

**Benner Township Supervisors  
November 4, 2019**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order by the Chairman, Randy Moyer with members David Wise and Mark Capriani present. Also in attendance were Pat Ward, Don Franson, Ed Galus, Denny Krout, Rich Davis, Gene Stocker, Peggy McCabe, John McCabe, Lee Copper, Ellen Copper, Rick Weyer, Don Woods, Chris Kondash, Suzanne Weinstein, Roxanne Toto, Terry Cable, John Elnitski, Czapla, Greg Bartram, Wm Cory Stocker, Robert Jarvas, David Roberts, Thomas Eby, Andy Johnson, Tim Miller, Dennis McDowell, Dave Kline, Karry Carr, Thomas Kalinowski, John Kostas, Jane DeSantis, Larry Ermol, Tom Moyer, Larry Lingle, Jennifer Hwozdek, Brian Book, Warren Miller, Rex Mattern and Sharon Royer.

**EXECUTIVE SESSION NOTICE**

Mr. Moyer noted that he and Mr. Wise held an executive session on October 29, 2019 from 3:45p.m. to 5:30 p.m. and again on October 31, 2019 from 8 a.m. to 9 a.m. to conduct personnel interviews for a township vacancy on the road crew.

**PERSONS TO ADDRESS THE BOARD**

**Fair Districts:** Representatives from Fair Districts explained that they are a non-partisan, all volunteer group that's goal is to end gerrymandering in Pennsylvania. It is their goal to have a citizens commission established to draw the lines for congressional districts and not the party who is in power. Examples were given on how this currently works and the outcomes of how things are done currently. It was noted that this redrawing of lines happens every 10 years after a census is taken and is therefore why this push is happening now. It was noted that a resolution of support to end Gerrymandering has been prepared and given to the Board for their consideration. Mr. Capriani questioned how these people would be chosen to serve on the Citizen Commission? This process was explained. Several other people in the audience expressed how important they feel that this is to be changed. Resolution 19-5 was presented for consideration by the Board. Mr. Moyer moved to adopt Resolution 19-5. Mr. Wise seconded the motion.

Vote: Mr. Capriani – no

Mr. Moyer – yes

Mr. Wise – yes

**ACT 537 Special Study:** Andy Johnson of Gwin Dobson Foreman Engineers noted he was retained by SBWJA to complete the Act 537 Special Study which looks at the possibility of sewerage Shiloh Road, Rock Road, Big Hollow Road and Walnut Grove areas. Mr. Johnson briefly went over the contents of the document. It was noted that the document will be available for review on line as well as the Township and SBWJA offices. Mr. Johnson noted that there is a checklist that DEP provides that lists all of the information that must be contained within the plan. He went over the various components of the study which includes: needs/soils/septic management plan inspections and findings, sewage needs, future needs/ alternatives/ user rates & fees/ implementation schedule. He noted that currently it is anticipated that the earliest people would be connected would be 2022. Mr. Johnson noted that there is a 30 day written comment period that begins today. All written comments will be responded to and will be made part of the document. At the end of the comment period all of the comments along with the plan will be submitted to the County for their 60 day comment period. After that period the Township will need to decide if they are going to adopt the plan and move forward. The final step if the Township adopts the plan is that the plan will be submitted to DEP for their final approval. It was noted that this update is only a conveyance system. The sewage will be conveyed through SBWJA lines to the Bellefonte treatment plant.

Mr. Wise noted that the Supervisors haven't seen this plan to date either. Mr. Wise noted that the Township plans to hold a public session on Monday, December 16<sup>th</sup> to answer any questions on the document.

Mr. Ward asked why this study was done at all. Mr. Johnson noted that this area was included and was part of the 2003 Act 537 Plan. There was interest in sewerage Shiloh Road area for growth of development. He indicated that part of Shiloh Road was in the previous study but not all of it. This is part of the reason that DEP suggested that a special study be done. It was noted that if the Township wanted to sewer the Walnut Grove area they could have done that without this study being done as it was in the previous study. Mr. Johnson noted that there is documented need of public sewer in the study area.

Questions were asked if this project could proceed without Walnut Grove connections. Mr. Johnson noted that it could be an option however it is unknown if DEP would approve the plan without them being connected.

Residents expressed concerns that the only reason that they are being included in this and being made to hook up is the potential for the development along and near Shiloh Road.

It was noted that the 30 day public comment period started today.

Mr. Wise noted that this is a minimum comment time frame. Mr. Wise suggested that the time frame be extended until December 31, 2019. Mr. Wise moved to extend the public comment period until December 31, 2109. Mr. Capriani seconded the motion.

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

Mr. Wise questioned if this Special Study after adopted would replace the 2003 study for this area. Mr. Johnson noted that yes, once adopted and approved by DEP this Special Study would replace anything in the 2003 study for this area.

Questions were raised if individual property owners' costs were considered. It was noted that the study looked to try to minimize lateral lengths for property owners but did not take into consideration having to install through rocky conditions, etc. of that nature.

Mr. Ward noted that he has been hired by Gene Stocker and neighbors to review this proposal for public sewer and stated that he does not believe that there is a demonstrated need for public sewer for the Walnut Grove development at this time.

Mr. Wise noted that the public information session will be held on December 16<sup>th</sup> at 7 p.m. here at the municipal building.

A five minute recess was taken to clear the room.

**John Elnitski:** Mr. Elnitski questioned what is being proposed with the Airport Overlay Zoning in the new Zoning Ordinance. He stated that in the Township's current airport zoning it gives the property owners ownership up to 75' and he stated that they don't own that space that it is owned and regulated by FAA. Mr. Elnitski stated that FAA will be coming down on the airport due to tree growth into the established zones and that the trees will need to be trimmed or removed. Mr. Moyer noted that this is the same

ordinance that was in effect when Mr. Elnitski was a Township Supervisor. Mr. Wise noted that he would like a map provided to the Supervisors indicating what trees and the location of them that Mr. Elnitski has concerns with and feels will become a problem. Mr. Elnitski noted that if the 75' is removed from the ordinance he believes the remainder of the ordinance is fine, but believes that it is illegal as it is.

**David Roberts:** Mr. Roberts noted that he was present to encourage the Supervisors to support the Spring Creek Watershed Commission and adopt the proposed One Watershed Plan.

**MINUTES**

The minutes of monthly meeting held on October 7, 2019, were 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

The minutes of October 17, 2019 for the Comprehensive Plan Hearing and adoption were 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

The minutes of the Budget meeting held on October 21, 2019, were 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 November 4, 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**

None

**OLD BUSINESS**

Zoning Ordinance: Mr. Beard noted that he is finding that some additional articles are needed in the draft zoning ordinance and has been working on getting them written and inserted into the document.

537 Special Study: This was discussed earlier in tonight's meeting.

Surety Release for SilcoTek: It was noted that we have received confirmation from Mr. Franson that all of the outstanding items in the SilcoTek surety have been completed and therefore their check may be released. Mr. Capriani moved to release SilcoTek from their surety. Mr. Moyer seconded the motion.

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

Fillmore Road/Windtryst Development intersection: Mr. Franson noted that the speed study was complete and concluded that vehicles are within the range of the limits. It was noted that as a precautionary measure a side road ahead and advisory speed sign was installed approaching this intersection.

**NEW BUSINESS**

2020 Budget: It was noted that the 2020 budget has been prepared and is ready for the required public comment period. There is no tax increase planned for this budget. Mr. Moyer moved to tentatively adopt the 2020 budget. Mr. Capriani seconded the motion.

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

Bucket Truck Bids: It was noted that the Township only received one bid for a used bucket truck from its advertisement. The bid was received from Racey Auto Sales, Inc. and was for a refurbished 2006 Ford F350SD with 39,899 miles with a Versalift 36 foot working height bucket for the price of \$32,000. Mrs. Royer noted that Mr. O’Leary and Mr. Dutton have looked over this particular vehicle. Mr. Capriani moved to purchase this truck at the cost of \$32,000. Mr. Moyer seconded the motion.

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

Tax Collector Appointment: It was noted that with the resignation of Janet Houser as Tax Collector effective 12/31/19, the Township’s previous Tax Collector, Connie Peters, was approached to see if she would be interested in fulfilling the remainder of Janet’s two year term and she indicated that she would. Mr. Moyer moved to appoint Connie Peters as the Township’s Real Estate Tax Collector 2020-2021. Mr. Wise seconded the motion.

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

CATA Agreement: The CATA agreement for the 2020/2021 fiscal year was presented to the Board for their consideration. The 2020/2021 fiscal year contribution is \$5,613.00 plus a capital funding contribution of \$839.00. Mr. Moyer moved to approve Resolution 19-6. Mr. Wise seconded the motion.

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

Proposal for C-Net Services: The board was in receipt of a proposal from C-Net to become a participating member for the 2020 calendar year at the cost of \$8,470. The Board noted that they were not interested.

Randall and Gina Moyer 1 lot subdivision: It was noted that Randall Moyer is proposing a one lot subdivision off of Jagger Lane which is a private street. This is a single plan procedure where the County asks the Township has any comments on the Plan. It was noted that the Zoning Officer has already given his approval letter. Mr. Wise and Capriani noted that they didn’t have any comments.

Garbage ADA Determinations: Mrs. Royer noted that the cost of the garbage pick up at the door service in the new garbage contract has increased. The contract does have concessions in it for those that meet ADA requirements. Mr. Moyer moved to allow the Centre Region Trash Collection Liaison to make these ADA determinations. Mr. Capriani seconded the motion.

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

Village of Nittany Glen MOUs: The MOUs for the revised Master Preliminary Plan and Phase IV of the Final Plan for the Village of Nittany Glenn was presented for approval. Mr. Moyer moved to approve these MOUs. Mr. Capriani seconded the motion.

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

**CORRESPONDENCE**

The Board acknowledged receipt of the following correspondence:

1. SBWJA Minutes of September 23, 2019 and October 14, 2019
2. Centre County Planning Commission
  - a. Time Extensions
    1. William Anderson Subdivision
    2. VONG Phases V-A.1 & V-A.2
3. BTWA Minutes of September 17, 2019
  - a. Key Points 10/15/19
4. Conservation District Letters
  - a. SilcoTek
5. PSATS News Bulletin
6. Letter from Tim Miller Re: Stepping down from SBWJA
7. NVJRA Audit of 2018
8. Court Decision Benner Township Water Authority Vs DEP and Bellefonte Borough
9. Correspondence from Bellefonte EMS Re: 2020 funding request

#### **NOTES**

The Board expressed their thanks to Tim Miller for all of his years of Service on the SBWJA representing Benner Township.

The Board questioned Tom Eby on the recent court case decision between BTWA and Bellefonte Borough and DEP. Mr. Eby noted that he was asked not to discuss the court case. Mr. Capriani noted that the decision wasn't a surprise and noted that he hoped that the Water Authority didn't waste any additional funds fighting this. David Roberts expressed his thanks to the Water Authority for looking out for the residents' water quality.

John Kostas had questions regarding soils. The Board noted that there are various types of soil in the township. The geologists, SEOs and soil scientist are trained to determine the various types noting that this is something that none of the Supervisors are trained in.

**Executive Session regarding personnel matters** the time being 9:00 p.m. The meeting was reconvened the time being 9:11 p.m. The Board decided the after additional interviews they will hire the best qualified candidate and that this will likely happen before the next regular meeting.

#### **ADJOURNMENT**

The meeting was adjourned the time being 9:11 p.m.

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Sharon Royer, Secretary