

# Centre Documenters

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**Meeting:** Benner Township Board Supervisors

**Township:** Benner Township

**Documenter name:** Rivka Wolin

**Date:** Nov. 6, 2023

**Start Time:** 7 p.m.

**End Time:** 8:30 p.m.

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In attendance

## Supervisors

- Tom Moyer
- Larry Lingle
- Randy Moyer

## Other officials

- Rodney Beard
- Sharon Royer

## Benner Township Water authority

- Thomas Eby (Tom)
- James Lanning (Jim)

## Public

- John Kostas
  - John Elnitski
  - David Roberts
  - Treva Strouse
  - Allen Strouse
  - Debra Smeal
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## Notes

### Addresses

- Benner Township Water Authority addressed the Benner Township Board Supervisors for

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\$100,000 in funding for exploratory wells.

- Thomas Eby explains to the board: during the last water Authority meeting (date), the authority discussed solutions around the high nitrate levels in wells within the township, particularly the Grove Park well. Eby noted a nitrate level of 9.1 (in the Grover Park well) and commented that it had increased. Earlier in the day — Monday, Nov. 6, 2023 — Eby attended a three-hour meeting (with whom exactly is unknown) to continue to discuss the problem and solutions.
- Thomas Eby and James Lanning, both of the Benner Township Water Authority, presented possible solutions to the supervisors. Those included:
  - Creating an interconnection between the Hampton Hills and Grove Park
  - Finding a new well that has low nitrate levels.
  - Connecting to State College water
- A request from the county was given to supervisors – (*Documenters were not provided with a copy, but it was connected to the water authority.*) The Benner Township supervisors motioned to revisit by Jan. 1, 2024.
- A local resident with the first name John (surname unclear) addressed the supervisors about a potential conflict of interest. He started by asking the board if they hosted an executive session since last month’s meeting. Each board member said “no” or “did we?” until they unanimously said, “no.” John went on to explain the lawsuit between his mother (*Documenters were unable to get her name*) and the Benner Township supervisors and private citizen Kathy Evey. Solicitor Rodney Beard said he had a discussion with Evey’s council on the submission of one or two briefs. When asked by a supervisor about the brief and whether he had a chance to read it, Beard responded: “yeah, I wrote it.”
  - *A note from your documenter:* two local residents with the name John were in attendance. It is unclear which John spoke during public comment. At first, we believed it to be John Kostas, but a local resident has corrected us believing it was John Elnitski. Since we are unable to confirm this through our notes or audio recording from the evening, we have omitted the surname in our documentation of this conversations and proceeded by referring to the individual as “local resident John”.
  - In response to questions around why the township and Evey filed a joint brief, Beard said: “Our interests were aligned because of our positions,” and he went on to explain that the decision was made by “the Court of Common Pleas” and was currently under review by the Commonwealth Court.” Also: “our interests are aligned. There is no conflict,” said Rodney Beard, Benner Township solicitor.
  - Local resident John (surname unclear) stated that he intends on going to the state ethics board, the state bar, the district attorney, and state attorney.
    - Before ending this conversation, local resident John told the supervisors:

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“My taxes are paying for him [solicitor Rodney Beard] to fight right now. OK. And my taxes are also helping Evey who is a private citizen who is now running for township supervisor. The optics suck.”

- *Note from your documenter:* The Pennsylvania Bar Association is a voluntary bar association of lawyers and law students in Pennsylvania.

### Minutes

- The Benner Township Board Supervisors approved the meeting minutes for Oct. 2, 2023.
- The Benner Township Board Supervisors approved the meeting minutes for Oct. 26, 2023

### Bill Approval

- The Benner Township Board Supervisors approved the Accounts Payable General Fund: \$123,738.71
- The Benner Township Board Supervisors approved the American Rescue Fund: \$329,252.00.
- The Benner Township Board Supervisors approved the Accounts Receivable General Fund: \$77,357.72.

### Road superintendent report

- The road superintendent gave a report to the Benner Township Board Supervisors. (*Copies were not made available to residents or documenters in attendance.*)

### Old business

- The Benner Township Board Supervisors approved the Dangerous Tree Ordinance.
  - The Benner Township Dangerous Tree Ordinance will require the township road master to investigate and determine if the removal of dead, dying, or dangerous trees from public roads or other rights-of-ways will ensure public health and safety.
    - The property owner will be notified if a dead, dying, or dangerous tree needs to be removed from the property within 45 days of the notice (or sooner if circumstances call for it).
- The Benner Township Board Supervisors approved the tentative adoption of the 2024 budget.

### New business

- The Benner Township Board Supervisors approved the Etters land development MOU
  - *Note from your Documenter:* An MOU or “Memorandum of Understanding” is a nonbinding agreement that states each party’s intentions to take action, conduct a business transaction, or form a new partnership.

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- The Benner Township Board Supervisors discussed the Bellefonte fire department billing ordinance.
  - This ordinance would allow the fire department to bill the insurance company for services.
    - The Benner Township Supervisors will revisit this ordinance at the next meeting.
- Sharon Royer made the Benner Township Supervisors aware of a fire tax request.
  - The Benner Township Board Supervisors made no motion on this request.
- The Benner Township Board Supervisors considered making changes to the existing noise ordinance due to complaints from residents.
  - The existing noise ordinance would not be able to fine the company Nature's Cover for the noise generated by back-up alarms, which are exempt from the ordinance, and truck tailgate slamming.

### Correspondence

- David Roberts initiated a discussion about a proposal for C-NET to provide taping services for meetings in 2024, but no decisions were made and supervisors did not mention any specifics or the cost of this proposal.
- All other correspondence items on the agenda were left undiscussed when the meeting adjourned. Those items include:
  - This includes but is not limited to: the Centre County Planning Commission Letters, the Conservation District Letters (Restek Modular Cooler & Chiller Plan), Bellefonte EMS 3<sup>rd</sup> quarter update, traffic scoping reviews and applications, engineering reviews (specifically for McDonalds), and a chapter 102 permit (for erosion and sediment control). *See agenda for more details.*

### *Follow-up Questions*

*Was there anything you didn't understand about the meeting?*

- What does the current noise ordinance cover in commercial and residential areas?
- What is the lawsuit about?
- What will residents pay if the fire department billing ordinance is passed?

### *Summary*

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- A resident of Benner Township started this month's meeting by drawing attention to a potential conflict of interest. A joint brief was recently written and filed by Solicitor Rodney Beard on behalf of Benner Township and a private citizen ("our interests were aligned," explained Beard). The resident in attendance said he intends to go to the state ethics board, the state bar, the district attorney, and state's attorney. **Before ending this conversation, the resident told the supervisors: "My taxes are paying for him [solicitor Rodney Beard] to fight right now. OK. And my taxes are also helping [Kathy Evey] who is a private citizen who is now running for township supervisor. The optics suck."**
- There is a problem with high nitrate levels in Benner Township wells, specifically the Grove Park well. The water authority proposed several possible solutions to the problem during this week's supervisors meeting.
- An ordinance concerning the removal of dangerous trees was passed and will allow this public safety issue to be handled by the road master of Benner Township. Did you know that your township has a road master? The road master's job is to plan, coordinate, and do repairs, maintenance, and improvements on township infrastructure, such as roads, equipment, and other property.
- This month's supervisors meeting was 90 minutes long.

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