

**Conditional Use Hearing
Nittany Mountain Trails
November 3, 2014**

The Conditional Use Hearing for Nittany Mountain Trails (R.B. Powell and George Powell) was called to order at 7:00 p.m. by the Chairman, David Wise with Supervisors Randy Moyer and Mark Capriani. Also in attendance were: Kate Lumley-Sapanski, Robert Lumley-Sapanski, Maureen Mulvihill, Sam Fischer, Sandy Fischer, Earl Hughes, Rod Beard, Fred Weiss, Jessica Bradley, Angela Clark, Howard Grove, Jr., Brian Grove, Dolores Nellis, Robert Nellis, John Marchek, Michele Niggla, R. B. Powell, D. Powell, Thomas Moyer, Thomas Eby, Bob Kersavage, Sue Kersavage, Mylisa Parette, Andrea Reed, Gerald Rogers, Becky Rock, Ed Galus, Bridget Allen, Harry Burd, Dennis O'Leary, Don Franson, Heather Little, Howard Grove, Sr., Duane Grove, Dana Grove, P. Armagast, George Powell, Veronica Powell, Ariana Windler, Scott Barbara, Barry Taylor, G. Clair, Gwen Marchek, Tim Miller, Adam Clampt, Nikki Clampt, Shawn Clampt, Genevieve Robine, Stefanie Lucas, Jeffrey Lucas, Leah Bug, Kurt Johnson, Jeffrey Cornelious, Mark Wickersham, Tracie Wickersham, Ron Spicer, Cindy Spicer, Kim Marchek, Richard Lysle, Liza Johnson, Will Anderson, Frank Swancer and Sharon Royer.

Mr. Wise gave those in attendance a background on the events that lead us to tonight's hearing. Mr. Wise noted that the property owner came to the township prior to purchasing the property in 2013 to discuss uses that would be permitted in the Agricultural District. At that time, it was thought that the uses discussed would fit as accessory uses in this district. However, now that events are taking place and questions/concerns are being raised it was determined by the Solicitor and the Zoning Officer that this use should proceed with the conditional use process. Mr. Wise noted that no decisions will be made this evening. The Board wants the Planning Commission to have more time to further review and make their recommendations. This hearing will continue for at least one more meeting and perhaps more.

Mr. Wise noted that he will be abstaining from these conditional use proceedings because he has conducted business with the Powells dealing with farm equipment rentals.

R.B. Powell offered the following information:

- *Noted that they aren't Walmart. They buy their supplies from local suppliers, from fresh apple cider, stone from Hawbaker's quarry, etc.

- *Noted that they employ 14 people, 12 of which don't have other jobs.

- *Having been operating similar hayrides for the past 34 years.

- *Reviewed several names on their 2012/2013 client list

- *Expressed how they give back to the community through sponsorship of bands at the State Theater, sponsor scholarships and make donations to various charities in the community

George Powell went over sections in Ordinance 55 dealing with noise levels. Noted that 62db is permitted and that the loudest noise that he measured was between 48 and 52 db. Questioned what noise is acceptable? Noted that there are shooting ranges nearby as well as loud diesel trucks, airplanes, a stone crusher and louder motorcycles all in the neighborhood that all generate loud noises. Questioned what noises can be tolerated? Noted that no recorded music is played during the events. Also noted that the loudest noise generated is probably from the tractors during the actual hayride. Also stated that the noise from the students chanting can probably also be heard, but that wouldn't be over the noise level limits. They noted that they are trying to limit the songs that get the kids are wound up to before 10 p.m.

R. B. Powell noted that they are in constant communication with Greek Life that is associated with the University and that that Organization closely follows what takes place at all Fraternity and Sorority events so that the Chapters can be held accountable for misbehavior.

R. B. Powell went over what they have done to prevent any type of fires. It was noted that extinguishers are on the premises near each campsite location. He noted further that they also have a large container like you would see at farms with water should it be needed. There are also trained volunteer firemen that assist with the events.

It was noted that Nittany Mt. Trailrides has hired security personnel for their events. Students are checked prior to boarding the busses on campus. Anyone visibly intoxicated is not permitted to board the bus. Students are also check to make sure bottles of alcohol are not being brought with them. They noted that groups are permitted to bring kegs of beer to the event. Their policy is one keg of beer per 50 people attending. He stressed that their events are not drunken frat parties, but social events. The groups are at the site where the beer is located for a limited amount of time. They noted that approximately 50% of their hayrides are completely alcohol free events.

The Powells noted that as concerns have been brought to them by the neighbors they have been trying to address the concerns as quickly as possible. Mr. Powell noted that they had a neighborhood event over the weekend in which approximately 60 attended. He noted that he wanted to show the neighbors the property and experience a hayride event to understand what was being offered.

Veronica Powell noted that they are also working a great deal on their property to improve wildlife habitat, eliminate invasive species, and on improving the health of pond which has been neglected for a long time.

Mr. Powell noted that their hayride season is nearing completion for the year with approximately a week and a half left.

Nate Campbell, Chairman of the Benner Township Planning Commission, noted that the Planning Commission is suggesting that this be continued so that additional information can be obtained and a more thorough review, discussion and recommendation can be made.

The following persons either spoke or entered written statements to the Board:

- *Frank Swancer
- *Delores Nellis/Robert Nellis
- *Sam Fischer
- *Robert Lumley-Sapanski
- *Jeff Lucas
- *Stefanie Lucas
- *Leah Bug
- *Tom Eby
- *Tracey Wickersham
- *Becky Rock
- *Rod Beard (Representing John Marchek)
- *Victoria Powell
- *Heather Little
- *Kim Marchek

- *Kate Lumley-Sapanski
- *John Marchek
- *Mylisa Parette

It was noted that the hearing will be continued and reconvened on December 1, 2014 at 7:00 p.m.

Sharon Royer, Sec.

**Benner Township Supervisors
November 3, 2014**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 8:47 p.m. by the Chairman, David Wise with members Randy Moyer and Mark Capriani present. Also in attendance were Maureen Mulvihill, Ed Galus, Dennis O’Leary, Don Franson, Jessica Bradley, Angela Clark, Duane Grove, Becky Rock, Shawn Clampt, Adam Clampt, Nikki Clampt, several other members of the Bellefonte YMCA swim team and their parents, and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Maureen Mulvihill: Ms. Mulvihill was present to express her opinion to the Board the importance of supporting the Kepler Pool and gave reasons for financial support for it. Some of the reasons she expressed were that: it gives the kids a safe place to meet friends, she noted that it gives kids something to do and therefore keeps them occupied and out of trouble, it makes a better community, it assists local community businesses, it helps companies recruit employees by showing potential employees that the community has family amenities, and it assisted children to go on to Nationals for swimming.

YMCA swim team members Shawn and Leigha spoke to the Board on how important the pool is to them.

Adam Clampt spoke in support of the pool.

Jessica Bradley noted that she opposes any township taxes to support the pool. She noted that according to the information that was provided by the YMCA only approximately 6% of its users live in Benner Township.

Angela Clark noted that she too opposes any taxes to pay for the pool.

Becky Rock noted that at first she was against taxes being used for the pool, however after hearing several of the points made by Ms. Mulvihill and thinking about it on a broader perspective she would probably support it.

The Board thanked all for their attendance and expressions of their opinions.

ENGINEER’S REPORT

Mr. Franson provided the Board with the updated parking/weight limit/speed limit ordinance. It was noted that the Township already has a similar ordinance. This version is just updated to include the new roads that have been added over the years. Mr. Wise moved to forward this ordinance on to the

Solicitor for a final review and then for formal advertising and potential adoption at the next meeting.
Mr. Moyer seconded the motion.

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

Mammoth Construction Bond: Mr. Franson noted that he was in contact with Chad Dubin a couple months ago and his insurance agent over a month ago and still hasn't heard anything back regarding the bond for the sidewalk damage.

MINUTES

The minutes of October 6, 2014, 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 November 3, 2014, were presented to the Board for their review and comments. Mr. Moyer moved to approve the bills as presented. Mr. Capriani seconded the motion.

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

ROAD SUPERINTENDENT'S REPORT

Mr. O'Leary reported on the following:

*He noted that he applied, with the assistance of Mr. Franson, for a county liquid fuel grant to replace some stormwater pipes on several different township roads.

*It was noted that since the truck was delivered later and the payments were starting later that there is funds remaining in the equipment budget for 2014. Mr. O'Leary noted that he would like the Board's permission to purchase a new wood chipper off of state contract to replace the current 1989 chipper. Mr. Capriani moved to authorized the purchase of a new chipper as long as the purchase stays within budget constraints. Mr. Moyer seconded the motion.

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

OLD BUSINESS

Amberleigh Development – Street Dedication: It was noted that all of the remaining paperwork has been received in order to finally take over the streets in the Amberleigh Development. Mr. Capriani moved to adopt the following resolutions accepting the streets in the Amberleigh Development:

- Resolution 14-9 – Cambridge Lane
- Resolution 14-10 – Dorchester Lane
- Resolution 14-11 - Exeter Lane
- Resolution 14-12 – Barrington Lane
- Resolution 14-13 - Amberleigh Lane

Mr. Moyer seconded the motion.

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

Mammoth Construction Bond: This item remains tabled.

Graystone Court Plan: It was noted that the final plan for the Graystone Court at Eagle Point is being presented for the Board's consideration and signatures. It was noted that a non-substantive change was made to the Stormwater Drainage Easement Agreement. Mr. Franson noted that he completed a walk through and that all necessary improvements have been made, therefore no surety is required. Mr.

Capriani moved to approve the non-substantive change request and sign the plan. Mr. Moyer seconded the motion.

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

NEW BUSINESS

2015 Proposed Budget: Mr. Moyer moved to tentatively adopt the 2015 Benner Township Budget for the public comment period, and formal adoption at the Board’s December 1st meeting. Mr. Capriani seconded the motion.

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

Chante Hills Farm Planning Module for 2 lot Subdivision: The Planning module was presented for the Chante Hills Subdivision. It was noted that this is required due to the fact that both lots will be served

by septic. Mr. Moyer moved to approve the Chante Hill Planning Module. Mr. Capriani seconded the motion.

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

CORRESPONDENCE

The board acknowledged receipt of the following correspondence:

1. Conservation District inspection reports
 - a. Mammoth Construction
 - b. Rogers Fill Site Rishel Hill Road
 - c. GM McCrossin
 - d. Gerald Clair fill site
 - f. Village of Nittany Glenn
 - g. Eagle Point
2. SBWJA Minutes – September 22, 2014 & October 13, 2014
3. Centre County Ag Preservation Information
4. Benner Township Water Authority Minutes August 19, 2014
5. Letter from Dolores Nellis RE: Enforcement of Restrictive Convents

ADJOURNMENT

The meeting was adjourned the time being 9:25 p.m.

Sharon Royer, Secretary