

Benner Township Board of Supervisors

May 5, 2014

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, Rick Bair, Clair Stem, Margaret Herbstritt, Michael Herbstritt, Kevin Abbey, John Elnitski, Renee Swancer, Harry Burd, Denny Krout, Carol Shuey, Dennis O'Leary, Lindsay Schoch and Sharon Royer.

EXECUTIVE SESSION NOTICE

It was noted that the Board held an executive session this evening from 6:45 to 7:04 to discuss on going litigation matters. All three board members were in attendance.

PERSONS TO ADDRESS THE BOARD

Rick Bair – ParenteBeard, LLC: Mr. Bair was present to present the Board of Supervisors with the 2013 year end audit. An overview of the Township's financial statements were gone over. Mr. Bair stated that the Township is in good financial standing. The completed audit will be filed as required with DCED.

Herbie's Home Town Loop: Mr. & Mrs. Herbstritt were in attendance seeking permission to use various township roads for a bike ride and foot race on Saturday, August 16th. It was noted that fire police and volunteers will be set up along the route to aid in traffic control. The proceeds of the event will go towards building a track for the Bellefonte High School in memory of their son. Mr. Moyer moved to approve permission of the Township roads. Mr. Capriani seconded the motion.

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

John Elnitski, Jr.: Mr. Elnitski noted that before he left office that he held several meetings with the Centre Region Municipalities regarding donation of funds for the upkeep of the Spring Creek Canyon and noted that Board members need to keep on top of that to see it through. Mr. Elnitski explained that it is important for the Board to continue to own land in the Canyon area to have a say on what goes on with it. He mention further that it was discussed that perhaps the surrounding municipalities hold a work day(s) once or twice a year with all of the maintenance personnel getting together to fix/maintain the area.

Clair Stem: Mr. Stem informed the Board of the following:

1. That he was not going to take the building down that is on his and Soble's property line area.
2. That the Moyer property lines are not correct and doesn't believe that the new building meets setbacks.
3. That he offered to make property line adjustments with Soble and that they won't cooperate.
4. Whitcomb's driveway to the bed and breakfast is not on her property and that she has paved over her right of way on his property.

The Board informed Mr. Stem that unfortunately all of his noted concerns are property line disputes and not issues that the Supervisors can be involved with.

Denny Krout: Mr. Krout was present seeking information on the Septage Management Program. The Board noted that DEP is requiring this program to begin and that the purpose of it is to protect the waters of the Commonwealth and to keep onlot systems functioning to limit the need of expanding public sewer into rural areas. The Board noted that under certain circumstances, waivers from the pumping can be received but that it will be determined on a case by case basis by the Sewage

Enforcement Officer. Mrs. Royer noted that the public hearing and adoption is scheduled to take place on May 19th.

MINUTES

The minutes of April 7, 2014, were presented to the Board for their review and comments. Mr. Wise moved to approve the minutes as presented. Mr. Moyer seconded the motion.

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

BILLS

The bills of May 5, 2014, 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

ZONING OFFICER’S REPORT

Mrs. Schoch reported on the following:

- *The Planning Commission has completed going over the first 5 Articles of the Zoning Ordinance on their review process.
- *Met with a resident from Grove Park to discuss the clear site triangle on her property.
- *Hartman Group – would like to purchase additional property and add on to their building.
- *Planning on attending two upcoming training sessions.
- *Met with Airport Officials regarding repaving the taxiways and changing the location of the proposed long term parking lot.

ROAD SUPERINTENDENT’S REPORT

Mr. O’Leary reported on the following:

- *The Township received a very lightly used leaf machine from Ferguson Township. It was noted that a thank you letter has been sent for this generous donation.
- *Mr. O’Leary noted that he would like to get the revisions completed on Ordinance 46 that deals with the speed limits, weight limits, parking restrictions with the addition of language dealing with sidewalks. He noted that he will be working with Don Franson to complete this project.
- *Attending the Dirt and Gravel Road workshop. Funds are not available until next year. Met with officials at the meeting that said that perhaps the Township, since it is in such close location of the University, could become a candidate for experimental surface treatments.
- *Wood Chips: Mr. O’Leary noted that years ago the township would deliver a load of wood chips to residents at the fee of \$25, but that it hasn’t been done in several years and wanted the Board’s feelings if this practice should be stopped. The Board noted that Mr. O’Leary could continue the practice at his discretion and as time is available with the road crew.
- *Road crew plans on attending the annual MVCOG equipment/trade show in Clearfield.

COMMITTEE REPORTS

MPO: Mr. Wise reported that additional funds in the Transportation Budget have been found and that it will be discussed at the next meeting as to where to bridge retro funds will go. Two other townships in addition to Benner is requesting the funds.

TAG: Mr. Wise noted that the TAG met and also had a telephone conference to discuss the Shiloh Road Maintenance agreement and ownership of Parcel B and C.

OLD BUSINESS

Amberleigh Development: It was noted that no new communications have been received from Mr. Glass on the street dedication. Mrs. Royer noted that an Attorney representing the bank that Mr. Glass was dealing with had called several weeks ago to find out what property was undeveloped/still owned by Mr. Glass. Mr. Wise suggested that the Township try to contact Mr. Glass and/or his attorney to see what the status is.

Spring Creek Canyon:

Road Maintenance Agreement: Mr. Wise noted that it is being proposed that for the amended Shiloh Road maintenance agreement each entity (Benner, PSU, PA Fish & Boat Commission and PA Game Commission) contribute \$2,500 per year towards road maintenance and repairs of Shiloh Road.

Mr. Abbey reported that the date for the Conservation Easement to be complete along with all other necessary agreements/transfers is July 11, 2014. Mr. Abbey noted that he would have the final draft of the Conservation Easement to the Board in a day or two. The State Attorney General’s Office noted that they would need 4 to 6 weeks to complete their review so if the Board approved the easement at the Special meeting on May 19th all deadlines should be able to be met. Mr. Abbey stated that he feels strongly that if a joint application is submitted for Shiloh under the Dirt and Gravel Road funds that the project would have an excellent possibility of being funded.

Mr. Wise moved to have deeds drafted to transfer Benner Parcel “B” to the PA Fish and Boat Commission and Benner Parcel “C” to the PA Game Commission. Mr. Capriani seconded the motion.
Vote: Mr. Capriani – yes Mr. Moyer – yes Mr. Wise – yes

It was noted that the Conservation Easement and the new road maintenance agreement will be placed on the Board’s May 19th agenda for action.

Septic Management Ordinance: It was noted that this Ordinance has been advertised for hearing and adoption on May 19, 2014.

Opequon Hills: It was noted that the final punch list items has not yet been completed, therefore this item remains tabled.

Health Care: The Board noted that they will discuss this further in executive session.

NEW BUSINESS

Nittany Valley Half Marathon: It was noted that the organization that runs the Nitany Valley Half Marathon is requesting permission to use Rock Road and Fox Hill Road on Sunday, December 7th for their race. It was noted that this race has been held for many years and no issues have been reported. Mr. Wise moved to once again grant permission for the road usage with the previous conditions that were established. Mr. Moyer seconded the motion.

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

Officer Phil Program: Mrs. Royer noted that the Officer Phil Program is once again seeking the township to consider purchasing an ad in their booklet that is passed out to elementary school aged children about different safety matters. Mr. Capriani moved to continue participation in this program. Mr. Moyer seconded the motion.

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

Resolution 14-1: Proposed Resolution 14-1 deals with establishing bank accounts with Jersey Shore State Bank. Mr. Wise moved to adopt Resolution 14-1. Mr. Moyer seconded the motion.

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

NOTES:

*Mrs. Royer noted that she received a complaint call from Dave Fetzer who lives along Rt. 26 in Benner Township about people speeding and driving dangerously. Mr. Fetzer stated that he feels that the Township should be contracting with a neighboring municipality for extra police coverage. Mrs. Royer noted that she forwarded Mr. Fetzer a State Police Complaint form to turn into the Rockview Barracks.

*Mr. Moyer noted that he would like to set up a meeting with Lindsay Schoch and Bill MacMath to discuss the Township adopting its own SALDO. He noted that he would also like to schedule a meeting with Attorney Rayman to discuss this possibility as well.

*Harry Burd was present to see if the Board had anything to discuss. It was noted that with any future Commercial permits that the payments would start to be broken down according to which inspections were done. That the initial fee disbursement would be 25% of the total fee.

EXECUTIVE SESSION

The board called an executive session the time being 8:46. The meeting reconvened at 8:58. The Board noted that after reviewing the proposed health plan proposals that they would renew the Township's current plan with Geisinger Health Plan.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA minutes – March 24, 2014 and April 14, 2014
2. BTWA Minutes – January 21, 2014
3. Letter from Spring Township Supervisors RE: LRTP Project Request
4. Annual Wasteload Management Report Bellefonte Treatment Plant
5. Conservation District
 - a. Fox Ridge Earth Disturbance Report
 - b. Village of Nittany Glen Earth Disturbance Report
6. Centre County Planning Commission Time Extensions
 - a. Remodelers Workshop
 - b. Lions Gate Self Storage
 - c. Greystone Court at Eagle Point
7. PSATS Legal Defense Newsletter

ADJOURNMENT

The meeting was adjourned the time being 8:59 p.m.


Sharon Royer, Secretary