land development plan on the books? Mr. Lingle noted

that that will be up to SBWJA. Adding that if they have the funding and believe that this project should proceed then it is in the Township's best interest to do so. Mr. Stocker questioned the zoning for the Walnut Grove area. Mr. R. Moyer noted that the zoning in the area of Walnut Grove is already approved in the pending document and won't change once the ordinance is officially adopted. Mr. Stocker questioned if any township funds would be spent on this sewer line expansion. It was indicated that Township funds would not be spent. It was noted that if the few properties that were missed along Spring Creek wouldn't have been missed that the 537 Plan in 2003 that this special study wouldn't have to have been completed. Mr. R. Moyer noted that Mr. Wise met extensively with everyone to see if it was possible to have this go to the UAJA plant and came away with the feeling that it would never happen. Mr. Lingle noted that it is obvious that Mr. Stocker is against this sewerline extension and asked him why? Mr. Stocker indicated that it was the costs that were going to be involved in installing the laterals. Mr. Stocker noted that Mr. Herr indicated at a meeting that public sewer was not needed in Walnut Grove. Mr. R. Moyer noted that Mr. Herr also indicated at a public meeting that the average life span of an on lot system is 25 years. More discussion was held. Mr. Stocker noted concerns of density increasing, ascetics, and cost. Mr. R. Moyer noted that residents would be responsible for the tap on fee, the quarterly fees, which are currently \$72/quarter and then the lateral costs from the main line to the homes. Mr. Elnitski questioned how will SBWJA be able to afford this line extension if no development is occurring at Shiloh Road? Mr. R. Moyer told him that he is asking the wrong board that question. Mr. R. Moyer indicated that he would check with Warren Miller to see if not having a potential developer for the Shiloh Road properties will have any effect on the timing of the sewerline extension.

#### **MINUTES**

The minutes of the March 11, 2021 work session, the March 30, 2021 work session, the April 5, 2021 Regular Meeting and the April 22, 2021 work session were presented to the Board for their review and comments. Mr. R. Moyer moved to approve the minutes as presented to the Board. Mr. Lingle seconded the motion.

Vote: Mr. T. Moyer – yes

Mr. Lingle – yes

Mr. R. Moyer – yes

#### **BILLS**

The bills of May 10, 2021, in the amount of \$102,209.83, were 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**

Zoning Ordinance: Mr. Beard noted that with the changes that have been made he feels that the Planning Commission should go over the changes one last time before it is sent out again for final review by the surrounding municipalities. Mr. Beard noted that he will have the draft completed for the Planning Commission's May 27<sup>th</sup> meeting. The Board of Supervisors can schedule a hearing for the ordinance at their June 7<sup>th</sup> meeting. Mr. Beard noted that he will create a summary of the changes that can be sent along with the full document to the adjoining townships, Nittany Valley and County so that they can complete their final reviews easily.

#### **NEW BUSINESS**

Salt Shed Bids: No bids were received for the new salt shed. This will need to be rebid for the June meeting.

Peer to Peer Grant for Fire Company Study: Mrs. Royer noted that the Nittany Valley Joint Planning Commission applied for a Peer to Peer grant to study the areas fire companies. There is no cost for this grant, however participation is mandatory so that the results will be meaningful. Mr. R. Moyer moved to approve the grant paperwork for the DCED Peer to Peer study. Mr. Lingle seconded the motion.

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

ARL Surety Release: It was noted that Penn Terra Engineering is seeking the release for the ARL Building #3 Surety. It was noted that a final walk through is needed, but should soon be scheduled. Mr. R. Moyer moved to release the surety upon the final walkthrough. Mr. Lingle seconded the motion.

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

2021 Centre County Hazardous Mitigation Plan: It was noted that the plan has been updated. This plan is looked at and revised every 5 years. Participation is required or PEMA funding can be withheld. Mrs. Royer noted that she attended the required meetings and completed the necessary paperwork. The final step needed is for the Board to adopt the Resolution adopting the plan. Mr. R. Moyer moved to adopt Resolution 2021-4 which adopts the 2021 Centre County Hazardous Mitigation Plan. Mr. Lingle seconded the motion.

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

Fillmore Road Bonding: It was noted that the Township has finally received the agreement and excess maintenance bond for Fillmore Road. Mr. R. Moyer moved to approve the agreement for the road bonding for Fillmore Road. Mr. Lingle seconded the motion.

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

## **CORRESPONDENCE**

The Board acknowledged receipt for the following correspondence:

1. SBWJA Minutes March 22, 2021 and April 12, 2021
2. Benner Township Water Authority
  - a. Minutes of March 16, 2021
  - b. Water Authority April Key Points
  - c. Letter Re: American Rescue Plan Funds Request
3. Centre County Planning Commission Comment Letters
  - a. Time Extension University Park Airport – Aircraft Rescue and Fire Fighting Building
  - b. Comment letter Walker Township Zoning Map Amendment
4. Engineer Comment Letters
  - a. LSC RP LLC – 2<sup>nd</sup> review
  - b. UAJA Data Center
5. Act 537
  - a. DEP Approval Letter Dated April 19, 2021
  - b. Letter from SBWJA to DEP Re: Addendum No. 1
  - c. Notice of Suite filed by Gene Stocker
6. HRG notice of NPDES permit application for UAJA for New Entry Road
7. Letter Re: West Nile Virus Surveillance
8. Letter of acknowledgement for EMS Week
9. TIS Scoping Meeting for Berks Homes Development Fillmore Road
10. Letter from Fair Districts PA
11. PA DEP – Bellefonte’s Annual Waste load Management Chapter 94 Reports (2019 & 2020)
12. Lands of Paradise NPDES Technical Deficiency Letter

13. Zoning Officer's April Report

**EXECUTIVE SESSION**

Mr. R. Moyer noted that the Board will be having an executive session at the conclusion of the meeting to discuss legal matters. The meeting will not reconvene.

**ADJOURNMENT**

With no other business, the meeting was adjourned the time being 7:50 p.m.

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Sharon Royer, Secretary