

DD2, LLC
Conditional Use Decision
May 4, 2015

The meeting to render the decision on the Conditional Use Hearing on TD2, LLC 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 Tom Moyer, Helen Alters, Rick Bair, Shirley Gryczuk, Chris Anderson, Greg Jeffries, Nate Campbell, John Marchek, Jeff Corcelius, Juanita Lysle, Scott Barbara, Joy Barbara, Jeff Lucas, Heather Little, Dennis O'Leary and Sharon Royer.

Mr. Wise read the conditions that were written in the decision concerning the automotive repair shop in the old Centre Peace building. With no further comments, Mr. Moyer moved to adopt the decision as written. Mr. Capriani seconded the motion.

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

Adjournment 7:05 p.m.

Sharon Royer, Secretary

Benner Township Supervisors
May 4, 2015

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:05 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani present. Also in attendance were Tom Moyer, Helen Alters, Rick Bair, Shirley Gryczuk, Chris Anderson, Greg Jeffries, Nate Campbell, John Marchek, Jeff Corcelius, Juanita Lysle, Scott Barbara, Joy Barbara, Jeff Lucas, Heather Little, Dennis O'Leary and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Rick Bair of Baker/Tilly: Mr. Bair was present to give the Board an overview of the Township's 2014 year end audit. Mr. Bair noted that the Township is in great financial shape. Mr. Wise questioned Mr. Bair on the Township's pension plan. Mr. Bair noted that the Township isn't anywhere close to being in the same condition as the school districts and state are. He noted further that in 2015, new accounting standards will go into place that will require the unfunded balances to be listed. Mr. Bair noted that in all of the Township's funds that the revenues exceed expenditures, which is a great position to be in.

Stormwater Declaration for SCI Rockview Housing Unit: It was noted that SCI Rockview is adding a few additional housing units. As part of this project, the County has required them to prepare a stormwater declaration agreement between the state and the township. That declaration has been prepared by ELA and reviewed by Mr. Franson and is being recommended for approval. Mr. Wise moved to approve the stormwater declaration easement. Mr. Moyer seconded the motion.

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

MINUTES

The minutes of April 6, 2015, were presented to the Board for their review and comments. Mr. Moyer moved to approve the minutes as presented. Mr. Capriani seconded the motion.

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

BILLS

The bills of May 4, 2015, 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 – yes Mr. Moyer – yes Mr. Wise – yes

ENGINEER'S REPORT

Mrs. Royer noted that Mr. Franson couldn't attend tonight's meeting. He did mention that the Phase I study will begin next week.

ROAD SUPERINTENDENT'S REPORT

Mr. O'Leary noted that following:

*Most of the pipe replacement jobs that he was proposing to do this year will require permits through either the Conservation District or DEP. The applications are being worked on with Mr. Franson to be submitted.

*Grant applications are being submitted to the Dirt and Gravel Road program for funds to replace several other pipes on Lower Gyp Road and Upper Gyp Road.

*There are numerous dead trees in the Township's Right of Ways along several Township Roads. It was noted that a \$1,100/flat rate per day has been received from B & H Tree Service. This rate would include three of his guys to take down the trees with the township road crew doing the cutting and chipping and cleaning up.

*Rishel Hill Road – It was noted that he is going to set up a meeting with Fiore to discuss the condition of the road and the berms and perhaps changing the bond due to the excessive amount of trips that are taken each day on that road.

*Applications for the full time and part time positions continue to be received.

OLD BUSINESS

Mammoth Construction: It was noted that nothing new on the sidewalks have been submitted. It was however noted that there is now talk about the remaining business partner moving ahead with the project in a smaller scale than what was previously proposed.

Road Bids: Sealed bids were opened for the 2015 road projects. The bid results were as follows:

HRI, Inc. - \$206,314.00

Glenn O. Hawbaker, Inc. - \$197,707.50

New Enterprise Stone & Lime Co. - \$207,680.25

Mr. Wise moved to award the for 2015 road projects to the low bidder, Glenn O. Hawbaker, Inc. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes

Mr. Moyer – yes

Mr. Wise – yes

Ordinance 125: It was noted that the public hearing for Ordinance 125 was held at the Board's April 6, 2015 meeting and now can be adopted by the Board if they so choose to do so. An overview of the changes that Ordinance 125 is as follows:

*Includes "Agricultural Tourism" as a conditional use within the Agricultural Zoning District.

* Includes roadside/garden stands as a conditional use within the Highway Commercial and Regional

Commercial Zoning Districts

*Removes Section 107 from the Zoning Ordinance

*Amends the ordinance that allow the FAA to preempt the Township Zoning Ordinance

*Include Language to only regulate properties that affect Spring Creek within the Canyon Conservation

Overlay

*Change the height requirements within the Highway Commercial District.

Mr. Wise noted that he feels that a reasonable compromise has been made with those pro and con opinions concerning the agri-tourism section of the ordinance amendment. With neither side is getting everything that they wanted. It was noted that in addition to the agri-tourism several other important changes are included in the proposed Ordinance.

Mr. Capriani questioned if the agri-tourism would only have to meet the conditions that were outlined in the zoning amendment. It was noted that they would be required to meet those conditions at a minimum plus any additional that the Board decided to impose.

Mr. Wise moved to adopt Ordinance 125 as presented. Mr. Capriani seconded the motion.

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

NEW BUSINESS

Nittany Valley Half Marathon: It was note that the Nittany Valley Half Marathon is once again requesting permission to use Rock Road for their annual race on December 6, 2015. It was noted that this group has been holding this race for years without incident. Copies of their liability insurance has been provided. Mr. Capriani moved to approve NVHM's request. Mr. Moyer seconded the motion.

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

Geisinger Health Plan: It was noted that the Geisinger Health Plan renewal quotes have been received. It was note that overall the renewal rates are increasing about 11%. Mr. Wise moved to renew the Township's current policy with Geisinger. Mr. Moyer seconded the motion.

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

Dunkleberger Tree: It was noted that Mr. Dunkleberger brought an estimate in for the removal of his tree located along Rock Road just beyond the Meyer Cemetery. Mr. O'Leary noted that the tree is probably 99% out of the right of way. Mr. Moyer noted that the Township does use his fields to plow wind rows in for snow and that if we don't help him out with the tree that he will expect compensation.

Mr. O'Leary noted that he has offered Mr. Dunkelberger assistance with traffic control and that the road crew would assist with clean up of the tree once it is down using the Township's chipper as a good gesture for allowing us to put wind rows in. Mr. O'Leary noted further that he told Dunkleberger that if there was any damage to the fields from the wind rows that the township would fix them. The Board noted that they would help with the traffic control and chipping of pieces of the tree but will not pay to have the tree taken down.

NOTES

Mr. Campbell noted that the Planning Commission is still waiting for direction from the Supervisors as to what they should be doing with the Zoning Ordinance. Mr. Capriani noted that he feels that the Planning Commission should continue to review the draft Herr zoning document that was given to them. Mr. Campbell noted that an overview was done with Mrs. Schoch that resulted in 9 and ½ pages of comments. He noted that they have not done a page by page review of that document. Mr. Campbell questioned if there was a second draft. Mr. Moyer indicated that there is just the original version that no changes have been made since Lindsay left. Mrs. Royer noted that Mr. Herr gave the intern Brian a copy of a new version that was marked Revision #2 on the cover and that he noted that he had made over 100 changes from the original version. Mr. Moyer indicated that he was not aware of any changes. Mr. Capriani noted that he would like the Planning Commission to move in the direction of a new zoning document. Mr. Campbell questioned if there was a second version of this zoning ordinance who is directing the changes? Mr. Moyer noted that if there was changes made perhaps Mr. Herr met with Attorney Rayman or Lindsay Schoch. Greg Jeffries questioned if the second version was marked so that the Planning Commission would know where the changes were made and wouldn't need to go page by page, line by line to look and see where changes were. Mrs. Royer noted that she didn't look through the document but didn't note any obvious changes were marked in the new version in any way like it would be in a word document with the track changes feature. Mr. Capriani noted that he himself made some notes on the first version. The Board asked that the latest version be located and copies made for the Supervisors and the Planning Commission.

Bellefonte Area School District Scholarships: The Board reviewed the scholarship applications that were submitted for the Township's scholarships. After the review the Board decided to award the scholarships as follows:

Athletic: Male – Robert Hamilton
Female – Marissa Moriarta
General Excellence:
Male – Devin Walk
Female – Mahala Meinen

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes –
 - a. March 23, 2015
 - b. April 13, 2015
2. Spring Creek Watershed Commission Minutes – April 15, 2015
3. Notice that Con-Lime intends to apply to renew their NPDES permit
4. Conservation District Letters
 - a. GM McCrossin – earth disturbance inspection
5. Notice from Fish Commission RE: notice of fish habitat improvement project
6. Centre County Planning - Comment letter Final Plan Village of Nittany Glen, Phase III-B, 1
7. Email from Stacey Peeler Re: Amberleigh Parking

ADJOURNMENT

The regular meeting was adjourned the time being 7:54 p.m.

EXECUTIVE SESSION

The Board held an executive session from 7:55 p.m. to 8:35 p.m. to discuss personnel matters.

Sharon Royer, Secretary