# Benner Township Supervisors April 1, 2024

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 Kathy Evey present. Also in attendance were: James Lanning, Avia Eichhof, Jamie Smith, Edward Galus, Maggie Weitzel, Therese Hollen, Tibben Zerby, John Elnitski, Thomas Eby, Rodney Beard, Mike Lesniak and Sharon Royer.

It was noted that the Township Secretary will be recording this evening's meeting for minute transcription purposes. At this time, we ask that anyone in attendance that is planning on recording the meeting to please announce yourself at this time. It was noted that the Centre Documenters also plan on recording this evening's meeting.

**Agenda Amendment:** Mrs. Evey made a motion to amend the agenda to reflect under Old Business - Appointment to the Vacancy Board to include John Elnitski's name as well as Therese Hollen and Ray Stolinas as he has, at past meetings, expressed interest in this vacant position. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

#### PERSON'S TO ADDRESS THE BOARD

John Elnitski: Mr. Elnitski expressed his concerns with the garbage contract renewal. He noted that when this was originally started, the cost was a few dollars cheaper than private individuals could get the service on their own and it included the bulk pick ups which was a savings of about \$10,000 to the Township not having to pay for the bulk trash collection. He noted that he feels that this new contract may not be in the best interest of the Township anymore. He noted that he thinks that the Centre Region is doing what is best for the Centre Region. He expressed concerns with the new cans that are being proposed and how they would work with the Township's roadways. He noted that he feels that the Board should investigate other options. Perhaps a local hauler would do the entire township. The Board noted that they would look at getting additional information and make inquiries.

## **MINUTES**

The minutes of March 4, 2024, were presented to the Board for their review and comments. Mr. Moyer moved to approve the minutes of March 4, 2024 as presented. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

# **BILLS**

The bill list for the General Fund was presented to the Board in the amount of \$108,480.61.

Mr.

Moyer moved to approve the bill list as presented. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

The General Fund Receivables in the amount of \$79,401.86 were presented. Mr. Moyer moved to accept the list of receivables. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer – yes

The State Fund bills in the amount of \$4,335.04, was presented to the Board for their approval. Mr. Moyer moved to approve the state fund bill list. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

### **OLD BUSINESS**

<u>Vacancy Board Vacancy</u>: It was noted that to date, John Elnitski, Therese Hollen and Ray Stolinas are all interested in the position on the vacancy board. Mr. Moyer moved to table the appointment to the vacancy board appointment because he is aware of three additional people that are interested that didn't have time to get their information submitted. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer – yes

Nittany Valley Joint Recreation Authority: The vacancy on the Nittany Valley Joint Recreation Authority was advertised in the Township newsletter and Ray Stolinas indicated a willingness to sit on this Board. Mr. Lingle moved to appoint Ray Stolinas to the NVJRA. Mr. Moyer seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

## **NEW BUSINESS**

Zoning Ordinance Amendment Application: The Township is in receipt of an application for zoning amendment under Section 5.2 Permitted Uses Section E. No more than one (1) principal use shall occupy a lot and also consideration is being asked for if a "Kennel" could be added to be included in the definition of "Boarding Stable". Discussion was held that a possible solution for this would be to have any second use on a lot as a conditional use. That way the Board would have some control on the second use and if additional parameters would need to be established.

Mr. Moyer moved to forward this zoning amendment request on to the County Planning Office and Planning Commission for review and recommendations. The change would be that in the Ag District and FC District that a second principal use on a property would be subject to the Conditional Use proceedings. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle - ves

Mr. Moyer - yes

Conditional Use Application for a Kennel – 246 Raymond's Lane: Mrs. Evey questioned if the property owner shouldn't have signed the conditional use application? It was noted that in this case, the applicant has made an offer on the property and is the equable owner. Mr. Moyer moved to scheduled the hearing for May 6, 2024 at 6:30 p.m. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle - yes

Mr. Moyer - yes

<u>Conditional Use Application for a Kennel – 147 Grove Drive - Duane Grove:</u> The Board is in receipt of a Conditional use application for a kennel to be located at 147 Grove Drive. Mr. Moyer moved to schedule the hearing for May 6, 2024 at 6:45 p.m. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle - yes

Mr. Moyer - yes

<u>Sullivan's Mini Storage Phase VIII MOU:</u> The Board is in receipt of the standard County Memorandum of Understanding for bill reimbursement for Phase VIII of Sullivan's Mini Storage. It was noted that this is the last phase of this development. Three buildings are being proposed. Mr. Moyer moved to approve the MOU for Sullivan's Mini Storage. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

<u>Village of Nittany Glen Phase iji-A MOU:</u> The Board is in receipt of the standard County Memorandum of Understanding for bill reimbursement for Phase 3A of the Village of Nittany Glen. It was noted that this is the last phase of this development. Mr. Moyer moved to approve the MOU for Phase 3A of the Village of Nittany Glen. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle - yes

Mr. Moyer - yes

Pennsylvania Game Commission Sewage Planning Module: It was noted that in order for the PA Game Commission to run public sewer to their new proposed North Central Office off of Shiloh Road that a Sewage Planning Module is required. Maggie Weitzel of Gwin Dobson Foreman was present if anyone had any questions on the planning module. Mr. Elnitski noted that he doesn't feel that this project was disseminated enough in the public, that no buildings were to be constructed on the properties in the Canyon. It was explained that the location of this building is not in the Spring Creek Canyon but right off of the Shiloh Road 1-99 exit. Discussion was held. It was pointed out that the Game Commission could use this land to carry out its legislatively functions and is also exempt from local land use controls as was outlined in the transfer. Mr. Elnitski noted that the TAG was to be made aware of this. Mrs. Royer noted that this project was brought up in TAG meetings the last two years. Ms. Weitzel noted that this proposed Act 537 Plan for the Game Commission was advertised and available for public comment for 30 days. Mr. Moyer asked Mr. Beard what his take was on this. Mr. Beard noted that this was looked at a while ago and he feels that as long as they are doing what is allowed with their legislative power that there isn't anything anyone can do to stop them. Case law supports that. It was suggested that Mr. Elnitski contact the Game Commission with his concerns. Mr. Moyer moved to approve Resolution 24-2 which amends the Township's Act 537 Plan to include public sewer to the new Pennsylvania Game Commission North Central Office Building. Mr. Lingle seconded the motion. Mrs. Evey questioned if this Resolution amends the Township's Act 537 Plan. Ms. Weitzel indicated that yes, with a project of this size that the 537 Plan can be amended by the adoption of a Resolution through a planning module.

Vote: Mrs. Evey - no

Mr. Lingle – yes

Mr. Moyer - yes

<u>2023 CPA Audit Report</u>: The 2023 CPA audit report from Maher Duessel was given to the Board. Mr. Moyer moved to approve the 2023 audit report. Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

Sewer Connection Letter to public sewer: It was noted that the Locklin property and TD2 property have not yet been hooked up to the public sewer. It was noted that they have been following the SMP but need to connect to the sewer and SBWJA wants a letter from the Board authorizing them to send out the 60 day connect letters. Mr. Moyer moved to approve and sign the letter to connect authorization to SBWJA. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle - yes

Mr. Moyer – yes

<u>Opening of Road Project bids</u>: Mrs. Royer opened the sealed bids for the road projects. The results were as follows:

Item	Quantities	Unit	Description	HRI Unit Price	HRI	GOH	GOH Total
#					Total	Unit Price	
1	2633	SY	Roadway Widening	40,25	105,978.25	28.00	73,724.00
2	1730	LF	Milling of bituminous paving notch	1,30	2,249.00	3,00	5,190.00
3	77	Tons	WMA Wearing Course (scratch and leveling)9.5	155.15	11,946.55	97,00	7,469.00
			mm Fine graded MIX 50 gyrations	300000000000000000000000000000000000000			To the second se
4	1496	Tons	WMA Wearing Course 9.5 mm MIX Level 1 (50	87.50	130,900.00	80,00	119,680,00
			gyrations)				

5	128	Tons	WMA Wearing Course (scratch)19.0 mm MIX (50	109.40 14,003.20 84.00 10,752.00
			gyrations)	
6	2240	Tons	WMA Wearing Course 19.0 mm MIX (50	72,70 162,848.00 61.00 136,640.00
			gyrations)	
				\$427,925.00 \$353,455.00

Mr. Moyer moved to award the paving project bid to Glenn O. Hawbaker, Inc. in the amount of \$353,455.00 Mrs. Evey seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

<u>Committee Reports:</u> Mrs. Evey noted that she would like to give a brief report on the various meetings that she has attended in the last month.

- \*March 18<sup>th</sup> she attended the Bellefonte Borough Work Session where CATA and the Centre County Office of Transportation Office were present and offered some additional information on the services that they can provide.
- \*March 21st she attended the Nittany Valley Joint Planning Commission meeting. The MPO was present and reviewed a number of transportation projects that are going on around the county and the Nittany Valley.
- \*March 28<sup>th</sup> she attended a grant/funding workshop that was sponsored by Senator Dush at 3C Sports. Sen. Dush noted that should funding be sought to make sure to contact his office as he has staff members that can assist in the process. Mrs. Evey noted that perhaps we would find some residents that would be willing to apply for funding for various projects.

<u>Opening of Road Material bids:</u> Mrs. Royer opened the sealed bids for the road materials. The results were as follows in the chart below.

Mrs. Royer indicated that there was some confusion regarding where the pick up location would be for the Woodland Equipment material bids, therefore she recommended that these bids be tabled until the next meeting so that clarification could be received. Mr. Moyer moved to table the 2024 road material bids until the May 6<sup>th</sup> meeting. Mr. Lingle seconded the motion.

Vote: Mrs. Evey - yes

Mr. Lingle – yes

Mr. Moyer - yes

			2024 BENNER TOWNSHIP ROAD MATERIALS	Hawbaker FOB Plant	Hawbaker Del.	Heidelberg FOB Plant	Heidelberg Delivered	Woodland Equipment FOB Plant	Woodland Equipment Delivered	HRI, Inc. FOB Plant	HRI Delivered
1	1000	ton	PA-2A SUBBASE	10,50	15.20	11,25	16.25	10.25	16.24	No bid	No bid
2	250	ton	SELECT GRANULAR MATERIAL-2RC	10.50	15.20	9,50	14.50	8,94	14.66	No bid	No bid
3	250	ton	AASHTO No. 1	14.70	19.10	17,00	23.00	16.67	22.19	No bid	No bid
4	250	ton	AASHTO No. 57	14.70	19.10	17.00	22.00	14.39	19.98	No bid	No bid
5	250	ton	AASHTO No. 8	17,85	22.55	27.00	32.00	17.50	23.04	No bid	No bid
6	1000	ton	Washed AASHTO No. 8	18.90	23.60	27.00	32.00	No bid	No bid	No bid	No bid
7	1000	ton	Washed 1/4" No. 9	14,00	18.70	No bid	No bid	No bid	No bid	No bid	No bid
8	300	ton	#3	13.65	18.35	20,00	26.00	17,34	22.73	No bid	No bid
9	300	tons	R3	14.70	19.10	18.00	24.00	No bid	No bid	No bid	No bid
10	300	ton	R4	14.70	19.10	18,00	24.00	No bid	No bid	No bid	No bid
11	300	ton	R5	17,85	22.55	22.00	29.00	No bid	No bid	No bid	No bid
12	. 300	ton	R6	17,85	22.55	22.00	30.50	No bid	No bid	No bid	No bid
13	200	ton	Surge Stone	17.85	22.55	17.00	22.00	15.15	23.74	No bid	No bid
14	250	ton	SUPERPAVE WEARING COURSE, 9.5mm	73,35	No bid	No bid	No bid	No bid	No bid	78.85	No bid
15	250	ton	SUPERPAVE WEARING COURSE, 19.0mm	67,75	No bid	No bid	No bid	No bid	No bid	72.75	No bid
16	250	ton	SUPERPAVE BINDER COURSE, 19.0mm	67.75	No bid	No bid	No bid	No bid	No bid	72.75	No bid
17	250	ton	SUPERPAVE BINDER COURSE, 25.0mm	60,65	No bid	No bid	No bid	No bid	No bid	66.35	No bid
18	1000	ton	DSA	16,80	21.50	18.50	25.50	19,20	24.69	No bid	No bid
19	250	ton	Limestone Sand	14,70	19.10	15.00	20.00	11.11	16.71	No bid	No bid
20	100	ton	UPM Cold Patch	140.00	No bid	No bid	No bid	No bid	No bid	135.00	150.00
21	100	ton	Cold Patch	No bid	No bid	No bid	No bid	No bid	No bid	No bid	No bid

The Board acknowledged the following correspondence:

- 1. SBWJA Minutes February 26,2024 & March 11, 2024
- 2. BTWA February 20, 2024 minutes
- 3. Centre County Planning Commission Letters
  - 1. Comment letters
    - a. Windswept Farms (Patton Twp.)
    - b. DEP 3M Sewage Planning Module PA Game Commission
    - c. Sullivan's Mini Storage Phase VIII
    - d. Zoning Ordinance Amendment Comments Re: Marion Twp
    - e. PA Fish & Boat NOI Water Consumptive Use
  - 2. Time Extensions
    - a. Greater Buffalo Run Valley UM Church
    - b. Etters HVAC
- 4. Engineering Reviews
  - a. McCormick Taylor Review -
    - 1. WaWa TIS/PennDot WaWa TIS Comments
    - 2. Windswept Farms

- b. Franson -
- 1. Sullivan's Mini Storage Phase VIII
- 2. Sheetz Rebuild
- 5. Conservation District Letter -Withdrawl of NOI for Bellefonte Warehouse
- 6. February Zoning Permit Report
- 7. PennDot letter that G.M. McCrossing TIS is complete
- 8. PFAS
  - a. Correspondence between Mountain Research and DEP
  - b. DEP's March Update
- 9. Centre County Planning 2023 Annual Report
- 10. College Township notice of Shiloh Commercial Park Narrative
- 11. Notice of PennDOT TIS Scoping Applications
  - a. Ferris Land Development
  - b. PA Game Commission

Mr. Moyer asked if anyone had any questions on any of the correspondence or wanted to say anything before the meeting was adjourned. Seeing none, the meeting was adjourned the time being 7:43 p.m.

Sharon Royer, Secretary