

**Benner Township Supervisors
May 2, 2016**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:00 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani present. Also in attendance were Cate Hansberry, Edward Galus, Stan Serafin, Don Franson, Dennis O’Leary, Chris Anderson, Genevieve Robine, Barbara Gillispee, Brandy Urbanik, Melinda Conrad, Shirley Gryczuk, Tom Moyer, G. F. Clair, Sue Clair, David Bracken, Betsy Hetzel, Elaine Blumenthel, John Kostas, Jim Burtoft, Kevin Abbey, Helen Alters, Willis Houser, Nate Campbell, William Hughes, Stefan Cherinka, Liza Johnson, Emily Janoscrat, Sean Janoscrat, Allison Smalstig, Ty Smalstig, Joe Aylward, Kevin Astare, Wesley Astare, Jeffrey Lucas, Joe Fredley, Thomas Eby, Chris Miller, Lisa Roberts, Greg Jeffries and Sharon Royer

PERSONS TO ADDRESS THE BOARD

Restek Fitness Center: Michael MacNamara and Stan Serafin were present to represent Restek.

Non-Substantive Change: Mr. MacNamara noted that there was one non-substantive change to the plan and that was relative to the location of the walkway and the material that was used for sidewalk. It was noted that Mr. Franson had no issues with the change. Mr. Moyer moved to approve the non-substantive change. Mr. Capriani seconded the motion.

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

Restek Fitness Surety Agreement: It was noted that there are remaining on site construction items to be completed, however Restek wishes to occupy the premises. The cost estimate for the remaining improvements is \$131,000.00. This amount was provided by Restek’s engineers, and reviewed by the Township’s Engineer which he approved. The surety agreement has been reviewed and approved by the County. Mr. Wise moved to approve the Surety package in the amount of \$131,000.00. Mr. Moyer seconded the motion.

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

Restek Fitness Center Plans: It was noted that with the surety being posted, the plans are now ready to approve and sign. Mr. Capriani moved to approve the Restek Fitness Center Land Development Plan. Mr. Moyer seconded the motion.

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

Clair Stem: Mr. Clair Stem was present to share with the Board various survey maps of his property and adjoining property owners on Purdue Mt. that has been done over the years. Mr. Stem pointed out several discrepancies on the maps and feels as though some of his adjoining property owners lots aren’t what they think they are. It was pointed out that several of the maps shown were just unrecorded surveys and not subdivision plans that were recorded. The Board noted that while they appreciate Mr. Stem’s concerns, they noted that this isn’t a matter that the Township can be involved with as this is a personal matter between property owners. The Board noted that if Mr. Stem has concerns he should take them up with an attorney.

Genny Robine: Mrs. Robine was present to thank the Board for once again allowing the Township Employees to help with the 20th Annual Spring Creek Watershed Clean Up Day. Mrs. Robine noted that the amount of garbage collected in the Township this year was down from years past. She also thanked the Township for participating in the Conservation Districts’ tree

planting program. The Township received trees as part of a grant to restore riparian buffers. The trees will be planted in the Buffalo Run Community Park.

Ed Galus: Mr. Galus reported that he attended the College Township's Council meeting and the Comcast contract was discussed about bringing additional fiber into their township. Mrs. Royer noted that there is still time remaining on the current contract and it is anticipated that the Township will once again work with College, Patton, Ferguson, Halfmoon, and Harris Townships as well as State College and Bellefonte Boroughs on the next contract when that time comes.

Bio Solid Discussion/Updates

Shirley Gryczuk questioned the Board if they had any updates on the BioSolids application and what the Supervisors' next steps will be.

Mr. Capriani noted that he met with Shirley Gryczuk and Renee Swancer who pointed out to him that Bellefonte Borough by asking for permits to apply bio solids on both the Schaeffer Farm and the Spicer Farm did so in direct violation of the Borough's own Source Water protection Plan. He noted further that he feels that perhaps the Board should write the Borough another stronger letter pointing out this violation and ask them to reconsider proceeding any further.

Mr. Wise noted that he has heard the word injunction mentioned several times, which would be one arm of government suing another on a practice/process that has been going on for years and years and noted that he is not looking to do this. Noting that he feels that this would do nothing more than spend tax dollars on both sides.

Melinda Conrad read a statement which listed quotes and comments that were made at a recent Milesburg Water Authority meeting. She noted that she feels that they Board needs to do something to protect the majority of residents instead of catering to one or two farmers who want this application. She also spoke of a conversation that she recently had with her realtor who noted concerns of selling properties in this area now that bio-solids are being spread. Siting the fears of contamination of the water supply and expensive water tests that will need to be ongoing. She also asked that the Board consider passing an ordinance similar to Burnside Township.

Dr. Clair noted that he would highly recommend that the Township Supervisors do something to stop this process. Viruses are not completely killed in the sewage treatment process and the plastics and petroleum products are also not broken down and can get into the water supply.

Brandy Urbanik noted that she is concerned about the water supply, but has also found research supporting that the plants absorb this matter and then animals eat the plants and this is what is causing diseases such as chronic wasting disease, mad cow and also links to Alzheimer's disease.

Betsy Hetzel noted that being a cancer patient, that she finds it interesting that research is showing that areas that support the use of bio solids are showing dramatic increases in cancer cases. She urged those present unite together to fight and stop this to protect our future generations.

Melinda Conrad questioned the Board if they knew to what degree this sewage is being treated and urged the Board to do their research and not rely on what Bellefonte Borough is telling them.

Mr. Capriani noted that he has done research. Bio solids have been used safely on fields for years. He noted that as long as there is waste there will be bio-solids to get rid of. And noted that he is a supporter of family farms. He continued that what he is concerned about is where Bellefonte wants to apply it as they are applying it in direct violation of their own source water protection plan. Mr. Capriani noted that the Board is very supportive of protecting the water sources.

A resident from the audience noted that Class A Biosolids are much more treated and are much safer than the Class B. He noted that the residents really don't want this stuff in their community and is looking to the Board for guidance to make this stop.

Mr. Wise noted that there are court cases that have been tried and that have held that spreading biosolids is a normal agricultural practice and are protected under various agricultural laws.

Mr. Capriani noted that the Benner Township Water Authority will be adopting its own source water protection plan and feels that this is a great step in the right direction. He noted at first he wasn't concerned, but after researching it further he does have concerns.

Shirley Gryczuk noted that she has found research that hundreds of chemicals are found in the sewage sludge when only a handful are actually tested for. She noted that the EPA has admitted that they aren't keeping up with what is out there. She questioned why landfills aren't being built to handle this type of waste just like the household garbage.

John Kostas noted that he feels that we are being held hostage by Bellefonte Borough. Mr. Kostas questioned if there is a way to find out how much outside bio solids that the Bellefonte Borough is accepting. Mr. Wise indicated that there is. That the Borough must track each ton of this material and record where it is being placed. Mr. Kostas noted that the residents want to get involved to help to resolve this but need guidance from the Board. He suggested that the Board perhaps send letters to all of those who represent the Township in higher forms of government.

Mr. Wise noted that the Township's letter that was sent to the DEP Appeals Hearing Board was just returned to us this week as undeliverable.

Mr. Wise noted that he feels that the Board's next steps to check on are:

- *What is the cost to change to Class A?
- *How much bio solids is being brought in from outside the system?
- *Is there a way to have more of say on the selection of sites?
- *Discuss the conflicts with the source water protection plans with the Borough?

William Hughes questioned who is going to save Bellefonte from Bellefonte?

A resident noted that she has learned by attending various meetings that Bellefonte doesn't care about what they are doing here or in Milesburg. She also noted that she has learned that Bellefonte can violate their source water protection plan as it is just a recommendation and doesn't hold them to be accountable.

Greg Jefferies noted that he would like to know why this can't be handled in a similar way as the hayride issue was. The residents didn't want it so the Township created an ordinance that outlined parameters that if they wished to continue that they would have to abide by. That addressed the public's concerns. Mr. Wise noted that this is different because of the Right to Farm Act and Act 38 specifically precludes farming activities.

Mr. Campbell noted that he feels that the Boards need to have a sit down and discuss this issue with each other.

Mr. Wise noted that if something is done, he doesn't feel that anything can be done regarding the Schaeffer Farm as it would be grandfathered.

Mr. Campbell noted that the residents need a list of items that they can work on or to follow up on items that the Board is working on. That they want assurances that every avenue is being looked at and discussed.

Mr. Moyer noted that he had a discussion with Todd Giddings today at length and that he told him that this is a safe practice. Mr. Moyer noted that Mr. Giddings has been involved with bio solids since 1966 and is held as a highly respected hydrogeologist in the area.

Residents questioned if the Board would hold some kind of a town hall meeting and ask Mr. Giddings to come and speak.

Wesley Astore noted that she is willing to pay more for her sewage bills to avoid the risk however so slight. It was noted that long ago people were told that it was safe to smoke and then years later that was found to be inaccurate. This could be the same with the bio solids, and the risk be it great or slight, to her children's health isn't worth it.

Shirley Gryczuk questioned if a source water alliance could be created with the other surrounding townships as these actions affect other water sources as well as these farms are located in other protection zones of other water sources. Mr. Wise noted this organization already does exist, it is the Spring Creek Watershed Commission. Ms. Gryczuk noted that she has gone back in their minutes and that the Township hasn't been represented at their meeting since September. Ms. Gryczuk shared some of her findings that she found by researching this topic this week.

Mr. Capriani noted that he will reach out to Hanna and Corman's office as well as Bellefonte Borough Council.

Greg Jeffries questioned the Board if something should happen, where are they going to get their water from?

Residents noted that Bellefonte Borough Authority is holding a meeting tomorrow night at 6 p.m. and asked that all can attend to please attend and asked that if at all possible for the Board members to attend to show them that they are supporting the residents' concerns.

Gerald Clair – Shiloh Road Sewage: Dr. Clair was present and requested an update on getting public sewer to his property. The Board noted that nothing has changed since the last time the question was asked. Until a site plan is presented showing what is going to be built, the uses of what is going to be built along with a planning module noting what sewage capacity is needed nothing more can be done. The Board noted that this area is covered by the Township's current Act 537 Plan for public sewer service.

MINUTES

The minutes of April 4, 2016, were presented to the Board for their review and comments. Mr. Wise moved to approve the minutes as presented. Mr. Capriani seconded the motion.

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

BILLS

The bills of May 2, 2016, were presented to the Board for their review and approval. Mr. Capriani moved to approve the bills as presented. Mr. Wise seconded the motion.

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

ZONING OFFICER'S REPORT

Mr. Anderson reported the following:

*13 permits were issued this month.

*ZHB granted a variance for the University Park Airport for Stormwater

*Planning Commission met. A lot of discussion took place concerning bio-solids and work continued on the proposed zoning ordinance

Mr. Galus noted that the Zoning Hearing Board has now heard three variance requests for relief concerning stormwater requirements in the Spring Creek Canyon Overlay Ordinance and suggested that it may be time to have this ordinance revisited. Mr. Franson noted that the Township has enacted stormwater regulations that are Act 167 compliant and feels that stormwater requirements in a Zoning Ordinance are usually not the place to have them as they are covered by the Township's Stormwater Management Ordinance already.

ENGINEER'S REPORT

Mr. Franson reported on the following:

*It was noted that the Township received its completeness letter for the NPDES permit application for Phase I of the Spring Creek Canyon Trail. It is anticipated that it could take up to 45 more business days to approval is given.

ROAD SUPERINTENDENT'S REPORT

Mr. O'Leary reported on the following:

*The crew worked on cleaning up stone after the winter.

*Crack sealing will be done in preparation for paving and or overlay treatments.

*It was noted that gas lines will be laid from Toftrees into the airport. He is working with Penn Terra on road bonding for this project.

*He and the road crew will be attending two training sessions this coming month.

COMMITTEE REPORTS

Mr. Wise noted that he attended the MPO meeting. The main topic discussed was the future railroad plans.

Mr. Capriani noted that he attended the Water Authority's meeting. The main topic discussed at this meeting was the draft source water protection plan.

OLD BUSINESS

New Municipal Buiding: Mr. Wise noted that he and staff attended an extensive meeting on April 14th to discuss the plumbing, electrical and HVAC design for the new building. It was noted further that this whole process is much more encompassing and complicated than anyone had imagined. It was stated that the firm working on these details felt that they would require 6 to 8 weeks to complete what they needed to complete.

NEW BUSINESS

Verizon Wireless: Mrs. Royer indicated that an individual from Verizon Wireless contacted the Township to see if the Board would be interested in leasing a portion of the Township's property on the Benner Pike to them. The Board noted that they would need additional information as the foot print/height of tower and lease rates and terms.

PA Game Commission Parking Lots: The Board was in receipt of a letter signed by several Barn's Lane residents asking that no additional Game Commission parking lots be constructed along Barn's Lane. The Board noted that the resident's concerns will be passed along to the Game Commission.

Happy Valley Sprint Triathlon: The Board was in receipt of a request to use a section of Fox Hill Road for the Happy Valley Sprint Triathlon on Sunday, July 10th. It was noted that this group utilizes race marshals, police and EMS personnel and has also provided the additional insured insurance policy. Mr. Moyer moved to grant permission for this race on July 10, 2016. Mr. Capriani seconded the motion.

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

Conditional Use Request from Hudson for a Communication Tower: The Board was in receipt of a conditional use application from Hudson who will be constructing the new PA State Police Barracks in the Benner Commerce Park. It was noted that the Police will require their own Communication Tower at the barracks which falls under the Conditional Use criteria. Mr. Wise moved to accept and forward the conditional use application. Mr. Moyer seconded the motion.

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

Letter from Planning Commission: It was noted that items in this letter were discussed earlier in the meeting.

2016 Benner Township Scholarships: The Board was in receipt of the applications for the 2016 Scholastic Scholarships from the Bellefonte School District. After consideration, the Board decided the winners for this year will be:

Benner Township General Excellence Award

Sierra Rider
Nathan Ripka

Benner Township Athletic/Scholastic Participation Award

Erin Lemons
Daniel Zimmerman

Benner Commerce Park Zoning Amendment: Mr. Moyer noted that he has met with the owners of the Benner Commerce Park regarding the uses currently permitted in the Park. The owners have indicated that they would like to see additional uses allowed in the Park with the hopes of attracting additional buyers. Mr. Wise questioned what additional uses they would like to see and suggested that a list be provided for further review and consideration by the Planning Commission and Board of Supervisors.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. Notice of Public Comment Period 2017-2020 Centre County Transportation Improvement Program
2. SBWJA Minutes March 28, 2016; April 11, 2016
3. Letter BTWA sent to Bellefonte Borough Authority Re: Bio-Solids
4. Conservation District
 - a. Earth Disturbance inspection report RSE, Inc.
5. BTWA Minutes of March 15, 2016
6. Notice RE: Columbia Gas extension along Fox Hill Road
7. Response from Nittany Engineering Re: SBWJA questions on Treatment Plant Upgrade

ADJOURNMENT

The meeting was adjourned the time being 9:30 p.m.

Sharon Royer, Sec.