

**Benner Township Supervisors
Meeting Minutes
September 3, 2024
7:00pm
1224 Buffalo Run Road
Bellefonte, PA 16823**

CALL TO ORDER

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order on September 3, 2024 at 7:00 p.m. by the Chairman, Randy Moyer with members Larry Lingle and Kathy Evey present.

Also in attendance were: Sharon Royer, Township Secretary and Rod Beard, Township Solicitor.

Guest sign in sheet is attached.

PERSONS TO ADDRESS THE BOARD/PUBLIC COMMENT

Mr. Moyer made a motion to limit all public comments to 3 -5 minutes with limitations on repetitive comments. Second by Lingle. Discussion included making this motion a policy that is posted on the website and also posted in the meeting room. The motion carried.

1. Airport Park State College RE: Phase II of the Harvest Meadows Development
 - Matt Caffrey, representative from the Airport Park State College Developers, was present to discuss this project.
 - Road realignment for Fox Hill Road – Concerns

Moyer motioned and Lingle seconded to tentatively approve the project pending Mr. Beard's approval (township solicitor) of the agreements. Motion to approve carried with 3 yes votes.

Supervisor Name	Vote
Randy Moyer	Yes
Larry Lingle	Yes
Kathy Evey	Yes

2. Jim Lanning, a resident, spoke regarding water safety in the township.
3. Terry Cable, a resident, spoke regarding the sewer project and concerns about soil and water contamination (PFAS).
 - It was clarified by Mr. Beard that the Township is required to conduct Sewage planning for the residents. The planning involves determining where the public sewage should be extended to, but the township does not have any authority to look into or put limits on construction costs. Once the planning is done and the determination has been made and approved by DEP that the plan is feasible, and a line should be extended to a given area, at that point all the authority for the

extension goes to Spring Benner Walker Joint Authority. Spring Benner Walker Joint Authority handles all of the construction, design, estimating, etc. A 537 plan can typically cost approximately a half million dollars in engineering fees. It was further clarified that the township has no authority or responsibility for expenses.

- Tom Eby, Benner Township Water Authority, spoke regarding the feasibility study. He communicated with Brian Heiser, SCBWA Executive Director. He clarified that they did receive the draft of the study last week but they have not had a chance to review it, and they will begin reviewing it this week. They do not have any further comment.
- Christine Line, a legal representative from Line Legal, spoke regarding the Act 537 plan. She urged the Supervisors to make a list of questions from concerned citizens that could be presented to Spring Benner Walker Joint Authority, (SBWJA), so a report could be presented to/made available to residents. She also suggested that the supervisors send a representative to the SBWJA meetings to act as a liaison so that there is more clear communication between both governing entities. She also asked several questions including:
 - Are there are warning signs posted regarding PFAS contamination along Spring Creek warning people that they should not eat the fish or drink the water?
 - It was clarified by supervisors that the fish commission has had warning signs posted for years, but the signs do not specifically mention or warn about PFAS contamination.
 - Will the 537 plan would be amended to include the outcome of the feasibility study?
 - It was clarified that the 537 plan has nothing to do with water.
 - It was further clarified that the minutes of the SBWJA are publicly available, and that the minutes state that the SBWJA engineer had received copies of the completeness letters for the 102 and 105 permit applications. The rest of the process is as follows:
 1. The engineer submits all the information to DEP
 2. DEP sends them a letter back stating the application is complete and they will review (technical review)
 3. After the review is complete DEP will issue or deny permits
 - DEP currently has a review period of approximately 107 business days
 - What is the township doing for the residents who have PFAS contaminated properties (water or soil) in order to indemnify them from any future spreading of the contamination.
 - It was clarified that the township has been working with DEP to install POE (Point of Entry) treatment systems
- Kathy Evey, township supervisor, commented that there are concerns about representatives being able to attend Spring Benner Walker Joint Authority (SBWJA) meetings. She commented that Benner has 3 representatives on the board of 9 and

she suggested the 3 Benner members/representatives of the SBWJA attend a Benner Township meeting to give a report of this project and any other issues relating to SBWJA.

4. Gene Stocker, resident of Walnut Grove, spoke regarding lateral costs (\$50/ft) but he got a quote today from an excavator of \$100/lateral foot, plus \$6000 for septic tank removal, plus additional fees for toxic/hazardous waste removal. He is concerned about additional costs incurred for residents for removal. He is also concerned about stormwater drainage. He also expressed several other concerns regarding PFAS contamination and extraneous spending by the Township.
5. John Kostas, a resident of Grove Park, raised some questions regarding sewer lines in Grove Park. He asked if the 537 plan would prioritize the areas of the township that would get public sewer next. It was clarified that yes, prioritization is a part of the plan.

MINUTES

1. The minutes from July 1, 2024, were presented to the Board for their review, comments and approval.

Moyer moved to approve the minutes of July 1, 2024 as presented. Lingle seconded the motion. Discussion included Mrs. Evey asking for clarifications regarding her corrections of the minutes. The motion to approve carried with 2 yes votes and 1 no vote.

Supervisor Name	Vote
Randy Moyer	Yes
Larry Lingle	Yes
Kathy Evey	No

2. The minutes from August 5, 2024 were presented to the Board for their review, comments and approval.

Moyer moved to approve the minutes from August 5, 2024 as presented. Lingle seconded. Discussion included a question by Mrs. Evey regarding the hiring of a transcription service to transcribe the minutes. It was clarified that a transcriptionist/independent contractor was hired in order to have more accurate minutes taken by an unbiased 3rd party. Ms. Evey commented that she feels it is a violation of Sunshine laws to spend money for services that was not previously voted on or approved by the township supervisors. The motion to approve carried with 2 yes votes and 1 no vote.

Supervisor Name	Vote
Randy Moyer	Yes
Larry Lingle	Yes
Kathy Evey	No

Mrs. Royer indicated that she would pay for the August 5, 2024 minute invoice out of her own funds.

3. Mr. Moyer made a motion to amend the agenda for tonight’s meeting to take action to approve hiring a 3rd party, independent contractor transcription service to transcribe the Benner Township

meeting minutes. Lingle seconded the motion. Discussion followed regarding proper procedure under recent Sunshine Law amendments and recent cases for amending agenda.

Supervisor Name	Vote
Randy Moyer	Yes
Larry Lingle	Yes
Kathy Evey	No

Motion passed. Agenda amended.

4. Moyer moved to approve hiring a 3rd party, independent contractor transcription service for the Township. Discussion included a suggestion that the independent contractor should be present at the meetings. It was also clarified that the proposed transcription service charges \$20 per page of minutes, using a recording of the meeting that is on a thumb drive. It was clarified that in general, the transcriptionist summarizes discussions and action items of the meetings. There was a discussion regarding requirements of meeting minutes – what is required versus what is desired by meeting participants and the public. Motion to approve using the proposed transcription service carried, with 2 yes votes and 1 abstain.

Supervisor Name	Vote
Randy Moyer	Yes
Larry Lingle	Yes
Kathy Evey	ABSTAIN

TREASURER REPORT

The expenditure/bill list for the General Fund was presented to the Board in the amount of \$98,175.84.

Moyer moved to approve the above listed expenditure. Lingle seconded the motion. Motion to approve carried unanimously.

The General Fund Receivables in the amount of \$147,569.26 were presented.

Moyer moved to approve the above listed receivable. Evey seconded the motion. Motion to approve carried unanimously.

OLD BUSINESS

1. Rezoning Request Fox Lane Homes (Part of Tomco Property)
 - a. County Comment letter - **TABLED**
2. Traffic Impact Improvement Agreement Draft for Logan Greene Development – **TABLED**
3. Ferris Grant – Letter of Support for grant application
 - a. The township will no longer be the grant applicant. The grant application will be in Mr. Ferris’ name, and he is seeking a letter of support.
Moyer moved to approve a letter of support. Evey seconded. Motion to approve a letter of support carried unanimously.

4. ARPA Funds – items for discussion/approval
 - a. Boom mower, plate compactor, playground park improvements, shed and storage supply, materials to side the pole building, tools
 - i. Quotes for shed: LP siding - \$4918 / Vinyl siding \$5661 (to replace the shed)

Moyer moved to approve the ARPA funds as listed above. Lingle seconded. Discussion included Mrs. Evey asking for clarification regarding usage of the funds towards EMS services. She also mentioned using some of these funds to help expedite getting public water and sewer to Walnut Grove. It was stated that DEP is going to fund the entire project for Walnut Grove. The motion to approve the funds listed above carried with 2 yes and 1 no vote.

Supervisor Name	Vote
Randy Moyer	Yes
Larry Lingle	Yes
Kathy Evey	No

NEW BUSINESS

1. Sewage Planning Module Krape Subdivision
Moyer moved to approve the Sewage Planning Module. Lingle seconded. The motion to approve the planning module above carried unanimously.
2. MMO for 2025 Employee Pension Plan contribution - \$42,159
Moyer moved to approve the Pension Plan contribution. Lingle seconded. The motion to approve the contribution listed above carried unanimously.
3. Village of Nittany Glen Phase VI Surety Reduction Request – **TABLED**
4. Arby’s HOP – Supervisors authorization for Applicant to apply
Moyer motioned and Lingle seconded to approve the authorization. The motion to approve the authorization listed above carried unanimously.

CORRESPONDENCE

1. SBWJA Minutes – July 22, 2024 & August 12, 2024
2. Centre County Planning Commission
 - a. Harold Krape Subdivision – comments
 - b. McDonald’s non-substantive changes
 - c. Time Extensions
 1. Village of Nittany Glen Phase III-A
 2. Benner Pike Tru by Hilton
 3. WaWa
 4. McDonalds
 5. Preliminary Plan – The Cascade
 6. Belle Rose Townhomes
3. Conservation District Review Letters
 - a. University Park Airport Inspection Report
 - b. Village of Nittany Glen Phase VI inspection Report

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- c. Village of Nittany Glen Phase VII inspection report
- 4. Engineering Review Letters
 - a. Franson –
 - 1. Etter's HVAC
 - b. McCormick Taylor –
 - 1. Arby's Land Development traffic comments
 - 2. Wooster's reply Comments to WaWa's TIS review
- 5. DEP Correspondence Re: Correction Action Plan Crosswinds Parking Lot Expansion
- 6. PennDot Correspondence
 - a. Arby's Store TIS Comments
 - b. WaWa Store TIS Comments
- 7. Notice of Petition for Allowance of Appeal Marina Elnitski V. Benner Township & Jared and Kathy Evey

NOTES

It was discussed that there should be a part time position listed for an assistant to the township secretary. It was discussed that this will be further discussed at the next meeting.


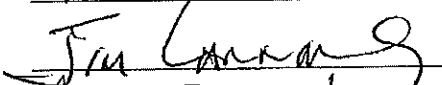

ADJOURNMENT

Moyer adjourned the meeting at 8:20pm.

Leah Guizar - Transcriptionist

Board Members:
Kathy Evey
Larry Lingle
Randy Moyer

Benner Township Supervisors
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Sign in Sheet
(Please Print)

Name	Address
 Gene Straker	357 Mc Walnut Grove
THOMAS EBY	232 ARMAGAST RD
 Allen + Treva Strouse	1088 WARDEN Buffalo Run
DEENA & DARRELL HUBERT	SEIBERT RD
Matt Caffrey	Harvest Meadows
	1954 Purdue MA RD
JOHN KOSTES	GRUE PARK
Lori Clayton	501 St Paul Cir
Terry Cable	WGG
Christine Line	Line Legal
Dave Kline	Walnut Grove Dr

Rod Beard - Twp. Solicitor

Sharon Royer - Secretary