

**Benner Township Supervisors
May 6, 2019**

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 David Wise and Mark Capriani present. Also in attendance were Kevin Abbey, Tim Robinson, Steve Barr, Barbara Barr, John Elnitski, Thomas Kalinowski, Thomas Eby, Rich Davis, Gene Stocker, Larry Lingle, Cory Stocker, Stan Smith, David Roberts, Douglas Mason, Jane Koppen, Dorothy Blair, John Kostas, Tom Moyer, Andrea Murrell, Talley Fisher, Genevieve Robine, Helen Alters, Karen Querns and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Genevieve Robine: Mrs. Robine was present to thank the Board of Supervisors for the Township's participation in the 23rd annual Spring Creek Watershed Cleanup. Roads that were clean up included Barns Lane, Seibert Road, Upper Gyp, Fillmore Road, Paradise Hill Road and part of Valley View Road.

Chad Stafford: Mr. Stafford was present from Penn Terra Engineering with the next phase of the Village of Nittany Glen Subdivision Plan, Phase V A-1 and A-2. It was noted that this phase contains 20 lots. Almost all of the County and Engineering comments have been addressed. He noted that he wanted the Board to see the plan before construction starts that the plans won't be signed off until either the site work is completed for surety is posted. Mr. Stafford noted that they would probably be bringing in the next phase within a few months.

Kevin Abbey: Mr. Abbey with ClearWater Conservancy presented the Board with samples of the interpretative signs that will be placed along the Spring Creek Canyon Trail within the next 45 days. Explanations of what each sign represented was gone over as well as the sign placement on the trail.

David Roberts: Mr. Roberts expressed his concerns over the proposed Spring Creek Canyon Overlay draft and asked that the secondary zone be placed back in. He noted all of the groups that had worked on the original document and the importance of protecting this area. He concluded with thanking the Board for listening to their input and making changes.

Dorothy Blair: Ms. Blair expressed her concerns with the draft ordinance with the allowable proposed density requirements in the various districts. She noted that the Board should take a look at Harris Township's recent rezoning package that keeps 50% open. She also stated that her concerns with the Spring Creek Canyon Overlay are the same as Mr. Roberts' and feels that both zones should be put back in.

Doug Mason: Mr. Mason noted that he represents Sierra Club Moshannon Group and was present to express his concerns on the Spring Creek Canyon Overlay zones and language and hoped that these regulations were placed back in the Zoning document.

John Elnitski: Mr. Elnitski noted that he is still waiting to hear back from the Board of Supervisors on his letter from Bellefonte Airport. He expressed that he feels that the Board should be meeting with the Township attorney and taking his concerns seriously and if not that he would go ahead and litigate. Mr. Beard noted that he has not had a chance to speak to all of the Board members. Mr. Elnitski noted that if he needs to he will file an injunction to halt the

ordinance from passing. Mr. Beard noted that the ordinance has not yet been adopted and sections are still being looked at.

John Kostas: Mr. Kostas questioned what zoning document was being used currently. Mr. Beard noted that both August 15, 2018 or the Roth Plan can be used but an application can be flip flopped, it is one version or the other. Mr. Beard noted that no new land development plans have been submitted using the August 15, 2018 document to the best of his knowledge.

Mr. Kostas questioned what law is used to enforce stormwater. It was noted that it would be the most restrictive is what is used.

Andrea Murrell: Mrs. Murrell thanked the Board for listening to citizens' concerns. She questioned if any changes have been made to the Forest Conservation District. Mr. Moyer noted that that is an area that is still being reviewed. She asked that the Forest land be protected so that the habitat for the forest animals remains and that these areas remain continuous and not fragmented.

Tom Eby: Mr. Eby questioned who enforces and inspects stormwater related issues? Mr. Moyer noted that our Township Engineer does as well as the Centre County Conservation District. Mr. Eby noted that the Township Engineer is only part-time. Mr. Moyer noted that that is correct, the Township cannot justify a full time engineer position.

David Roberts: Mr. Roberts questioned the discussion that took place at the work session concerning solar farms. He questioned why the Board would be against allowing this renewable energy. Mr. Wise noted that solar would be allowed for personal use.

Helen Alters: Mrs. Alters questioned who is the Township's Zoning Officer? It was noted that it is Mike Lesniak of Penns Valley Code Enforcement and that he has office hours at the Township Building on Wednesdays.

John Kostas: Mr. Kostas questioned who takes on the liability of Ordinance 84? He questioned who takes on the responsibility and liability of the final sign off of stormwater management facilities. Mr. Moyer noted that the Township's Engineer and the county does a final walk through before the plans are signed off on and recorded and surety released.

Talley Fisher: Ms. Fisher encouraged the Board to relook that the amount of work and research that went into creating the Spring Creek Canyon Overlay and to consider that before making any modifications to what was written.

MINUTES

February 4, 2019: The minutes of February 4, 2019 were presented to the Board for their review and comments. Mr. Capriani moved to approve the minutes as presented. Mr. Moyer seconded the motion.

Vote: Mr. Capriani – yes

Mr. Wise – abstain

Mr. Moyer – yes

April 1, 2019: The minutes of April 1, 2019, 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 – abstain Mr. Wise – yes Mr. Moyer – yes

April 26, 2019 Work Session: The minutes of the April 26, 2019 work session was presented to the Board for their review and comments. Mr. Moyer moved to approve the minutes as presented. Mr. Wise seconded the motion.

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

BILLS

The bills of May 6, 2019, were presented to the Board for their review and approval. Mr. Moyer moved to approve the bills as presented. Mr. Capriani seconded the motion.

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

COMMITTEE REPORTS

MPO Meeting: Mr. Wise noted that at the MPO meeting the County's Long Range Transportation Plan was the main topic of the meeting. An update was received on the Potters Mills Gap project and the 322 Missing Link project.

It was noted that Dennis O'Leary, Sharon Royer and himself met with County Transportation Planners and MPO staff to discuss various transportation issues both on a County and Township level. It was noted that the main issues that were highlighted was the amount of the pass through traffic that Benner Township experiences, the extension from Innovation Park Boulevard to the University Park Airport and the funding challenges to keep our roads improved.

OLD BUSINESS

Zoning Ordinance: It was noted that a work session was held on Friday. Mr. Wise noted that 21 comment items were gone over. The Environmental section is nearing completion from Don Franson once complete will be forwarded to the Planning Commission and the Board. Mr. Moyer noted that once a final draft is completed it will be reviewed by the Township Solicitor before beginning the final review process again.

One Water Executive Summary: Mr. Robinson gave the Board members a copy of the One Water Executive Summary report. Mr. Robinson noted that there are 31 different entities that are somehow involved with water in the Spring Creek Watershed. The Watershed Commission's goal is to get all of these entities on the same page. It is recognized that this probably won't ever happen as there are too many different opinions. It is hoped that at least more open communication can take place among these different entities.

NEW BUSINESS

1050 W. College Avenue: It was noted that a complaint was received that sewage effluent is being discharged from the septic system located at 1050 W. College Ave., Pleasant Gap. Mr. Moyer moved to have Rodney Beard communicate with Chuck Herr, Sewage Enforcement Officer, to begin inspection and if needed violation proceedings in this matter. Mr. Wise seconded the motion.

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

Resolution 19-2: This resolution has to do with the application to be submitted to PennDot for the traffic signal modification at Rishel Hill Road for the Rutters Land Development project. It was noted that the Township's traffic Engineer has reviewed these plans and study documents. Mr. Capriani moved to approve Resolution 19-2. Mr. Moyer seconded the motion.

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

William Anderson Subdivision: It was noted that this is a one lot subdivision off of a parcel along Valley View Road. Both lots will be served with public sewer from Spring Benner Walker Joint Authority. The Board noted that they did not have any comments on this proposed subdivision.

Happy Valley Sprint Triathlon: The Board was in receipt of a request from the organizers of the Happy Valley Sprint Triathlon to utilize Fox Hill Road on Sunday, June 30, 2019 as part of their race course.

Nittany Valley Half Marathon: The Board was also in receipt of a request from the organizers of the Nittany Valley Half Marathon to utilize Rock Road and Fox Hill Road for their event to be held on Sunday, December 8, 2019. A review of the revised postcard notice to property owners was made.

Mr. Moyer moved to approve both race requests. Mr. Capriani seconded the motion.

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

Bellefonte High School Scholarship Selections: The Board noted that they will do this at the conclusion of the meeting.

Gene Stocker: Mr. Stocker noted that he is aware that there is at least 25 homeowners that are opposed to this sewerline extension requiring homes in the Walnut Grove area to be connected. He cited that some homeowners will be required to pay in excess of \$20,000 to have their lateral installed which most can't afford. Discussion was held on the process going forward relative to this. It was noted that the special study process to prepare an amendment to the Township's Act 537 Plan is in process. After this study is complete, public notice must be given and public hearings held prior to a Board vote. Mr. Wise noted that the plan must also be given to DEP for review.

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes – March 25, 2019 & April 8, 2019
2. Benner Township Water Authority Minutes – March 19, 2019
3. Water Authority Key Points – April 16, 2019
4. Penns Valley Code Zoning Permit Report for April
5. Email from Gene Stocker Re: Opposition of Sewerline extension
6. Bellefonte EMS Update
7. Centre Region Refuse and Recycling Program Bid Overview
8. Centre County Conservation District Letters
 - a. NPDES Permit Homeland Manufacturing
 - b. Earth Disturbance Report Keystone Payroll

- c. Notice of Co-permittee Removal of GOH, Inc. from Hudson Advisors Bellefonte Project
- d. NPDES Permit Renewal notice for Fox Ridge Subdivision
- e. NPDES Permit transfer/co-permittee for ARL Test Site Building 3
- 9. DEP Letters
 - a. Annual Wasteload Management Bellefonte Borough Wastewater Treatment Facility Report review letter.
 - b. NPDES Permit issuance Rick Shawley
- 10. Centre County Planning Office
 - a. Homeland Manufacturing – Commencement with Construction Notice
 - b. ARL Test Site Building 3 – Commencement with Construction Notice
 - c. Anderson 2 lot Subdivision Comment Letter
 - d. Village of Nittany Glenn Phases V-A.1 & V.A.2 comment letter
 - e. Minor Land Development Capperella Automotive, Inc.
- 11. Letter from Christine Kondash Re: Walnut Grove sewer line extension

The Board decided to give the scholarship awards to:

Athletic/Scholastic Participation Award:

Zachary Spearly

Harley Stahlman

General Excellence Award:

Maison Bradley

Elijah Breon

ADJOURNMENT

The meeting was adjourned the time being 8:21 p.m.

Sharon Royer, Secretary