

Benner Township Supervisors

November 6, 2023

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 Larry Lingle and Thomas Moyer present. Also in attendance were Rivka Wolin, Maria Amtcro, David Roberts, Allen Strouse, Treva Strouse, John Elnitski, Debra Smeal, Thomas Eby, John Kostas, Jim Lanning, Rod Beard, Dennis O'Leary and Sharon Royer.

PERSONS TO ADDRESS THE BOARD

Benner Township Water Authority – Jim Lanning/Tom Eby: Mr. Eby noted that the Grove Park well is approaching the limit for nitrates. Last month the test came in at 9.1. The limit is 10 for a public water system. At that point treatment is necessary. The Water Authority's engineer has done a feasibility study to run an interconnection from the Hampton/Opequon water system to the Grove Park system at the approximate price tag of 3 million. Mr. Eby noted that the Authority has spoken with Brian Heiser of the State College Borough Water Authority to see what his thoughts are.

Mr. Eby noted that the Authority decided at their last meeting that they would continue to look for another well site. It was noted that the Authority's Hydrogeologist as well as Andrew Swales who is also a Board member and hydrogeologist both are thinking that somewhere in the vicinity of the Bellefonte Airport could possibly be a good location to drill another test well. Mr. Eby noted that the Water Authority is asking the Board if they could possibly give them up to \$100,000 so they could do two more exploration wells.

Mr. Lingle noted that he doesn't understand how finding a water source so far away from the problem is going to help when they still would need to build the expensive infrastructure to get the water from the new well to the development.

Mr. Eby noted that the Authority would seek grant funds or low interest loans to fund the water infrastructure but in order to receive those funds the water rates would need to greatly increase from the current \$40 per month to perhaps \$80 to 90 per month.

Mr. R. Moyer questioned if the Authority has looked at getting water from the State College Borough Water Authority? Mr. Lanning noted that they have looked into it. Mr. Eby noted that SCBWA has a 8" line at the Veteran's Park and that would be like a 2 mile run to get the water from there to Grove Park.

Mr. Lanning noted that they have sought funds from several sources for the exploration wells and haven't come up with it, thus the reason for the ask this evening.

John Elnitski noted that he has been attending the Water Authority meetings and the short of it is that a system is needed to be developed that is centered between the two water systems (Hampton Hills and Grove Park) so that the water can go in either direction. He continued that water samples in the private well at the airport has been tested and tested at 5.

John Kostas questioned Mr. R. Moyer if he thought that there was any interest out there to develop more land if the water would be available. Mr. Moyer noted that the land is all private and that it would be up to the individuals if they wanted to go that route or not. Mr. R. Moyer questioned if everyone along Seibert Road was willing to hook on to a water system if it was available?

Mr. R. Moyer questioned if studies were done for the two locations that were drilled that came up as duds. Mr. Eby indicated that there was and that no one really knows for sure until the hole is drilled and water is tested.

David Roberts noted that a new well is needed because nitrates are very dangerous to young children and infants. He continued that people feel that this is such a water rich area when in fact there are serious issues with nitrates and pfas. Mr. Roberts encouraged the Board to fund the Authority with the hopes of resolving some of these issues.

Mr. Kostas questioned if State College Borough Water Authority has a mandatory connection ordinance? He questioned if there was an interconnect with them would they require mandatory connection.

Mr. R. Moyer questioned if anyone has talked with Graymont to see if they would be willing to have a well drilled on their land?

It was asked as to when the Authority is looking to receive these funds? It was noted that ideally in the beginning of 2024 is when they would like to have them.

Mr. Lingle noted that he still feels as though this is just a band aid and that a more permanent solution should be looked at.

Mr. R. Moyer questioned how these once private water systems are now the problem of the Water Authority? Mr. Eby noted that the Home Owner Associations approached the Authority to take the systems over.

Mr. R. Moyer questioned if the nitrates can be treated? It was noted that yes they can but it is very expensive and causes industrial waste.

The Board noted that they need some time to digest the information that was provided to them by the Authority.

John Elnitski: Mr. Elnitski questioned if the Board held an executive session since the last meeting? It was stated that they did not. He continued that his mother is in a law suit with the township and with Kathy Evey. He continued that Kathy Evey has a financial interest in her case since she owns the road and owns property that aligns with their proposed project. Mr. Elnitski questioned when the decision was made to do a combined brief together with the Eveys because he sees a serious problem with that.

Mr. Beard noted that he had a discussion with Evey's council about submitting two separate briefs or to be more efficient and submitted one. Our interests are aligned. Our position is that the Board of Supervisors made no mistake on its ruling. The Court of Common Pleas of Centre County applied the proper standard in reviewing the Board's decision made and affirmed the Township's decision. The Commonwealth Court is now reviewing the Court of Common Pleas decision and our interests are aligned with Evey's. There is no conflict.

Mr. Elnitski noted that he disagrees and feels that there is a conflict. He noted that Kathy is a private party just like he is a private party. Mr. Elnitski noted that he does not know who wrote the brief, if she received financial assistance by having this brief written. Mr. Elnitski noted that he feels that there is so much conflict and that the Township should not be involved with a private citizen in filing a brief. Mr.

Elnitski noted that he now plans to take this matter to the State Ethics Commission, The State Bar Association and the State Attorney's Office. He continued that he feels that the decision to file a joint brief should have been talked about and voted on in a meeting before it was done.

Mr. Beard noted that he disagrees and feels that this falls under counsel's discretion on whether or not to file a joint brief.

Mr. Elnitski noted that he is upset over this and feels that Evey is getting a freebie on this. Mr. Beard again noted that he disagrees with Mr. Elnitski's beliefs on the filing of the briefs and that it is up to counsel to make these decisions.

MINUTES

The minutes of October 2, 2023, were presented to the Board for their review and comments. Mr. Lingle moved to approve the minutes as presented. Mr. R. Moyer seconded the motion.

VOTE: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

The minutes of October 26, 2023, were presented to the Board for their review and comments. Mr. Lingle moved to approve the minutes as presented. Mr. R. Moyer seconded the motion.

VOTE: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

BILLS

The General Fund bills of November 6, 2023 were presented to the Board for their review and approval. Mr. R. Moyer moved to approve the bills for the General Fund in the amount of \$123,738.71. Mr. Lingle seconded the motion.

VOTE: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

The American Rescue Fund bills of November were presented to the Board for their review and approval. Mr. R. Moyer moved to approve the bills for the American Rescue Fund in the amount of \$329,252.00. Mr. Lingle seconded the motion.

VOTE: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

It was noted that the accounts receivable for the General Fund was \$77,357.72 for the month.

ROAD SUPERINTENDENT'S REPORT

Mr. O'Leary reported on the following:

All road projects have been completed for the year.

The new street sweeper has been delivered.

He is working on getting tractor quotes. He has received a few and is waiting on a few more.

Old sweeper – Mr. O'Leary noted that he is checking with DEP to see what needs done to get rid of the old sweeper. He noted that in its current condition that it could only be sold for scrap or parts.

OLD BUSINESS

Tree Ordinance: Mr. Beard provided the Board with a final draft of the Tree Ordinance. Mr. Beard provided a brief overview of the ordinance provisions. This ordinance deals with dangerous trees that could hinder the traveling public. Comments that were received were addressed and revisions were made to the last draft. It was noted that the notice was changed to 45 days to remove a dead tree with provisions that should one become an imminent danger that it would need to be removed sooner.

Mr. Beard noted that the Ordinance is ready to advertise for adoption. It has been prepared to be in line with the provisions of the 2nd Class Township Code. Mr. R. Moyer moved to advertise the ordinance for adoption. Mr. T. Moyer seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

2024 Draft Budget: The 2024 draft budget has been prepared and is ready for advertisement for comments. It was noted that the real estate tax rates will remain at 1.89 mills. Mr. R. Moyer moved to tentatively adopt the 2024 budget and place it out for the public comment period. Mr. T. Moyer seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

NEW BUSINESS

Etters Land Development MOU: The standard Memorandum of Understanding for a land development plan was presented for the Etters HVAC that plans to be constructed in the Airport Park Development. Mr. R. Moyer moved to approve the MOU. Mr. T. Moyer seconded the motion.

Vote: Mr. T. Moyer – yes Mr. Lingle – yes Mr. R. Moyer – yes

Bellefonte Fire Department:

Billing Ordinance: Mrs. Royer noted that the Bellefonte Fire Department is asking that each of the municipalities that they cover to consider adopting an ordinance that would allow the fire departments to bill insurance companies when they go to a vehicle accident call. It was noted that almost every auto insurance policy comes standard with coverage to pay for these types of incidents but that most fire companies don't seek the funds. An example of Marion Township's ordinance was provided to the Board. With the rising costs of fuel, equipment and supplies they believe that this will help them re-coop some needed funds. The Board indicated that they wouldn't have a problem with adopting a similar ordinance.

Fire Tax: Mrs. Royer noted that at the last Fire Executive Board meeting, the 2024 fire budget was prepared for the Bellefonte Fire Company. A vote was taken as to whether or not the proposed budget would be forwarded on to the Borough for approval. The vote did not pass. The Fire company members noted that they want to see a 1 mill fire tax increase. Mrs. Royer noted that she explained that if the Township were to enact a fire tax that those designated funds would be divided among the three fire companies (Alphas, Pleasant Gap and Bellefonte) and wouldn't be given exclusively to Bellefonte. It was noted that with the current formula, that is based on assessed value that is calculated by the County, Benner Township is now contributing more funds to the Bellefonte Fire Department than the Borough. With the Borough being basically built out and all of the construction going on in the Township, it should be anticipated that the Township's contribution percentage will continue to increase. The Board noted that discussion would need to take place much earlier in the year regarding increased contributions as the Township's 2024 budget is completed.

Noise Ordinance: It was noted that additional noise complaints have been received against Nature's Cover and their early morning deliveries. The complainant states that the drivers are making deliveries around 4 to 5 a.m. and allowing their tailgates to slam shut which is disrupting their sleep. After looking at the noise ordinance, it isn't written in such a way that this complaint could be easily written up. Mr. R. Moyer indicated that Nature's Cover is located in the Commercial District and those types of noises should be expected but he does see where it could be annoying to the adjoining residential properties. Mr. R. Moyer noted that he will go and speak with the owner again and let him know that ordinance revisions could be considered should the complaints continue.

CORRESPONDENCE

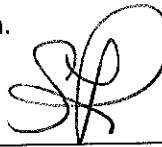
The board acknowledged receipt of the following correspondence:

1. SBWJA Minutes – September 25, 2023 & October 9, 2023
2. BTWA – September 19, 2023
3. Centre County Planning Commission Letters
 - i. Greater Buffalo Run Valley UMC – Time Extension
 - ii. Benner Pike Hotel – Time Extension
 - iii. Review and Comments on McDonalds Land Development Plan
 - iv. Review and Comments on Revised Preliminary Plan for Logan Greene
4. DEP PFAS Update for September/October
5. Conservation District Letters
 - i. E & S Plan review -Restek Modular Cooler & Chiller Plan
6. Notice of Chapter 102 Permit for Susan Clair
7. Bellefonte EMS 3rd quarter Update
8. Traffic Scoping Reviews/Applications
 - i. G. M. McCrossin
 - ii. McCormick Taylor review of Logan Green Revised TIS
 - iii. Sheetz Rebuild
 - iv. Etters HVAC
9. Engineering Reviews
 - i. McDonalds (1st Review)
10. Proposal from C-NET for Meeting Taping Services for 2024

Mr. Roberts asked the Board if they have considered the C-Net proposal to have the Board's meetings broadcasted on C-Net. The indicated that they have read the proposal and decided against it.

ADJOURNMENT

The meeting was adjourned the time being 8:25 p.m.



Sharon Royer, Secretary